

DEPARTMENT OF CONSUMER AFFAIRS
COURT REPORTERS BOARD OF CALIFORNIA
MINUTES OF THE OPEN SESSION
JULY 13, 2007

CALL TO ORDER

Ms. Karen Gotelli, Chair, called the meeting to order at 12:30 p.m. at the Sheraton Gateway Hotel Los Angeles Airport in Los Angeles.

ROLL CALL

Board Members Present: Karen Gotelli, Chair
John Hisserich, Vice Chair
Toni O’Neill, CSR
Yvonne Fenner, CSR
Greg Finch, Public Member

Staff Members Present: David E. Brown, Executive Officer
Dianne Dobbs, Staff Legal Counsel
Laura Freedman Eidson, Staff Legal Counsel
Scott Harris, Deputy Attorney General
Joseph Zimring, Deputy Attorney General

MINUTES OF MARCH 9, 2007 MEETING

Ms. Gotelli asked if Board members had reviewed the minutes of the March 9, 2007 Board meeting. Ms. Gotelli requested the following changes be noted:

- ✓ Page 7 – In the last sentence of the first paragraph, delete the language “and participated as a panel member with Messrs. Finch and Brown.” In the next paragraph, delete “and participated as a panel member with Ms. Fenner and Mr. Brown.”
- ✓ Page 9 – Under Board strategic goal PQ2, continued, add the following language to the first sentence, “responded to Mr. Finch’s question by”. In the third paragraph, second sentence, change the words, “only role at this point” to “authority”.

Mr. Greg Finch made a motion to adopt the minutes with changes. Dr. Hisserich seconded the motion; **MOTION CARRIED.**

EO REPORT

Mr. David Brown reviewed the following documents which were included in the Board members' packets: Breakdown by county of number of current licensees; status summary of exams; breakdown of pass rates by schools; overview of compliance reviews; report of enforcement statistics; and a summary of disbursements from the Transcript Reimbursement Fund. Mr. Brown stated that the end of the fiscal year budget report was not available but the Board ended with a slight reserve. He also stated the Board was taking steps to ensure funding was available throughout the entire 2007-2008 fiscal year.

Mr. Brown stated Bakersfield College's court reporting program closed as of June 30, 2007. Thirty-six court reporting students were impacted by the closure.

Mr. Brown reported on the status of computer-based testing. He stated a new vendor has been selected through the Department of Consumer Affairs. Depending on the budget, computer-based testing for the written portion of the court reporter's exam could begin as soon as January 2008.

Mr. Brown stated there are currently a couple of bills in the Legislature regarding Sunset Review. One bill would extend the Sunset dates of Boards that are coming due since there is currently no Sunset Review Committee appointed. The second bill (SB 963) would add responsibility to the DCA, such as creating a consumer advocate office. Also included in the bill is increased oversight over the Boards by the Department.

Ms. Gotelli introduced Ms. Dianne Dobbs, the Board's new staff legal counsel.

GOAL PS5, COURT REPORTING FIRMS

Ms. Fenner stated that the Board may want to reconsider the January 2008 completion date for this goal item in light of new circumstances that have arisen over the past few months. Ms. Fenner described a couple of instances that affecting the consumer. One example is a reporter who completed a transcript, sent the transcript to the agency, and it was reformatted so the transcript could be sold to the consumer at a higher price. Another example is a transcript that was sent to the agency and a different certification page was attached to the transcript. If a complaint was filed with the Board, possible disciplinary action could be taken against the court reporter. The final example is regarding the Code of Professional Standards for the licensees. One of the sections in the regulation places a limit on gift-giving. This limit only affects licensees, yet firms are not governed by the regulation and therefore are not limited on the amount of gifts. This may result in an unfair advantage for the agencies. Discussion ensued whereupon Mr. Finch suggested that the issues of firm oversight and review of the language in the Code of Professional Standards be addressed as two separate issues.

The Board requested staff and legal counsel review the language in the Code of Professional Standards regarding gift-giving and report back to the Board with recommendations.

Mr. Finch then made a motion to establish a taskforce to investigate and/or make proposals regarding the Board regulating court reporting firms and to report at the October Board meeting. Dr. Hisserich seconded the motion; **MOTION CARRIED.**

ELECTION OF OFFICERS

Board policy requires that the first meeting held after June 1 of each year include election of a Chairperson and Vice-Chairperson. Ms. Gotelli nominated Mr. Finch as Vice-Chairperson and Ms. Toni O'Neill as Chairperson. The Board voted and unanimously approved the nomination.

LEGISLATION

AB 32 – Ms. Gotelli stated this bill would allow high school students to enroll in a CA Community College for purposes of taking career and technical education classes. A brief discussion ensued whereupon the Board directed staff to watch the status of this bill and report back to the Board at the October meeting.

AB 582 – Ms. Gotelli stated this bill changes the page rate officials can charge for transcripts and also changes the Transcript Reimbursement Fund to open the Fund up to unrepresented parties up to \$1,000 per case. Ms. O'Neill recused herself from the discussion regarding this issue. Discussion ensued whereupon Ms. Fenner made a motion for staff to prepare a letter for the Vice-Chair's signature outlining the Board's concerns regarding the proposed changes to the Transcript Reimbursement Fund and express the willingness of the Board to work with the author regarding language. Dr. Hisserich seconded the motion; **MOTION CARRIED.**

Ms. Gotelli introduced Ms. Carrie Lopez, Director of the Department of Consumer Affairs. Ms. Lopez provided an overview of her role as the Director and her goals for the Department, including having each Board's strategic plan include action items.

AB 1211 – Ms. Sandy Bunch VanderPol, CCRA stated this bill is currently on the Governor's Desk for signature.

AB 1525 – Ms. Laura Freedman Eidson stated this bill was enrolled and signed by the Governor on July 12, 2007. This was an urgency bill to allow the Department of Consumer Affairs to accept complaints from students at vocational schools and to allow schools to enter into voluntary compliance agreements with the Department until a successor agency is enacted.

SB 823 – Ms. Eidson stated the Department of Consumer Affairs has taken an oppose position on this bill. This bill creates a new Board within the Department to take over the functions of the BPPVE and also establishes an Advisory Board as well. Mr. Ned Branch reported that this bill would require for private school court reporting programs to graduate 60% of the students in order to stay in business. This requirement would effectively close all private school court reporting programs. He asked the Board to consider this issue when responding to the bill’s author. Discussion ensued whereupon Ms. O’Neill made a motion for staff to write a letter in opposition of SB 823. Ms. Fenner seconded the motion; **MOTION CARRIED.**

RECESS

Ms. Gotelli requested a ten minute recess.

RECONVENUE

The Board reconvened at 2:21 p.m.

BOARD MEMBERS’ REPORT OF APPEARANCES, CERTIFICATE OF APPRECIATION

Ms. Gotelli introduced Mr. Scott Harris as the Board’s new Deputy Attorney General Liaison with the Attorney General’s office. Ms. Gotelli, on behalf of the Board, presented Deputy Attorney General Joseph Zimring with a certificate of appreciation.

GOVERNMENT CODE SECTION 11019.9, INFORMATION PRIVACY PROGRAM

Ms. Gotelli tabled this issue to the October Board meeting.

TAPE RECORDER VS. LIVE REPORTING AT BOARD MEETINGS

Ms. Gotelli tabled this issue to the October Board meeting.

BOARD STRATEGIC GOALS

Mr. Brown reviewed the following strategic goals with the Board:

- Professional Qualifications Goal #3 (PQ3) - A working taskforce meeting is scheduled for July 17, 2007 in Sacramento.
- Professional Qualifications Goal # 4 (PQ4) - This goal is ongoing and is waiting on the spending authority in the next one or two fiscal years to implement goal. Mr. Brown stated he attended a meeting with the schools on July 12, 2007 regarding the written pass rates and received several recommendations.
- Practice Standards Goal #2 (PS2) - A second townhall meeting was held at the hotel earlier in the day.

- Practice Standards Goal #4 (PS4) - A second townhall meeting was scheduled for after the Board meeting regarding audiosync.
- Practice Standards Goal #5 (PS5) – Goal discussed earlier in the meeting.
- Consumer Information Goal #2 (CI2) - A meeting was held with the Department of Consumer Affairs Public Information Office which will be drafting a communication plan for the Board that will help incorporate all aspects of communication.
- Organizational Effectiveness Goal #4 (OE4) - Goal is currently in progress.

BOARD MEMBERS’ REPORT OF APPEARANCES, CERTIFICATE OF APPRECIATION

Ms. O’Neill stated she attended the Society for Technological Advancement of Reporters (STAR) convention and a student meeting sponsored by RASCAL.

Ms. Gotelli stated she participated as a panel member at a RASCAL seminar and attended the Department of Consumer Affairs Expo in Arcadia. She also noted a published article in *The Docket* regarding court reporters.

Ms. Fenner stated she attended a meeting with interested parties regarding continuing education; the Technology committee meeting in San Francisco; a DCA workshop regarding privacy; the COCRA convention; a meeting with DCA Public Information office; a webinar regarding privacy put on Adobe; the privacy and audiosync townhalls; and a meeting with DCA regarding computerized testing.

PUBLIC COMMENT

Sandy Bunch VanderPol, CCRA, questioned the Board as to whether or not the Board has received information on whether the Governor is planning to borrow from the Board’s funds to help balance the budget.

Debbie Cunningham, CSR, expressed concern regarding some schools that tell new students, and students in general, that they are not to learn new theory briefs or briefs in general. Also, instructors that are CSRs are told not give students briefs in class. Another issue Ms. Cunningham raised was regarding the 200 w.p.m./ 10-minute speed test in school. Some schools are giving students two hours to transcribe the test whereas, at the state examination, examinees are given three hours. She also requested that a future Board meeting include a discussion on school grading practices. Specifically, all tests, not just qualifiers, should be graded using the Board’s guidelines.

Ms. Eidson informed the Board of AB1025 which is going to affect the general Business and Professions Code provisions regarding criminal convictions and the Board’s ability to deny or discipline a license based on a conviction.

FUTURE MEETING DATES

The next scheduled meeting of the Board will be Friday, October 19, 2007 in Los Angeles.

ADJOURN

Ms. Gotelli adjourned the meeting at 3:02 p.m.

TONI O'NEILL DATE
Board Chair

DAVID E. BROWN DATE
Executive Officer