



**DEPARTMENT OF CONSUMER AFFAIRS  
COURT REPORTERS BOARD OF CALIFORNIA  
MINUTES OF OPEN SESSION  
MAY 8, 2008**

CALL TO ORDER

Ms. Toni O'Neill, Chair, called the meeting to order at 10:00 a.m. at the California Tower, Arlington Room, 3737 Main Street, Suite 206, Riverside, California.

ROLL CALL

Board Members Present: Toni O'Neill, CSR, Chair  
Greg Finch, Public Member, Vice Chair  
Lori Gualco, Public Member  
Elizabeth Lasensky, Public Member

Staff Members Present: David E. Brown, Executive Officer  
Dianne Dobbs, Staff Legal Counsel  
Yvonne Fenner, Staff Services Analyst

A quorum was established and the meeting continued.

MINUTES OF THE FEBRUARY 5, 2008 MEETING

Ms. O'Neill asked for corrections, additions and/or deletions to the February 5, 2008 meeting minutes.

Ms. Dobbs pointed out that on page 17 the word "Employment" in the first headline should be "Unemployment."

Mr. Finch moved to approve the minutes as corrected. Ms. Gualco seconded; MOTION CARRIED.

EXECUTIVE OFFICER REPORT

Mr. Brown noted that the public hearing for the cleanup to the fee language is now scheduled for June 3, 2008, from 1:00 to 3:00 p.m. in Sacramento. He noted that written comments would be accepted through the date of the hearing in addition to oral testimony at the hearing. He gave a brief explanation of the regulatory process.

The spring newsletter was mailed, and work has already started on the fall edition.

An updated status of the remaining strategic plan goals was presented, along with a chart showing the original goals so the Board could get a sense of how much has been accomplished since the last strategic planning session. Mr. Brown noted on goal CI2, develop and implement consumer information and communication plan, staff had met with the folks from the DCA who were in charge of a departmental marketing outreach. Unfortunately, that program did not get funded in the latest budget proposal. He noted since that direction is effectively at a dead end, that the Board may want to address that at the next strategic planning session, as well as CI4, the concept of developing an MCLE course for attorneys. He commended the Board for all the work involved in accomplishing so many of the goals, noting how much time the Board members had committed to working with the various committees.

A change in format was noted to the budget report. Mr. Brown has added a column entitled CRB Projection to Year End, which contains somewhat more current information than the Budget Office Projection to Year End, which contains very conservative estimates. In summary, he noted that we are at the end of the year so we need to be cautious, but noted it looks like we'll be okay.

Mr. Brown reported the computer-based testing is on schedule for July implementation. He briefly outlined the application and testing process. Several questions were answered from instructors in the audience.

DCA is sponsoring a weeklong summit to promote consumer relations, November 17-21. The event will be in Los Angeles, and all boards are encouraged to conduct their normal course of business, i.e., hold a board or committee meeting, during the summit, if possible.

#### BOARD MEMBER/STAFF REPORT OF APPEARANCES

Mr. Finch noted he, along with Mr. Brown and Ms. Fenner, had met with Assemblywoman Karnette regarding the continuing education bill. He also was at the Capitol for a hearing on the same bill, although unfortunately missed the actual hearing. He also has met with Mr. Brown.

Ms. Lasensky reported some phone meetings with Mr. Brown and board member orientation.

Ms. Gualco noted a telephone update with Mr. Brown.

Ms. O'Neill mentioned attending the DRA convention, along with Ms. Lasensky. She also attended a graduation ceremony at South Coast College of Court Reporting. She chaired the BAM Task Force meeting. She was a panelist at a BAM seminar at the COCRA convention in San Francisco. She also noted she and Mr. Brown had been in contact several times.

Ms. Fenner noted that while interviewing candidates for the NCRA board of directors, she had an opportunity to talk with reporters from across the country to get an idea of issues other states are facing. She promised more details at the strategic planning session. She was also a panelist at the BAM seminar at the COCRA convention, which was very well attended. She offered her opinion that licensees had high expectations from the Board on this topic. She manned a booth for the CRB in Arcadia at the State Agency Expo sponsored by Senator Margett promoting consumer access to our various boards.

## BACKUP AUDIO MEDIA (BAM) TASK FORCE UPDATE

Ms. O'Neill reported that the Task Force met in Sacramento on February 28, 2008, and asked Ms. Fenner to give the Board an overview of the meeting.

Ms. Fenner reported that the Task Force decided to use the NCRA guidelines as a springboard for the development of best practices on the use of BAM, adapting them for California CSRs. She expects the Task Force to be able to complete their review and recommendations with another meeting, probably a full day.

Ms. O'Neill noted that the Task Force would be reconvening sometime after July 1<sup>st</sup>. She explained the difference between a guideline, which can be seen as an underground reg and thus is subject to disciplinary procedures, and best practices, which is what the Task Force is working on. She expressed the opinion that this topic would likely be around for quite some time and that a future Board may have to move some or all of the best practices into regulation.

## BUDGET CHANGE PROPOSALS – 2009/2010 FISCAL YEAR

Mr. Brown explained that BCPs are due now for next fiscal year. He noted that BCPs usually result from strategic planning, but since that has been postponed and the BCPs are due now, this is our opportunity to fund for anticipated new goals or initiatives. The actual process involves Mr. Brown putting the detail together on any BCP the Board wishes to pursue. DCA sends it to Department of Finance. If the Department of Finance agrees to it, then the money is set aside for that fiscal year. If the situation does not arise necessitating expenditure of the funds, the funds are not lost, they simply go back into the budget.

Three suggested BCPs are to, one, develop and present a sunset review report; two, investigate ways to address future shortages; three, school curriculum study.

The Board and audience had a lengthy discussion regarding past and future shortages. A subsequent discussion on recruitment ensued.

Mr. Brown and Ms. Fenner further clarified the budget process, noting that even though the CRB is completely funded by license fees and does not operate with money from the General Fund, we only have authority to collect, not to spend, so what is really being requested is authority to spend on a specific anticipated project.

Mr. Finch moved that the BCP process be implemented for the three suggested projects. Ms. Lasensky seconded the motion.

Ms. Gualco stated she could not support the concept of placeholders for items that the Board has not fully developed.

Ms. Lasensky spoke to the importance of being able to act on initiatives arising out of the strategic planning process and the necessity to look forward with our budget to do so.

Ms. Gualco clarified she is opposed to the method of placeholdering money, not the specific projects being proposed.

Ms. O'Neill noted that the Board is limited to acting within our governing processes.

Ms. Gualco asserted that working within the bureaucracy merely perpetuates it.

Mr. Finch acknowledged the Board is working within the parameters of a complicated budget process and clarified that the Board is not spending the money nor will it be spent until the Board has deliberated on it and decided on the specifics.

The motion was voted on. MOTION CARRIED.

#### PETITION FOR REINSTATEMENT HEARING

A hearing was held in open session for the reinstatement of the license of Mabel Hayek.

#### ADJOURNED TO CLOSED SESSION

Ms. O'Neill adjourned the meeting to closed session.

#### RECONVENE

Ms. O'Neill reconvened the meeting to open session.

#### VISIT BY SECRETARY MARIN

Ms. O'Neill introduced the Secretary, State & Consumer Services Agency, Rosario Marin who is proceeding with her goal of attending a meeting of each of her boards and bureaus. She noted she is our link to the Governor's Office and extended an offer of help. She thanked the Board on behalf of the Governor for their service to the consumers of the state of California. She noted that she was aware of the fact that the Board has one vacancy that is awaiting appointment by the Governor. She reminded the Board of her open-door policy should any issue arise.

Ms. O'Neill noted she was glad to hear that Secretary Marin was aware of the Board's vacancy and expressed hope that the Governor would appoint soon. Secretary Marin mentioned that she is familiar with the role of court reporters and understands the importance of the role they play in the judicial system.

#### LEGISLATIVE UPDATE

##### AB1869

Ms. Fenner started off the report with an update of AB 1869 (Anderson), a bill to abolish several boards, including the CRB. It failed passage in committee, but she recommended the Board take a position in case it would be resurrected in some manner so that Mr. Brown would be able to take action.

Ms. Lasensky moved that the Board adopt a position of opposition to the bill in its current language. Mr. Finch seconded the motion. Ms. Gualco clarified that the intent of the legislation is not to abolish any particular board, but as a cost-savings measure to change their structure into a bureau. Ms. O'Neill gave some history of similar legislation. She expressed the view that she feels the consumer is less protected under a bureau. Mr. Brown noted that a major difference between the two structures is that with a board, every meeting is open to the

public and held under the requirements of the Brown Act, whereas a bureau would have someone from DCA making decisions about the industry and licensees without the benefit of public input. Ms. Dobbs clarified that many bureaus have advisory committees that act much like the CRB does as far as public input, but the difference being it is strictly advisory, thus the big difference is the control of the business of a bureau rests with the DCA, whereas with a board, you have autonomy over your business. Mr. Brown also noted another difference is under a bureau setup, staffing and funding is under DCA control, allowing for court reporter license fees, for example, to be used on the business of the Bureau of Automotive Repair.

Ms. Lasensky also expressed a concern about a lack of continuity under a bureau setup, citing lack of long-term strategy and long-term plan as a particular concern.

MOTION CARRIED.

#### AB1925

Ms. Fenner continued with AB 1925 (Eng), a bill authorizing the Franchise Tax Board to require vocational license boards to suspend the license of any licensee who fails to pay their taxes.

In response to a question from Ms. O'Neill, Mr. Brown clarified that the suspension determination under the bill would be made by the FTB, not the licensing board.

Ms. Gualco moved that the Board adopt a support position. Mr. Finch seconded. After further discussion, Ms. Fenner reminded the Board that they could also take a neutral position. Ms. Gualco withdrew her motion as did Mr. Finch. Ms. Gualco made a new motion that the Board take a neutral position and watch the bill. Mr. Finch seconded. MOTION CARRIED.

#### AB2189

Ms. Fenner continued with AB2189 (Karnette), the court reporter continuing education bill. It has been through the Assembly hearings and is now in the Senate. There is a hearing on June 9<sup>th</sup>. She noted DCA has written a letter in opposition to the proposed legislation. Ms. Gualco asked if we knew of DCA's opposition before we began the process. Mr. Brown explained that the way their process works is they have to see the proposed legislation before their position is given to them by the Governor's Office.

Ms. Lois Ludwig with the Deposition Reporters Association expressed disappointment that the DCA was opposed in light of the fact that nearly every other occupation requires CE, including the AOC requiring it for official reporters. She took issue with the statement in the opposition letter that court reporters keep up on trends and changes in the law through their employment, stating that is certainly not the case. She also gave an example of how inexpensive the CE process could be, citing programs that DRA already has in place. She stated she hoped the Board would work to dissuade DCA from their opposition position.

Mr. Finch questioned the influence or effect of the opposition letter, noting the bill is still moving along through the process. Mr. Brown noted the letter is not addressed to us, but to the author's office. He also noted the letter has been forwarded to all the associations for their action. Mr. Finch suggested the energy may be better directed at the process, the upcoming hearing, as an example.

#### AB2884

Ms. Fenner continued with AB2884 (Portantino), which brings instant video display in line with rough draft transcripts in that they may not be cited. She noted that Assemblyman Portantino had agreed to put the firm owner language into this bill, but when he found out it was being opposed, the language was amended out again. She reported that DRA has been in contact with Assemblyman Ruskin's office, and they have agreed to carry the firm owner language in the next legislative session.

#### SB797

Ms. Fenner ended with SB797 (Ridley-Thomas), which addresses several boards being sunsetted, including the EO position of the CRB. It would extend the CRB's EO position to 2012. Mr. Brown clarified that if the position does go away, the Board still has authority to operate with an EO under other code sections.

Ms. Lasensky moved that the Board adopt a support position for this bill. Mr. Finch seconded the motion. Ms. Dobbs clarified that the bill, in addition to extending the CRB's EO position, sunsets a number of other boards. Ms. Lasensky amended her motion to ask that the Board adopt a neutral position. Mr. Finch seconded the amended motion. MOTION CARRIED.

#### PUBLIC MEETINGS ACT UPDATE

Ms. Dobbs reminded the Board that the Bagley-Keene Open Meetings Act requires that the business of the State and all proceedings and deliberations be done in public, in an open meeting forum. There are three obligations under the Act: 1) Provide adequate notice of all meetings and notice has to give the public enough information so they know what is going to be discussed; 2) Provide the public an opportunity to comment; 3) Conduct in open session.

Ms. Dobbs noted that the definition of meeting is any congregation of the majority of the Board at the same time, same place, to discuss or deliberate on any item that's within the Board's jurisdiction. The law prohibits a majority having direct communication or using intermediaries to conduct their communications. This means no text messaging, no e-mailing, instant messages, BlackBerry use, etc., including during the meetings, so as not to give the public the impression that nonpublic communications regarding Board business is taking place. It would open the user of a BlackBerry, for instance, to disclosure of the communication if only to assure the public that it was not an inappropriate communication. She noted that if videoconferencing or teleconferencing is used, the location of the videoconference must be publicly noticed and accessible to the public, allowing an opportunity for public comment.

#### PUBLIC COMMENT

There was a request for clarification on the minimum standard format, specifically if reporting a case from out of state, what format should be used. Mr. Brown noted that the topic could not be discussed because it was not on the agenda ahead of time, but that that topic is addressed in the latest newsletter.

#### FUTURE MEETING DATES

Mr. Brown noted that the strategic planning session for June 27<sup>th</sup> has had to be postponed. He mentioned possible October 17-18 or 24-25, depending on the facilitator's availability. He's proposing a June meeting to complete end-of-year business. Friday, June 13<sup>th</sup> at 4:00 p.m.

was proposed. All Board members agreed to the June 13 board meeting and either one of the two-day dates in October.

Ms. Dobbs asked if there was any reason the October meeting could not be postponed to November and held in conjunction with the statewide conference being held in LA. Ms. O'Neill said that we would keep that in mind while working out the schedule. Mr. Brown noted that if we didn't do a Board meeting, we could at least have a task force meeting during that time frame.

ADJOURNMENT

Ms. O'Neill adjourned the meeting at 12:56 p.m.

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TONI O'NEILL, Board Chair

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DATE

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DAVID E. BROWN, Executive Officer

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