**COURT REPORTERS BOARD OF CALIFORNIA**
2535 Capitol Oaks Drive, Suite 230
Sacramento, CA 95833
Phone (916) 263-3660 / Toll Free: 1-877-327-5272
Fax (916) 263-3664 / www.courtreportersboard.ca.gov

# COURT REPORTERS BOARD OF CALIFORNIA
# MINUTES OF OPEN SESSION
# JUNE 16, 2011

CALL TO ORDER

Ms. Toni O'Neill, Chair, called the meeting to order at 12:40 p.m. at the Sheraton Gateway LAX, 6101 West Century Boulevard, Catalina Room, Los Angeles, California.

ROLL CALL

| | |
|---|---|
| Board Members Present: | Toni O'Neill, Licensee Member, Chair<br>Gregory Finch, Public Member, Vice Chair<br>Reagan Evans, Licensee Member<br>Lori Gualco, Public Member<br>Elizabeth Lasensky, Public Member |
| Staff Members Present: | Yvonne K. Fenner, Executive Officer<br>Dianne R. Dobbs, Staff Counsel<br>Paula Bruning, Executive Analyst |

A quorum was established, and the meeting continued.

Ms. O'Neill reminded the audience that the meeting was being webcast; therefore, she expressed the importance for those wishing to make public comment to approach the designated table and speak clearly so as to be heard by all.

I. MINUTES OF THE OCTOBER 15, 2010 MEETING

Ms. Lasensky requested the addition of the word "be" to the second line of the third paragraph from the bottom of page 4 of the minutes. Mr. Finch moved to approve the minutes as corrected. Second by Ms. Gualco. **MOTION CARRIED**.

II. FULL RECOGNITION OF BRYAN COLLEGE COURT REPORTING PROGRAM – SACRAMENTO CAMPUS

Ms. Bruning provided a brief history of the provisional recognition of Bryan College, Sacramento. She indicated that the program had successfully trained a student to the point of licensure, satisfying the requirement as prescribed in B&P Code Section 8027(d) to gain full recognition, which the staff recommended the Board grant. She then introduced Matthew Brandstetter, Director of Education at the Sacramento campus.

Mr. Brandstetter stated that he joined the program nearly four months earlier, and added that he has 25 years of experience in adult and K-12 education. He expressed the delight of

the administration to be before the Board requesting full recognition of their court reporting program. Ms. Gualco congratulated Bryan College for getting the program off the ground.

Ms. Evans moved that the Board grant full recognition to Bryan College, Sacramento campus. Second by Ms. Lasensky. **MOTION CARRIED**.

III. BOARD AND STAFF APPEARANCES

Ms. Evans, Ms. O'Neill, Ms. Gualco, and Ms. Fenner indicated that they attended the California Court Reporters Association (CCRA) Convention in Sacramento following the Board's October 2010 meeting. Ms. Evans further indicated that she also worked with Board staff on her Senate confirmation.

Ms. Lasensky indicated she had numerous discussions with staff. She further indicated that she had dealings with the Senate Rules Committee for her reappointment to the Board. She also responded to questions from parties interested in the upcoming vacancy on the Board.

Mr. Finch and Ms. Lasensky indicated they completed the ethics training. Mr. Finch added that he also completed the sexual harassment prevention training.

Ms. O'Neill indicated that she attended the Deposition Reporters Association (DRA) Convention in February. She participated in monthly Board Chair telephone conferences with the Department of Consumer Affairs (DCA). She also indicated that she had many discussions with staff.

Ms. Fenner stated that she attended the Humphreys Advisory Committee meeting, multiple executive officer meetings, exam development workshops, the DRA Convention, the CCRA Board meeting, and the RAPS meeting. She spoke at the Sacramento Official Court Reporters Association meeting and the Northern California Court Reporters Association seminar.

IV. RESOLUTION IN RECOGNITION OF SERVICE OF LORI GUALCO

Ms. O'Neill indicated that Ms. Gualco had decided not to apply for a second term on the Board. Ms. O'Neill read a resolution to Ms. Gualco in recognition of her contributions to the Board.

Ms. O'Neill stated her appreciation of Ms. Gualco's time, commitment, and input during Board discussions. Ms. Lasensky thanked Ms. Gualco for her participation and point of view. Ms. Evans expressed her appreciation of the service Ms. Gualco provided. Mr. Finch stated that he would miss Ms. Gualco's presence and participation in making decisions for the Board.

Ms. Evans moved to adopt the resolution of recognition. Second by Mr. Finch. **MOTION CARRIED**.

Ms. Fenner expressed her appreciation for Ms. Gualco's passion during her participation on the Board. She indicated that Ms. Gualco has ensured all topics facing the Board were fully debated.

Ms. Gualco stated that she gave deep thought to her decision not to continue on the Board. She indicated that the Board had grown on her, but her decision was based on the desire to volunteer on another activity. She expressed that she highly respects the court reporting profession as she respects the legal profession in which she practices. Ms. Gualco thanked everyone for their kind words and the resolution she received.

## V. REPORT OF THE EXECUTIVE OFFICER

### A. DCA Director's Report

Ms. Fenner introduced Cindy Kanemoto, former chief of DCA SOLID Training Solutions, who appeared on behalf of Director Stiger. Ms. Fenner indicated that Ms. Kanemoto led the Board's previous strategic planning session. She is heading up DCA's new Licensing for Job Creation Unit, which is responsible for providing management oversight and making recommendations to expedite and improve the efficiency of DCA's professional and business licensing and examination application process.

Ms. Kanemoto stated that the Governor appointed Anna Caballero as Secretary and Dr. Willie Armstrong as the Undersecretary to the State and Consumer Services Agency (SCSA). Ms. Caballero recently attended an executive officers meeting and spoke of her role to advocate on behalf of the boards' mission-critical items in the current administration.

Ms. Kanemoto discussed the May 16, 2011, announcement by the Governor regarding the budget's May revise. She indicated DCA did not have any new information that was brought forward with the exception of the funding for the SCSA. General Funds were removed for SCSA for which the Department's underagencies will provide that funding. This will result in minimal impact to the boards and bureaus.

She indicated the Governor's budget passed through the Legislature the day before. At the time of the meeting, Governor Brown had not yet signed the budget. She added that the Department of Finance (DOF) released a budget letter identifying the process for submitting freeze exemption requests as a result of the Executive Order restricting hiring. DCA is working with boards to provide justifications. There were 76 exemptions approved of the 83 requests submitted. An Executive Order restricting travel was issued May 26, 2011, which indicated that there will be no discretionary travel authorized. Travel must meet the definition for mission critical in the Executive Order. DCA is working with boards and awaiting a letter from DOF explaining in detail the conditions on which travel is approved. A signed budget may impact many of the Executive Orders currently in place.

Ms. Kanemoto indicated the BreEZe project achieved another major milestone with receipt of the final proposals in March. The proposals were evaluated for technical and administrative bearing, as well as how well they met DCA's business needs. The costs were much higher than anticipated, which resulted in DCA entering back into negotiations with the selected vendor. Negotiations resulted in a six-month time savings and a three-phase transition instead of five. The contract award is anticipated in September.

Ms. Gualco inquired if there was a cost estimate associated with the vendor at the time of selection and if the vendor quoted one price and then raised it after selection. Ms. Kanemoto explained that there were two competing vendors. The vendors worked directly with the boards and bureaus to identify the working requirements for technology, a process different than that usually used by the State for procuring technical products. As a result, the vendors went back and built their bid. At that point one vendor withdrew; therefore, there was just one bid open.

Ms. Gualco inquired if the estimate was originally $27 million. Ms. Kanemoto confirmed it was the amount DCA presented to the Legislature. The actual bid from the vendor is $44 million. Ms. Gualco asked why the Department's estimate was so far off, for which Ms. Kanemoto did not have an answer. She indicated that the Department went back into negotiations with the vendor and came up with a number both agreed to. Ms. Gualco asked Ms. Kanemoto to go back to the Department with her question. Ms. Kanemoto agreed that she would as it is a resounding question.

Ms. Kanemoto discussed the new executive officer evaluation process. She shared that she led the committee made up of executive officers and board members in developing the new guide. The previous process was lacking the necessary up-front information needed in order to conduct an effective evaluation. As part of the new process, the board chair contacts the DCA Deputy Director of Board and Bureau Relations, who works in unison with the personnel officer. The personnel officer compiles all the information available in their office regarding the executive officer, including any previous evaluations, duty statements, grievances or turnover information. This information goes to the board chair and members, as well as the DCA Executive Office. There is also a self-evaluation form to be completed by the executive officer.

She added that the form was changed to incorporate the Human Resources Modernization Project for competency for executives in state service and is broken down in five different clusters. The form was pilot tested with a couple of the boards which were very pleased with the ease in completing it and its fairness factor. The committee felt strongly that if anyone were to rate an executive officer below acceptable or not acceptable that they would have to provide a detailed description of what happened to warrant that type of rating. The committee wanted the best feedback possible for the executive officer. DCA has been really pleased with the process and is welcoming any comments or suggestions.

Mr. Finch inquired if all the information on the executive officers is being maintained in a consistent way. Ms. Kanemoto confirmed that it is, but that it had not been maintained previously. She indicated that each person has a personnel file at the Office of Human Resources which contains the particular information that can be compiled for the report.

Mr. Finch commented that it seemed unfair that the process for the evaluation hasn't been consistent, and the executive officers may suffer as a result. Ms. Kanemoto indicated the previous evaluations would be in the file for reference, and the information from the previous evaluation form was incorporated into the new evaluation form.

Ms. O'Neill inquired if the personnel file contains documentation on the executive officer including everything from commendations to reprimands. Ms. Kanemoto responded that they would be included if they were submitted to the file. Ms. O'Neill asked if the

evaluation for the current executive officer would be based on the survey since there haven't been any previous evaluations or a long history of information from the personnel file. Ms. Kanemoto confirmed this would be the case, unless there were other performance evaluations conducted prior to the current appointment.

Ms. O'Neill asked if there is a need to document specific incidence of exceeding expectations as there is for below acceptable marks. Ms. Kanemoto indicated that it is not mandatory, but it can be done. There is more of a point in providing feedback to the executive officer if the marks are below or not acceptable.

Ms. Kanemoto indicated that although the Department is providing this tool, the Board has the ability to use a different type of evaluation if they so wish. Mr. Finch shared that the form seemed elaborate for a small board. Ms. O'Neill added that a smaller board may get caught up with what is planned for larger boards and that one size doesn't always fit all. Ms. Kanemoto commented that this can actually be in favor for smaller boards to lend more credibility about the different functional responsibilities that the executive officers have serving boards. She indicated that many Executive Officers are at their highest rank of their salary and due to the size of their boards they are only allowed to earn a certain salary range. The Department believes the competencies exhibited on the form are desirable in executive officers regardless of the size of the board or staff, such as holding meetings and maintaining licensing and enforcement programs. DCA has contracted with a consultant to perform a study of the Executive Officer salaries, which hasn't happened in the last 10 years. The Department is expecting to receive a report from the consultant in August. Until then, there will not be any salary level raises.

Mr. Finch and Ms. Gualco agreed that this would lend a favorable consistency when reviewing an individual who may want to be considered for a position at another board. Ms. Kanemoto stated that the State is going to a competency system for testing and for evaluation during probation. These competencies are incorporated throughout a lot of the training as components. In civil service, the exam for the staff manager level is based completely on self-evaluation of how well you know and how many years of experience you have in performing specific competencies. She also pointed out the committee reduced the evaluation to 13 pages for the Department compared to the 37 pages for the state model.

Ms. Kanemoto reported that the third set of performance measures for CPEI have been posted to DCA's Web site. These measures show how long it takes from the receipt of a complaint until disciplinary action is taken. She encouraged the Board members to review these measurements as it is information available to the public and is very helpful to the Board in reviewing their enforcement program. Ms. Kanemoto thanked Ms. Fenner for having the performance measures published in the Board agenda packet.

Ms. Kanemoto indicated that the Department continues to encourage this Board to move forward with regulations for some of the recommendations of CPEI as mentioned at the October Board meeting. She expressed thanks to the Board for posting its agenda material online and for webcasting this meeting, which increases transparency.

Ms. Gualco indicated that since she would not get to evaluate the Executive Officer, she wished to express that working with Ms. Fenner has been incredible, and she would

receive an A+. She added that Ms. Fenner is so organized and so hard working and wonderful to deal with and has wonderful staff who are doing fabulous work.

Ms. Kanemoto expressed appreciation to Ms. Gualco on behalf of the Department for her years of service on the Board. Ms. Fenner thanked Ms. Kanemoto for bringing the information to the Board on behalf of the Executive Office.

B. New Secretary for State and Consumer Services Agency

Ms. Fenner elaborated on Ms. Kanemoto's announcement regarding the new Agency Secretary, Anna Caballero. She added that Ms. Caballero is an attorney who formerly worked in Salinas as the mayor and with migrant farm workers, and she later went into the Assembly. Ms. Fenner enjoyed listening to Ms. Caballero speak at a recent meeting and was excited to hear her request information on the successes of the DCA boards and bureaus. Ms. Fenner indicated that she is encouraged to have an advocate at the top level and looks forward to the challenge of focusing on the positive.

C. Exam

Ms. Fenner reported that the examination being offered concurrent with the meeting includes 139 candidates, including 37 first-time candidates. She indicated that this is approximately 20 percent higher than the typical attendance at the examinations; however, this corresponds with the reports from the schools that enrollment has increased.

D. Exam Workshops

Ms. Fenner indicated that the examination development workshops have been continuing and the cycle has been completed for the current fiscal year. There is a contract in place with the Office of Professional Examination Services for the following fiscal year.

A challenging change taking effect is the new requirement to contract with each court reporter that will attend the development workshops. These expert consultants work for two days for which the Board pays them a per diem and reimburses travel expenses. The difficulty for our Board is that court reporters don't really know until the week of the workshop whether or not they can attend due to their ever-changing schedules. Processing contracts in such a short turn-around timeframe is very difficult. DCA is working with the Board to simplify the process through its contract unit, which has been very responsive. It is hoped that the process will be streamlined and not an ongoing burden that required so much staff time.

E. School Compliance Reviews

Ms. Fenner stated that staff is working with the educational consultant on plans for the next set of compliance reviews. Additional information will be available in the Fall.

F. CRB Today Newsletter, Spring 2011

Ms. Fenner referred to the latest edition of the CRB Today newsletter in the Board agenda packet. She stated that she is impressed with all the talents of staff. Ms. Gualco commented that the answers were well prepared in the FAQs article and inquired who writes them. Ms. Fenner indicated that she and Connie Conkle, Enforcement Analyst, draft the responses and then rely on the expertise of Staff Attorney Dianne Dobbs to refine them. Ms. O'Neill shared that the FAQs are often a subject of discussion on the court reporter forums, which shows that the licensees are reading the material. She added that it is a great protection to the consumers because it is educating the reporters. Mr. Finch credited Ms. Fenner for the functionality of the newsletter. Ms. Gualco believed the Message from the Chair was a great cover article.

Ms. Fenner responded that she appreciates the feedback and would take the comments back to staff. She welcomed ideas and articles from the Board members for future editions.

G. Strategic Plan

Ms. Fenner directed the attention of the Board to page 20 of the Board agenda packet to view the status of the Strategic Plan Objectives. She reported that nothing had changed since the last meeting due to the restrictions on expenditures to only the Legislative mission mandated functions. These mandated functions include licensing, enforcement, school oversight and administration of the Transcript Reimbursement Fund (TRF). The 2009 Strategic Plan includes non-mission critical objectives such as reinstating the Technology Committee and conducting consumer outreach.

Ms. Fenner noted that the Strategic Plan is ending this year. She indicated that objectives can be rolled over to the next Strategic Plan if the Board viewed them as critical, wherein staff would take on the challenge of finding a way to accomplish those items. She indicated that the Strategic Plan is a key road map for staff and is especially helpful since the Board meets infrequently. She requested that the Board be prepared to commit to a strategic planning session during the discussion of Agenda Item XV, Future Meeting Dates.

H. CRB Budget Report

1. Furloughs

Ms. Fenner indicated that staff is still furloughed one day a month, which is a mandatory unpaid leave day referred to as Personal Leave. She stated her appreciation for staff continuing to get everything done with less time to do it.

Mr. Finch inquired if the mandatory unpaid day has been implemented for all state offices. Ms. Bruning confirmed that it has and clarified that it is a floating day. There has not been a reduction in the workload or the number of days the office is open; therefore, staff must work together to ensure coverage needs are met.

2. Hiring Freeze

   Ms. Fenner reported that the hiring freeze issued by the Governor is still in effect. Fortunately, the Court Reporters Board (CRB) is fully staffed.

3. Licensing BCP – 2012/13

   Ms. Fenner stated that the Board has been able to fund examination development workshops from prior BCPs; however, the extra appropriations from last year and the coming year had dropped off. Therefore, the Board is back to the baseline budget, which doesn't leave room to fully conduct examination development workshops. Ms. Fenner indicated that she has requested that DOF increase the overall appropriations to fund the workshops. Although it is difficult to obtain additional appropriations, you can't get what you don't ask for, and the fund will support the additional needs. Since the appropriation has been cut over the years, the Board is already restricted to mission-critical tasks. Ms. Fenner said that she doesn't want to cut the number of examinations offered each year; however, if additional appropriations are not obtained, that will be an item considered for reduction.

Ms. Fenner referred to the Budget Report on page 21 of the Board agenda packet, which outlines expenditure projections through fiscal month 10. The expenditure projection is close to breaking even as usual; however, there was an extraordinary amount expended in the Attorney General line item largely due to the issue with U.S. Legal that will be discussed in closed session. In order to compensate some of that overage, staff postponed one of the examination development workshops until after the start of the new fiscal year in July.

Ms. Fenner then turned the attention of the Board to the Analysis of Fund Condition report on page 22. She focused on the bottom line which reflects a healthy number of months in reserve.

Referring to the Analysis of Fund Condition report for the TRF on page 23 that the Board requested to see semi-annually, Ms. Fenner indicated that the fund balance is more important than the number of months in reserve. She stated that Ms. Bruning would be providing more details on the TRF under Agenda Item V.J.

I. Sunset Review

Ms. Fenner stated that the DCA Office of Public Affairs (OPA) has taken on the challenge of creating a Sunset Review video production for the Board. This is in harmony with the recommendation given by SCSA to create opportunity and to celebrate successes, as well as the Board's suggestion to highlight the fact that court reporters are on the cutting edge of technology by having a dynamic visual presentation. She indicated that she and Ms. Bruning met with OPA staff and a writer and a script is already in the making. Ms. Fenner thanked the Board for their input in guiding staff toward this project. She indicated that once the video footage is obtained, it can be edited to be used on the Web site for outreach to consumers, schools, law offices, and more. These services are part of the pro rata and provide the opportunity to meet the challenge given by Director Stiger to do more with less. This one project will assist the

Board with the outreach at a time when travel and funding has been restricted by finding a different way to get the Board's message out.

Ms. Gualco commented that having a consistent tool to get the Board's message out to each arena is beneficial and important. Ms. Lasensky expressed her excitement about the project and the prospect of moving forward in the industry.

Ms. O'Neill inquired if the video would be completed in the same timeline as the Sunset Report. Ms. Fenner responded that it would be, and the questions from the Sunset Review Committee have been received. The full report is due to the Legislature by November 1, 2011. The Department has requested the report 30 days prior for review and feedback to the Board. The Board may receive additional questions from the Committee after they have reviewed the report, followed by a hearing before the Committee. Ms. Fenner mentioned that both Ms. O'Neill and Mr. Finch have offered to be available to testify at the hearing.

J. Transcript Reimbursement Fund

Ms. Bruning reported that to date in the 2010/11 fiscal year, the TRF has paid out $218,513 on the main fund, which is available to pro bono attorneys representing indigent litigants in civil cases.

Ms. Bruning shared that the two-year Pro Per Pilot Project is well underway; however, the project is administered a little differently in that most cases are "provisionally approved" based on estimates for which the funds have to be set aside until invoices are received. Since the project began in January, the Board has already allocated $26,715 of the $30,000 allowed for the calendar year and has paid $8,428 in actual invoices. The project has assisted litigants in 52 different cases, 13 of which totaled less than $100, and only 10 for between $1,000 and the maximum of $1,500. Although some of the transcript amounts may seem minimal, the litigants in these cases have no other way to obtain them without the assistance of the TRF.

Ms. Bruning indicated that after the $30,000 is allocated, applicants will be notified that the Board cannot approve their application; however, the applications will be held until previously allocated funding becomes available or until an additional $30,000 is available on January 1, 2012, whichever occurs first. She indicated she plans to contact applicants who received early provisional letters to inquire if they still need access to the funds, and if they do not, those previously allocated funds may be applied to other applicants. There will also be a notice posted to the Web site to alert litigants that the project fund has been exhausted for the year.

Ms. O'Neill indicated that if the court reporters are notified in the cases that have been approved then they should be preparing the transcripts. Ms. Bruning confirmed that she does notify the reporters; however, the reporters are often waiting for direction from the court. In cases on appeal, the reporters await notice on whether the appeal is going to be accepted or dismissed. In some cases the reporter may have already prepared the transcript but is stalling on sending in their invoice.

Mr. Finch asked if the total number of applications being received is increasing. Ms. Bruning responded that in the first four months, the applications were trickling in;

however, the number of applications has significantly increased over the last two months. Although a lot of pro per applications are coming in, there will be a point where the funding will be gone and no more will be processed. Application for the pro bono portion of the TRF will continue to be processed.

Mr. Finch emphasized that staff is already doing a lot of work and seem to just absorb it with limited resources. The workload is increasing and at some point you have to say stop to be able to still function well. He suggested that starting the dialogue with the Legislature now regarding the concerns as we move forward since it appears the demands for this beneficial project will increase.

Ms. Fenner agreed that there is a definite increase as anticipated. She indicated that if it becomes a permanent part of the program there may be some need to discuss the possibilities of adding an additional half-time employee and decide how we will fund the program after the excess from years past is spent. Ms. O'Neill added that the court clerks are spreading the word and the pro per litigants are thrilled about the project. The court of appeals seems willing to grant extensions to await an approval from the Board. The $30,000 limit is the only thing that keeps it manageable, but if the Legislature decides to raise the ceiling there will be a definite need to consider additional resources.

The members agreed that the TRF is a beneficial program that opens access to the courts.

## VI. ENFORCEMENT REPORT

Ms. Fenner referred to the statistics provided on pages 25 and 26 of the Board agenda packet, which are reported to the Department. A written summary of the spreadsheets was provided on page 27.

Ms. Lasensky expressed that the statistics are useful and important in representing the amount of work staff is putting in. They also assure consumers that the Board is providing beneficial oversight. Ms. Fenner indicated that the Department goes a step further by publishing the performance measures in a consumer friendly version on the DCA Web site as reflected on pages 30 and 31 of the Board agenda packet.

In referencing disciplinary matters given to the Board for decision, Mr. Finch conveyed that those brought to him for consideration are processed in a fair manner, having been analyzed and thoroughly thought out. He complimented Ms. Fenner for the responsibility she has taken in overseeing the licensees. Ms. Gualco added that the Attorney General's Office, too, should be credited for the work they put into writing the reports and recommendations. Ms. Lasensky indicated that the cases are prepared in an understandable and consistent manner giving her a true sense of what has happened. She appreciates that she is able to readily come to conclusions to make decisions based on the reports.

Ms. Fenner indicated that Ms. Conkle would welcome any requests to see additional information or the statistics presented differently in any way that would be useful to the Board. Ms. Gualco commented that the information presented was very thorough.

The Board took a short recess at 2:04 p.m. and returned at 2:20 p.m.

## VII. REPORT ON LEGISLATION

Ms. Fenner indicated the Legislature is entering a new two-year cycle. Many of the items on the report will not be seen again because they will die in committee. She highlighted the bills that may affect court reporting or the Board as a regulatory body.

She reported that SB 541, Contractors' State License Regulatory boards: expert (Price), is so important to staff workload that she contacted Ms. O'Neill for approval of sending a letter of support to the Senate Business, Professions & Economic Development Committee. The bill would allow the Board to contract with the subject matter experts for the examination development workshops on an abbreviated form. This will assist staff in reducing time to process the contracts.

Mr. Finch moved to ratify the support thus given for SB 541. Second by Ms. Lasensky. **MOTION CARRIED**.

Ms. Fenner reported that SB 671, Shorthand reporters: continuing education (Price), would require continuing education for court reporters. She stated that the language was previously sponsored by the Board, but was not signed by the Governor. DRA and CCRA have jointly sponsored this legislation, which has already gone through Senate and is now in the Assembly. This bill would greatly impact the Board by requiring regulatory hearings and development and monitoring of a program. She requested the Board take a position on the bill.

Ms. Lasensky inquired what the impact to the Board would be in terms of staff time. Ms. Fenner responded that once passed, a task force may be needed with involvement from the associations to develop regulations; however, once in place she believed there would be limited review work required. The Board may use an audit system wherein all licensees certify they had completed the required continuing education, but only a small percentage is actually verified for completeness.

Mr. Finch moved to support SB 671. Second by Ms. Gualco. **MOTION CARRIED**.

Sue Campana, DRA, expressed appreciation to the Board for considering this bill, as court reporting is one of only a few professions without mandatory continuing education requirements and believes it is important to get the bill approved.

Ms. Fenner indicated that both proposals to replace court reporters in court with electronic recording are voted out and are dead.

Ms. Evans inquired about the report on AB 1096. Ms. Fenner clarified that this pertains to digital recording and it is not actively moving forward. There are certain notice requirements if there are any changes or hearings regarding the bill.

## VIII. UPDATE ON SCHOOL CURRICULUM REGULATIONS

Ms. Fenner indicated that adoption of the October 15, 2010 Board meeting minutes will allow staff to move forward with the submission of the regulatory package to DCA. After approval from DCA, the package will go to the Office of Administrative Law (OAL) for

review. Staff can make any non-substantive changes requested by OAL; however, substantive changes would require a 15-day public comment period

IX. UPDATE ON EXAM FEE REGULATIONS

Ms. Fenner reported that she has encountered many budget related obstacles in trying to move forward with the regulatory package due to the appearance of a fee increase. The purpose of the change is to solve an administrative tracking problem in cashiering. Staff will submit the package in hopes it will go through and report back to the Board any updates as they become available.

X. CALIFORNIA CODE OF REGULATIONS, TITLE 16, SECTION 2475(a)(8) - $100 GIFT GIVING LIMIT

Ms. Fenner indicated that the topic of revisiting the gift-giving limit came before the Board as a result of a public comment at the October 15, 2010 Board meeting. She summarized the regulation in question, stating that the gift-giving limit from court reporters to attorneys is $100. Ms. Fenner requested direction from the Board as to whether it would like to raise or lower the limit or leave it as is. She reported that the Nevada Certified Court Reporters Board does not allow gift giving at all.

Ms. Evans indicated that she likes to thank her clients, and the $100 limit can make it difficult when working with a large law firm.

Ms. Gualco pointed out that the language is somewhat ambiguous as to whether this limit applies to individual attorneys or whole entities. Ms. Fenner suggested the Board considering cleaning up the language if they decided to change the limit.

Ms. Gualco expressed that she would never use a court reporter because of a gift they gave her. She hires court reporters because they provide good work product and service and are neutral and honest. She would like to see gift giving shrink and the return of personal thank you notes.

Ms. O'Neill indicated officials are not allowed to accept anything due to the appearance of impropriety. Because there are people who are unethical, Ms. O'Neill suggested that the limit stay the same.

Ms. Lasensky asked if some court reporters or agencies are disadvantaged if they don't give a gift. Ms. O'Neill stated that she has seen agencies lose work because of the incentive programs offered by others.

Ms. Gualco suggested the Board consider following the Nevada route and eliminate gift giving to level the playing field. Mr. Finch agreed, but did not want to make a hasty decision and suggested a deeper investigation be made. Both members expressed a need to separate court reporters as a respected profession without unethical practices.

Debby Steinman, CCRA, stated that if court officials can't accept gifts, there should be consistency throughout the profession extending into depositions. She agreed with the suggestion of eliminating gift giving entirely.

Ms. Fenner offered to bring the language from the Nevada Board to the next meeting for the Board to review. If the Board directs staff to change the regulations, the industry will have the opportunity to weigh in on the subject through the public comment period.

Vykki Morgan, Cerritos College, mentioned that the National Court Reporters Association (NCRA) also has a gift giving incentive limitation which makes a good model for language. Ms. O'Neill shared that NCRA is considering eliminating the $100 gift-giving allowance as well.

## XI. STENOCENTRAL PROPOSAL

Ms. Fenner introduced Melissa Hirsch to discuss her StenoCentral Proposal. Ms. Hirsch, a software developer, provided a brief background on her connection to the court reporting industry and her educational history. She indicated that while spending time in her mother's deposition firm, she thought of the idea for StenoCentral – an interactive Web site for facilitating the staffing for court reporting jobs across the United States between agencies and reporters using predetermined criteria within specific networks.

Ms. Hirsch proposes that StenoCentral be authorized to display information from the CRB License Verification Web page in its online application at StenoCentral.com. She indicated that she would "scrape" the information from the CRB Web site at no charge to the Board. The proposal also includes the request to use the CRB logo on four Web pages within StenoCentral.com.

Mr. Finch and Ms. Gualco indicated that if the proposal is more than linking her Web site to CRB's Web site for a license verification search, they did not feel comfortable with the proposal. Ms. Gualco indicated that Ms. Hirsch would be using CRB's Web site as a marketing tool. Ms. Hirsch responded that she is attempting to reduce one step of the process for the users of StenoCentral. Mr. Finch stated that the Board likely did not have the authority to approve the proposal. If the Board approved the proposal, Ms. Hirsch would be functioning as an arm of the Board certifying the information she relays, which also could give her a competitive edge over her competitors.

Ms. Lasensky stated her apprehension over the danger of losing control of the data and the logo by allowing Ms. Hirsch to perform what she proposes. Ms. Evans and Ms. O'Neill agreed that they did not feel comfortable moving forward with this request.

Ms. Hirsch thanked the Board for their time.

## XII. INFORMATION ON NEW EVALUATION PROCESS FOR EXECUTIVE OFFICER

Ms. Fenner followed up on the information shared by Ms. Kanemoto. She indicated that staff at CRB have never been evaluated on their performance. She sees this as a disservice to the employees. Employee evaluations can not only speak to future employers about an individual's performance, but it may also assist the individual in making improvements.

Ms. Fenner indicated that review of her performance is crucial in her knowing where the Board sees her strengths and weaknesses. The Board members agreed that providing feedback to Ms. Fenner via the new evaluation process is essential to her having objectives.

Ms. Gualco moved to authorize Ms. O'Neill, Chair, to initiate the process of evaluating the Executive Officer, Ms. Fenner. Second by Ms. Lasensky. **MOTION CARRIED**.

## XIII. COURT REPORTERS BOARD LOGO

Ms. Bruning shared that staff developed the idea of adopting a logo similar to that of other DCA boards for use on items such as letterhead and envelopes to create a "brand" for the Board. As part of the DCA pro rata services, the Office of Publications, Design, and Editing team created several designs. The Board has been presented with four designs for consideration.

Ms. Lasensky began the chore of narrowing down the choices by indicating she doesn't care for Logos 1 and 2. Ms. Gualco indicated that Logo 3 is too modern, and that she likes Logo 4. Mr. Finch agreed. Ms. Lasensky indicated that Logo 4 looks like a mask. She asked if the Board can request more options. Ms. Bruning responded that staff could take the Board's suggestions back to the design team; however, specific feedback would be needed such as colors or fonts. She also encouraged the members to review the black and white images on each page as those would likely be used more on pre-printed items.

Ms. Gualco discouraged the idea of having more logos created due to the cost to the State. She favored Logo 4 for its aesthetic values as well as its representation of the profession. Ms. Evans and Ms. O'Neill shared that they view Logo 4 as an antiquated view of the steno machine. Ms. O'Neill preferred Logo 1. Mr. Finch did not see Logo 4 as an issue of portraying the Board as old-fashioned, to which a member of the public agreed.

The Board agreed they would like to have a brand. The members directed staff to return to the designer with information from the discussion to request some variations of Logo 4. The members did not wish to see the logo again for approval before its implementation by staff.

## XIV. PUBLIC COMMENT

Ms. Campana thanked the Board on behalf of DRA for all the work they do. Ms. Steinman joined in the expression of appreciation.

## XV. FUTURE MEETING DATES

Ms. Fenner requested the Board consider scheduling a strategic planning session, possibly in combination with the October Board meeting. She indicated that the next dictation examination would be held on October 28, 2011, in Sacramento. She offered several options for timing of the two meetings in conjunction with the examination to facilitate attendance by school staff and industry professionals who would be in town for the test. She also shared that meeting the day before or after the examination would be helpful in having all proctors available for the exam.

Ms. Fenner added that the agenda for a meeting in October would likely be light considering the short turnaround time between meetings. The Board agreed it would assemble for a brief Board meeting on the morning of October 27, 2011, followed by an afternoon strategic planning session.

XVI. CLOSED SESSION

The Board convened in to closed session pursuant to Government Code sections 11126(a) and 11126(e)(2)(A).

Upon returning to open session, Ms. O'Neill indicated that there was nothing to report from closed session.

XVII. ADJOURNMENT

Ms. O'Neill moved to adjourn the meeting at 4:07 p.m. Second by Ms. Evans. **MOTION CARRIED**.

Toni O'Neill — TONI O'NEILL, Board Chair

10-27-11 — DATE

Yvonne K. Fenner — YVONNE K. FENNER, Executive Officer

11-2-11 — DATE