



DEPARTMENT OF CONSUMER AFFAIRS

COURT REPORTERS BOARD

OF CALIFORNIA

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**COURT REPORTERS BOARD OF CALIFORNIA
MINUTES OF OPEN SESSION
DECEMBER 14, 2022****CALL TO ORDER**

Ms. Robin Sunkees, Chair, called the meeting to order at 9:00 a.m. The public meeting was held via a teleconference platform and a physical meeting location was not provided.

ROLL CALL

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

Staff Members Present: Yvonne K. Fenner, Executive Officer
Michael Romero, Board Counsel
Danielle Rogers, Regulations Counsel
Paula Bruning, Executive Analyst

Board staff established the presence of a quorum.

1. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

Misty Klapper, CSR, requested the Board address the issue of expedite fees for copy sales.

2. REVIEW AND APPROVAL JULY 15, 2022, MEETING MINUTES

Ms. Hurt moved to approve the minutes. 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: None

Abstain: Ms. Brewer

Recusal: None

MOTION CARRIED

3. DEPARTMENT OF CONSUMER AFFAIRS UPDATE

Daryl Holloway of the Department of Consumer Affairs (Department/DCA) Division of Legislative Affairs provided a Department update.

New Staff at DCA

DCA leadership was recently appointed by the Governor. Melissa Gear is now serving as DCA's new deputy director of Board and Bureau Relations. Also, Yvonne Dorantes began serving as the new assistant deputy director of Board and Bureau Relations.

Additionally, Kathleen Nicholls was sworn in as chief of the Division of Investigation.

DCA Diversity, Equity, and Inclusion Steering Committee

Director Kirchmeyer established the Department's first diversity, equity, and inclusion steering committee (DEI committee) to guide the Department in its equity strategy, initiatives, and action plans. The DEI committee held its official kick-off meeting on November 9, 2022, and will convene its second meeting in January 2023.

The committee will focus on three core areas: workforce, workplace, and marketplace.

Strategic Planning

Effective July 2023 and beyond, Governor Newsom's executive order requires that strategic plans be developed or updated to more effectively advance equity and drive outcomes that increase opportunities for all. DCA is revising its strategic planning processes to incorporate more inclusive public engagement, data analysis, and embedding diversity, equity, and inclusion into the planning process. The DEI committee will inform the strategic planning process, and DCA will begin implementing the revised process and working with Boards by March 2023.

New DCA Strategic Plan and Logo

On November 2, 2022, DCA released its 2022-2027 Strategic Plan as well as unveiled its new logo. The new plan and logo represent the next chapter and future of the Department.

Our Promise Campaign

DCA is taking part in the annual Our Promise: California State Employees Giving at Work campaign. The campaign is celebrating 65 years of caring for California communities. Board and staff members are encouraged to participate in supporting non-profits of their choice.

Board Member Travel

As a reminder, state travel must be arranged through DCA's approved travel agency, CalTravelStore, also known as Concur. The most economical fares must be selected when traveling on state business.

Required Board Member Training

Board members are required to complete the Board Member Orientation Training (BMOT) within the first year of appointment and reappointment. Additionally, Ethics Training must be completed within six months of appointment and repeated every two years. Sexual Harassment Prevention Training is required within the first year and every two years.

Lastly, Defensive Driver Training must be completed within the first year and every four years.

Partnership with the State Controller's Office

DCA is partnering with the State Controller's Office to share information with consumers and certain licensees about the Unclaimed Property program. Many DCA licensees will benefit from this partnership as it will educate them about their responsibilities to report unclaimed property and assist with compliance. The program is also a great resource for all consumers to locate their unclaimed property.

4. REPORT OF THE EXECUTIVE OFFICER

4.1 CRB Budget Report

Ms. Fenner provided a review of the Board's budget and referred the Board to page 20 of the Board agenda packet for the expenditure projections for fiscal month 3.

Ms. Hurt inquired if there would be any cost increases with the testing vendors. Ms. Fenner responded that the skills exam vendor, Realtime Coach, is currently under a two-year contract. Recent cost changes to the written knowledge exam contract with PSI are reflected in the report.

Ms. Fenner referred to the Board's overall fund condition on page 21 of the Board agenda packet, stating that the months in reserve balance provides a stable outlook.

4.2 Transcript Reimbursement Fund

Ms. Bruning indicated that the applications continue to be received for the Transcript Reimbursement Fund, primarily from pro per applicants. She reiterated that the Legislature allocated an additional one-time \$500,000 transfer to the TRF from the General Fund.

4.3 Enforcement Activities

Ms. Fenner referred to the enforcement statistics starting on pages 23 and 24 of the Board agenda packet. She indicated that data included complaints against licensees and firms.

Ms. Hurt noted that the number of cases referred to the AG's office were very low. Ms. Fenner reported that across the Department, the number of complaints that are rising to the level of AG referral is trending down.

Ms. Brewer asked if there was a reason for the uptick in complaints received since July. Ms. Fenner responded that it was likely due to the addition of firm registration.

4.4 Firm Registration Implementation

This item was heard out-of-order following Agenda Item 4.5 and break.

Ms. Fenner reported that there were 201 registered firms including licensee owned and non-licensee owned firms. Staff continues to educate and bring into compliance non-registered firms about the registration requirement as they are discovered.

4.5 License Exam

Ms. Fenner indicated that the overall exam statistics began on page 25 of the Board agenda packet. She stated that 81 candidates that took the most recent skills exam, of which 28 were first-timers.

Ms. Hurt inquired if there were any trends or barriers for the passage of the English exam. Ms. Fenner stated that candidates need a relatively high level of proficiency in the English language to be successful as a court reporter. Although there are many bilingual reporters, the occupation is not as friendly to non-native-English speakers.

Ms. Tugade asked if voice writers were included in the most recently skills exam and how they performed on the test. Ms. Fenner stated that six candidates were admitted to the exam, of which four successfully uploaded completed tests. Results would be sent out soon.

Ms. Fenner requested participants for all four phases of the exam development workshops. She asked licensees to consider responding to the recruitment emails if they are able to help keep the license exam up-to-date and relevant. Some workshops are in-person, and some are remote.

Ms. Fenner stated that there was a good amount of responses to the Board's occupational analysis survey. However, the DCA Office of Professional Examination Services (OPES) requested to send out an additional 1,000 surveys and extended the response deadline to January 6, 2023.

Ms. Fenner reported that OPES had recently inquired if the Board would be interested in combining the two written examinations. Instead of the English and Professional Practice exams each being 100 questions each, they proposed a combined test of 150 questions. OPES shared concerns over the English exam pass rate. Ms. Fenner reiterated the need for a high level of English proficiency for court reporters. She stated the Board may want to include the proposal during its next strategic planning session. Board members agreed to having a full discussion with additional data at a later meeting or planning session.

The Board took a break at 9:46 a.m. and returned to open session at 9:55 a.m.

4.6 Business Modernization

Ms. Fenner stated that Business Modernization would be referred to as Technology Modernization (Tech Mod) going forward. Ms. Kale has updated the business processing mapping to include voice writers and the firm registration process. The California Department of Technology is drafting contract documents for execution in early 2023.

The Board expressed appreciation to Board and DCA staff for their continued efforts.

5. LEGISLATION

Ms. Fenner stated that information regarding the bills the Board tracked during the last legislative session could be found beginning on page 31 of the Board agenda packet.

- 5.1 AB 156 (Committee on Budget) – Ms. Fenner reported that the bill was signed and chaptered on September 27, 2022, and allows the Board to license voice writers. Six voice writer candidates met the October 1, 2022, examination application deadline.

Ms. Fenner commended Ms. Kale for implementing the new legislation so quickly, having worked with the test vendor, the proctor subcontractor, and on updating the examination application.

She also expressed appreciation to the National Verbatim Reporters Association (NVRA) for their continued support during the process. Head of testing at NVRA, Linda Winfrey, assisted in getting the test up and running. NVRA President Maranda Sullivan-West tested the exam and worked with the proctor instructions.

The second part of AB 156 affecting the court reporting industry and the Board was the addition of “stenographer,” “reporter,” “court reporter,” “deposition reporter,” and “digital reporter,” to the list of protected terms. It is hoped this clarification will help attorneys and litigants be sure they are getting the services of a licensed court reporter for their deposition.

Ms. Brewer expressed her gratitude for all those who helped this bill along.

Ms. Fenner reported that bills for the next legislative year were beginning to be collected.

Ms. Hurt requested a report of how the Board contributed to AB 177 (Committee on Budget. Public Safety). Ms. Fenner stated that the Board did not track or take a position on AB 177 but did later become involved in a mandated work group with Judicial Council to explore remote reporting and court reporter supply issues. Ms. Sunkees was appointed as a member of the task force and Ms. Fenner attended the meetings as a member of the public. The two gave a presentation detailing the current number of court reporters and how the licensure of voice writers might turn the downward trend around. The group met over the summer and completed their report which recommends the courts pursue legislation for remote reporting for court proceedings. The Board will have an opportunity to take a position on any language that comes forward in a future legislative bill regarding the subject.

- 5.2 AB 225 (Gray) – No discussion.

- 5.3 AB 646 (Low) – No discussion.

- 5.4 AB 1662 (Gipson) – No discussion.

- 5.5 AB 1733 (Quirk) – No discussion.

- 5.6 SB 189 (Committee on Budget and Fiscal Review) – No discussion.

- 5.7 SB 848 (Umberg) – No discussion.
- 5.8 SB 1237 (Newman) – No discussion.
- 5.9 SB 1365 (Jones) – No discussion.
- 5.10 SB 1424 (Nielsen) – No discussion
- 5.11 SB 1443 (Roth) – No discussion.

6. REGULATIONS

Title 16, Section 2450 – Fee Schedule

Ms. Rogers reported that September 23, 2022, the Office of Administrative Law (OAL) approved the regulation amendments to set the fee for firm registration. A link to the approved language was posted to the Board's website under the Firm Registration tab.

Title 16, Section 2411 – Voice Writing Skill Curriculum

Ms. Rogers reported that the passage of AB 156 allowed for the licensure of voice writers in California. The Voice Writers Task Force met to develop the curriculum for the skills portion of the prescribed course of study for approval by the full Board. She stated the proposed regulatory language was provided in the Board agenda packet starting on page 34.

Ms. Brewer suggested amendments to the language. Ms. Fenner stated that OPES suggested the Board remove any reference to equipment specific to voice writers or stenographic writers since it will not apply to both. She agreed that any reference to stenographic notes should be amended to "stenographic or voice notes." She had requested the task force only look at the skills portion of the language; however, it is now evident that she should have requested they review the academics as well.

Ms. Hurt thanked Margaret Ortiz, Linda Winfrey, and Jocelyn Epperson for their participation on the task force.

The Board agreed to the following additional amendments to the proposed regulatory language:

- Section 2411(d)(2)(C) – Management of pertinent records, including stenographic and/or voice notes, work sheet, financial records, daily reporting jobs, exhibits, and transcripts.
- Section 2411(i)(3) – The student shall demonstrate the ability to produce a transcript from the student's own stenographic and/or voice notes in compliance with the Minimum Transcript Format Standards.
- Section 2411(i)(4) – The student shall spend a minimum of 10 hours in realtime writing. The student shall also demonstrate the ability to set up and connect the components to provide interactive realtime. Interactive realtime is defined as the student outputting to a second ~~computer~~ device.

- Section 2411(i)(5) – The student shall demonstrate knowledge of how to prepare an electronic file from the student's own stenographic and/or voice notes.
- Section 2411(j) – “Interactive realtime” is defined as the student outputting to a second computer device.”

Ms. Hurt moved to approve the proposed regulatory text for section 2411 with the additional amendments outlined above; 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 a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the executive officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at section 2411 as noticed. Ms. Brewer seconded the motion. Ms. Sunkees called for public comment. No comments were offered. A vote was conducted by roll call.

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

Opposed: None

Absent: None

Abstain: None

Recusal: None

MOTION CARRIED

7. SUNSET REVIEW

Ms. Fenner reported that SB 1443 (Roth) extended the Board's sunset date to January 1, 2025. The Board's sunset review hearing with the Legislature will be held in the spring of 2024, which means its sunset review report will be due around the end of 2023. Although staff will provide much of the data for the report, the Board's input will be essential in responding to the issues in the last sunset review as well as identifying future issues confronting the Board. The members decided to participate in the process as a Board versus appointing a task force.

Kimberly D'Urso, President, Protect Your Record Project, asked when input can be submitted regarding the Board's sunset review. Ms. Fenner responded that the Board's meetings to develop the the sunset review report will be publicly noticed, at which time input may be provided to the Board. Additionally, input may be submitted to the Legislature during the legislative hearings in 2024, which have not yet been scheduled.

8. STRATEGIC PLAN

Ms. Fenner pointed to the updated action plan for the Board's strategic goals on page 43 of the Board agenda packet. She invited input on new prioritization of the goals as a result of events that have happened since the plan was developed. The Board has tentatively scheduled to meet for its strategic planning session and meeting on March 28 – 29, 2023. Ms. Fenner reiterated the need to address diversity and inclusion as directed by the Governor's Office.

Ms. Brewer reminded the Board that it may discuss the OPES question about combining the two written exams.

Ms. Hurt asked if the status for investigating real-time captioning standards be updated to "Ongoing" or something else. Ms. Fenner stated that strategic goals target dates were developed before the pandemic. In addition, the Board was tasked with firm registration and voice writing during the current strategic plan term. As a result, staff was not able to accomplish all the action plan goals. When the Board meets for its next strategic planning session, it will review the initiatives that were not accomplished and determine if they are still pertinent to the industry and the Board's priorities.

9. FUTURE MEETING DATES

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

The Board convened into closed session from 11:00 a.m. to 11:25 a.m.



10. CLOSED SESSION

10.1 Pursuant to Government Code section 11126(a)(1), the Board met in closed session to conduct the annual evaluation of its executive officer.

10.2 Pursuant to Government Code section 11126(c)(3), the Board may meet in closed session to discuss or act on disciplinary matters. This item was deferred as there were no cases to review.

ADJOURNMENT

Ms. Sunkees adjourned the meeting at 11:25 a.m.

	<u>3/28/2023</u>		<u>3/28/2023</u>
ROBIN SUNKEES, Board Chair	DATE	YVONNE K. FENNER, Executive Officer	DATE