



DEPARTMENT OF CONSUMER AFFAIRS

**COURT REPORTERS BOARD**

OF CALIFORNIA

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**COURT REPORTERS BOARD OF CALIFORNIA  
MINUTES OF OPEN SESSION  
JULY 15, 2022****CALL TO ORDER**

Ms. Robin Sunkees, Chair, called the meeting to order at 9:30 a.m. The public meeting was held at Department of Consumer Affairs, HQ2 Hearing Room, 1747 North Market Boulevard, Sacramento, CA 95834, and via a teleconference platform.

**ROLL CALL**

**Board Members Present:** Robin Sunkees, Licensee Member, Chair  
Davina Hurt, Public Member, Vice Chair  
Arteen Mnayan, Public Member  
Denise Tugade, Public Member

**Board Members Absent:** Laura Brewer, Licensee Member

**Staff Members Present:** Yvonne K. Fenner, Executive Officer  
Michael Romero, Board Counsel  
Grace Arupo Rodriguez, Legal Affairs Assistant Deputy Director  
Danielle Rogers, Regulations Counsel  
Paula Bruning, Executive Analyst

Board staff established the presence of a quorum.

**1. WELCOME NEW BOARD MEMBER – ARTEEN MNAYAN**

Ms. Sunkees welcomed new public Board member, Arteen Mnayan. Mr. Mnayan is an attorney in the Land Use and Public Policy, Regulatory & Political Law practice of Mayer Brown LLP's Los Angeles office. He primarily represents investors and developers in all aspects of the real estate entitlement and development process, focusing on land use entitlement matters, helping developers navigate state and local regulations and authorities, government outreach, and California Environmental Quality Act compliance. Additional details regarding Mr. Mnayan's background may be found on the Board's website.

## 2. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

Priscilla Gwaltney, Chair of the California Court Reporters Association (CCRA) Support Our Students Committee, requested information pertaining to the Board's exam. It was requested that she address her questions and concerns during the exam update portion of Agenda Item 5, Report of the Executive Officer.

Charlotte Mathias requested more frequent communication from the Board be disseminated to licensees and consumers.

## 3. REVIEW AND APPROVAL JANUARY 26, 2022, MEETING MINUTES

*Ms. Hurt moved to approve the minutes. Ms. Tugade seconded the motion. Ms. Sunkees called for public comment. No comments were offered. A vote was conducted by roll call.*

For: Ms. Hurt, Ms. Tugade, and Ms. Sunkees

Opposed: None

Absent: Ms. Brewer

Abstain: None

Recusal: Mr. Mnayan

### ***MOTION CARRIED***

## 4. DEPARTMENT OF CONSUMER AFFAIRS UPDATE

Brian Clifford of the Department of Consumer Affairs (Department/DCA) Executive Office provided a Department update.

### Open Meeting Act Legislation

Mr. Clifford shared that the Governor signed Senate Bill 189 on June 30, 2022, which reinstates the remote meeting provisions of the Bagley-Keene Open Meeting Act that were in place during the pandemic. The changes took effect immediately upon signing. He added that DCA is still asking boards to complete the public meetings survey to track costs for board meetings within 30 days following each meeting in order to be able to compare costs for in-person and WebEx meetings since this legislative change is only until July 1, 2023.

### In-Person Meeting Guidelines and COVID-19 Safety Measures

Mr. Clifford provided safety measure reminders, best practices, and recommendations for holding in-person meetings. These included the recommendation for face coverings and signage for indoor settings as well as vaccination and testing requirements.

### Enlighten Licensing Project

Mr. Clifford reported that the inaugural report of the Enlighten Licensing Project is now available and was distributed to all boards and bureaus on May 13, 2022. The collaborative project is expected to streamline and enhance licensing processes by utilizing the knowledge and expertise of subject matter experts within the boards and bureaus. The Department reviewed the recommendations of an assessment conducted by the Board of Registered Nursing on June 1, 2022, in an effort to learn from and implement

recommendations. The project will next focus on Enforcement using similar processes to implement the program.

### Regulations

Mr. Clifford stated that DCA also held a meeting on July 5, 2022, with executive officers and bureau chiefs to roll out changes to DCA's regulation development and approval process. These changes were also discussed and approved by DCA's Executive Officer and Bureau Chief Cabinet. DCA shared documentation on the process and changes with all boards and bureaus.

### Board and Bureau Relations Departures

Mr. Clifford reported personnel changes within the Board and Bureau Relations Unit. Carrie Holmes, Deputy Director of Board and Bureau Relations, left DCA on May 13, 2022. Additionally, Brianna Miller has accepted another position and left DCA on June 10, 2022. DCA appreciates the support and service Brianna and Carrie have provided to our boards and bureaus. They have both been a huge asset to the Department. He assured the Board that, during this transitional period, DCA Executive Office and Board and Bureau Relations will continue to ensure continuity of services to all DCA boards and bureaus.

### Board Leadership Quarterly Meeting – July 26, 2022

DCA will be holding its Summer Board Leadership Meeting on July 26, 2022. These quarterly meetings are attended by board presidents and vice presidents, executive officers, and DCA leaders and provide the opportunity to discuss important and emerging issues as a group. He invited suggestions for agenda items for the upcoming meeting.

### Final 2022 Board Member Orientation Training (BMOT)

Mr. Clifford reminded the Board that its members are required to complete BMOT within one year of appointment and re-appointment. The final training of 2022 will be offered on October 12, 2022. Members can register through DCA's Learning Management System (LMS).

Mr. Clifford extended the hand of the Department to assist with anything the Board needs.

## 5. REPORT OF THE EXECUTIVE OFFICER

Ms. Fenner stated that the Board is in the process of transferring its communications from a newsletter to its social media pages. It was determined that the production of a newsletter was approximately six or more weeks and that many of the articles are stale by the time they are published. It is hoped that the new way of disseminating CRB news will allow it to be more accurate and timely.

### 5.1 CRB Budget Report

Ms. Fenner provided a review of the Board's budget and referred the Board to page 22 of the Board agenda packet for the expenditure projections for fiscal month 11.

In response to Ms. Hurt, Ms. Fenner reported that the receptionist position was filled on May 1, 2022, leaving no further vacancies.

Ms. Sunkees inquired about the negative balance for line items Printing, Communications, and Postage. Ms. Fenner explained that projections are based on the prior year's expenditures and sometimes the spending is not aligned exactly as projected. Provided the bottom line is not exceeded, the individual line items are insignificant.

Ms. Mathias expressed a hope that the Board is collecting enough fees from firm registration to include enforcement for the firms.

Ms. Fenner stated that the Board has more than \$234,000 projected to not be spent this fiscal year, so budgeting for enforcement will not be an issue. Funding left over will revert to the Board's fund balance. She referred to the overall fund condition on page 23 of the Board agenda packet, which currently indicates there are 9.1 months in reserve for economic uncertainties. She added that the one-time grant of \$500,000 from the General Fund for the Transcript Reimbursement Fund (TRF) will reduce the cost for the Board's fund for a couple of years.

Ms. Hurt commended the Board and staff for their years of discipline in spending to reach a working budget as well as attain critical accomplishments.

## 5.2 Transcript Reimbursement Fund

Ms. Bruning indicated that Business and Professions Code section 8030.10 required a report be provided to the Legislature by July 1, 2022. The report can be found on the Board's website.

Ms. Bruning provided statistics for the end of fiscal year 2021/22, reporting that the TRF paid out more than \$60,000 for pro bono invoices from approximately 90 applications. She commented that the number of applications had decreased from the prior fiscal year, possibly because the reopening of the TRF in November 2020 brought in a flood of applications being held during the two-year closure. In contrast, the pro per applications had actually picked up pace and had more than doubled from the prior fiscal year. The fiscal year closed out with more than \$27,000 in paid invoices with nearly \$19,000 provisional approvals pending receipt of invoices.

Ms. Bruning reiterated that the Legislature allocated an additional one-time \$500,000 transfer to the TRF from the General Fund.

## 5.3 Enforcement Activities

Ms. Fenner referred to the enforcement statistics starting on pages 25 and 26 of the Board agenda packet. She indicated that numbers have remained consistent over the last few years.

## 5.4 Exam Update

Ms. Fenner stated that another batch of skills exams had been developed, pretested, and recorded. She and Ms. Sunkees expressed gratitude to Board and DCA staff for their contributions toward this huge undertaking. Ms. Fenner indicated that the overall exam statistics began on page 27 of the Board agenda packet.

Ms. Fenner provided responses to questions and comments from by Ms. Gwaltney during Agenda Item 2. Regarding the first question, she stated that immediate test results from the test provider would not be provided to candidates because the testing system cannot compare a four-voice colloquy accurately against the master test document. Therefore, all dictation examinations have to be graded by hand. Pertaining to a subsequent comment, Ms. Fenner stated that it would be up to the Board to determine if they wanted to offer an in-person dictation exam once per year. Ms. Hurt noted that the number of people taking the test each time has decreased significantly making it difficult to fund in-person testing. Additionally, COVID concerns currently played a role in holding tests in person, however, she would like to consider this a possibility in the future. Ms. Tugade commented on the need for accessibility and different types of test takers. She also would like to consider in-person testing in the future. Lastly, Ms. Fenner stated that she would follow up with staff to determine if it is possible to list which schools were attended by the candidates who qualified for the California test via the "RPR". She stated that the business modernization project may increase the ability to provide more statistical details.

Ms. Gwaltney clarified that she wanted to know why students do not receive their examination score instead of pass or fail.

Jocelyn Epperson, Downey Adult School, commented that candidates may attend multiple schools but the last school they attended and qualified through is listed on the statistics. Conversely, although the school they qualified through is listed, it doesn't mean the candidate has continued to attend school. She further commented that candidates are requesting more details on their errors from the exam so they may focus on those problems before the next test. Students were provided a score before the test was moved online.

Ms. Fenner stated that the Board's dictation exam is not in place to provide feedback on where candidates need to improve. She suggests candidates write, transcribe, and then analyze their notes to find their area of errors. Ms. Hurt suggested candidates also work with mentors and educators.

Ms. Hurt inquired if the state associations had provided feedback about the exam or potential for more candidates. Ms. Fenner stated that CCRA and the California Deposition Reporters Association (CalDRA) have mentor groups and are participating in the National Court Reporters Association (NCRA) A to Z program.

Ms. Fenner reported that there are 92 candidates for the current dictation exam cycle, of which 36 are first-time candidates. She expressed satisfaction with the stability of the pass rate for first-time candidates.

Ms. Fenner referred to the results for the two written portions of the license exam, English and Professional Practice, starting on page 29 of the Board agenda packet. Ms. Tugade noted the increase in the English test pass rate for the November 2021 through February 2022 exam cycle. She looked forward to receiving more details on who the candidates are that are passing the exams.

## 5.5 Business Modernization

Ms. Fenner reported that the Board received a grant of \$930,000 from the Technology Modernization Fund to upgrade the exam and licensing software. The fund is administered through the California Department of Technology (CDT) and was established to make immediate investments in IT that will yield quick and meaningful results for the people of California. Agreement documents are being processed between CDT and DCA, and then project planning will begin in approximately 9 to 12 months. She thanked Board staff and DCA's Project Delivery and Administrative Services staff for all of their assistance toward the project request.

Ms. Hurt inquired if additional staff was needed for the heavy lift expected for the upcoming project. Ms. Fenner commented that there is room to share the burden with the newest staff member. She added that it is possible to add another half-time position to again assist with the TRF, allowing existing staff to also help with the project.

The Board expressed appreciation to Board and DCA staff for continuing to work toward the modernization project for both consumers and licensees.

## 6. LEGISLATION

Ms. Fenner stated that information regarding the bills the Board tracked during the last legislative session could be found beginning on page 33 of the Board agenda packet. She noted that a number of bills are two-year bills for which more details would be available at the next meeting.

6.1 AB 225 (Gray) – No discussion.

6.2 AB 646 (Low) – No discussion.

6.3 AB 1662 (Gipson) – No discussion.

6.4 AB 1733 (Quirk) – Ms. Fenner reported that the bill would allow remote meetings to be an option for boards. It is not, however, expected to move forward since the provisions are addressed in SB 189.

6.5 SB 189 (Committee on Budget and Fiscal Review) – Ms. Fenner indicated that the bill was signed by the Governor on June 30, 2022. It contains the provisions that allow remote attendance for board meetings.

Additionally, the firm registration language was amended in SB 189 to clarify that all non-CSR-owned entities, regardless of business type, must register with the Board. Secondly, it affirmatively set the fee for registration at \$500 until January 2025, which takes the pressure off passing the regulation package for setting the fee.

As a reminder to the Board, SB 241 (Umberg) was signed into law last September. Board staff immediately began working on implementation. During that process, some ambiguity was discovered about which type of business entities needed to register with the Board. While staff searched for a legislative fix to this problem, staff

continued working with the various DCA entities to update the databases to add the new license type to the Board's DOS-based system. Staff also began working on a regulation to set the fee for registration application. When public comment was received on the fee regulation, the next step was to set a Board meeting to approve the response to the comments. At that point in time, staff were required to meet in person and today was the first date that a quorum was available to meet in person.

Subsequently SB 189 was amended to set the fee for firm registration. This allowed the Board to accept the applications, but processing of applications had to wait for the bill to be signed before accounting could request approval of the new accounting code. This coincided with the end of the fiscal year, which is an incredibly busy time for accounting. On a positive note, applications have been received and staff has begun processing them. Anyone can check to see if a firm is registered by using the License Lookup button on our website. To see a list of all registered firm, they can use the drop-down menu under license type to select Court Reporter Firm. An email will go out Monday to let our email subscriber list know that we are up and running.

Ms. Fenner stated that Board staff has been on a journey with a million moving parts. Staff tried to share what it knew as it was certain but did not want to post information on the Board website that would be wrong or outdated within days. Website changes have to go through DCA's Internet Team, and although they are incredibly responsive to our requests to make urgent changes, these things typically do take time.

Ms. Fenner added that a lot of people helped to get the important clarification language in SB 189. She thanked the Governor's Office, the Speaker's Office, the Pro Tem's Office, and Business and Professions Committees of the Senate and the Assembly. She also thanked the Department of Consumer Affairs, from the Director, to the Legal and the Legislative Divisions, and all the people that made the database changes happen. She expressed appreciation to DRA and CCRA for their legislative support and in helping to get accurate information out to their members when it became available.

Staff continues to work through the implementation stage, which is a dynamic process. Changes have already been made to the applications to make them clearer regarding who needs to sign the application. The Board will continue to get the word out to firms so they know it's time to register. The initial bill, SB 241, gave the Board six months to have a list of registered firms up on its website. While it is not believed that it will take six months to get the word out, clearly this is a process.

Ms. Hurt thanked everyone who contributed to making firm registration a reality. She indicated that firm registration is an important part of leveling the field for court reporting, which the Board has worked toward for many years. She requested grace for the Board and its staff as it gets over the last of the hurdles of implementation.

Kimberly D'Urso, Protect Your Record Project (PYRP), asked if the Reporter in Charge (RIC) would be identified on the Board's website, or if the firm can keep that information confidential. She also inquired if the RIC can be a silent partner of the firm. Ms. Fenner responded that the RIC will be part of the License Lookup.

Noelle Ottoboni expressed concerns that the registration list would be used to exclude CSR-owned entities that choose to not register. She requested the Board make it easier to find legitimate CSR-owned firms by having just one list that includes all licensees and firms. Ms. Fenner commented that CSR-owned entities may voluntarily register without paying a fee and therefore, be included on the firm registration list. Since they are different license types, there is a distinction between licensees and registered firms.

Jamie Asbury, CalDRA, acknowledged there would be bumps during the rollout of firm registration and offered support by disseminating information to its members as it becomes available. She thanked the Board and everyone who has worked toward this impactful endeavor.

Kelly Shainline, PYRP, asked if each firm under a parent company be required to register. She explained that some large firms have acquired smaller firms. Ms. Fenner responded that she would look into the matter.

Ms. Mathias asked if there were any firms approved for registration at the time of the meeting. Ms. Fenner responded that there were approximately 90 applications received, half of which were from CSR-owned firms. She added that approximately 24 firms had been approved.

Ms. Mathias asked if the Board would require complaints to stop firms from offering services even if it knows that the firm is not registered. Ms. Fenner stated that the Board would address non-registered firms as they come to the Board's attention.

Ms. Mathias asked if it was true that the Board would not discipline court reporters for working for firms or discipline unregistered firms for providing services until the firms are registered. Ms. Fenner stated that the Board looks at the facts for each complaint on an individual basis and cannot make a broad statement about what it will or will not do. She encouraged others to consider whether the registration is even available to be looked at yet. Ms. Sunkees added that this is a new program and stressed the need for everyone to give time to allow everything to be implemented. The Board is not here to punish people but here to ensure people are following the rules.

Mary Pierce, CalDRA, inquired if licensees should operate as they did prior to July 1, 2022, until a list is available. Grace Arupo Rodriguez, DCA Legal Affairs Assistant Deputy Director, stated that the law as clarified just went into effect July 1, 2022. The Board is in the process of accepting registrations for these firms. The Board is not going to affirmatively say yes or no since complaints are evaluated on a case-by-case basis. Working for a firm that is not on the firm registration list is only one aspect in considering discipline. Staff is working diligently and will disseminate information as soon as it is available. She thanked everyone for their interest and passion.

***The Board took a break at 11:11 a.m. and returned to open session at 11:25 a.m.***

Holly Moose stated that the issue of an unlevel playing field was first recognized approximately 25 years ago when the gift-giving problems came to light. She thanked



the Board for hanging in to resolve the issues and for pursuing firm registration. She agreed with the request for one list of agencies that are approved to work for.

Jo Anne Bryce requested the Board define “wholly owned” for the registration. She stated that there are several entities that believe they are wholly owned, but they have non-CSR officers in their firms.

The Board encouraged stakeholders to call or email the Board if they have additional questions or comments.

6.6 SB 848 (Umberg) – No discussion.

6.7 SB 1237 (Newman) – No discussion.

6.8 SB 1365 (Jones) – No discussion.

6.9 SB 1424 (Nielsen) – No discussion

6.10 SB 1443 (Roth) – Ms. Fenner reported that the bill extended the sunset date for the Board, among other boards, that were up for sunset review. She inquired if the Board would like to take a position on this bill and send a letter to the author’s office. The bill is noncontroversial and would need to be considered before the end of the legislative cycle.

Ms. Hurt moved to instruct staff to prepare a letter to support SB 1443. Ms. Tugade seconded the motion. Ms. Sunkees called for public comment. No comments were offered. A vote was conducted by roll call.

For: Ms. Hurt, Mr. Mnayan, Ms. Tugade, and Ms. Sunkees

Opposed: None

Absent: Ms. Brewer

Abstain: None

Recusal: None

### ***MOTION CARRIED***

## 7. REGULATIONS

### Title 16, Section 2450 – Fee Schedule

Ms. Fenner indicated that the passage of SB 189 obviated the need for the urgent passage of the fee regulation package under this agenda item since the law set the fee for firm registration until 2025. Taking into consideration the substantial time and work already completed thus far, she recommended the Board move forward with completing the current package. She added that a separate package could be proposed in the future if need arose for further clarification of the law.

The Board agreed to move forward with the current regulatory package for setting the firm registration fee.

Ms. Rogers reported that the Board held a public hearing on May 31, 2022. Although no one appeared to offer comments, a written comment was received. The Board must consider and approve the proposed responses to the comments before the final regulations package may be submitted to the Office of Administrative Law.

Ms. Mathias inquired how the estimated number of firms was determined when the regulatory package was drafted. Ms. Fenner responded that the Board had no way of knowing how many firms would register. She stated the estimated number was moot because the Board will accept applications from anyone who wishes to register regardless of how many.

*Mr. Mnayan moved to approve the responses drafted to address public comments received during the 45-day comment period on the Board's proposed text, and direct staff to take all steps necessary to complete the rulemaking process, including authorizing the Executive Officer to make any non-substantive changes to the proposed regulation before completing the rulemaking process, and adopt the proposed text of 16 CCR section 2450 as noticed. Ms. Hurt seconded the motion. Ms. Sunkees called for public comment.*

Ms. Ottoboni asked the Board to consider using part of the firm registration fee toward offering the dictation exam in-person once per year.

A vote was conducted by roll call.

For: Ms. Hurt, Mr. Mnayan, Ms. Tugade, and Ms. Sunkees

Opposed: None

Absent: Ms. Brewer

Abstain: None

Recusal: None

### ***MOTION CARRIED***

## 8. LICENSURE OF VOICE WRITERS

Ms. Fenner indicated that since the last meeting, she had been speaking with stakeholders and legislative staff on the licensure of voice writers. She has also been looking at the language used in other states that already license voice writers. She was happy to report that support seems to be growing as people begin to understand that voice writers do the same job as steno writers, just using their voice rather than their hands.

Natalie DL commented that she was a machine writing student for many years, even reaching high speeds, until she had a stroke. She started speed building again but switched to voice writing because she still had problems with her finger. She thanked the Board for considering voice writing as an option because she loves it.

Rebecca Larsen also started as a machine writing student and switched to voice writing. She was offered an opportunity to try voice writing and was able to proceed more quickly. She believed her steno training allowed her to grasp the concepts more quickly. She just received her Certified Verbatim Reporter (CVR) certification from the National Verbatim Reporters Association and looks forward to being able to work in California. Ms. Larsen

also shared that she found 33 jobs posted for reporters on LinkedIn, 11 of which are for digital reporters. She urged the Board move quickly on licensing voice writers.

Ms. Hurt stated that licensing voice writers would help differently-abled individuals pursue a pathway to licensure. She suggested the Board appoint a task force to review and act on the legislation requirements between Board meetings.

Ms. Sunkees appointed herself and Ms. Hurt to co-chair the Voice Writers Task Force.

## 9. STRATEGIC PLAN

Ms. Fenner pointed to the update action plan for the Board's strategic goals on page 50 of the Board agenda packet. She invited input on new prioritization of the goals. She pointed out that the current plan was developed prior to the pandemic and there may be other objectives the Board would like to focus on considering how business has changed over the last couple of years. She stated that the Board may want to consider scheduling a strategic planning session in the spring even though the plan is good through the end of 2023.

Ms. Tugade recognized the Board and staff for its tremendous achievements.

Ms. Hurt also thanked staff for working on all the action items in addition to a number of legislative matters. She asked if there were opportunities to integrate things such as investigating real-time captioning standards into the sunset review process or have a deeper discussion about these items. Ms. Fenner stated that the Board would first have to prove a need for regulating captioners and go through a legislative process called a sunrise review. Ms. Arupo Rodriguez commented that a sunrise review would be held similarly to the sunset review with a lot of preparation time and legislative hearings over approximately one year.

Mr. Mnayan expressed that he looked forward to contributing to the next strategic plan.

## 10. ELECTION OF OFFICERS

Ms. Sunkees called for election of officers.

*Ms. Hurt nominated Ms. Sunkees as chair. Ms. Tugade seconded the motion.* Ms. Sunkees called for public comment. No comments were offered. A vote was conducted by roll call.

For: Ms. Hurt, Mr. Mnayan, Ms. Tugade, and Ms. Sunkees

Opposed: None

Absent: Ms. Brewer

Abstain: None

Recusal: None

***MOTION CARRIED***

Ms. Tugade nominated Ms. Hurt as vice-chair. Mr. Mnayan seconded the motion. Ms. Sunkees called for public comment. No comments were offered. A vote was conducted by roll call.

For: Ms. Hurt, Mr. Mnayan, Ms. Tugade, and Ms. Sunkees  
Opposed: None  
Absent: Ms. Brewer  
Abstain: None  
Recusal: None

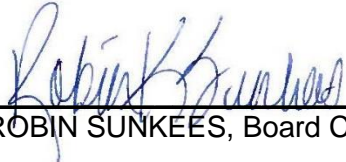
***MOTION CARRIED***

11. FUTURE MEETING DATES

Ms. Sunkees stated staff would poll the Board members offline for calendar availability for the next meeting.

ADJOURNMENT

Ms. Sunkees adjourned the meeting at 12:16 p.m.

  
\_\_\_\_\_  
ROBIN SUNKEES, Board Chair

12/14/22  
DATE

  
\_\_\_\_\_  
YVONNE K. FENNER, Executive Officer

12/14/22  
DATE