COURT REPORTERS BOARD
OF CALIFORNIA
2535 Capitol Oaks Drive, Suite 230, Sacramento, CA 95833
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MEETING OF THE COURT REPORTERS BOARD

Friday, October 27, 2017
9:30 a.m. to conclusion

Department of Consumer Affairs, HQ2
Hearing Room (located on first floor)
1747 North Market Boulevard
Sacramento, CA 95834

AGENDA

Board Members: Davina Hurt, Chair; Elizabeth Lasensky, Vice Chair; Rosalie Kramm; Carrie Nocella; and Toni O'Neill

CALL TO ORDER, ROLL CALL AND ESTABLISHMENT OF A QUORUM – Davina Hurt, Chair

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B.. Consideration of Positions on Legislation:.
1.. AB 12 (Cooley) – State government: administrative regulations: review and. revision of certain existing regulations.
2.. AB 77 (Fong) – Regulations: effective dates and legislative review.
3.. AB 241 (Dababneh) – Personal information: privacy: state and local agency. breach; requirement to provide identity theft prevention and mitigation services at. no cost.
4.. AB 701 (Gallagher) – Access to judicial and nonjudicial proceedings: hearing. impaired; new licensing category within Court Reporters Board jurisdiction.

(continued)

5. AB 703 (Flora) – Professions and vocations: licensees: fee waiver for spouses of members of the US Armed Forces for initial application
6. AB 710 (Wood) – Department of Consumer Affairs: boards: meetings; requirement that boards under the Department of Consumer Affairs meet in rural California at least once per year
7. AB 767 (Quirk-Silva) – Master Business License Act
8. AB 976 (Berman) – Court reporters: electronic transcripts; authorizes mandatory electronic filing of transcripts
9. AB 1005 (Calderon) – Department of Consumer Affairs, changes to the issuance of administrative citations and fines.
10. AB 1285 (Gipson) – Alcohol Beverage Control Act: administrative hearings: records; prohibits the Alcoholic Beverage Appeals Board from making a video recording of certain hearings.
11. AB 1450 (Obernolte) – Court reporters: electronic transcripts mandated
12. SB 27 (Morrell) – Professions and vocations: licensees: military service; fee waivers for initial applications from US Armed Forces and the California National Guard members and veterans.
13. SB 76 (Nielsen) – Excluded employees: arbitration; right to a certified shorthand reporter at arbitration hearings for certain state employees.
14. SB 244 (Lara) – Privacy: agency: personal information, restrictions on release of certain identified licensee information
15. SB 484 (Roth) – Deposition reporting services: unlawful business practices related to gifts
16. SB 715 (Newman) – Department of Consumer Affairs: regulatory boards: removal of board members for failing to attend board meetings

The Board may discuss other items of legislation not listed here in sufficient detail to determine whether such items should be on a future Board meeting agenda and/or whether to hold a special meeting of the Board to discuss such items pursuant to Government Code section 11125.4.

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Pursuant to Government Code Section 11126(C)(3), the Court Reporters Board will convene into closed session to deliberate on disciplinary matters (stipulated settlements, default decisions, and proposed decisions).

RETURN TO OPEN SESSION

ADJOURNMENT

Action may be taken on any item on the agenda. All times are approximate and subject to change. The meeting may be cancelled or shortened without notice. Any item may be taken out of order to accommodate speaker(s) and/or to maintain quorum. For further information or verification of the meeting, the public can contact the Court Reporters Board (CRB) via phone at (877) 327-5272, via e-mail at paula.bruning@dca.ca.gov, by writing to: Court Reporters Board, 2535 Capitol Oaks Drive, Suite 230, Sacramento CA 95833, or via internet by accessing the Board's web site at www.courtreportersboard.ca.gov and navigating to the Board's Calendar under "Quick Hits.".

In accordance with the Bagley-Keene Open Meeting Act, all meetings of the CRB are open to the public. The CRB intends to webcast this meeting subject to availability of technical resources.

The meeting is accessible to the physically disabled. A person who needs disability-related accommodations or modifications in order to participate in the meeting may make a request by contacting Paula Bruning at (877) 327-5272, e-mailing paula.bruning@dca.ca.gov or sending a written request to 2535 Capitol Oaks Drive, Suite 230, Sacramento, CA 95833. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation. Requests for further information should be directed to Yvonne Fenner at the same address and telephone number. If any member of the public wants to receive a copy of the supporting documents for the items on the agenda, please contact the Board within 10 days of the meeting. Otherwise, the documents, if any, will be available at the meeting.

The public can participate in the discussion of any item on this agenda. To better assist the Board in accurately transcribing the minutes of the meeting, members of the public who make a comment may be asked to disclose their name and association. **However, disclosure of that information is not required by law and is purely voluntary**. Non-disclosure of that information will not affect the public's ability to make comment(s) to the Board during the meeting. Please respect time limits; which may be imposed by the Chair on an as needed basis to accommodate all interested speakers and the full agenda. The public may comment on any issues not listed on this agenda. However, please be aware, that the Board CANNOT discuss or comment on any item not listed on this agenda.

AGENDA ITEM I – Approval of July 6, 2017 Meeting Minutes

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Agenda Description: Review and approval of minutes

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Brief Summary:

Minutes from July 6, 2017 meeting

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Support Documents:

Attachment – Draft minutes for July 6, 2017

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Fiscal Impact: None

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Report Originator: Paula Bruning, 10/12/2017

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Recommended Board Action: Staff recommends the Board approve minutes.

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Attachment
Agenda Item I

DRAFT

COURT REPORTERS BOARD OF CALIFORNIA
MINUTES OF OPEN SESSION
JULY 6, 2017

CALL TO ORDER

Ms. Davina Hurt, chair, called the meeting to order at 9:04 a.m. at DoubleTree Ontario Airport, 222 North Vineyard Avenue, Ontario, California.

ROLL CALL

Board Members Present:
Davina Hurt, Public Member, Chair
Rosalie Kramm, Licensee Member, Vice Chair
Elizabeth Lasensky, Public Member
Carrie Nocella, Public Member
Toni O'Neill, Licensee Member

Staff Members Present:
Yvonne K. Fenner, Executive Officer
Shela Barker, Senior Staff Counsel
Paula Bruning, Executive Analyst

A quorum was established, and the meeting continued.

I. APPROVAL OF MEETING MINUTES

A. December 7, 2016
B. January 27, 2017

Ms. Lasensky moved to approve the minutes of both the December 7, 2016 Board meeting and January 27, 2017 Board meeting. Ms. Nocella seconded the motion. Ms. Hurt called for public comment. No comments were offered. A vote was conducted by roll call.

For: Ms. Kramm, Ms. Lasensky, Ms. Nocella, Ms. O'Neill, and Ms. Hurt
Opposed: None
Absent: None
Abstain: None
Recusal: None

MOTION CARRIED

II. REPORT OF THE EXECUTIVE OFFICER

A. CRB Budget Report

Ms. Fenner referred to the expenditure projection on page 23 of the Board agenda packet and offered to answer any questions. She then directed attention to page 24 of the Board agenda packet for the Board's fund condition. She commented that the fund condition is remarkably different than the one presented at the January 27, 2017 Board meeting where the Board discussed a fee increase. Ms. Fenner explained that the January reports provided by the Department of Consumer Affairs (DCA) Budget Office did not include any transfers to the Transcript Reimbursement Fund (TRF). At the previous meeting, the Board's fund condition did not fall below six months in reserve until fiscal year 2017-18, but the new analysis shows the drop below six months for fiscal year 2016-17. Ms. Fenner stated that a representative from the DCA Budget Office would be arriving to the meeting to discuss this further under Agenda Item III – License Fee Increase.

Ms. Fenner referred to page 25 of the Board agenda packet regarding the TRF Fund Condition. She then asked Ms. Bruning to provide an update on the TRF.

B. Transcript Reimbursement Fund

Ms. Bruning reported that there are 20 applications for the Pro Per Program awaiting additional information or approval. Ms. Davis has approved 161 applications in the current calendar year totaling $46,000. She has denied 24 applications.

Ms. Bruning indicated that there is a backlog for the Pro Bono Program. She stated that there has been an increase in the number of applications received compared to prior years, reporting that 501 invoices were received in fiscal year 2016-17 compared to 205 for the prior fiscal year.

Ms. Kramm stated that she is on the Board for the San Diego Volunteer Lawyer Program which has had to create more programs due to government budget shortfalls and they are looking to the court reporters to help with the transcripts. She suggested that it may be a reason for the increase in applications.

Ms. Nocella asked for the reasons applications are denied for the Pro Per Program. Ms. Bruning responded that applications are denied for being incomplete or not including a court-approved fee waiver. Additionally, criminal cases and vexatious litigants are not eligible for the program.

C. Occupational Analysis

Ms. Fenner stated that the Office of Examination Services (OPES) is in the process of finalizing the verification and then will create the examination plan. They expect to have the March 2018 exams tied to the new occupational analysis. She stated that a new occupational analysis is recommended every five to seven years.

Ms. Fenner shared that to create an occupational analysis, OPES convenes a group of various court reporters who act as subject matter experts to develop a survey for

licensed California court reporters. The survey is then sent to approximately 2,500 CSRs. The survey results are then analyzed by OPES to determine what skills are necessary for entry level in the industry. The examination plan is used at exam development workshops to ensure the questions being written are relevant to new reporters. She added that the current question bank will be compared to the new examination plan to see which ones can still be used and which ones need to be updated or discarded.

Ms. O'Neill inquired if the examination plan will be shared with the schools. Ms. Fenner responded that it will be shared and included in the PSI candidate handbook as is already the practice. Ms. O'Neill suggested the Board consider placing it on its Web site as well to clear up any misinformation.

D. Update on Amicus Brief in re Burd v. Barkley

Ms. Fenner stated that the request for an amicus brief in the Burd v. Barkley matter was turned down by the Business, Consumer Services and Housing Agency.

E. Enforcement

Ms. Fenner referred to the enforcement statistics found on pages 26 and 27 of the Board agenda packet. There were no notable trends.

Ms. Hurt inquired what was needed to move forward with the 31 pending investigations. Ms. Fenner stated that as with any investigation there is an element of due process involved where respondents have time to respond. She stated that there is a small backlog but staff works diligently to keep the process moving.

F. School Update

Ms. Fenner shared that Sierra Valley College of Court Reporting closed its doors effective March 24, 2017. She indicated that Bryan University is no longer enrolling students in their brick and mortar campus and is now an entirely online program. Ms. Fenner stated that Golden State College of Court Reporting is cautiously hopeful that they will be approved by a new accreditor. There are currently four recognized private schools and seven recognized public schools.

Ms. Bruning reported that as of July 1, 2017, out-of-state schools must register with the Bureau of Private Postsecondary Education (BPPE) if they are offering classes to California residents. Previously, BPPE's law required all private schools to have a brick and mortar location in California to be approved by them. This new law could allow online schools to then apply to the Board for recognition of their court reporting program if they are approved by BPPE. Currently, many of the students who attend out-of-state online programs qualify for the California test by obtaining their RPR certificate.

Ms. Hurt inquired if there was anything the Board could do to promote online classes for the already recognized programs. Ms. Bruning reported that Humphreys University is working with Bryan University to offer classes online and has been using the classes as a transition for the students of the recently closed programs. Ms. Hurt suggested that the Board promote these programs with the University of California extensions.

G. BreEZe

Ms. Fenner reported that she will be meeting with DCA Office of Information Services on July 12, 2017, to discuss what the Board's options are with regards to either going on BreEZe or with other vendors. Some of the other smaller DCA boards that were also scheduled to be in Release III of BreEZe have been considering their options and may go into a program together.

The Board deferred Agenda Item III – License Fee Increase and moved to Agenda Item IV – Legislation.

IV. LEGISLATION

A. Non-Licensee-Owned Firms Subcommittee Report Including Update on AB 1660 (Kalra) – court reporter providers

Ms. Hurt reported that the bill, sponsored by the Board and co-sponsored by the California Court Reporters Association (CCRA) and Deposition Reporters Association of California (CalDRA), is moving forward with one opponent. The bill passed through the Assembly and through Senate Business, Professions and Economic Development Committee and is on its way to the Senate Appropriations Committee. Ms. Hurt thanked Assemblymember Kalra and the co-sponsors. Ms. Nocella added her expression of appreciation to Ms. Hurt and Ms. Fenner.

Ms. Kramm moved to accept and file the recommendations and report of the subcommittee and to adopt the redocumentation and actions of the subcommittee as their own. Ms. Lasensky seconded the motion. Ms. Hurt called for public comment. No comments were offered. A vote was conducted by roll call.

For: Ms. Kramm, Ms. Lasensky, Ms. Nocella, Ms. O'Neill, and Ms. Hurt
Opposed: None
Absent: None
Abstain: None
Recusal: None

MOTION CARRIED

B. Consideration of Positions on Legislation

Ms. Fenner stated that there are many bills being tracked by the Board, which is common at the beginning of the legislative cycle. She stated that the information was provided for each in the Board agenda packet, but then focused the Board's attention to those marked with three asterisks as they pertain directly to the Board or court reporting.

AB 701 (Gallagher) – Ms. Fenner reported that this bill, sponsored by CCRA, would require the Board to license CART providers. The bill is currently in suspense awaiting the beginning the second year of the legislative cycle. The sponsor can spend that time attempting to cure whatever is holding the bill in suspense. There may be concerns regarding the costs involved for both the Board and Judicial Council.

Jennifer Esquivel, CCRA District D Director, stated that the bill aims to provide assistance in court to the hearing-impaired community. She stated that it is her understanding that there is little opposition to the bill with the exception of the cost. She believed the bill was in suspense as a formality and would be pushed through at the end of the legislative cycle. She stated that Brooke Ryan, CCRA President, would have more information when she arrived.

Ms. Lasensky asked if the matter was an Americans with Disabilities Act (ADA) issue. Ms. O'Neill responded that it can be an ADA issue, but emphasized that it can also lead to legal issues when a sign language interpreter is not certified or a CART provider is inexperienced and not a licensed reporter. She relayed experiences where miscommunications during hearings caused arguments between judges and attorneys, and others where the problem may be the basis for appeal.

Ms. Hurt shared the Board's options regarding the bill with a view to consumer protection.

Ms. Esquivel stated that a key target of the bill is ensure that the court reporter responsible for reporting the court proceedings is separate from the individual assigned to a litigant or party to provide interpretation. There is a difference between providing a verbatim record and providing a CART or captioning service. In order for the individual in need to receive a high-quality service, one reporter should not be relied on to perform both tasks.

Ana Costa, court reporting coach, shared that many of her students started providing CART at 180 words per minute. She stated that CART providers do not write verbatim records as court reporters do. They write in gist, self-correcting as they go. As a result, these students have gained a skill that has become a habit. Unfortunately, some have found they self-correct even at the dictation examination, which caused them to fail. She added that CART providers really need to be performing at 225 words per minute at minimum to keep up with litigants. She indicated that she has been advocating for the return of court reporters in family law matters.

Ms. Costa indicated that some students depend on CART work to make a living. Any certification may have an impact on their income.

Ms. Kramm shared that it was just announced that San Diego County will no longer provide court reporters for family law hearings.

Ms. O'Neill stated that she is supportive of the bill in concept. The Board agreed to take a "WATCH" position on the bill.

<u>AB 1285 (Gipson)</u> – Ms. Fenner reported that the Alcohol Beverage Control Appeals Board currently uses licensed court reporters to report their hearings. This bill would allow for an audio recording to be the official record.

Ms. O'Neill suggested the Board oppose the bill in an effort to protect consumers. Ms. Kramm agreed, adding that a certified shorthand reporter is always better to have as opposed to a recording. Ms. Hurt added that absence of a correct record can be very damaging in an appeal setting.

Ms. Lasensky moved that the Board write a letter in opposition to AB 1285. Ms. Kramm seconded the motion. Ms. Hurt called for public comment. No comments were offered. A vote was conducted by roll call.

For: Ms. Kramm, Ms. Lasensky, Ms. Nocella, Ms. O'Neill, and Ms. Hurt
Opposed: None
Absent: None
Abstain: None
Recusal: None

MOTION CARRIED

AB1450 (Obernolte) – Ms. Fenner reported that this bill is sponsored by CCRA regarding electronic transcripts being filed in court. She stated that AB 976 (Berman) also has provisions for electronic filing; however, it is part of the Judicial Council's 20-page omnibus bill.

Ms. Kramm asked if the delivery of the transcripts in an electronic format would end the necessity of sealing of the original. Ms. Esquivel had the understanding that the transcript would be filed with the court by uploading the transcript through a vendor of the reporter's choice as opposed to a sealed paper copy.

Ms. Esquivel stated that the bill proposes the new process at the Superior Court level, but there is work on including the District Court of Appeal. The hope is that the new process would solidify the integrity of the original transcript.

Ms. Lasensky inquired if there was potential for hijacking of the electronic document. Ms. Esquivel responded that the vendor would provide a secure way to upload the information that would comply with confidentiality rules. She shared that CCRA has visited individual counties to present details to court reporters about the cost-saving and security benefits. There is not currently language that mandates reporters use a specific company. It is believed there will be minimal costs to the reporter to be able to upload the transcripts electronically.

Ms. Kramm suggested there is an opportunity for the bill to fix problems that will be contradictory to CCP 2025 in regard to review by the witness and sealing the original transcript.

Ms. Fenner stated that the bill had been rereferred to the Senate Appropriations Committee.

Ms. Nocella moved that the Board write a letter in support of AB 1450 and delegate power to the executive officer to remove support if there are substantive changes to the existing language. Ms. Kramm seconded the motion. Ms. Hurt called for public comment. No comments were offered. A vote was conducted by roll call.

For: Ms. Kramm, Ms. Lasensky, Ms. Nocella, Ms. O'Neill, and Ms. Hurt
Opposed: None
Absent: None
Abstain: None
Recusal: None

MOTION CARRIED

The Board took a break at 10:07 a.m. and returned to open session at 10:23 a.m.

SB 76 (Nielsen) – Ms. Fenner stated that the bill would allow a party to hire certified shorthand reporters to create the record in certain Department of Human Resources grievances.

Ms. Kramm indicated that currently the arbitrator will have a tape recorder, and it is the official record even if parties hire a court reporter to create a record. The reporter then becomes a notetaker. She suggested the Board support the bill to give permission for the court reporter to become the official record.

Ms. Esquivel shared concern that an inferior transcript created from a tape recording would be the official record over a verbatim transcript from a licensed reporter present at the proceeding. Ms. Kramm added that the reporter is not allowed to provide or sell the transcript to the other party because it is not the official record.

Ms. O'Neill agreed with supporting the bill.

Ms. Kramm moved that the Board write a letter in support of SB 76 and delegate power to the executive officer to remove support if there are substantive changes to the existing language. Ms. O'Neill seconded the motion. Ms. Hurt called for public comment. No comments were offered. A vote was conducted by roll call.

For: Ms. Kramm, Ms. Lasensky, Ms. Nocella, Ms. O'Neill, and Ms. Hurt
Opposed: None
Absent: None
Abstain: None
Recusal: None

MOTION CARRIED

(Further testimony related to Agenda Item IV - Legislation was provided after Agenda Item X – Future Meeting Dates.)

V. CONSIDERATION OF RETIRED LICENSE CATEGORY

Ms. Fenner indicated that Ms. Davis surveyed other states where court reporters are licensed. The results showed that of the few states that license court reporters, only a few of them have a retired category. Some states with a retired category allow the individual to return to active status if the fees and continuing education are current. Since the data is so limited, the statistics do not appear significant enough to influence the Board.

Ms. Hurt reported that the Board had two general areas of concern: general licensees and the Board's executive officer in consideration of the antitrust case.

Ms. Barker indicated legislation is being contemplated in regard to the antitrust issue. She added that the North Carolina antitrust case issues are evolving and case law is developing around the nation. She stated that there are 15 to 20 antitrust cases pending. She added that a retired status for the executive officer may or may not be sufficient. Ms. Barker stated that if the Board had a retired status, the recommendation would be for the executive officer to take the retired status. She added that if the primary reason for adding the status was for the executive officer, she would recommend against it at this time.

Ms. Hurt indicated that resources and staff time were already limited and was unsure the Board should take it on at this time.

Ms. O'Neill shared that there may be a benefit to retired official reporters so they would still be able to produce and certify transcripts. She then added that a very small percentage of licensees would be affected in comparison to the large workload it would take to make the change. She suggested the Board watch the development of the industry and licensee base as more reporters retire.

Ms. Barker indicated that the regulatory process must now start with getting preapproved by DCA, which can take three to six months. Then there are noticing requirements and review time for the Office of Administrative Law, which can take another three months if there are no changes based on comments from the public. Generally, the entire process takes approximately 6 to 12 months.

Ms. Kramm stated that of the retired reporters she knows, they do not need a status to inform the public. Entering the regulatory process would only cost the Board money and time. She agreed in taking a watch stance on the issue.

Ms. Fenner stated that the existing names of the license statuses are: current, delinquent, and cancelled. If a license is not renewed after three years, it is cancelled. Although the Board has the option to use the term "retired," regulations would be needed to define the category.

Ms. Costa shared that her license status is "cancelled." She would prefer her license be labeled "retired" or "inactive," due to the negative connotation association with "cancelled." Ms. Fenner sympathized, adding that many reporters do not want their license status to be "delinquent" because of the way it looks.

Ms. Barker stated that the retired status usually involves an election by the licensee. She stated that she would need to review how the statute was written that authorized retired status to determine if it would be broad enough for the Board to allow anyone with a current status of cancelled to apply for retired status.

Ms. Barker stated that there may be a way to add a differentiation of cancellation by operation of law versus a cancellation for disciplinary action.

The Board then moved to Agenda Item III – License Fee Increase.

III. LICENSE FEE INCREASE

Ms. Fenner indicated that the information the Board used to make their decision on the license fee increase at the January 27, 2017 Board meeting did not include transfers to the Transcript Reimbursement Fund. As a result, the Board would need to reconsider the amount and effective date of the license fee increase.

Ms. Fenner referred to Scenarios A, B, C, and D laid out in the Board agenda packet on pages 31 through 34. She stated that the most fiscally responsible option would be to increase the fee by $100 as described in Scenario C. She added that the scenarios assume the Board will use its full appropriation; however, any funds not used will be reverted to the fund, adding to the months in reserve.

Marina O'Connor, budget manager from the DCA Budget Office, discussed the similarities between the four scenarios presented to the Board. She reiterated that they all assume the Board will use its full appropriation, adding that they all assume the fee increase will go into effect in fiscal year (FY) 2018-19 and that the Board will collect its entire projected revenue estimate. She indicated that the major difference between the scenarios presented at the January 27, 2017 Board meeting and this meeting is the ongoing transfer to the TRF. In January, the scenarios reflected a one-time transfer of $100,000 in FY 2016-17, whereas the July scenarios show a varying amount of $100,000 to $300,000 being transferred over the years. She stated that fund condition is a point in time, and the information that was available in January was the Governor's Budget, which reflected the $100,000 transfer for FY 2016-17. It does not show future transfers because it would have dropped the Board's funds in reserve below six months. Ms. O'Connor added that another difference is that the January fund condition scenarios reflect a cost for statewide pro rata for FY 2016-17 and FY 2017-18 only; however, the July fund condition scenarios show a deduction for the statewide pro rata ongoing to reflect a conservative condition.

Ms. Hurt indicated that she reviewed the Board's budget projections and fund condition reports for the past nine years and noticed that the full $300,000 transfer to the TRF was reflected even when the fund would fall below six months in reserve. She asked why this time was different and asked how the Board can be confident that the numbers before them are valid. Ms. O'Connor responded that prior year data has the benefit of actual expenditures versus point in time projections.

Ms. Hurt stated that this Board takes its fiduciary duty very seriously and that many of the decisions made over the years are based on the projections and fund condition. She added that the TRF is a very important part of what the Board does and recounted the legislative process the Board went through to increase the license fee cap.

Ms. Kramm asked if the nine years of data reviewed by Ms. Hurt was in a different format than what is now presented to the Board. Ms. Hurt indicated that it appeared to be presented differently because the fund showed the transfer of the full $300,000 to the TRF. Ms. Kramm urged the Budget Office to present the information consistently including the projected expenditure of $300,0000 so the Board can make educated decisions.

Ms. O'Connor stated that she spoke with Ms. Fenner about improving communication regarding the goal of future requests for information to prevent further discrepancies and confusion.

Ms. Hurt inquired if the Budget Office asks the executive officer each year about what is happening with the TRF and how much should be distributed. Ms. O'Connor responded that the Budget Office provides projections monthly for the Board's main budget. Also, there is an annual budget meeting with the executive officer to review the condition of the Board's funds. She stated that fund condition reports are provided on an as-needed basis for things such as board meetings or fee increases.

Ms. Bruning stated that the projection provided in January annotated a $100,000 transfer to the TRF although the TRF expends an average of $245,000 annually. She asked why there was not a flag raised if the Budget Office was only able to project a third of the allowed amount before the Board's budget would dip below six months in reserve. Ms. O'Connor reiterated that the projections used were from the Governor's budget, which cannot show a negative fund balance. The information would have been presented at the annual budget meeting. Ms. Kramm indicated that the lack of consistency has created confusion and presented the Board with a very difficult decision.

Ms. O'Connor stated that there had not been any transfers the last couple of years and that $300,000 is the maximum amount, which doesn't have to be transferred every year. She said it's at the Board's discretion and direction that the transfers take place. Ms. Barker inquired how claims were paid without transfers. Ms. O'Connor responded that there was money in the fund that carried over.

Ms. Hurt stated that she was not satisfied and requested that a solid way of moving forward be established. She stated that this Board cannot absorb this error based on its tight budget. Ms. Nocella agreed that the Board takes its fiduciary duty and responsibility to the consumers and profession very seriously. She asserted that the Budget Office committed an irresponsible and significant omission by not providing the Board with the information needed to consider the initial fee increase. Ms. O'Connor agreed that it is imperative to prevent this from happening again.

Ms. Fenner indicated that the Board voted at the January meeting to increase fees effective January 1, 2018; therefore, no increase has gone into effect yet. She added that she was informed that the Board would need to pursue a regulatory change to effectuate the fee increase, which will delay the matter. She proposed the Board accept the fund condition report numbers as accurate and she would report changes so that adjustments could be made.

Ms. Hurt indicated that Scenario C seemed the most fiscally appropriate. She added that the cost of business, including salaries and pro rata, have increased. Ms. Fenner agreed, adding that the Board's expenses have increased sharply whereas its revenue has been slowly decreasing as licensees retire. Ms. Lasensky commented that raising fees by $100 is painful, but agreed Scenario C is the only one that works.

Ms. Barker stated that today's decision would trigger the first part of the regulatory process. She would work with the executive officer on the regulatory package, which would then go the DCA Legislative and Regulatory Review Office and back to DCA Legal Affairs and then to the DCA Executive Office. After all of the DCA reviews, the package goes to Business, Consumer Services and Housing Agency. Ms. Hurt asked if an emergency label could be placed on the regulatory process. Ms. Barker responded that it would generally only be marked as an emergency regulation if there was a threat of the

Board going insolvent; however, she has already spoken with general counsel and he is aware that this is a complex and high-profile situation based upon on erroneous information provided to the Board. Internally, it will be treated as if it were an emergency and will move at an expedited pace.

Ms. Barker stated that some Boards can set their fees by resolution and not have to undergo the regulatory process. In order to do that, the Board's Practice Act must include language that says the Board can set fee by resolution and there must be language that says the Board is exempt for setting fees from the Administrative Procedures Act (APA). This Board does not have the APA exemption language. Ms. Barker estimated the Board could effectuate the increase in approximately one year, taking effect FY 2018-19.

Ms. O'Connor suggested the Board request that the fee increase go into effect upon approval of the regulation package. Ms. Barker responded that regulations go into effect quarterly, but she would be seeking an exemption at the beginning of the process.

Ms. Lasensky moved to adopt Scenario C to increase the license fee to $225 effective as soon as possible and authorize the executive officer to commence the regulatory process. Ms. Kramm seconded the motion. Ms. Hurt called for public comment. No comments were offered. A vote was conducted by roll call.

For: Ms. Kramm, Ms. Lasensky, Ms. Nocella, Ms. O'Neill, and Ms. Hurt
Opposed: None
Absent: None
Abstain: None
Recusal: None

MOTION CARRIED

The Board then moved to Agenda Item VIII – Strategic and Communication Plans.

VIII. STRATEGIC AND COMMUNICATION PLANS

Ms. Fenner stated that there have not been any changes or updates to the action plan since the January Board meeting. She indicated that it has been an extremely busy time at the office with a number of very time-consuming complainants and an extra dictation examination. She asserted that staff is back on track now and hopes to accomplish additional Strategic Plan initiatives. She is looking to accomplish the Web Site Task Force meeting and staff cross training. Ms. Hurt agreed with that plan.

Ms. Lasensky extended compliments and appreciation to the staff, acknowledging the pressure they have been under. Ms. Hurt added that staff is readily accessible and responsive. Ms. Fenner recognized that with such a small staff, so much is accomplished and with great attitudes.

IX. ELECTION OF OFFICERS

Ms. Hurt called for election of officers.

Ms. O'Neill nominated Ms. Hurt as chair. Ms. Kramm seconded the motion. Ms. Hurt called for public comment. No comments were offered. A vote was conducted by roll call.

For: Ms. Kramm, Ms. Lasensky, Ms. Nocella, Ms. O'Neill, and Ms. Hurt.
Opposed: None
Absent: None
Abstain: None
Recusal: None

MOTION CARRIED

Ms. Fenner reported that the Governor's Appointments Office is backlogged with boards who are facing quorum issues. As a result, Ms. O'Neill and Ms. Kramm are serving in a grace period awaiting reappointment. Therefore, it may not be in the best interests of the Board to elect members who may not be able to complete the year of duties.

Ms. Nocella nominated Ms. Lasensky as vice-chair. Ms. Kramm seconded the motion. Ms. Hurt called for public comment. No comments were offered. A vote was conducted by roll call.

For: Ms. Kramm, Ms. Lasensky, Ms. Nocella, Ms. O'Neill, and Ms. Hurt.
Opposed: None
Absent: None
Abstain: None
Recusal: None

MOTION CARRIED

The Board took a break at 11:36 p.m. and convened into closed session, Agenda Item XII, at 11:40 p.m.

XII. CLOSED SESSION

The Board convened into closed session pursuant to Government Code section 11126(C)(3).

The Board took a break at 12:00 p.m. and returned to open session at 1:05 p.m.,

Ms. Hurt reported that an action was taken during the closed session portion of the meeting.

The Board then moved to Agenda Item VI – Examination Pass Rates.

VI. EXAMINATION PASS RATES

Ms. Fenner stated that she generally reports on examination statistics during the report of the executive officer; however, due to the very low pass rates for the last three dictation examinations, she felt it was important to have a separate, focused discussion. She referred to the historical pass rates on pages 56 through 61 in the Board agenda packet.

Ms. Fenner explained the process for writing the dictation examinations. She indicated that working court reporters who have been trained by Board staff and the Office of Examination Services use actual court and deposition transcripts as the basis for each test. They ensure there is an interchange on each page to include the four voices and a syllabic density of 1.3 to 1.5 so there are not too many short or long words. After a test is written, it is given to another working court reporter who has been through the same test-writing training to recount the test and edit as needed. Once three tests have been through the review process, a group of newly licensed CSRs is convened to pretest the material. Their feedback is then used to develop the glossary, smooth out any parts that are difficult to follow, etc. Staff then finalizes the test to add it to the test bank.

Ms. Kramm asked how long the syllabic density has been in effect. Ms. Lasensky responded that the Board Policies indicate it was adopted in 1989.

Ms. Hurt noted the drop off of passing candidates from November 2016 and inquired if the test had changed in any way. Ms. Fenner commented that speaker order was rearranged at the November 2016 dictation examination, which threw the candidates off. She stated that since then, there have been no changes, and she is unsure what the reason would be for low pass rates. She indicated that there have been a couple of recent school closures which may leave candidates without a place to practice. Since the dictation examination is a physical event, candidates need to train and practice just like a marathon runner. She added that the test is not any harder or read any faster than it was in the past.

Ms. Nocella commented that passage rate for the January 2017 retest of the November 2016 dictation examination is disappointing, especially considering all the public testimony asking for another chance. She thanked the staff for the hard work administering another test on such short notice. Ms. Nocella then requested statistics on how each candidate qualified for the examination to determine where there might be a trend. Ms. Fenner indicated that she would disseminate those statistics.

Ms. Lasensky agreed about the January 2017 retest statistics, adding that she believed students were expecting an easy examination and potentially lowered their own standards. Ms. O'Neill reported that there were many social media discussions that displayed a mentality of entitlement by the candidates. Additionally, there was a sense that they view the Board as an entity trying to prohibit them from licensure. She asserted that the Board is here for the protection of the consumer, and candidates need to be able to pass the test to be eligible to work in court or depositions.

Ms. Hurt shared that the State Bar examination is a difficult test, and some candidates have to take it multiple times just like the CSR examination. However, to lower the standards just to get more people out could do more harm than good. She agreed that it is a consumer protection matter.

Ms. O'Neill shared that when she was in school, candidates who did not pass the dictation exam would immediately return to school and continue taking and transcribing practice tests. She wondered how to make the transition back to the mindset of practicing. She added that nerves are definitely a factor, but compared to the reality of actual jobs, the dictation exam is very easy.

Ms. Hurt contended that the Board's process for creating the test has not changed, but the numbers have dropped off. She opened the discussion for public comment.

Ms. Esquivel shared that CCRA held a mock CSR exam two weeks prior at Cypress College, an event held a couple times each year to support students. During the event, she reminded students that they cannot control the exam. Working reporters do not get to control where people sit, how they speak, or the words they use. She also suggested that the candidates welcome challenges.

Jesse Pickelsimer, deposition reporter and coordinator for the Tri-Community Adult Education court reporting program, emphasized that the test is both physically and mentally challenging. He stated that the bar for the CSR examination is set really high and needs to stay there. He said that he relates to his students that they have the skills necessary to pass the examination, they just need to get over their nerves.

Jocelyn Epperson, Downey Adult School Program Coordinator, requested a breakdown of the types of errors candidates are making, such as punctuation, drops, or gaps. She agreed with the nervousness factor and added that there can be a perpetuation of a negative reaction from one test to another. She stated that there is a problem with getting students to return to school after they take the test the first time. She suggested that schools may need to make the standard higher in school so the candidates are more prepared when they do get to the licensing examination.

Ms. Fenner responded to the request for information about the types of errors made. She said occasionally a candidate will fail because of punctuation, but typically punctuation is a small percentage of errors. She stated that each student would need to evaluate their own test to see what type of errors were made because there is not an overall trend.

Cheryl Haab, CalDRA President-Elect, and Monyeen Black, CalDRA President, approached the Board. Ms. Haab shared statistics regarding how many individuals were licensed on average from 1992 to 1994, 1994 to 2010, and 2010 to 2017. She suggested a diagnostic evaluation. She said CalDRA continually receives requests to solve this problem. She reported that the recently released Drucker Report shows 5,500 new job openings starting in 2018. She shared a concern that without licensed court reporters to fill the jobs, electronic recordings will take over. CalDRA wants to put together a Warren Commission-type committee to put together a list of concrete things that can be changed or entertained. Ms. Haab shared that the State Bar's recent pass rates of 30 to 40 percent were deemed abysmal, whereas the CSR pass rates are single digits.

Ms. Hurt clarified that the single-digit pass rates did not occur until November 2016, therefore, it is not a trend. She stated that the percentage of passing court reporters from the 1990s to now is skewed because there are fewer candidates. Ms. Fenner added that there are only 300 candidates each year compared to the candidate pool from 1994. She said that because the numbers are so small, one person passing the test can cause the percentage to jump 10 points. Ms. Haab stated that the low candidate pool is another point CalDRA would like to investigate.

Ms. Kramm suggested candidates stay in school and take the profession seriously. She also advocated for the suppression of negativity on social media by those who appreciate their profession.

Yolanda Krieger, Court Reporting Director at South Coast College, shared that enrolling students is a challenge, especially when they see the statistics. She stated that South Coast College recruits students by visiting high schools and attending events in Orange County. She reported that the school starts a new Theory class every six weeks. Unfortunately, they only enrolled two daytime students and four night-class students at the most recent start. Retention of students is also difficult. She feared for the industry if the school closes. She stated that about 80 percent of their students return to school after the dictation exam.

Ms. Hurt asked if the Board could help recruit students. Ms. Fenner responded that it is consumer protection to ensure the health of the workforce. The Board would not be able to recruit for a specific school, but could recruit for the industry.

Ms. Bruning suggested that recruitment start at a younger age. She added that many potential candidates are unable to pass the entrance examination to even become court reporting students. Ms. Hurt added that her daughter's middle school has career day and court reporting programs may want to consider starting recruitment at that level.

Brooke Ryan, CCRA President, stated that the association has been going to three to six county-wide middle school career fairs each year for three years. The fairs cost the association approximately $1,800 each. She shared that another public relations approach they are working on is the family relation angle, such as mother and daughters.

Ms. Kramm reported that another pool of potential candidates is college graduates with a degree in English or political science that do not have a career goal.

David Striks, attorney and father of an examination candidate, stated that he was impressed by the concern and effort put forth by the Board. He stated that his daughter, who has a bachelor's degree in liberal studies, has taken the last three dictation examinations. He asserted that the Board, the schools, and the students need to be introspective regarding the low pass rates and consider both the fairness and humanity aspects. He stated that it is quite depressing for someone to go to school, spend years studying, and then see consecutive tests pass rates of 7 percent, 6 percent, and then 4 percent.

Ms. Kramm shared that she knows students go through agony getting through school and the exam. She knew entering school that only 10 percent would make it. She stated that she put her life on hold to go to school because she really wanted to become a court reporter. She suggested that students get rid of negativity and associate with like-minded, positive individuals. Mr. Striks agreed that there is no place for negativity, but argued that a 4, 6, or 7 percent pass rate is not acceptable in society.

Ms. Costa stated that part of the training she offers includes internships where the court reporting students are the reporter of record at mock depositions and trials. She said the experience of interrupting the testimony and marking exhibits leads to practical skills. She stated that she received 150 responses to a recent survey for which she published the results. The most notable response was that they are not receiving support. She stated that candidates need support even before enrolling in school to know what it takes to do this job and to know that they are going to fail more than they are going to pass. She shared that human beings are motivated by feelings and needs. Candidates have a need

for success, progress, and support. When their needs are not met, then emotions of worry, anger, sadness, and fear come up, causing them to react rather than state what they need. Students also need clarity about what is expected from them every step of the way.

Ms. Hurt responded that schools are really important in the role of support, along with the associations and individual reporters as mentors. Unfortunately, the Board is limited as a regulatory agency. Ms. Costa stated that both state associations have mentor programs.

Ms. Nocella reported that the State Bar examination was recently revamped from three days to two days, which required a lot of work and research. She agreed that lowering the standard is not the goal; however, she thought it was important to be introspective. Ms. Hurt added that gathering more data would be a good start to ensure the low pass rates were not just an anomaly.

Ms. Esquivel commented that marketing for this profession is difficult, stating that there is not a lot of publicity surrounding the industry. She indicated that she is concerned, however, when she sees marketing that declare a person can earn six figures without a college degree, because she feels it is misleading. She considers the profession to be challenging and urged recruiters to keep that in mind when marketing.

Ms. Hurt requested staff to bring more data and statistics to the next Board meeting to decide if a task force is the next step.

Ms. Kramm asked the school representatives to tell their students that the Board wants them to pass, but it is not willing to lower its standards.

Ms. Krieger requested the dictation examination readers be consistent so the candidates are not thrown off. Ms. Fenner stated that the readers do change but they are all experienced. Ms. Hurt added that a variation of readers can lend to what they can expect in the real-world situation.

The Board took a break at 2:12 p.m. and returned to open session at 2:21 p.m.

VII. ONLINE SKILLS EXAM TASK FORCE REPORT

Ms. Lasensky reported that the task force was comprised of licensees, school representatives, and students from both Northern and Southern California. In addition, Marybeth Everhart from myRealtimeCoach (RTC) provided a presentation on how the program works. Ms. Lasensky provided an overview of the process as presented in the Board agenda packet starting on page 63.

Ms. O'Neill stated that the National Court Reporters Association (NCRA) has been using RTC for their testing and, therefore, has already worked out the challenges. She then provided an overview of the recommendations from the task force as found starting on page 65 of the Board agenda packet.

Ms. Fenner indicated that OPES advised the Board to align the online and onsite examinations as closely as possible.

Ms. Barker questioned the Board's ability to do a sole-source contract with RTC. Ms. Fenner responded that she already consulted with the DCA Contracts and Office of Information Services Units. The recommendations of the task force are not to go forward naming a specific vendor; however, the task force worked exclusively with the only vendor available to develop the recommendations.

Ms. O'Neill stated that the task force is making the recommendation to the Board to go forward with online testing under the recommendations for both onsite and online examinations.

Ms. Hurt asked how long ago NCRA began their testing of the online exam. Ms. O'Neill stated that when she was on the NCRA Board in 2011, they had already begun their alpha testing and were moving to beta testing. She said it took approximately two years to work through the problems.

Ms. Hurt asked what the differences will be between online testing and onsite testing and how that differs from what is currently being practiced. Ms. O'Neill stated that both online and onsite will both be allotted two and a half hours instead of the current three-hour timeframe since they both utilize the same software for production. Additionally, there will be no breaks.

Ms. Kramm asked if the Board offers a four-voice deposition test. Ms. Fenner responded that it does, and the current practice is to tell the candidates in advance whether it is going to be court or deposition. However, if the test goes online, that will no longer be practiced since the online test will be random.

Ms. Fenner indicated that these changes would take time to implement, which would in turn allow time for the schools to transition their students. Ms. O'Neill asked how long it would take to start the two-year pilot project. Ms. Fenner believed it could be started within a year.

Ms. Hurt asked if the goal of the pilot project was to move the testing to online exclusively. Ms. O'Neill affirmed that it is the goal. Ms. Hurt asked if the task force discussed options of utilizing testing centers. Ms. Fenner responded that it was discussed that schools may become testing centers as a convenience for students.

Ms. Hurt asked how Internet failures would affect the candidate. Ms. O'Neill responded that the task force proposed language for the examination policy and procedures to address Internet failures.

Ms. Hurt stated that if the Board moves forward with online skills exam testing, she would like the candidates to have the opportunity to take an onsite examination once a year. Ms. Lasensky stated that online testing offered many benefits to the candidates, including elimination of travel costs and completion in a comfortable setting. She also noted a cost and staff time savings with online testing.

Ms. Kramm believed that students will be accustomed to an online setting due to the way classes are being offered.

Ms. Hurt opened the discussion for public comments.

John Kolacinski, President Emeritus of Bryan University, reflected on the past seven years of transitioning the school's program to an online platform. He stated that students have done amazing when taking online tests. Candidates have reported being able to excel in the field when coming out of an online program because they are familiar with the technology. He shared that RTC was originally developed at Bryan University many years prior.

Monyeen Black, CalDRA President, stated that she recently took two NCRA online tests: the RPR and the CRR. She indicated that candidates do receive their test results immediately; however, there is not a breakdown of the errors. Ms. Fenner clarified that after the pilot project, candidates would receive a summary of the type of errors they made, but not a breakdown of all their specific errors. Ms. Black reported that she experienced issues taking the tests at home and would prefer that NCRA have an onsite location once a year because she performs better in that type of environment. She also conveyed that not every proctor watches to ensure the candidate deletes everything.

Kay Reindl, Department Chair for the court reporting program at Humphreys University, suggested the Board compare the NCRA pass rates from before and after going to an online testing platform. She indicated that using schools as testing centers would be challenging in a one-on-one situation. There may also be liability issues for the school if there is an interruption by another person. She also expressed concern that the test is a four-voice dictation wherein schools have not yet been successful in offering four-voice qualifiers online. Mr. Kolacinski clarified that Bryan University has been giving a four-voice qualifier since 2010.

Ms. Esquivel shared concerns she received from students at the CCRA mock CSR. One concern was that there would no longer be an appeal process since the tests will be reused. She asked how the Board would address concerns that the test was not graded appropriately. She shared in the concern about disruptions at school settings. She suggested that proctors have a clear understanding of the guidelines and process of taking a dictation examination.

Ms. Fenner responded that the elimination of the appeals process was thoroughly discussed. It was decided that the Board would regrade by hand any failed tests within a specific parameter at the beginning to ensure the computer grading is the standard that is acceptable. The task force recommended the development of training guidelines for proctors, which would be provided to the online testing vendor.

Ms. Kramm moved to adopt the recommendations of the task force to include the pilot program and retain the ability to return to physical location testing sites if the Board's reevaluation deems it necessary after two years.

Ms. Barker stated that hearing the context of the proposals brought her a better understanding of what the Board is trying to accomplish and indicated that some of the proposed changes will most likely require regulatory changes, such as: requirements for equipment or software that is not currently standard for the exam, a fee amount or fee structure change, elimination of the appeal process, and specification of what constitutes an exam failure. She stated that the changes can be done collectively as one regulatory package. The first step would be for her to gather the documentation. She recommended the Board include the change to the exam fee in the regulatory package that will be

submitted to increase the license fee since they are in the same code section. She stated that the proposals presented were not in the format for the Board to adopt it as regulatory language, but the Board could begin the regulatory process.

The Board took a break at 3:21 p.m. and returned to open session at 3:39 p.m.

Ms. Kramm withdrew her motion.

Ms. Hurt suggested the Board decide first if they want to consider online skills testing and then decide each policy and procedure.

Ms. Kramm moved to go forward with online skills examination. Ms. Lasensky seconded the motion. Ms. Hurt called for public comment. No comments were offered. A vote was conducted by roll call.

For: Ms. Kramm, Ms. Lasensky, Ms. Nocella, Ms. O'Neill, and Ms. Hurt.
Opposed: None
Absent: None
Abstain: None
Recusal: None

MOTION CARRIED

Ms. Hurt clarified that she would like there to continue to be an opportunity for both online and onsite testing.

Ms. Hurt called for review of the recommended policies and procedure proposed for adoption July 2017. The executive officer and legal staff will then meet to decipher which items can be policy and which ones need to go through the regulatory process.

Amendments to "Online Skills Examination Policy and Procedures – DRAFT" are as follows:

EQUIPMENT NEEDED

1. Writer – electronic interface required *and to be provided by the test taker*. Manual paper writer is not supported.
4. External webcam *equipped with a microphone* – must be able to be positioned to the side of the candidate during the exam to show candidate and the steno writer simultaneously.
5. Headphones – must be wired. Bluetooth not permitted. Recommend over-the-ear as opposed to earbuds. *There should not be a battery needed for operation of the headphones.*

SOFTWARE

** include provisions for Apple operating system*
** consider removing specific vendor name for Web site*

DISQUALIFICATION

3) (online) ~~The door to the testing are is opened~~ *There is a breach of the confined space in which the test taker is in by any other person.*
5) (online) Ear buds in ears after dictation. Computer speakers off.

~~TEST~~ *EXAM* SUBVERSION

~~Test~~ *Exam* subversion of any type is a misdemeanor pursuant to Business and Professions Code section 123. The candidate will sign an affidavit agreeing not to save the file in any format or location, nor share the content in any manner.

Ms. Fenner commented that previously there was an assortment of grading and punctuation policies; therefore, a compilation of the policies was created and reviewed by an expert in the industry. Ms. Kramm suggested the updated grading policies be added to the Board's Web site once adopted.

Ms. Kramm moved to accept the amended and recommended policies and procedures related to the dictation exam, and to have the executive officer and legal staff identify what is policy and what is regulatory and report back to the Board with final language for approval; and to incorporate an examination fee increase from $25 to $50 per segment with the licensing fee increase regulatory package. Ms. Lasensky seconded the motion. Ms. Hurt called for public comment. No comments were offered. A vote was conducted by roll call.

For: Ms. Kramm, Ms. Lasensky, Ms. Nocella, and Ms. O'Neill.
Opposed: Ms. Hurt
Absent: None
Abstain: None
Recusal: None

MOTION CARRIED

The Board then moved to Agenda Item X – Future Meetings Dates.

X. FUTURE MEETING DATES

Ms. Hurt asked staff to poll Board members for the next Board meeting, potentially in October or November 2017 in Northern California.

The Board then moved back to Agenda Item IV – Legislation

IV. LEGISLATION

B. Consideration of Positions on Legislation

AB 701 (Gallagher)

Brooke Ryan, President of CCRA, shared that the bill is held in suspension. She clarified that CCRA put forth a recommendation to NCRA to have CART included under Medicare; however, they decided to not go forward with that.

AB 1285 (Gipson)

Ms. Ryan reported that all language related to electronic recording has been removed.

AB1450 (Obernolte)

Ms. Ryan reported that final language is close as CCRA continues to work with the Judicial Council and SEIU. She clarified that the bill is specific to court proceedings and does not pertain to depositions.

XI. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

Ms. Ryan suggested that the Board enter into reciprocity with other states who have a four-voice dictation exam to address the impending reporter shortage.

ADJOURNMENT

Ms. Hurt adjourned the meeting at 4:31 p.m.

DAVINA HURT, Board Chair	DATE	YVONNE K. FENNER, Executive Officer	DATE

AGENDA ITEM II – Report of the Executive Officer

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Agenda Description: Report on:

A. CRB Budget Report
B. Transcript Reimbursement Fund
C. Exams
D. Occupational Analysis
E. Enforcement
F. School Update
G. BreEZe
H. CRB Today Newsletter, Fall 2017

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Support Documents:

Attachment 1, Item A – Budget Report, FM 13 Projection 2016-17
Attachment 2, Item A – CRB Fund Condition
Attachment 3, Item A – CRB Budget Report 2017-18
Attachment 4, Item B – TRF Fund Condition
Attachment 5, Item C – Exam Statistics
Attachment 6, Item E – Enforcement Statistics

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Fiscal Impact: None.

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Report Originator: Yvonne Fenner, 10/19/2017

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Recommended Board Action: Informational only

COURT REPORTERS OF CALIFORNIA
BUDGET REPORT
FY 2016- 17 EXPENDITURE PROJECTION
FM 13
Updated 8/10/2017

OBJECT DESCRIPTION	FY 2015-16 ACTUAL EXPENDITURES (MONTH 13)	FY 2015-16 PRIOR YEAR EXPENDITURES FM 13	FY 2016-17 Budget Act 2016-17	FY 2016-17 CURRENT YEAR EXPENDITURES FM 13	FY 2016-17 PERCENT SPENT	FY 2016-17 CURRENT YEAR PROJECTIONS TO YEAR END	FY 2016-17 UNENCUMBERED BALANCE
PERSONNEL SERVICES							
Civil Service - Perm	226,688	226,688	228,000	235,560	100%	**235,560**	(7,560)
Statutory Exempt (EO)	88,008	88,008	84,000	89,988	100%	**89,988**	(5,988)
Temp Help (907)	13,614	13,614	11,000	17,538	100%	**17,538**	(6,538)
Board Member Per Diem	3,800	3,800	8,000	5,300	100%	**5,300**	2,700
Overtime	9,480	9,480	6,000	11,461	100%	**11,461**	(5,461)
Staff Benefits	189,237	189,237	160,000	212,563	100%	**212,563**	(52,563)
TOTALS, PERSONNEL SVC	530,827	**530,827**	497,000	**572,410**	**100%**	**572,410**	(75,410)
OPERATING EXPENSE AND EQUIPMENT							
General Expense	3,401	3,401	0	19,534	0%	**19,534**	(19,534)
Fingerprint Reports	341	341	9,000	539	100%	**539**	8,461
Minor Equipment	1,164	1,164	1,000	155	100%	**155**	845
Printing (General)	3,021	3,021	0	2,992	100%	**2,992**	(2,992)
Communication	4,597	4,597	1,000	4,134	100%	**4,134**	(3,134)
Postage (General)	9,124	9,124	6,000	9,056	100%	**9,056**	(3,056)
Insurance	0		0	4	100%	**4**	(4)
Travel In State	26,437	26,437	23,000	40,939	100%	**40,939**	(17,939)
Training	0	0	2,000	14	0%	**14**	1,986
Facilities Operations	44,747	44,747	29,000	44,795	100%	**44,795**	(15,795)
C & P Services - Interdept.	0	0	131,000	0	0%	**0**	131,000
C & P Services - External (General)	3,852	3,852	27,000	11,004	100%	**11,004**	15,996
DEPARTMENTAL SERVICES:							
OIS Pro Rata	61,970	61,970	115,000	96,382	100%	**96,382**	18,618
Indirect Distributed	53,943	53,943	59,000	53,791	100%	**53,791**	5,209
IA with OPES	47,938	47,938	0	89,444	100%	**89,444**	(89,444)
DOI-ProRata Internal	983	983	2,000	920	100%	**920**	1,080
Communication Division Pro Rata	3,000	3,000	3,000	7,704	100%	**7,704**	(4,704)
PPRD Pro Rata	0	0	4,000		0%	**0**	4,000
INTERAGENCY SERVICES:							
Consolidated Data Center	41	41	0	39	100%	**39**	(39)
Data Processing	1,005	1,005	3,000	148	100%	**148**	2,852
Central Admin Svc-ProRata	46,897	46,897	2,000			**0**	2,000
EXAM EXPENSES:							
Exam Rent - Non State	25,406	25,406	0	37,622	100%	**37,622**	(37,622)
Administrative - Ext	15,399	15,399	0	17,246	100%	**17,246**	(17,246)
C/P Svcs-External Expert Examiners	22,259	22,259	39,000	30,249	100%	**30,249**	8,751
ENFORCEMENT:							
Attorney General	37,156	37,156	167,000	46,706	100%	**46,706**	120,294
Office Admin. Hearings	4,239	4,239	16,000	11,736	100%	**11,736**	4,264
Court Reporters Service	625	625	0	450	0%	**450**	(450)
Evidence/Witness Fees	2,500	2,500	26,000	4,148	100%	**4,148**	21,852
TOTALS, OE&E	420,045	420,045	665,000	529,751	100%	**529,751**	135,249
TOTAL EXPENSE	950,872	950,872	1,162,000	1,102,161	100%	**1,102,161**	59,839
Sched. Reimb. - Fingerprints	(539)	(539)	(17,000)	(588)		**(588)**	0
Sched. Reimb. - External/Private/Grant	(940)	(940)	(1,000)	(705)		**(705)**	0
Unsched. Reimb. - Inves Cost Recovery	(7,780)	(7,780)	0	(8,991)		**(8,991)**	0
NET APPROPRIATION	941,613	941,613	1,144,000	1,091,877	100%	**1,091,877**	**59,839**
					SURPLUS/(DEFICIT):		**5.2%**

0771 - Court Reporters Board
Analysis of Fund Condition

(Dollars in Thousands)

Prepared on
9/28/2017

2017 Budget Act

		ACTUAL 2016-17	CY 2017-18	BY 2018-19
BEGINNING BALANCE		$ 1,136	$ 604	$ 290
Prior Year Adjustment		-11	$ -	$ -
Adjusted Beginning Balance		$ 1,125	$ 604	$ 290
REVENUES AND TRANSFERS				
Revenues:				
4129200	Other regulatory fees	$ 14	$ -	$ -
4129400	Other regulatory licenses and permits	$ 40	$ 37	$ 37
4127400	Renewal fees	$ 846	$ 850	$ 850
4121200	Delinquent fees	$ 16	$ 18	$ 18
4163000	Income from surplus money investments	$ 13	$ 3	$ 3
Totals, Revenues		$ 929	$ 908	$ 908
Transfers to Other Funds				
T00410	Revenue Transfer to Transcript Reimbursement Fund per B&P Code Section 8030.2(d)	$ -300	$ -	$ -
	Totals, Revenues and Transfers	$ 629	$ 908	$ 908
	Totals, Resources	$ 1,754	$ 1,512	$ 1,198
EXPENDITURES				
Disbursements:				
1111 Program Expenditures (State Operations)		$ 1,092	$ 1,144	$ 1,167
8880 Financial Information System for California (State Operations)		$ 1	$ 2	$ 2
9900 Statewide General Administrative Expenditures (Pro Rata)		$ 57	$ 76	$ 76
Total Disbursements		$ 1,150	$ 1,222	$ 1,245
FUND BALANCE				
Reserve for economic uncertainties		$ 604	$ 290	$ -47
Months in Reserve		5.9	2.8	-0.4

NOTES:

A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ON-GOING.
B. ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR BEGINNING IN BY+1.
C. ASSUMES INTEREST RATE AT 0.3%.
D. ASSUMES NO TRANSFERS TO THE TRANSCRIPT REIMBURSEMENT FUND IN CY AND ONGOING

COURT REPORTERS OF CALIFORNIA
BUDGET REPORT

OBJECT DESCRIPTION	FY 2016-17 ACTUAL EXPENDITURES (MONTH 13)	FY 2017-18 2017 Budget Act*
PERSONNEL SERVICES		
Civil Service - Perm	235,560	228,000
Statutory Exempt (EO)	89,988	84,000
Temp Help (907)	17,538	11,000
Board Member Per Diem	5,300	8,000
Overtime	11,461	6,000
Staff Benefits	212,563	160,000
TOTALS, PERSONNEL SVC	572,410	497,000
OPERATING EXPENSE AND EQUIPMENT		
General Expense	19,534	0
Fingerprint Reports	539	9,000
Minor Equipment	155	1,000
Printing (General)	2,992	0
Communication	4,134	1,000
Postage (General)	9,056	6,000
Travel In State	40,939	23,000
Training	14	2,000
Facilities Operations	44,795	29,000
C & P Services - Interdept.	0	131,000
C & P Services - External (General)	11,004	27,000
DEPARTMENTAL SERVICES:		
OIS Pro Rata	96,382	115,000
Indirect Distributed	53,791	59,000
IA with OPES	89,444	0
DOI-ProRata Internal	920	2,000
Communication Division Pro Rata	7,704	3,000
PPRD Pro Rata	0	4,000
INTERAGENCY SERVICES:		
Consolidated Data Center	39	0
Data Processing	148	3,000
Central Admin Svc-ProRata	0	2,000
EXAM EXPENSES:		
Exam Rent - Non State	37,622	0
Administrative - Ext	17,246	0
C/P Svcs-External Expert Examiners	30,249	39,000
ENFORCEMENT:		
Attorney General	46,706	167,000
Office Admin. Hearings	11,736	16,000
Court Reporters Service	460	0
Evidence/Witness Fees	4,148	26,000
Major Equipment	0	0
Other Items of Expense	0	0
TOTALS, OE&E	829,751	665,000
TOTAL EXPENSE	1,402,161	1,162,000
Sched. Reimb. - Fingerprints	(588)	(17,000)
Sched. Reimb. - External/Private/Grant	(705)	(1,000)
Unsched. Reimb. - Inves Cost Recovery	(8,991)	0
NET APPROPRIATION	1,391,877	1,144,000

*2018-19 Governor's Budget will be released on January 10, 2018

0410 - Transcript Reimbursement Fund
Analysis of Fund Condition

(Dollars in Thousands)

Updated
8/18/2017

2017 Budget Act

	ACTUAL 2016-17	CY 2017-18	BY 2018-19
BEGINNING BALANCE	$ 105	$ 146	$ 60
Prior Year Adjustment	$ (154)	$ -	$ -
Adjusted Beginning Balance	$ (49)	$ 146	$ 60
REVENUES AND TRANSFERS			
Revenues:			
4163000 Income from surplus money investments	$ 1	$ 1	$ 1
Totals, Revenues	$ 1	$ 1	$ 1
Transfers from Other Funds			
F00771 Revenue Transfer from Court Reporters Fund per B&P Code Section 8030.2(d)	$ 300	$ -	$ -
Totals, Revenues and Transfers	$ 301	$ 1	$ 1
Totals, Resources	$ 252	$ 147	$ 61
EXPENDITURES			
Disbursements:			
1111 Program Expenditures (State Operations)	$ 91	$ 86	$ 88
9900 Statewide General Administrative Expenditures (Pro Rata)	$ 14	$ -	$ -
Total Disbursements	$ 105	$ 87	$ 89
FUND BALANCE			
Reserve for economic uncertainties	$ 146	$ 60	$ -28
Months in Reserve	20.1	8.1	-3.7

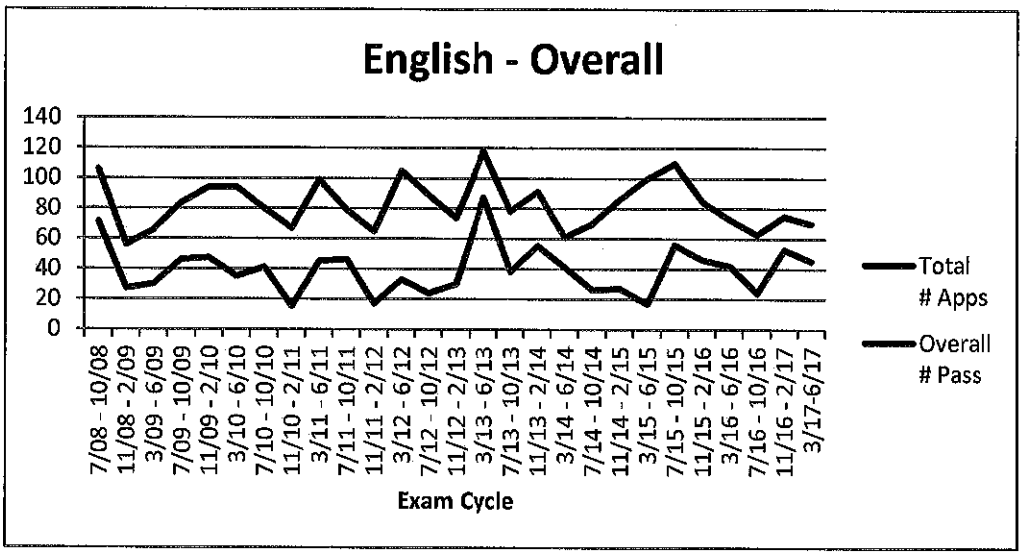
NOTES:

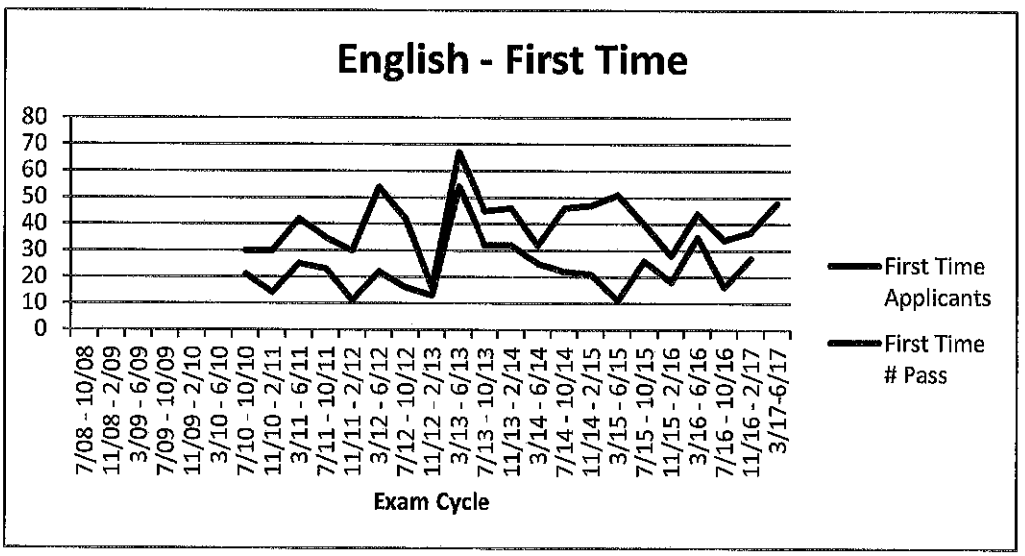
A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ON-GOING.
B. ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR BEGINNING IN BY+1.
C. ASSUMES INTEREST RATE AT 0.3%.
D. ASSUMES NO TRANSFERS FROM THE COURT REPORTERS FUND IN CY AND ONGOING

English Exam

Exam Cycle	Total # Apps	Overall # Pass	Overall % Pass	First Time Applicants	First Time # Pass	First Time % Pass
Jul 2008 - Oct 2008	106	71	65.7%			
Nov 2008 - Feb 2009	56	27	48.2%			
Mar 2009 - Jun 2009	66	30	45.5%			
Jul 2009 - Oct 2009	84	46	54.8%			
Nov 2009 - Feb 2010	94	47	50.0%			
Mar 2010 - Jun 2010	94	35	37.2%			
Jul 2010 - Oct 2010	80	41	51.3%	30	21	70.0%
Nov 2010 - Feb 2011	67	15	22.4%	30	14	46.7%
Mar 2011 - Jun 2011	99	45	45.5%	42	25	59.5%
Jul 2011 - Oct 2011	79	46	58.2%	35	23	65.7%
Nov 2011 - Feb 2012	65	17	26.2%	30	11	36.7%
Mar 2012 - Jun 2012	105	33	31.4%	54	22	40.7%
Jul 2012 - Oct 2012	89	24	27.0%	42	16	38.1%
Nov 2012 - Feb 2013	74	30	40.5%	16	13	81.3%
Mar 2013 - Jun 2013	118	87	73.7%	67	54	80.6%
Jul 2013 - Oct 2013	78	38	48.7%	45	32	71.1%
Nov 2013 - Feb 2014	91	55	60.4%	46	32	69.6%
Mar 2014 - Jun 2014	61	41	67.2%	32	25	78.1%
Jul 2014 - Oct 2014	70	26	37.1%	46	22	47.8%
Nov 2014 - Feb 2015	86	27	31.4%	47	21	44.7%
Mar 2015 - June 2015	100	17	17.0%	51	11	21.6%
Jul 2015 - Oct 2015	110	56	50.9%	40	26	65.0%
Nov 2015 - Feb 2016	85	46	54.1%	28	18	64.3%
Mar 2016 - Jun 2016	73	42	57.5%	44	35	79.5%
Jul 2016 - Oct 2016	63	24	38.1%	34	16	47.1%
Nov 2016 - Feb 2017	75	53	70.7%	37	27	73.0%
Mar 2017 - Jun 2017	70	45	64.3%	48	39	81.3%

English Exam

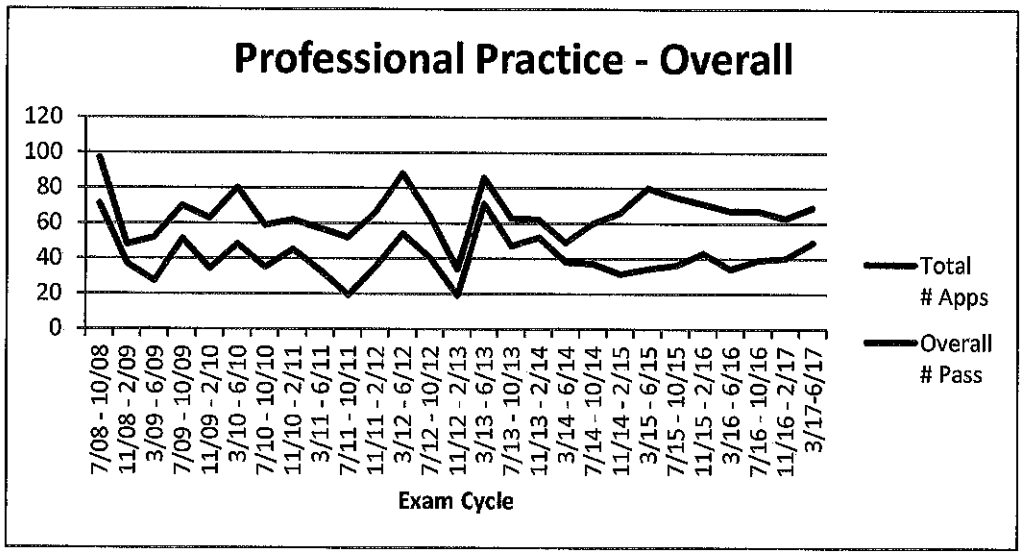


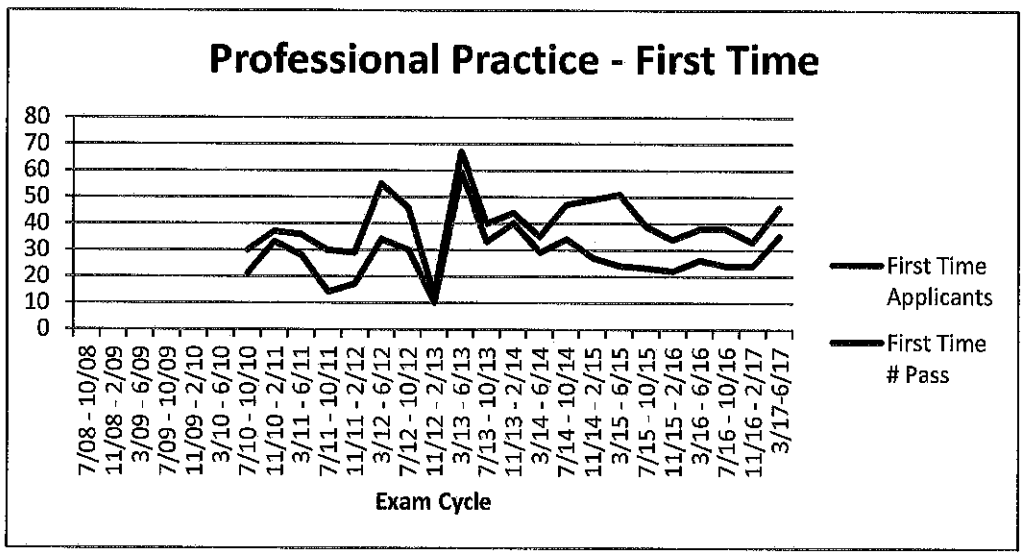


Professional Practice Exam

Exam Cycle	Total # Apps	Overall # Pass	Overall % Pass	First Time Applicants	First Time # Pass	First Time % Pass
Jul 2008 - Oct 2008	97	71	73.2%			
Nov 2008 - Feb 2009	48	37	77.1%			
Mar 2009 - Jun 2009	52	27	51.9%			
Jul 2009 - Oct 2009	70	51	72.9%			
Nov 2009 - Feb 2010	63	34	54.0%			
Mar 2010 - Jun 2010	80	48	60.0%			
Jul 2010 - Oct 2010	59	35	59.3%	30	21	70.0%
Nov 2010 - Feb 2011	62	45	72.6%	37	33	89.2%
Mar 2011 - Jun 2011	57	33	57.9%	36	28	77.8%
Jul 2011 - Oct 2011	52	19	36.5%	30	14	46.7%
Nov 2011 - Feb 2012	66	35	53.0%	29	17	58.6%
Mar 2012 - Jun 2012	88	54	61.4%	55	34	61.8%
Jul 2012 - Oct 2012	64	40	62.5%	46	30	65.2%
Nov 2012 - Feb 2013	34	19	55.9%	13	10	76.9%
Mar 2013 - Jun 2013	86	71	82.6%	67	59	88.1%
Jul 2013 - Oct 2013	63	47	74.6%	40	33	82.5%
Nov 2013 - Feb 2014	62	52	83.9%	44	40	90.9%
Mar 2014 - Jun 2014	49	38	77.6%	35	29	82.9%
Jul 2014 - Oct 2014	60	37	61.7%	47	34	72.3%
Nov 2014 - Feb 2015	66	31	47.0%	49	27	55.1%
Mar 2015 - June 2015	80	34	42.5%	51	24	47.1%
Jul 2015 - Oct 2015	75	36	48.0%	39	23	59.0%
Nov 2015 - Feb 2016	71	43	60.6%	34	22	64.7%
Mar 2016 - Jun 2016	67	34	50.7%	38	26	68.4%
Jul 2016 - Oct 2016	67	39	58.2%	38	24	63.2%
Nov 2016 - Feb 2017	63	40	63.5%	33	24	72.7%
Mar 2017 - Jun 2017	69	49	71.0%	46	35	76.1%

Professional Practice Exam

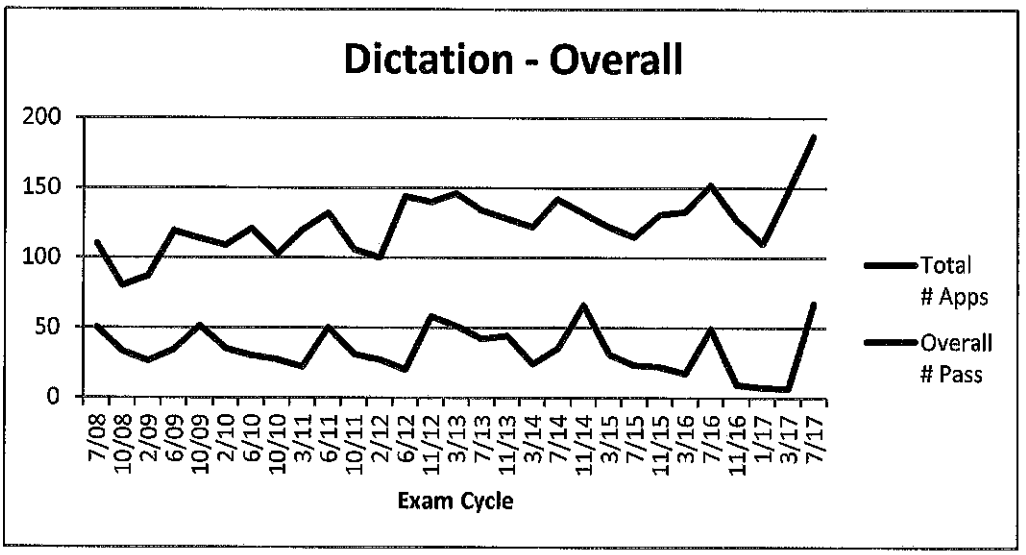


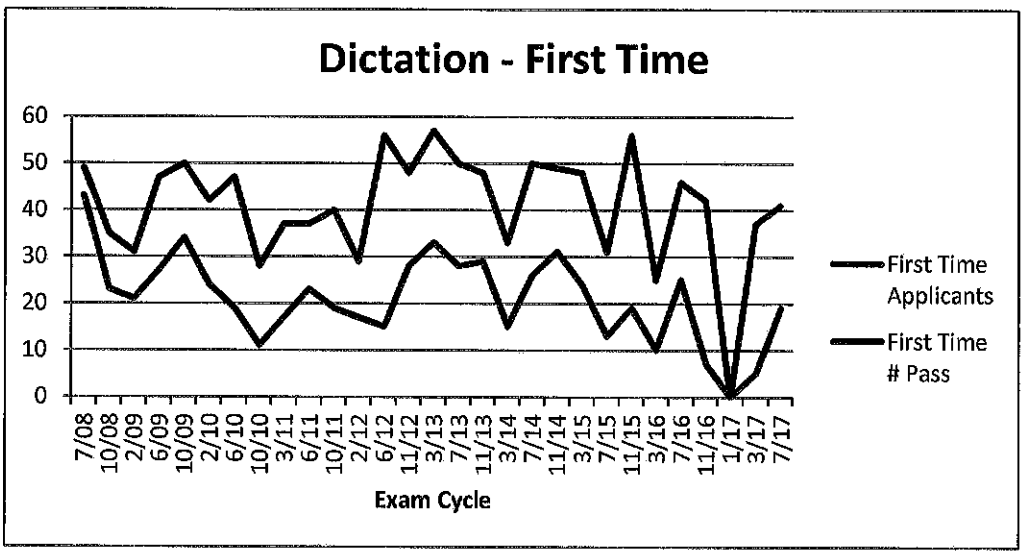


Dictation Exam

Exam Cycle	Total # Apps	Overall # Pass	Overall % Pass	First Time Applicants	First Time # Pass	First Time % Pass
Jul 2008	110	50	45.5%	49	43	87.8%
Oct 2008	80	33	41.3%	35	23	65.7%
Feb 2009	87	26	29.9%	31	21	67.7%
Jun 2009	119	34	28.6%	47	27	57.4%
Oct 2009	114	51	44.7%	50	34	68.0%
Feb 2010	109	35	32.1%	42	24	57.1%
Jun 2010	121	30	24.8%	47	19	40.4%
Oct 2010	102	27	26.5%	28	11	39.3%
Mar 2011	120	22	18.3%	37	17	45.9%
Jun 2011	132	50	37.9%	37	23	62.2%
Oct 2011	106	31	29.2%	40	19	47.5%
Feb 2012	100	27	27.0%	29	17	58.6%
Jun 2012	144	20	13.9%	56	15	26.8%
Nov 2012	140	58	41.4%	48	28	58.3%
Mar 2013	146	51	34.9%	57	33	57.9%
Jul 2013	134	42	31.3%	50	28	56.0%
Nov 2013	128	44	34.4%	48	29	60.4%
Mar 2014	122	24	19.7%	33	15	45.5%
Jul 2014	142	35	24.6%	50	26	52.0%
Nov 2014	132	66	50.0%	49	31	63.3%
March 2015	122	31	25.4%	48	24	50.0%
July 2015	115	23	20.0%	31	13	41.9%
Nov 2015	131	22	16.8%	56	19	33.9%
March 2016	133	17	12.8%	25	10	40.0%
July 2016	152	49	32.2%	46	25	54.3%
Nov 2016	127	9	7.1%	42	7	16.7%
Jan 2017 (Nov 2016 retest)	110	7	6.4%	n/a	n/a	n/a
Mar 2017	147	6	4.1%	37	5	13.5%
Jul 2017	187	67	35.8%	41	19	46.3%

Dictation Exam





Dictation Examination Statistics

November 2015

School Name	Total # Apps	Overall # Pass	Overall % Pass	1st Time Applicants	1st Time # Pass	1st Time % Pass
Argonaut	9	4	44.4%	4	3	75.0%
Bryan University	13	1	7.7%	6	1	16.7%
Bryan College (CLOSED)	5	0	0.0%	n/a	n/a	n/a
Cerritos (CLOSED)	1	0	0.0%	n/a	n/a	n/a
College of Marin	6	0	0.0%	2	0	0.0%
Cypress	2	0	0.0%	2	0	0.0%
Downey	18	0	0.0%	3	0	0.0%
Golden State	7	1	14.3%	2	0	0.0%
Humphreys	2	0	0.0%	0	0	n/a
Sage - Moreno Valley	11	2	18.2%	7	2	28.6%
Sage - San Diego (CLOSED)	5	3	60.0%	5	3	60.0%
Sierra Valley	13	2	15.4%	5	2	40.0%
South Coast	23	5	21.7%	14	4	28.6%
Taft	2	0	0.0%	1	0	0.0%
Tri-Community	4	0	0.0%	0	0	n/a
West Valley	1	0	0.0%	0	0	n/a
School Total	122	18	14.8%	51	15	29.4%
Five Plus	3	0	0.0%	n/a	n/a	n/a
Out of State	0	0	n/a	0	0	n/a
RPR (Online School - 1)	5	4	80.0%	5	4	80.0%
State Hearing Reporter	0	0	n/a	0	0	n/a
Working Reporter	1	0	0.0%	0	0	n/a
TOTAL	131	22	16.8%	56	19	33.9%

March 2016

School Name	Total # Apps	Overall # Pass	Overall % Pass	First Time Applicants	First Time # Pass	First Time % Pass
Argonaut	9	0	0.0%	5	0	0.0%
Bryan University	15	3	20.0%	3	3	100.0%
Bryan College (CLOSED)	3	1	33.3%	n/a	n/a	n/a
Cerritos (CLOSED)	1	0	0.0%	n/a	n/a	n/a
College of Marin	5	0	0.0%	0	0	n/a
Cypress	2	2	100.0%	0	0	n/a
Downey	22	1	4.5%	3	1	33.3%
Golden State	5	0	0.0%	1	0	0.0%
Humphreys	2	0	0.0%	0	0	n/a
Sage - Moreno Valley	12	2	16.7%	2	2	100.0%
Sage - San Diego (CLOSED)	2	1	50.0%	n/a	n/a	n/a
Sierra Valley	10	1	10.0%	1	1	100.0%
South Coast	25	4	16.0%	7	2	28.6%
Taft	2	0	0.0%	0	0	n/a
Tri-Community	6	0	0.0%	1	0	0.0%
West Valley	1	0	0.0%	0	0	n/a
School Total	122	15	12.3%	23	9	39.1%
Five Plus	0	0	0.0%	n/a	n/a	n/a
Out of State	0	0	n/a	0	0	n/a
RPR (Online School - 0)	1	1	100.0%	1	1	100.0%
State Hearing Reporter	0	0	n/a	0	0	n/a
Working Reporter	4	1	25.0%	1	0	0.0%
TOTAL	133	17	12.8%	25	10	40.0%

Dictation Examination Statistics

July 2016

School Name	Total # Apps	Overall # Pass	Overall % Pass	1st Time Applicants	1st Time # Pass	1st Time % Pass
Argonaut	10	2	20.0%	1	0	0.0%
Bryan University	19	4	21.1%	9	3	33.3%
Bryan College (CLOSED)	1	1	100.0%	n/a	n/a	n/a
Cerritos (CLOSED)	1	1	100.0%	n/a	n/a	n/a
College of Marin	5	3	60.0%	1	1	100.0%
Cypress	0	0	n/a	0	0	n/a
Downey	24	4	16.7%	4	1	25.0%
Golden State	8	2	25.0%	1	0	0.0%
Humphreys	1	1	100.0%	1	1	100.0%
Sage - Moreno Valley	18	9	50.0%	7	5	71.4%
Sage - San Diego (CLOSED)	1	0	0.0%	n/a	n/a	n/a
Sierra Valley	17	3	17.6%	6	3	50.0%
South Coast	20	11	55.0%	7	5	71.4%
Taft	3	0	0.0%	1	0	0.0%
Tri-Community	9	2	22.2%	3	2	66.7%
West Valley	3	2	66.7%	2	2	100.0%
School Total	140	45	32.1%	43	23	53.5%
Five Plus	7	1	14.3%	n/a	n/a	n/a
Out of State	1	1	100.0%	1	1	100.0%
RPR (Online School - 0)	1	1	100.0%	1	1	100.0%
State Hearing Reporter	0	0	n/a	0	0	n/a
Working Reporter	3	1	33.3%	1	0	0.0%
TOTAL	152	49	32.2%	46	25	54.3%

November 2016

School Name	Total # Apps	Overall # Pass	Overall % Pass	First Time Applicants	First Time # Pass	First Time % Pass
Argonaut	12	1	8.3%	4	1	25.0%
Bryan University	21	0	0.0%	5	0	0.0%
Bryan College (CLOSED)	0	0	n/a	n/a	n/a	n/a
Cerritos (CLOSED)	0	0	n/a	n/a	n/a	n/a
College of Marin	4	0	0.0%	1	0	0.0%
Cypress	0	0	n/a	0	0	n/a
Downey	19	0	0.0%	5	0	0.0%
Golden State	4	0	0.0%	0	0	n/a
Humphreys University	4	0	0.0%	2	0	0.0%
Sage - Moreno Valley	16	1	6.3%	9	1	11.1%
Sage - San Diego (CLOSED)	0	0	n/a	n/a	n/a	n/a
Sierra Valley	15	0	0.0%	2	0	0.0%
South Coast	13	0	0.0%	6	0	0.0%
Taft	2	1	50.0%	0	0	n/a
Tri-Community	6	0	0.0%	1	0	0.0%
West Valley	2	0	0.0%	1	0	0.0%
School Total	118	3	2.5%	36	2	5.6%
Five Plus	1	1	100.0%	n/a	n/a	n/a
Out of State	0	0	n/a	0	0	n/a
RPR (Online School - 0)	6	5	83.3%	6	5	83.3%
State Hearing Reporter	0	0	n/a	0	0	n/a
Working Reporter	2	0	0.0%	0	0	n/a
TOTAL	127	9	7.1%	42	7	16.7%

Dictation Examination Statistics

January 2017 (November 2016 Retest)

School Name	Total # Apps	Overall # Pass	Overall % Pass	1st Time Applicants	1st Time # Pass	1st Time % Pass
Argonaut	9	1	11.1%			
Bryan University	20	2	10.0%			
Bryan College (CLOSED)	0	0	n/a			
Cerritos (CLOSED)	0	0	n/a			
College of Marin	3	0	0.0%			
Cypress	0	0	n/a			
Downey	18	0	0.0%			
Golden State	4	0	0.0%			
Humphreys University	4	0	0.0%			
Sage - Moreno Valley	14	1	7.1%			
Sage - San Diego (CLOSED)	0	0	n/a			
Sierra Valley	14	0	0.0%			
South Coast	13	2	15.4%			
Taft	1	0	0.0%			
Tri-Community	5	0	0.0%			
West Valley	2	1	50.0%			
School Total	107	7	6.5%			
Five Plus	1	0	0.0%			
Out of State	0	0	n/a			
RPR (Online School - 0)	1	0	0.0%			
State Hearing Reporter	0	0	n/a			
Working Reporter	1	0	0.0%			
TOTAL	110	7	6.4%			

March 2017

School Name	Total # Apps	Overall # Pass	Overall % Pass	First Time Applicants	First Time # Pass	First Time % Pass
Argonaut	15	1	6.7%	6	1	16.7%
Bryan University	19	1	5.3%	4	1	25.0%
Bryan College (CLOSED)	0	0	n/a	n/a	n/a	n/a
Cerritos (CLOSED)	0	0	n/a	n/a	n/a	n/a
College of Marin	6	0	0.0%	3	0	0.0%
Cypress	0	0	n/a	0	0	n/a
Downey	21	0	0.0%	2	0	0.0%
Golden State	5	0	0.0%	1	0	0.0%
Humphreys University	2	0	0.0%	0	0	n/a
Sage - Moreno Valley (CLOSED)	15	0	0.0%	2	0	0.0%
Sage - San Diego (CLOSED)	1	0	0.0%	n/a	n/a	n/a
Sierra Valley (CLOSED)	16	0	0.0%	3	0	0.0%
South Coast	27	1	3.7%	13	1	7.7%
Taft	1	0	0.0%	0	0	n/a
Tri-Community	6	0	0.0%	0	0	n/a
West Valley	1	0	0.0%	0	0	n/a
School Total	135	3	2.2%	34	3	8.8%
Five Plus	5	0	0.0%	n/a	n/a	n/a
Out of State	0	0	n/a	0	0	n/a
RPR (Online School - 0)	4	2	50.0%	3	2	66.7%
State Hearing Reporter	0	0	n/a	0	0	n/a
Working Reporter	3	1	33.3%	0	0	n/a
TOTAL	147	6	4.1%	37	5	13.5%

Dictation Examination Statistics

July 2017*

School Name	Total # Apps	Overall # Pass	Overall % Pass	1st Time Applicants	1st Time # Pass	1st Time % Pass
Argonaut	17	9	52.9%	4	2	50.0%
Bryan University	20	5	25.0%	3	0	0.0%
College of Marin	7	3	42.9%	1	1	100.0%
Cypress	1	1	100.0%	1	1	100.0%
Downey	24	8	33.3%	3	1	33.3%
Golden State	5	4	80.0%	3	2	66.7%
Humphreys University	4	3	75.0%	1	1	100.0%
Sage - Moreno Valley (CLOSED)	15	7	46.7%	n/a	n/a	n/a
Sage - San Diego (CLOSED)	1	0	0.0%	n/a	n/a	n/a
Sierra Valley (CLOSED)	27	5	18.5%	10	1	10.0%
South Coast	30	11	36.7%	4	3	75.0%
Taft	2	0	0.0%	1	0	0.0%
Tri-Community	8	2	25.0%	2	1	50.0%
West Valley	1	0	0.0%	0	0	n/a
School Total	162	58	35.8%	33	13	39.4%
Five Plus	14	1	7.1%	n/a	n/a	n/a
Out of State	0	0	n/a	0	0	n/a
RPR (Online School - 1)	8	7	87.5%	6	6	100.0%
State Hearing Reporter	0	0	n/a	0	0	n/a
Working Reporter	3	1	33.3%	2	0	0.0%
TOTAL	187	67	35.8%	41	19	46.3%

** Unofficial until appeals hearing*

Consumer Protection Enforcement Initiative
Fiscal Year 2016-2017 Enforcement Report
July 1, 2016 - June 30, 2017 FINAL

Complaint Intake

Complaints	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Received	6	7	4	5	2	8	16	7	9	12	5	8	89
Closed without Assignment for Investigation	0	0	0	0	0	0	0	0	0	0	0	0	0
Assigned for Investigation	6	7	4	5	2	8	16	7	9	12	5	8	89
Average Days to Close or Assign for Investigation	1	1	1	1	1	1	1	1	1	1	1	1	1
Pending	0	0	0	0	0	0	0	0	0	0	0	0	0 *

Convictions/Arrests Reports	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Received	1	0	1	0	0	0	0	0	0	0	1	0	3
Closed	0	0	0	0	2	0	0	0	0	0	0	1	3
Average Days to Close	0	0	0	0	104	0	0	0	0	0	0	11	73
Pending	1	1	2	2	0	0	0	0	0	0	1	0	1 *

Investigation

Desk Investigation	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Initial Assignment for Desk Investigation	6	7	4	5	2	8	15	7	9	12	5	8	88
Closed	4	9	2	11	5	2	6	7	2	4	7	5	64
Average Days to Close [Straightline]	77	36	53	82	67	23	76	36	9	99	91	65	64
Pending	27	25	27	21	18	24	33	33	40	48	47	49	33 *

Field Investigation (Sworn)*	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Assignment for Sworn Field Investigation	0	0	0	0	0	0	1	0	0	0	0	0	1
Closed	0	0	0	0	0	0	0	0	0	0	0	1	1
Average Days to Close	0	0	0	0	0	0	0	0	0	0	0	151	0
Pending	0	0	0	0	0	0	1	1	1	1	1	0	1

All Investigation	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Closed	4	9	2	11	5	2	6	7	2	4	7	5	64
Average Days to Close [Straightline]	77	36	53	82	67	23	76	36	9	99	91	65	64
Pending	27	25	27	21	18	24	33	33	40	48	47	49	33 *

*Average number of cases pending per month

Enforcement Actions

AG Cases	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
AG Cases Initiated	0	0	1	0	0	0	0	0	1	0	0	0	2
AG Cases Pending	9	8	8	8	8	8	5	2	3	3	2	2	6 *

SOIs/Accusations	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
SOIs Filed	0	0	1	0	0	0	0	0	0	0	0	1	2
SOIs Withdrawn	0	0	0	0	0	0	0	0	0	0	0	0	0
SOIs Dismissed	0	0	0	0	0	0	0	0	0	0	0	0	0
SOIs Declined	0	0	0	0	0	0	0	0	0	0	0	0	0
Average Days to Complete SOIs	0	0	152	0	0	0	0	0	0	0	0	103	128
Accusations Filed	2	0	2	0	0	0	0	0	0	0	0	0	4
Accusations Withdrawn	0	0	0	0	0	0	0	0	0	0	0	0	0
Accusations Dismissed	0	0	0	0	0	0	0	0	0	0	0	0	0
Accusations Declined	0	0	0	0	0	0	0	0	0	0	0	0	0
Average Days to Complete Accusations	217	0	211	0	0	0	0	0	0	0	0	0	214

Decisions/Stipulations	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Proposed/Default Decisions	0	1	0	0	0	0	0	0	0	0	0	0	1
Stipulations	1	0	0	0	0	3	3	0	0	1	0	0	8

Disciplinary Orders	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Final Orders (Proposed Decisions Adopted, Default Decisions, Stipulations)	1	1	1	0	0	0	3	3	0	0	1	0	10
Average Days to Complete [Straightline]	329	336	643	0	0	0	637	347	0	0	615	0	488
Interim Suspension Orders	0	0	0	0	0	0	0	0	0	0	0	0	0

Citations	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Final Citations	0	1	0	1	0	1	3	2	0	1	4	3	16
Average Days to Complete [Straightline]	0	41	0	108	0	38	112	64	0	167	77	57	81

*Average number of cases pending per month

AGENDA ITEM III – License Fee Increase Regulation

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Agenda Description: Update on status of fee increase regulatory package

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Brief Summary: At its July 6, 2017, meeting, the Board adopted a resolution to increase the license fee to $225 for any license that expires on or after January 1, 2018, or as soon thereafter as the regulatory package is successfully approved. The regulatory package has been reviewed by staff counsel, and the proposed language is attached.

When it has Board approval, it will be submitted to the Legislative and Regulatory Review Unit of the Department of Consumer Affairs (DCA) for review, after which it will be reviewed by Business, Consumer Services and Housing Agency (Agency). When DCA and Agency have approved the package, any changes will be submitted for Board approval after which it will be submitted to the Office of Administrative Law (OAL). The Board then has one year from the date of publication to move the package through the regulatory process and re-submit a final package for OAL's approval.

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Support Documents:

Attachment – Proposed Language - draft

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Fiscal Impact: Increase in fund balance.

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Report Originator: Yvonne Fenner, 10/17/2017

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Recommended Board Action: Staff recommends the Board approve the proposed language and have staff begin the rulemaking process. However, if the Board would like to make any suggestions or changes regarding the proposed language, staff will incorporate those changes and bring the revision to the Board for further consideration.

Suggested Motion: Move to approve the proposed regulatory text for section 2450 {as proposed OR as amended}; direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services and Housing Agency for review and if no adverse comments are received, authorize the executive officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for public hearing.

TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
DIVISION 24. CERTIFIED SHORTHAND REPORTERS BOARD
ARTICLE 6. FEES

ORIGINALLY PROPOSED LANGUAGE

Amend Section 2450 as follows:

§ 2450. Fee Schedule.

(a) The fee for filing an application for examination shall be forty dollars ($40), one time per three-year cycle and ~~twenty-five~~ fifty dollars ($~~25~~ 50) per separate part per administration.
(b) The fee for an initial certificate shall be ~~one~~ two hundred twenty-five dollars ($~~125~~ 225). If the certificate is issued less than 180 days before the date on which it will expire, the fee shall be ~~sixty-two~~ one hundred twelve dollars and fifty cents ($~~62.50~~ 112.50).
(c) The fee for the annual renewal of a certificate shall be ~~one~~ two hundred and twenty-five dollars ($~~125~~ 225).
(d) The delinquency fee for the renewal of a certificate shall be ~~sixty-two~~ one hundred twelve dollars and fifty cents ($~~62.50~~ 112.50).
(e) The fee for a duplicate certificate shall be five dollars ($5).
(f) The penalty for failure to notify the board of a change of name or address as required by Section 8024.6 shall be twenty dollars ($20).
Note: Authority cited: Sections 8007 and 8008, Business and Professions Code.
Reference: Sections 163.5 and 8031, Business and Professions Code.

Note: Authority cited: Sections 8007 and 8008, Business and Professions Code.
Reference: Sections 163.5 and 8031, Business and Professions Code.

AGENDA ITEM IV – Legislation

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Agenda Description:

A. Non-Licensee-Owned Firms Subcommittee Report – AB 1660 (Kalra)

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Brief Summary:

AB 1660 (Kalra) passed out of the Senate on September 7, 2017, and was enrolled September 13, 2017. The final language is included Attachment 1.

On October 15, 2017, Governor Brown vetoed the bill. A copy of the Governor's letter is Attachment 2.

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Agenda Description:

B. Briefing on current legislation related to the court reporting industry and/or the Court Reporters Board with discussion and possible action.

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Brief Summary: (Bills with a notation of *** are of particular interest or impact to court reporting or the Court Reporters Board specifically)

AB 12 (Cooley) – State government: administrative regulations: review
(Assembly Committee on Accountability and Administrative Review – held under submission)
This bill would require each state agency to, on or before January 1, 2020, review that agency's regulations, identify any regulations that are duplicative, overlapping, inconsistent, or out of date, to revise those identified regulations, as provided, and report to the Legislature and Governor, as specified.

AB 77 (Fong) – Regulations: effective dates and legislative review
(Assembly Committee on Accountability and Administrative Review – held under submission)
This bill would require the Office of Administrative Law, for each major regulation it approves, to submit a copy to the Legislature for review. Additionally, this bill would provide that a regulation does not become effective if the Legislature enacts a statute to override the regulation.

AB 241 (Dababneh) – Personal information: privacy: state and local agency breach
(Assembly Special Committee on Water X2 – held under submission)
This bill also would require a state or local agency, if it was the source of the breach, to offer to provide appropriate identity theft prevention and mitigation services at no cost to a person whose information was or may have been breached if the breach exposed or may have exposed the person's social security number, driver's license number, or California identification card number.

***** AB 701 (Gallagher) – Access to judicial and nonjudicial proceedings: hearing impaired**
(Assembly Committee on Judiciary – held under submission)
This bill would require the Court Reporters Board of California, no later than January 1, 2019, to adopt rules and identify standards to certify operators of computer-aided transcription systems, as defined, and, on or before July 1, 2019, would require operators of those systems to be certified pursuant to those rules and standards. The bill would prohibit the official reporter or pro tem reporter assigned by the court to produce the official transcript of the proceeding from acting as the operator of the computer-aided transcription system. The bill also would prohibit a civil or criminal proceeding, court-ordered or court-provided alternative dispute resolution, or administrative hearing of a public agency from commencing until the requested system is in place and functioning and would prohibit the court from requiring the use of a computer-aided transcription system if the participant who is deaf or hard of hearing has expressed a preference to use an interpreter. The bill would require the operator of a computer-aided transcription system to provide the speech-to-text equipment to be used, unless otherwise provided by the court.

AB 703 (Flora – Professions and vocations: licensees: fee waiver
(Assembly Business & Professions Committee – two-year bill)
This bill would require every board within the Department of Consumer Affairs to grant a fee waiver for application and issuance of an initial license for an applicant who is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States if the applicant holds a current license in the same profession or vocation in another state, district, or territory. The bill would require that an applicant be granted fee waivers for both the application for and issuance of a license if the board charges fees for both. The bill would prohibit fee waivers from being issued for renewal of a license, for an additional license, a certificate, a registration, or a permit associated with the initial license, or for the application for an examination.

AB 710 (Wood) – Department of Consumer Affairs: boards: meetings
(Senate Business, Professions & Economic Development Committee)
This bill would require a board to meet once every other calendar year in rural California.

AB 767 (Quirk-Silva) – Master Business License Act
(Assembly Committee on Jobs, Economic Development, and the Economy - two-year bill)
This bill would create within the Governor's Office of Business and Economic Development, or its successor, a business license center to develop and administer a computerized master business license system to simplify the process of engaging in business in this state.

AB 976 (Berman) – Court reporters: electronic transcripts
(Chaptered 9/27/2017)
This bill is sponsored by the Judicial Council and includes e-filing provisions.

AB 1005 (Calderon) – Department of Consumer Affairs
(Assembly Committee on Business and Professions – held under submission)
This bill would require all programs within DCA to issue a 30-day order of abatement in lieu of a fine for all finable violations.

AB 1285 (Gipson) – Alcohol Beverage Control Act: administrative hearings: records
(Chaptered 9/1/2017)
Video recording before Alcohol Beverage Control Board is not permissible. Video recording of a hearing is inadmissible before Alcohol Beverage Control Board.

***** AB 1450 (Obernolte) – Court reporters: electronic transcripts**
(Chaptered 10/6/2017)
This bill would instead require an official reporter or official reporter pro tempore to deliver a transcript in electronic form, in compliance with the California Rules of Court, to any court, party, or person entitled to the transcript, as specified, unless, among other things, the party or person requests the transcript in paper form.

SB 27 (Morrell) – Professions and vocations: licensees: military service
(Senate Committee on Appropriations – held under submission)
This bill would require every board within the Department of Consumer Affairs to grant a fee waiver for the application for and the issuance of an initial license to an applicant who supplies satisfactory evidence, as defined, to the board that the applicant has served as an active duty member of the California National Guard or the United States Armed Forces and was honorably discharged. The bill would require that a veteran be granted only one fee waiver, except as specified.

***** SB 76 (Nielsen) – Excluded employees: arbitration**
(Assembly Committee on Judiciary – ordered to Inactive File)
This bill would enact the Excluded Employee Arbitration Act to permit an employee organization that represents an excluded employee who has filed certain grievances with the Department of Human Resources to request arbitration of the grievance if specified conditions are met. The bill would require the designation of a standing panel of arbitrators and, under specified circumstances, the provision of arbitrators from the California State Mediation and Conciliation Service within the Public Employment Relations Board. The bill would then require the arbitrator to be chosen in a specified manner and would prescribe the duties of that arbitrator. The bill would provide that a party to the arbitration has the right to have a certified shorthand reporter transcribe the proceeding and that the transcription would be the official record of the proceeding. The bill would require a nonprevailing party, other than an excluded employee, to bear the costs of arbitration, including the cost of a certified shorthand reporter, and would prohibit the costs of arbitration from being passed on to the excluded employee. The bill would make a statement of legislative intent and various findings and declarations with regard to the above.

SB 244 (Lara) – Privacy: agency: personal information
(Assembly Committees on Judiciary and Privacy and Consumer Protection – ordered to Inactive File)
This bill would amend Business and Professions Code section 30 to clarify that personally identifiable information such as a federal employer identification number, individual taxpayer identification number, or social security number furnished for the purposes of licensure are exempt from disclosure under the California Public Records Act, and not open for public inspection.

SB 484 (Roth) – Deposition reporting services: unlawful business practices
(Assembly Judiciary Committee)
This bill would provide that it is unlawful for a person who is employed by or who independently contracts with an entity that arranges for deposition officers to report or transcribe deposition testimony offer, pursuant to any agreement or understanding, oral or otherwise, any gift, incentive, reward, or anything of value to any person or entity, as defined, associated with a proceeding being reported or transcribed. The bill would also provide that a violation of this provision is punishable by a civil fine not to exceed $5,000 for each violation, and would authorize the Attorney General, a district attorney, or a city attorney to bring a civil action for a violation of this provision.

SB 715 (Newman) – Department of Consumer Affairs: regulatory boards: removal of board members
(Assembly Business and Professions Committee – ordered to inactive file)
This bill would grant the Governor the power to remove from office at any time, any member of any board appointed by him or her for continued neglect of duties required by law, which may include the failure to attend board meetings or for incompetence, or unprofessional or dishonorable conduct.
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Support Documents:

Attachment 1, Item A – AB 1660 (Kalra)
Attachment 2, Item A – AB 1660 (Kalra) Request for Signature from Kalra
Attachment 3, Item A – AB 1660 (Kalra) Request for Signature from Board
Attachment 4, Item A – AB 1660 (Kalra) Veto Letter
Attachment 5, Item B – AB 1450 (Obernolte) Support Letter
Attachment 6, Item B – SB 76 (Nielsen) Support Letter
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Report Originator: Yvonne Fenner, 10/18/17
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Recommended Board Action: Staff recommends the Board review the proposed bills and decide if they wish to support, oppose, or remain neutral.

ENROLLED SEPTEMBER 13, 2017
PASSED IN SENATE SEPTEMBER 7, 2017
PASSED IN ASSEMBLY SEPTEMBER 11, 2017
AMENDED IN SENATE SEPTEMBER 1, 2017
AMENDED IN SENATE AUGUST 21, 2017
AMENDED IN SENATE JULY 10, 2017
AMENDED IN SENATE JUNE 20, 2017
AMENDED IN ASSEMBLY MAY 2, 2017
AMENDED IN ASSEMBLY APRIL 3, 2017

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

Assembly Bill No. 1660

Introduced by Assembly Member Kalra

February 17, 2017

An act to add Article 6 (commencing with Section 8050) to Chapter 13 of Division 3 of the Business and Professions Code, relating to court reporters, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1660, Kalra. Court reporter providers.

Existing law requires, upon court order or, in certain cases, upon request of a party to the action, an official court reporter or reporter pro tempore to take down in shorthand all testimony, objections made, rulings of the court, exceptions taken, arraignments, pleas, sentences, arguments of the attorneys to the jury, and statements and remarks made and oral instructions given by the judge or other judicial officer. Existing law requires shorthand reporters to be licensed and regulated by the Court Reporters Board of California, which is within the Department of Consumer Affairs. Existing law prohibits a person from being appointed to the position of official reporter of any court unless the person has first obtained a license to practice as a certified shorthand reporter from the Court Reporters Board of California. Existing law requires licensees to pay a fee that is deposited into the Court Reporters' Fund, which is continuously appropriated. Existing law makes a violation of these provisions a misdemeanor.

This bill, on and after January 1, 2019, would authorize an individual or entity to engage in the business of providing or arranging for certified shorthand reporters for the transcription of court proceedings if specified conditions are met, including that an individual be a certified shorthand reporter, that an entity be a shorthand reporting corporation, or that the individual or entity be registered as a court reporter provider, as defined. The bill would require an individual or entity that registers with the board as a court reporter provider to adhere to the same laws and regulations that are applicable to the conduct of certified shorthand reporters, including the requirement for a licensee to pay a fee, as specified, that will be deposited into the Court Reporters' Fund. By requiring a court reporter provider to pay a fee that is deposited into a continuously appropriated fund, the bill would make an appropriation. The bill would require the board to adopt regulations prescribing the process and procedure for registration as a court reporter provider. The bill would require the board to create and make available on its Internet Web site a directory of registered court reporter providers. Because a violation

of these provisions would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: MAJORITY. Appropriation: YES. Fiscal committee: YES. Local program: YES.

The people of the State of California do enact as follows:

SECTION 1.Article 6 (commencing with Section 8050) is added to Chapter 13 of Division 3 of the Business and Professions Code, to read:

Article 6. Court Reporter Providers

8050. For purposes of this article, the following terms have the following meanings:

(a) (1) "Court reporter provider" means a person or entity that does any of the following:

(A) Any act that constitutes shorthand reporting that occurs wholly or partly in this state.

(B) Recruits a resident of this state to provide shorthand reporting in this state.

(C) Contracts with a resident of this state by mail or otherwise that requires either party to perform certified shorthand reporting wholly or partly in this state.

(2) "Court reporter provider" does not mean a court, a party to litigation, an attorney of the party, or a full-time employee of the party or the attorney of the party, who provides or contracts for certified shorthand reporting for purposes related to the litigation.

(b) "Registration" means the procedures and requirements with which a person or entity shall comply in order to conduct business as a court reporter provider.

8051. (a) On and after January 1, 2019, an individual or entity may engage in the business of providing or arranging for certified shorthand reporters for the transcription of court proceedings pursuant to Section 8017 if one of the following requirements are met:

(1) The individual is a certified shorthand reporter pursuant to Section 8018.

(2) The entity is a shorthand reporting corporation as described in Section 8040.

(3) The individual or entity is registered with the board as a court reporter provider.

(b) (1) An individual or entity registered as a court reporter provider described in paragraph (3) of subdivision (a) shall be subject to the same laws and regulations that are applicable to the conduct of certified shorthand reporters.

(2) The board may charge a fee for the registration of individuals or entities described in paragraph (3) of subdivision (a) that shall not be more than reasonably necessary for the administration of a registration program.

(c) An individual or entity described in paragraph (1) or (2) of subdivision (a) shall not engage in the practice of shorthand reporting on behalf of an individual or entity that the individual knows or should know is not registered with the board as a court reporter provider and shall verify whether a person or entity is registered with the

board as a court reporter provider before engaging in the practice of shorthand reporting on behalf of that person or entity.

(d) Nothing in this section shall be construed to prohibit a certified shorthand reporter, shorthand reporting corporation, or registered court reporter provider from providing long-term or multicase volume discounts or services ancillary to reporting and transcribing a deposition, arbitration, or judicial proceeding in contracts that are subject to laws related to shorthand reporting.

(e) Nothing in this section shall be construed to require an owner of a registered court reporter provider to be a certified shorthand reporter unless the owner practices shorthand reporting, as defined in Section 8017.

8052. (a) The board shall adopt regulations prescribing the process and procedure for registration as a "court reporter provider." Applications for a certificate of registration shall include, at a minimum, all of the following:

(1) The name of the person or entity seeking registration.

(2) The business address and telephone number of the person or entity seeking registration.

(3) The name, address, and contact information for any individual designated by the registrant as a point of contact.

(b) A certificate of registration shall be valid for a period of one year unless that period is extended by the board.

(c) A registrant shall notify the board within 30 days, on a form developed by the board, of any additions, deletions, or changes in the names, addresses, and contact information for each of the persons or entities listed on its application.

8053. The board shall create and make available on its Internet Web site a directory of registered court reporter providers.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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Assembly California Legislature

ASH KALRA
ASSEMBLYMEMBER, TWENTY-SEVENTH DISTRICT

COMMITTEES
CHAIR: AGING AND LONG-TERM CARE
HOUSING AND COMMUNITY DEVELOPMENT
JUDICIARY
LABOR AND EMPLOYMENT
PRIVACY AND CONSUMER PROTECTION

Attachment 2
Agenda Item IV.A

September 13, 2017

Honorable Edmund G. Brown, Jr.
Governor of California
State Capitol, 1st Floor
Sacramento, CA 95814

Re: Request for Signature on AB 1660 (Kalra): Court Reporter Providers

Dear Governor Brown,

I respectfully request your signature on Assembly Bill (AB) 1660, relating to court reporting providers.

AB 1660 requires individuals or entities that provide court reporting services to be registered by the Court Reporters Board of California as court reporter providers. In doing so, it will resolve a longstanding conflict under current law whereby certain court reporting corporations have been rendering services unauthorized by the state and with disregard to existing court reporting laws and regulations. Specifically, it will provide the Board with the needed authority to enforce existing court reporting laws and regulations and require the Board to create an online directory of registered court reporter providers in order for licensed court reporters to verify the entity that is arranging for services is registered.

Court reporting is an integral component of our judicial system and it is the role of the Court Reporters Board to protect its integrity and ensure that consumers are protected from actions that give one side an unfair advantage or practices that compromise the neutral care of the transcript. In recent years, out-of-state corporations that arrange for licensed court reporters to provide shorthand reporting services for depositions have been rendering services unauthorized by the state and with disregard to existing court reporting laws and regulations. In this arrangement the corporation is hired by a party of the litigation and still has direct handling of the transcript.

The Board has received numerous complaints regarding the practices of these corporations including allegations of billing lower prices for deposition transcripts for the arranging attorney, charging higher fees for opposing counsel, or providing the transcript to one side before the other side. All are clear violations of state law and regulations governing court reporting that licensed court reporters must adhere to, but these entities ignore. These unlawful practices also give these corporations an unfair competitive advantage because the benefits received favors the party that selects the deposition corporation and the opposing party has no choice but to agree to the terms imposed.

In April 2011, the Court Reporters Board brought suit against one of the out-of-state corporations, U.S. Legal, alleging that it had violated the state's court reporting laws. While the court found that U.S. Legal was indeed providing court reporting services, it ultimately ruled that the Board did not have explicit authority in current statute to impose penalties on out-of-state corporations.

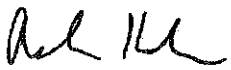
Given the court's decision, AB 1660 takes the appropriate action and gives the Board enforcement authority against these violations of court reporting laws and regulations by requiring these corporations be registered. This bill in return provides these entities a legal pathway to do business in this state and is similar to requirements in other states, including Arizona, Georgia, Nevada, and Texas.

AB 1660 is balanced as it applies the rules that other similar in-state licensed-owned deposition firms must adhere to and there is a 1-year delay to give the Board the necessary time to receive stakeholder comments and develop regulations. Throughout the process, I have taken a number of clarifying amendments that respects the lawful contracting with these deposition firms and adds more specifics to the registration process. I also accepted an amendment from the opposition to make it clear that owners of out-of-state deposition firms do not need to be licensed by the Board.

The bill is sponsored by the Court Reporters Board and co-sponsored by the California Court Reporters Association and the Deposition Reporters Association of California with the unified goal of making sure all court reporting services are following the same laws and respecting fair competition.

If you have any questions, please do not hesitate to contact me or have your staff contact Ryan Guillen at (916) 319-2027. Thank you for your time and consideration of this important measure.

Sincerely,



ASH KALRA
Assemblymember, 27th District

COURT REPORTERS BOARD
OF CALIFORNIA
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Phone (916) 263-3660 / Toll Free: 1-877-327-5272
Fax (916) 263-3664 / www.courtreportersboard.ca.gov

Attachment 3
Agenda Item IV.A

September 20, 2017

Honorable Edmund G. Brown, Jr.
Governor of California
State Capitol, First Floor
Sacramento, CA 95814

RE: Request for Signature on AB 1660 (Kalra): Court Reporter Providers

Dear Governor Brown:

The Court Reporters Board of California (Board) respectfully requests your signature on Assembly Bill (AB) 1660 regarding court reporting providers.

As the lead sponsors of this bill and the Legislature's mandated advocates for California consumers of court reporting services, we are committed to ensuring all consumers in California are protected.

This bill is an uncomplicated, fiscally smart solution for all businesses that are providing court reporting services. The framework of this bill is based upon a well-vetted standard of firm registration used by many other large states. This Board has worked closely with the Attorney General's Office, the actual enforcement arm of the Board, to find the most cost-effective and comprehensive fair solution for Californians.

The needed solution in AB 1660 merely updates the court reporting laws established in 1953 to expressly require licensees and non-licensee firms alike to follow existing laws that California legislators painstakingly wrote into numerous places in the law. By not holding all entities to the same laws and regulations, inequities are created within the provision of court reporting services which undermines the integrity, neutrality, and fairness of the American judicial system.

As a backdrop to understanding why this bill is important is to know that somewhere in history, the Board evolved with changing standards to allow innovative businesses and increase competition for California consumers to have more choices and competitive pricing options. However, the written laws did not expressly codify this practice. In particular, the court reporting laws in the 1950s were designed to protect California consumers, but did not take into consideration that firms could be owned by non-licensed individuals. It was always believed that owners would be licensees and the loss of a license would serve as a deterrent from crossing the line of violating laws applicable to court reporting. This deterrence has served the industry well for many years.

However, over the last 10 years, a growing number of non-licensee-owned out-of-state firms have boldly asserted that they are not subject to the laws and regulations that govern the California court reporting industry because they are "foreign corporations" and claim an exception to the board's jurisdiction. Thus, what started as a minor stretching of the law evolved into a flagrant disregard for California consumers and a practice by out-of-state firms to cherry pick which laws they would like to follow in order to maintain an unfair advantage

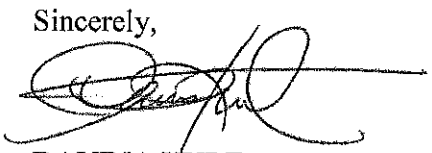
at the expense of California consumers and the stability of the judicial system. Conversely, these firms are following the registration requirements in their home states of Texas and Georgia, while willingly working under the jurisdiction of the Boards that regulate court reporting.

After exhausting measures given to the Board from the Legislature, a lawsuit was filed because numerous firms showed no willingness to follow the law and steadfastly refused to engage. In court, it was ultimately found in the statement of decision that while the out-of-state firm was providing court reporting services and violating the Professional Standards of Practice, there is no clear language in the court reporters practice act that expressly gives the Board the ability to issue citations to foreign corporations, also known as out-of-state firms, to deter their behavior. Thus, we are forced to go after every malfeasance in a courtroom at a great expense to the California consumer who suffered from the illegal and unethical behavior. We urge you to help us close this loophole.

Complaints have continued to be received by the Board for a range of violations that are not administrative in nature, but rather legislatively outlined in the Code of Civil Procedure and court reporting act. AB 1660 serves as an appropriate solution to find those bad actors responsible for their own acts, firms and individuals alike, while continuing to maintain a vibrant and competitive marketplace. More importantly, AB 1660 expressly states, without doubt or confusion, that the Board regulates all providers of court reporting services and all will be held to the same laws and regulations as intended by the Legislature, regardless of whether consumers secure those services through a licensee-owned firm or through a non-licensee-owned firm.

This Board looks forward to continuing its protection of California consumers and respectfully requests your signature on this important bill – AB 1660 (Kalra).

Sincerely,



DAVINA HURT
Chairperson

CC: Department of Consumer Affairs

Attachment 4
Agenda Item IV.A

OFFICE OF THE GOVERNOR

OCT 15 2017

To the Members of the California State Assembly:

I am returning Assembly Bill 1660 without my signature.

This bill creates a new registration program for a Court Reporter Provider.

This bill affects matters that are currently under review by an appellate court. I would prefer to await the outcome of that case before deciding on the issues raised by this bill.

Sincerely,

Edmund G. Brown Jr.

GOVERNOR EDMUND G. BROWN JR. • SACRAMENTO, CALIFORNIA 95814 • (916) 445-2841

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

Attachment 5
Agenda Item IV.B

July 12, 2017

Honorable Jay Obernolte
State Capitol, Room 4116
Sacramento, CA 95814

Re: Support of Assembly Bill 1450

Dear Assembly Member Obernolte:

The Court Reporters Board of California is in support of Assembly Bill 1450. The electronic filing of transcripts is of great benefit to the consumers this Board is mandated to protect: litigants and their counsel. An electronic transcript allows complete search capability, providing greater efficiency in litigation preparation. Electronic appeal transcripts will minimize size to one volume, as opposed to the multiple volumes currently in existence due to the limits of binding paper in a manageable way. Additionally, electronic appeal transcripts will be hyperlinked in such a way that the consumer can click on a witness or examination in the master index and be instantly linked to the portion of the transcript containing that testimony. Lastly, access is expanded as consumers will have 24/7 access to an electronic transcript, increasing efficiency in litigation preparation.

For all of these reasons, we support Assembly Bill 1450. Thank you for your work in protecting the consumers of California.

Respectfully submitted,

Davina Hurt
Court Reporters Board

CC: Department of Consumer Affairs Legislative Unit

COURT REPORTERS BOARD
OF CALIFORNIA
2535 Capitol Oaks Drive, Suite 230, Sacramento, CA 95833
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Attachment 6
Agenda Item IV.B

July 11, 2017

Honorable Jim Nielsen
State Capitol, Room 2068
Sacramento, CA 95814

Re: Support of Senate Bill 76

Dear Senator Nielsen:

The Court Reporters Board of California (Board) is in support of SB 76. Section 3539.79 (a) gives the parties to the arbitration the right to hire a certified shorthand reporter (CSR) to create the official record of the proceeding. The creation of a verbatim transcript on a timely basis is a basic tenet of the American judicial system. Not only can the arbitrator and parties make decisions based on an accurate transcript, but should there be any issues with a CSR, the Board is available as a resource to ensure all laws pertaining to court reporting are enforced.

For all of these reasons, we support Senate Bill 76. Thank you for your work in protecting the consumers of California.

Respectfully submitted,

Davina Hurt
Court Reporters Board

CC: Department of Consumer Affairs Legislative Unit

AGENDA ITEM V – Online Skills Exam

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Agenda Description: Update

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Brief Summary:

At the July 6, 2017, meeting the Board approved as amended the report and recommendations of the Online Skills Exam Task Force. Staff has met with legal counsel to determine the necessity of placing previously considered policy into regulation. Staff is currently working on the regulation package and will bring proposed language to the Board at a future meeting.

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Recommended Board Action: Informational.

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Report Originator: Yvonne Fenner, 10/17/2017

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AGENDA ITEM VI – Website Subcommittee Report

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Agenda Description: Update on status.

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Brief Summary:

As part of the communication plan developed in furtherance of the Board's strategic plan, a subcommittee was appointed to make the Board's website easier to use for consumers and licensees.

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Report Originator: Yvonne Fenner, 10/12/2017

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AGENDA ITEM VII – Strategic and Communication Plan

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Agenda Description: Update on Action Plan Accomplishments

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Brief Summary:

At its June 26, 2015, meeting, the Board approved an Action Plan for the 2015-2018 Strategic Plan. The Action Plan Timeline is used as a tool to update the Board on the progress of achieving the strategic plan goals.

At its April 8, 2016, meeting, the Board approved a Communications Plan and considered a Communications Plan Timeline at its September 23, 2016, meeting.

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Support Documents:

Attachment 1 – Action Plan Timeline
Attachment 2 – Communication Plan Timeline

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Fiscal Impact: None

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Report Originator: Yvonne Fenner, 10/12/2017

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Recommended Board Action: Staff requests feedback on timelines and priorities.

Court Reporters Board of California
2015-2018 Action Plan Timeline

Attachment 1
Agenda Item VII

Action Items	Target Date	Status
Perform new occupational analysis to confirm that tested knowledge, skills and abilities are relevant to the industry	June 2017	In process
Conduct exam development workshops to produce a robust bank of test questions to safeguard the integrity of the exam	Dec 2018	Contract with OPES with 2017 calendar
Research realtime captioning standards and assess industry practices for the Board to evaluate the need for consumer protection	Sept 2018	
Educate the Governor's Office on the importance of mandatory continuing education	Dec 2016	Talking points to CCRA. Bill vetoed.
Identify entities providing court reporting services in California that are violating applicable laws and take correction action to effect compliance.	Dec 2018	AB 1660
Conduct cross-training to protect the continuity and timeliness of the consumer complaint process	Dec 2016	Started/to be completed 12/17
Educate stakeholders (such as courts, the general public and legal community) on the Board's complaint process to prevent or proactively address consumer harm	Sept 2018	Comm plan
Expand compliance and education for licensees to prevent enforcement issues.	Dec 2018	Best Practice Pointers – Developed ten
Support schools' recruitment efforts to preserve the integrity and continuity of the court reporter workforce for consumer protection	Sept 2018	Comm plan
Increase court reporter school site visits to more effectively monitor compliance with applicable laws and regulations	Dec 2018	Two sites reviewed 10/16
Launch a strategic awareness campaign in collaboration with external stakeholders (such as state bar, industry associations, law libraries, self-help centers, court Web sites, schools and legal non-profits) to educate consumers about the Board's services and standards	Dec 2018	Comm plan
Cross-train staff to protect continuity of effective and efficient service	Jan 2017	3/17 - cashiering; 9/17 - TRF
Investigate and implement strategies to increase Web site use to maximize efficiency in addressing consumer information requests	Sept 2016	Comm plan

STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

COURT REPORTERS BOARD
OF CALIFORNIA

2016 CRB Communication Plan Timeline - DRAFT

AUGUST / SEPTEMBER 2016	DELIVERABLES	NOTES
Aug. 29th - Sept. 9th	Development of Complaint Process Outreach Campaign	
	Facebook campaign highlighting bullet points about the complaint process for consumers and licensees.	OPA to create copy and taglines. PDE to develop creative to compliment campaign.
	Bi-weekly postings of a fact about the complaint process w/corresponding copy/creative if necessary. With link to CRB's webpage for the unabridged version(s). To be shared on DCA's Facebook and Twitter.	Concept style similar to Nat. Car Care Month - OPA/PDE will provide 2-3 creative concepts for CRB's review/approval. Will submit to OPA Deputy Dir. for approval. Target approval date TBD.
		Social media provides the greatest cost effective audience reach and can link back to the board's website to complete complaint form online or print the downloadable form. CRB will ask stakeholders to share Facebook posts. DCA will share on its Facebook and Twitter pages.

SEPTEMBER 2016	DELIVERABLES	NOTES
Sept. 1st - 30th	OPA to Review/Evaluate CRB's Website	
	Evaluate and suggest recommendations to CRB.	Submit to CRB via email upon receipt of approval of OPA Deputy Dir.
Sept. 19th	Submit Complaint Process Outreach Campaign Concepts to CRB	
	Facebook campaign concepts submitted to the board for review/approval.	Upon receipt of approval, OPA will flush out remianing concepts and taglines. Timing contingent upon CRB's approval/direction.

STATE OF CALIFORNIA
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DEPARTMENT OF CONSUMER AFFAIRS

COURT REPORTERS BOARD
OF CALIFORNIA

2016 CRB Communication Plan Timeline - DRAFT

OCTOBER 2016	DELIVERABLES	NOTES
Oct. 3rd - Oct. 31st	Update Launching A Career As A Court Reporter Brochure - Support School's Recruitment Efforts	
	PDE will update existing brochure and create two versions. Change cover, make it fresh/alive, add diversity e.g., Men/Women, people of color. One version primary male audience. Posted to the board's website.	CRB will consult on content copy for both versions.
Oct. 3rd - Ongoing	CRB Best Practices Video Series (10 total)	
	Video #1 - The Art of Interruption (Mock deposition live or animated).	As of 6.29.16, CRB is currently developing a script.
		Videos will be archived on CRB & DCA YouTube channels, will live on CRB's website and be shared via social media.
NOVEMBER 2016	DELIVERABLES	NOTES
Nov. 1st - Ongoing	Launching A Career As A Court Reporter - Support School's	
	Updated brochures	Distribution method, electronic only?
	Print Media	
	Article in Consumer Connection - Winter 2016 (TBD) *Court Reporter's Can Do More Beyond the Court Room*	OPA will write an article to highlight alternate career paths with a CR degree. Highlight licensees that are in "non-traditional" careers.
	Social Media	
	Social Media campaign to compliment the brochure (similar look/tone), tag CR schools & associations to encourage sharing to make viral state/nationwide. Link to corresponding brochure(s).	Concept style similar to National Nurses Week - OPA/PDE will provide 2-3 creative concepts for CRB's review/approval. Will submit to OPA Deputy Dir. for approval. Target approval date 9/16.

STATE OF CALIFORNIA
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DEPARTMENT OF CONSUMER AFFAIRS

CRB
COURT REPORTERS BOARD
OF CALIFORNIA

2016 CRB Communication Plan Timeline - DRAFT

NOVEMBER 2016	DELIVERABLES	NOTES
	Share social media posts from students and stakeholders about what they are doing with their court reporter degree.	Upon receipt of approval, OPA will flush out remianing concepts and taglines. Timing contingent upon CRB's approval/direction.
	DCA Blog post about the career versatility with a CR degree.	Post date TBD
Nov. 1st - Ongoing	**CRB Youth Focused PSA**	
	CRB PSA will focus on recruitment to underrepresented groups.	Per 6.29.16 mtg., V. Harms will contact Senator Mendoza to gage his interest in creating the PSA for CRB.
DECEMBER 2016	**DELIVERABLES**	**NOTES**
Ongoing	**Relevant Health Related Celebratory Acknowledgements**	
	Social Media Campaign (e.g., Nat. Car Care Month)	Depending on the topic CRB will either retweet posts from other entities, or tweet their own. Depending on the scope of the
Ongoing	**Relevant Health Related Celebratory Acknowledgements**	
JANUARY 2017	**DELIVERABLES**	**NOTES**
Ongoing	**Relevant Health Related Celebratory Acknowledgements**	
	Social Media Campaign (e.g., Nat. Car Care Month)	Depending on the topic CRB will either retweet posts from other entities, or tweet their own. Depending on the scope of the event (e.g., Nat. Car Care Month) OPA will create taglines and PDE will develop creative to compliment the campaign.

STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

COURT REPORTERS BOARD
OF CALIFORNIA

2016 CRB Communication Plan Timeline - DRAFT

FEBRUARY 2017	DELIVERABLES	NOTES
Feb. 11th - Feb. 18th	National Court Reporting & Captioning Week	
	Social Media Campaign (e.g., Nat. Car Care Month)	**Dates for 2017 are not posted to website yet.** Depending on the topic CRB will either retweet posts from other entities, or tweet their own. Depending on the scope of the event (e.g., Nat. Car Care Month) OPA will create taglines and PDE will develop creative to compliment the campaign.

MARCH 2017	DELIVERABLES	NOTES
Date TBD	National Consumer Protection Week	
	Social Media Campaign (e.g., Nat. Car Care Month)	**Dates for 2017 are not posted to website yet.** Depending on the topic CRB will either retweet posts from other entities, or tweet their own. Depending on the scope of the event (e.g., Nat. Car Care Month) OPA will create taglines and PDE will develop creative to compliment the campaign.

APRIL 2017 - DECEMBER 2017	DELIVERABLES	NOTES
Ongoing through 2016	Relevant Health Related Celebratory Acknowledgements	
	Social Media Campaign (e.g., Nat. Car Care Month)	Depending on the topic CRB will either retweet posts from other entities, or tweet their own. Depending on the scope of the event (e.g., Nat. Car Care Month) OPA will create taglines and PDE will develop creative to compliment the campaign.

AGENDA ITEM VIII – Future Meeting Dates

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Agenda Description: Proposed Meeting Dates

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Support Documents:

Attachment – 2017 and 2018 Board Calendars

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Current scheduled activities:

Exam Workshop:
- November 3 – 4, 2017 – Sacramento
- February 9 – 10, 2018 – Sacramento
- March 2 – 3, 2018 – Sacramento

CSR Dictation Exam:
- December 1, 2017 – Sacramento
- March 23, 2018 – Los Angeles
- July 20, 2018 – Los Angeles

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Recommended Board Action: Information exchange

A YEAR-AT-A-GLANCE CALENDAR 2017
COURT REPORTERS BOARD OF CALIFORNIA

Attachment
Agenda Item VIII

JANUARY 2017

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29	30	31 Exam-SAC				

FEBRUARY 2017

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MARCH 2017

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APRIL 2017

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MAY 2017

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JULY 2017

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AUGUST 2017

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SEPTEMBER 2017

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OCTOBER 2017

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NOVEMBER 2017

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DECEMBER 2017

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ACTIVITY

- **BD** - Board Meeting or Activity
- **Exam** - Dictation Exam
- **Workshop** - Exam Workshop
- **TF** - Task Force Meeting
- **TH** - Town Hall Meeting
- **OA** - Occupational Analysis
- **Shaded Dates - Board Office is Closed**

CITY

LA-LOS ANGELES	SAC-SACRAMENTO
SD-SAN DIEGO	SF-SAN FRANCISCO
ONT- ONTARIO	

GENERAL LOCATION

NC-NORTHERN CALIFORNIA

SC - SOUTHERN CALIFORNIA

A YEAR-AT-A-GLANCE CALENDAR 2018
COURT REPORTERS BOARD OF CALIFORNIA

JANUARY 2018

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FEBRUARY 2018

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MARCH 2018

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APRIL 2018

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MAY 2018

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JUNE 2018

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JULY 2018

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AUGUST 2018

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SEPTEMBER 2018

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OCTOBER 2018

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NOVEMBER 2018

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DECEMBER 2018

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ACTIVITY

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SC - SOUTHERN CALIFORNIA

AGENDA ITEM IX – Public Comment for Items Not on the Agenda

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Public members are encouraged to provide their name and organization (if any). The Board cannot discuss any item not listed on this agenda, but can consider items presented for future board agendas.

AGENDA ITEM X – Closed Session

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Agenda Description:

Pursuant to Government Code Section 11126(C)(3), the Court Reporters Board will convene into closed session to deliberate on disciplinary matters (stipulated settlements, default decisions, and proposed decisions).

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Fiscal Impact: None

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Report Originator: Yvonne Fenner, 10/12/2017