



**DEPARTMENT OF CONSUMER AFFAIRS**  
**COURT REPORTERS BOARD OF CALIFORNIA**  
**MINUTES OF THE OPEN SESSION**  
**OCTOBER 19, 2007**

**CALL TO ORDER**

Ms. Toni O'Neill, Chair, called the meeting to order at 1:05 p.m. in the Santa Catalina room at the Sheraton Gateway Hotel in Los Angeles.

**ROLL CALL**

**Board Members Present:**

Toni O'Neill, CSR, Chair  
Greg Finch, Public Member, Vice Chair  
Yvonne Fenner, CSR  
Karen Gotelli, Public Member  
Lori Gualco, Public Member (arrived after roll call)

**Staff Members Present:**

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

Ms. O'Neill stated Ms. Lori Gualco would be late to the meeting but that a quorum was established and the meeting would continue.

**MINUTES OF THE AUGUST 9, 2007 MEETING**

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

- ✓ Page 9 – bullet #1, the words *may be* should be one word;
- ✓ Page 9 – Under AB1025, bullet #2, the paragraph was changed as follows: A certificate of rehabilitation has the presumption that the person is rehabilitated. This *bill* would require the agency to provide proof that the person is not rehabilitated. Ms. Dobbs stated a person, who ~~currently~~ wants to apply for a license and has a certificate of rehabilitation, has to provide documentation to support the fact that they are rehabilitated. If this bill becomes law as written, the Board would have the burden to prove, by substantial evidence, the person applying is not rehabilitated.

Ms. O'Neill stated the word *reconvene* on page 11 and 13 was misspelled.

Mr. Greg Finch made a motion to adopt the minutes with changes. Ms. Yvonne Fenner seconded the motion; **MOTION CARRIED.**

Ms. O'Neill announced Ms. Lori Gualco had arrived and was in attendance.

### **INTRODUCTION OF NEW BOARD MEMBER, LORI GUALCO**

Ms. O'Neill introduced the newly appointed Board member, Ms. Lori Gualco. Ms. O'Neill provided a brief biography of Ms. Gualco and welcomed her to the Board.

### **EXECUTIVE OFFICER REPORT**

Mr. Brown provided an update to the Board regarding the current year's budget; statistics for the November 2006, March and July 2007 exams; status of school compliance reviews; enforcement statistics; and statistical information regarding the Transcript Reimbursement Fund. He stated there was an informational meeting on October 18, 2007 with the court reporting schools regarding the upcoming computer-based testing. He anticipates start-up to be July 2008. Mr. Brown stated the next issue of the Board's newsletter is on track to be published this winter.

### **BOARD MEMBERS' REPORT OF APPEARANCES**

Ms. O'Neill stated, since the last meeting, she attended the CCRA convention in September.

Ms. Fenner stated she participated in a seminar regarding audiosync at the CCRA convention. She noted Ms. O'Neill was recognized at the convention with the Distinguished Service award. She stated she was a guest speaker at Humphrey's College in Stockton; attended a budget meeting with the Department; and met with a consultant from the Senate Committee on Business Professions and Economic Development regarding continuing education for court reporters.

Mr. Finch stated he attended a budget meeting with the Department and met with the Deputy Attorney General Liaison and staff legal counsel regarding firm registration.

Ms. Gualco stated she had met with Mr. Brown and Ms. Fenner for an overview of the Board.

### **CERTIFICATES OF APPRECIATION – KAREN GOTELLI, DR. JOHN HISSERICH AND NANCY PATTERSON**

Ms. O'Neill, on behalf of the Board, presented Ms. Gotelli with a certificate of appreciation for her service on the Board from August 2001 through October 2007. Ms. O'Neill stated Dr. Hisserich was unable to attend the meeting to receive his certificate.

Ms. O'Neill, on behalf of the Board, presented Ms. Nancy Patterson with a certificate of appreciation for her service as a court reporter and to the court reporting community.

## **LEGISLATION UPDATE**

- AB 32 – Pending, two-year cycle;
- AB 582 – Pending, two-year cycle. Letter opposing the bill was sent, no response received;
- AB 1025 – Governor vetoed bill on October 13, 2007;
- AB 1211 – Bill passed;
- AB 1525 – Bill passed;
- SB 45 – Bill passed.

## **APPLICATION OF TAFT COLLEGE FOR REVIEW/APPROVAL**

Mr. Brown stated a consultant conducted a review of the school based on the Board's statutes, and Taft College is in compliance to receive a provisional license. Susan Peninger from Taft College noted a correction in that Taft Community College is a public school within the West Kern Community College District. After a brief discussion, Mr. Finch made a motion to approve the application and curriculum of Taft College; Ms. Karen Gotelli seconded the motion. **MOTION CARRIED.**

## **SCOPE OF PROFESSIONAL PRACTICE/FIRM REGISTRATION**

Mr. Finch stated that prior to the scheduled August 20, 2007 Firm Registration Task Force meeting, the question of the Board's existing level of authority to regulate firms was reviewed. Due to the timing of the Firm Task Force meeting, the meeting was temporarily postponed until the Board's statutory scheme was reviewed. The review showed that although the Board does have authority to cite and fine (C&F) any individual or business entity for the illegal or unlawful practice of court reporting, this citation is limited in scope. Citation and fines do not provide the maximum amount of consumer protections afforded through a statutory scheme. A C&F *only* process, does not allow for a disciplinary system as used in registration/licensure operation.

Lacking statutory authority to discipline non-CSR owned firms for alleged violations of Board rules, prevents the Board from achieving its most basic goal of consumer protection. Since this oversight is lacking, the Firm Task Force will schedule a meeting in the near future to continue its original mission statement of identifying methods to protect consumers from non-CSR owned firms and make a recommendation to the Board.

## **STRATEGIC GOAL PS4 – USE OF AUDIOSYNC TOWNHALL FINDINGS**

Ms. O'Neill stated that at the CCRA convention, it was noted that Audiosync is a trademarked name and that the industry now refers to that system as BAM or Backup Audio Media. Ms. Fenner stated that the overall consensus from the industry is that they would like direction as to what they can or can't do in regards to BAM. A discussion ensued whereupon, Ms. O'Neill stated that she would appoint a Task Force with Ms. Fenner as the Chair, to consider BAM implications for reporters. Ms. O'Neill suggested the first meeting be held after the first of the year. A request was made by the audience member for the Board to address the issue of BAM in the newsletter indicating that currently, the Board has no position on the use of BAM. Mr. Finch stated he believed that was a reasonable request. Ms. Fenner stated the Board should also clarify as far as enforcement is concerned, that the Board is still interested in the electronic or paper notes of the court reporter.

**BOARD STRATEGIC GOALS**

Mr. Brown reviewed the status of the remaining strategic goals of the Board. Regarding strategic goal CI4-Develop a Minimum Continuing Legal Education (MCLE) course, Ms. O’Neill requested the associations to come up with a format of a program to submit for approval from the State Bar. Once the program is approved, the Board can set up a group of speakers to conduct the seminar as needed. She stated if anyone or any association is interested in working on this project, to contact Mr. Brown at the Board’s office. Ms. Sandy Bunch from CCRA requested a letter from the Board outlining what is being requested of the associations along with the application in question.

Mr. Brown stated strategic goal OE3 reviewed the budget reserves of the Board and the projections for the next two years. He outlined the revenues and expenditures and explained how the Board reserves from a few years ago, have been steadily declining due to a flat revenue (renewal) stream and increasing general costs. It was noted by an audience member that based on the projections, it looked like the Board would need additional fees within a few years. Mr. Brown indicated that was a correct assessment and that he would keep the Board/industry up to date at future meetings as to the budget situation and plans to address the projected deficiency for future budget years.

**PUBLIC COMMENT**

None.

**FUTURE MEETING DATES**

November 30, 2007 – Sacramento.

**ADJOURNED TO CLOSED SESSION**

Ms. O’Neill adjourned the meeting to closed session at 2:18 p.m.

**RECONVENE**

Ms. O’Neill reconvened the meeting to open session at 2:47 p.m.

**ADJOURN**

Ms. O’Neill adjourned the meeting at 2:47 p.m.

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TONI O’NEILL, Board Chair      DATE

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DAVID E. BROWN, Executive Officer      DATE