STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

STATE AND CONSUMER SERVICES AGENCY • ARNOLD SCHWARZENEGGER, GOVERNOR

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# COURT REPORTERS BOARD OF CALIFORNIA
# MINUTES OF OPEN SESSION
# OCTOBER 16, 2009

## CALL TO ORDER

Mr. Gregory Finch, Chair, called the meeting to order at 4:01 p.m. at the Court Reporters Board, Third Floor Conference Room, 2535 Capitol Oaks Drive, Sacramento, California.

## ROLL CALL

Board Members Present:
Gregory Finch, Public Member, Chair
Elizabeth Lasensky, Public Member
Lori Gualco, Public Member

Staff Members Present:
Yvonne K. Fenner, Executive Officer
Dianne R. Dobbs, Staff Counsel
Paula Bruning, Committee Administrative Analyst

A quorum was established and the meeting continued.

## 1. MINUTES OF THE MARCH 13, 2009, MEETING

Ms. Gualco moved to approve the minutes. Second by Ms. Lasensky. **MOTION CARRIED**.

## 2. BOARD AND STAFF APPEARANCES

Ms. Fenner reported that she and Ms. Lasensky attended and spoke at the California Official Court Reporters Association Convention in April 2009.

Ms. Fenner reported that in May 2009, staff conducted school compliance reviews for Bryan College's Los Angeles campus and Cerritos College. As part of the review, staff reviewed files, interviewed students, and looked at faculty qualifications. Reports were written upon return to the office. Further compliance reviews are scheduled for Humphreys College and the Sacramento campus of Bryan College in the latter part of October 2009, along with five other colleges by the end of the 2009/2010 fiscal year.

On June 2 – 3, 2009, there were hearings at the State Capitol regarding replacing official court reporters with electronic recorders and also the elimination of the Court Reporters Board as part of streamlining government. A lot of testimony was heard and many staff hours were put in attending these hearings as well as researching and providing background information.

The dictation portion of the license examination took place on June 26, 2009, in Los Angeles. The Board meeting scheduled to coincide with this exam was canceled due to budgetary reasons.

Staff attended the September 19, 2009, California Court Reporters Association (CCRA) Board of Directors Meeting in Laguna Beach. Staff presented information on the Transcript Reimbursement Fund.

Ms. Fenner reported that she, along with former Board Member Toni O'Neill and Exam Analyst Kim Kale, provided two seminars at the CCRA Convention in Indian Wells October 11 – 12, 2009.

## 3. EXECUTIVE OFFICER REPORT

Ms. Fenner indicated that the Budget Report provided for Fiscal Year 2008/2009 is close to final; however, some items can still be submitted for payment up to three years following the end of the fiscal year. As noted on the report, the Board only spent 94 percent of its budget.

A preliminary expenditure projection for the 2009/2010 fiscal year was included. Ms. Fenner indicated that staff found items allocated to improper line item codes, therefore, they would be working with the new budget analyst to make corrections. This budget has been preliminarily approved, but may require further clarification down the road.

Ms. Fenner indicated that 15 percent of the Personal Services portion of the budget was reduced due to furloughs. The Governor's Office requested that all offices further reduce their Operating Expense and Equipment budgets by 15 percent. Staff was directed to identify mission critical items, such as development and administration of the examination, school oversight, and enforcement. The 15 percent was then deducted from the items that were not considered mission critical.

Ms. Gualco requested clarification of the Attorney General line item. Ms. Fenner indicated that this is the enforcement matters prosecuted by the Attorney General's Office. Ms. Gualco expressed concern that this Board was not doing its part to reduce the state's spending as requested by the Governor. Ms. Fenner clarified that the Board, as a special fund agency, is operated by licensee fees and not from the General Fund. She stated that the Board may collect fees in excess of the operating budget with a maximum reserve of 24 months. She explained that the licensee fees have not been increased since 1981 and that fee changes require change of the statute. The Board members were impressed by the ability of the office to maintain licensee fees over such an extended period.

The Board members expressed appreciation for the dedication and the work performed by the staff, especially in consideration of the reduced schedules as a result of the furloughs.

Ms. Fenner reported that the newsletter, CRB Today, was issued in electronic format only for the first time. Hard copies had been taken by staff to speaking engagements to get the word out and to encourage licensees to join the CRB Subscribers List through the Board's Web site. Staff has received great responses from the industry regarding the newsletter. Board members complimented the quality of the articles and layout.

## 4. REPORT ON LEGISLATION

Ms. Fenner noted that we are in the middle of a two-year legislative cycle. Most bills have either passed or are being held in a committee. Status was given on the following bills:

- SB 377 (Corbett) Judgeships
  *Held in the Appropriations Committee*
- SB 544 (Committee on Judiciary) Clean up omnibus
  *Chaptered by the Secretary of State*
- SB 638 (Negrete McLeod) Regulatory boards
  *Re-referred to the Committee on Rules*
- SB 819 (Committee on Business, Professions, & Economic Development) Professions and Vocations
  *Chaptered by the Secretary of State*
- AB 5 (Evans) Civil Discovery – on consent calendar in Assembly Judiciary Committee
  *Chaptered by the Secretary of State*
- AB 48 (Portantino) Private Postsecondary Education – hearing cancelled at author's request
  *Chaptered by the Secretary of State*
- AB 170 (Mendoza) Rough draft transcripts
  *Chaptered by the Secretary of State*
- AB 176 (Silva) Code Maintenance – hearing set for 3/17
  *Chaptered by the Secretary of State*
- AB 250 (Miller) Trial timing
  *Chaptered by the Secretary of State*
- AB 484 (Eng) FTB & professional or occupational license
  *Re-referred to the Committee on Business and Professions.*
- AB 996 (Anderson) Continuous hours of operation for court
  *Failed to get out of committee. Reconsideration has been granted.*
- AB 1168 (Carter) Professions and Vocations
  *Read once in the Assembly. Author has stalled.*
- AB 1461 (Ruskin) Shorthand reporting (expands CRB oversight to all business entities)
  *This is the Board's language. Held in the Appropriations Committee.*

## 5. STRATEGIC PLAN UPDATE

Ms. Fenner provided a status report of the 2009 - 2011 Strategic Plan Objectives that have been approved by the Board. She noted that as a result of staffing issues, furloughs and endless budget projects, many strategic plan projects have been pushed back. These projects have not been forgotten, but may take longer to achieve than originally hoped. Ms. Fenner highlighted status on the first ten items, as follows:

| Summary of Objective | Status |
|---|---|
| 1. Supporting the language in AB 1461 | The Board is following this bill. |
| 2. Best Practices for BAM | Have been approved and are on the Board's Web site. |
| 3. Update the Board on strategic plan progress | Continuous |
| 4. Keep Web site FAQs updated | Delayed |

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|---|---|
| 5. Conduct information sessions on CRB laws and regulations | Outreach efforts are being made at industry association meetings. Staff is matching the intent of the objective to the best of their ability, but hope to do more in the future. |
| 6. Re-establish a technology committee or taskforce | Delayed. Note: Toni O'Neill is currently being utilized to head School Curriculum Review Task Force. |
| 7. Convene school curriculum task force | Task force established. There will be a separate report under Agenda Item 7. |
| 8. Track and categorize complaints | Collection has begun. Completion of a reportable format is underway. |
| 9. Identify current and future workforce trends | Delayed. |
| 10. Legislation for online curricula | Will depend on the work accomplished by the School Curriculum Review Task Force. |

Ms. Fenner indicated that many of the upcoming target dates may also be delayed. She requested direction from the Board as to which items they would like pushed to the top of the list. The Board took into consideration the reduced staff hours and put trust in the staff to complete the objectives as timely as possible. The Board also acknowledged the amount of time and effort it took to educate the Legislature as to what the Court Reporters Board does when the Board was being considered for elimination.

6. CSR EXAM FEES – Implementation of Separate Fees for Each Portion of the Examination

Ms. Fenner indicated that a possibility for error has been found in the cashiering system with regards to the exam. She explained that Board staff performs part of the cashiering in house, but part of it is also performed by DCA.

Ms. Fenner explained that the Board currently has an examination application fee of $40.00 for all three parts of the exam. The Board allows three years for the applicant to pass the exam. Each time an applicant applies for re-exam of any part of the exam, they currently pay an additional $40.00 regardless of how many of the exams they need to retake. Under the new proposal, applicants would pay a one-time examination application fee of $40.00 for the three-year period, and then pay $25.00 for each of the three portions of the exam each time they take an exam. Ms. Fenner noted that the Board's statutes allow for a $75.00 charge per portion of the exam.

Ms. Gualco moved to approve the proposal for fees as set forth on page 31 of the agenda. Second by Ms. Lasensky. **MOTION CARRIED**.

Ms. Dobbs noted that the regulations indicate a specific fee, and a change would need to be made to the regulations for the fee structure to change. The Board instructed staff to draft the proposed regulations for its review.

7. SCHOOL CURRICULUM REVIEW TASK FORCE

Ms. O'Neill indicated it was projected that this task force would require two to three meetings to complete its mission. She stated that the September 26, 2009 meeting was productive. Due to the schedules of the participants, the next meeting will be January 30, 2010.

## 8. RESOLUTION FOR RETIRING BOARD MEMBER TONI O'NEILL

Mr. Finch read the resolution prepared for Ms. O'Neill, including her accomplishments and service provided.

Ms. Gualco expressed her sadness that the Board no longer has a licensee member. She also stated that she is proud to have served on the Board with Ms. O'Neill and acknowledged her appreciation for all she has done.

Ms. Lasensky thanked Ms. O'Neill for all her expertise and thoughtful leadership. She stated that she was honored to have shared this panel with her and that she really enjoyed working with Ms. O'Neill.

Mr. Finch indicated that he sees Ms. O'Neill as an example and has been impressed by her selflessness, intellect, and leadership. He is appreciative of having served with her.

Ms. Fenner stated that she has had the pleasure of working with Ms. O'Neill as a fellow Board member and as the Executive Officer. She indicated that she is impressed with Ms. O'Neill's integrity and high standards.

Ms. Lasensky moved to approve the resolution. Second by Ms. Gualco. **MOTION CARRIED**.

Ms. O'Neill was presented with a plaque of the resolution. She stated that it has been a delight working with this Board and the staff.

## 9. ANNUAL ELECTION OF OFFICERS

Mr. Finch opened nominations for the position of chair. Ms. Gualco moved to reelect Mr. Finch as Chair. Ms. Lasensky seconded the nomination. **MOTION CARRIED**.

Mr. Finch opened nominations for the position of vice chair. Ms. Gualco nominated Ms. Lasensky as Vice Chair. Mr. Finch seconded the nomination. **MOTION CARRIED**.

## 10. PUBLIC COMMENT

No comments received.

## 11. FUTURE MEETING DATES

Ms. Fenner commented that the Board needs to meet in Southern California at least once each year. Since the June 2009 meeting scheduled to be held in Los Angeles was canceled for budgetary reasons, she encouraged the Board to schedule their next meeting in conjunction with the dictation examination in Los Angeles on February 19, 2010.

Ms. Gualco inquired if the Board was going to start meeting semi-annually instead of quarterly. Ms. Dobbs indicated that Board is only required to alternate their meetings between Northern and Southern California. The Board members discussed the possibility of holding meetings every February and October, in conjunction with the dictation examinations. The discussion was opened up for public comment, wherein Ms. Reindl of Humphreys College stated that it is more convenient for the schools to attend the Board meetings when they coincide with the dictation examination.

The Board agreed that the Board will meet on February 19, 2010, in Los Angeles, and in October 2010 in Sacramento. The Board directed staff to consider flight times and the number of exam candidates when determining the start time of the February meeting.

## 12. ETHICS TRAINING

Ms. Dobbs indicated that she is required to deliver ethics training highlighting certain things that would assist Board members. This is separate from the on-line ethics training that is required every two years. All Department of Consumer Affair's boards and bureaus are receiving this refresher training as a way to make them more efficient.

Ms. Dobbs began with a review of the *Bagley-Keene Open Meeting Act*. She provided a summary of her handout titled, "Top Ten Rules" (see **Attachment 1**). In addition, she indicated that there cannot be any perception that Board business in being conducted outside of the public's view. A meeting or serial meeting can occur if a majority of the Board meets in private or is involved in phone calls or e-mail communications to discuss a matter within the board's jurisdiction. Board members may gather outside of Board meetings provided that they do not discuss Board business. A non-public meeting between one member and the Executive Officer is allowed.

Ms. Dobbs provided a summary of her handout titled, "Ethical Decision Making" (see **Attachment 2**). She indicated that each Board member is acting as a judge during consideration of enforcement or administrative hearing decisions and may have to disqualify oneself if there has been any prior dealing with the licensee. Disqualification is mandatory if the member believes that they have had exparte communications with the licensee or their representative or if the member is biased against or interest in the matter.. Those who disqualify themselves must state the reason for the disqualification on the record and leave the room during the proceedings. Ms. Dobbs indicated that members may choose to abstain from a vote if they feel they cannot be objective. With an abstention, the member may take part in the discussion and remain in the room; however, their vote is recorded as an abstention and if there is a tie, the abstention goes in favor of the affirmative.

Ms. Dobbs stated that it is important for Board members to disclose their roles with the various related professional associations to avoid the perception of bias. The member must act in the public's best interest while on the Board. Any financial interest that a member has regarding a decision before the Board would require that the Board member recuse him or herself.

Ms. Dobbs indicated that the members should request additional information from the Executive Officer should they have any questions regarding acceptance of gifts and completion of the Form 700, Statement of Economic Interest.

## 13. ADJOURNMENT

The meeting was adjourned at 5:36 p.m.

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| GREGORY FINCH, Board Chair | 2/19/10<br>DATE | YVONNE K. FENNER, Executive Officer | 2/19/10<br>DATE |