Message from the Chair

Davina Hurt

The Right Things

Sometimes it’s difficult to know if you are doing the right thing, despite good intentions, persistence, and hard work. It’s often difficult to know what the right thing even is when one has to balance multiple interests with little means. Or, one needs to pick up the pieces of meaningful, well-planned work shattered by another’s mistake or great omission. In fact, there are times when we can’t really know for sure until time passes and we look back to evaluate the results if the job was well-done. And, as John La Carre said, “...sometimes our actions are questions not answers.” Will your actions stand the test of time?

A guide to making the right decision is having the goal firmly in mind and keeping your thoughts on active problem solving, where you are steadied by a code of ethics and law. For instance, court reporters are placed in difficult situations by being asked to do things outside the typical course of action with regard to transcripts. How do you know what is the best course of action when the request may seem logical, inconsequential or just easy to acquiesce?

The Court Reporters Board is one source, as staff is often available to point out applicable laws and regulations. But “after hours” or in the instant moment, sometimes decisions can’t wait. What course of action do you take?

In the court reporter’s case, the questions he or she should ask is, one, “If I do what I am being requested to do, am I protecting the integrity of the transcript?” Two, “If I do what I am being requested to do, am I compromising my impartiality?” If protecting the record and acting without bias or prejudice are the two key goals of a court reporter, then the answer to those questions become the basis of a good decision. And, the power of your voice is undeniable and rooted in law.

Message continued on page 2
For the Board, our mission is consumer protection for millions of people with four full-time and two half-time employees and a $1.16 million annual budget. The question we ask ourselves during our discussions and ultimate decision-making is “Will the result of this action better protect and serve the consumer?” “Are we doing everything we can with the means we have available?” Our decisions, like all decisions, are made with the best information available at the time the decision is made with an eye to future possibilities. The kicker is expressed eloquently by Mark Twain, who said, “It’s not what you don’t know that kills you. It’s what you know for sure that ain’t true.”

I hope you will read through this edition of the CRB Today to find out about the many decisions the CRB has been making to oversee court reporting and protect California consumers. Join me as we allow time to pass to see the fruits of our labors.

**Legislative Update**

**Firm Registration Pursued**

The Board is pleased to report that Assemblyman Kalra has agreed to author AB 2084, a bill which would require all firms providing court reporting services to register with the Board. Despite last year’s veto of AB 1660, Assemblyman Kalra remains committed to ensuring that consumers are protected whether they hire in-state or out-of-state court reporting firms.

“We believe firm registration is the easiest way to ensure all firms offering court reporting services are being held to the same standards set forth by the Legislature,” asserted Davina Hurt, Board Chair. “Firm registration would provide a clearly legal pathway for non-licensee-owned firms to operate in California without compromising the oversight mandated by the Board.”

The Board is sponsoring the bill, with support from both the California Court Reporters Association and the Deposition Reporters Association of California. The Board has worked with these two industry associations toward the least disruptive solution to the non-licensee-owned firm issues.

**Two-Year Legislative Cycle Resumes**

In addition to sponsoring AB 2084 (Kalra), the firm registration bill, the Board is following several bills that relate specifically to the court reporting industry.

**AB 2354 (Rubio) Domestic Violence Restraining Orders: Court Reporters**

This bill would require courts to provide a court reporter at every hearing involving an emergency protective order or other protective order requested or issued in a case of domestic violence.

**AB 2531 (Gallagher) Access to Judicial and Nonjudicial Proceedings: Hearing Impaired**

This bill would require an operator of a computer-aided transcription system to be certified by a state or national association approved by the Court Reporters Board of California.

**AB 2664 (Holden) Court Reporters: Official Reporter Pro Tempore**

This bill would require courts to appoint an official reporter pro tempore from among the qualified candidates proposed by the parties involved if the parties are unable to arrive at a stipulation.

**AB 2757 (Reyes) Court Reporters**

This bill would increase the fee charged for original transcripts and copies purchased at the same time, and copies purchased thereafter without the original transcript, incrementally beginning January 1, 2019.
Transcript Reimbursement Fund Update

Temporary Suspension of Application Processing

Since 1981, the Court Reporters Board of California (Board) has operated the Transcript Reimbursement Fund (TRF), a program unique to California that provides reimbursement for transcripts to qualified indigent litigants in civil cases. The fund was established by the Legislature and is financed through court reporters’ annual license renewal fees. Since its inception, the fund has reimbursed transcription costs totaling more than $9 million.

A valuable resource

For more than 30 years, the fund has played an integral part in helping provide access to justice for some of the most vulnerable Californians. On average over the past decade, the Board has received 385 applications for reimbursements in pro bono cases. In 2011, the fund began accepting applications from pro per litigants and has received an average of 188 applications per year. Board staff also noted an increase to the popularity of the TRF programs, having received 50 percent more applications in fiscal year 2015-16 than the previous year for the pro bono program. Additionally, the pro per program’s annual reimbursement allowance was increased by the Legislature from $30,000 to $75,000 per calendar year effective January 1, 2017.

The challenges

The Board must stop transfers to the fund when its overall budget reserve falls below six months. Although previous reports indicated that the Board’s fund condition would not fall below six months in reserve until fiscal year 2017-18, a new analysis showed the drop in fiscal year 2016-17. The funding that previously existed in the TRF account from prior transfers has now been exhausted.

“The Board takes its fiduciary duty very seriously and many decisions are made based on projections and fund condition,” stated Davina Hurt, Board chair. “The TRF is a very important part of what the Board does, and we have taken steps to resolve the funding issue by increasing the license fee cap through the legislative process.”

The Board also endured delays in processing applications in 2017 when a new statewide accounting and budgeting system was implemented, triggering an audit of the TRF invoices. Processing applications resumed after eight months.

Who is affected? And what’s the solution?

New or unapproved applications to the pro bono or pro per programs received on or after July 7, 2017, will be affected. The Board will not be able to process applications until restorative measures put in motion by the Board come to fruition. As part of these measures, the Board voted to increase license fees. This requires a change to the regulations, which the Board is working proactively to finalize. All TRF applications that have not yet been approved by the Board will be returned. Provisionally approved applications are expected to be funded.

Applicants may reapply when funding is reestablished. The Board will notify all affected parties either by email or letter of the temporary shutdown and will add the appropriate information and updates to the “Consumers” tab on the Board’s website.

To be added to the Board’s email notification list, visit the website’s consumer section at www.dca.ca.gov/webapps/crb/subscribe.php.
CSR Needed for Exam Workshops

If you currently work as a CSR and your license is in good standing, we need you. The CSR exam development process involves a series of workshops that requires active CSR participation. Without valuable subject matter expert input, the workshops cannot take place, and without a good supply of test questions in the test bank, the Board will not be able to continue to offer the written exam three times per year.

For the health and growth of the industry, please consider accessing the Board's calendar at www.courtreportersboard.ca.gov to see if any of the upcoming exam workshop dates might work for you. Each two-day workshop is held from Friday to Saturday in Sacramento. All travel accommodations are arranged by Board staff. All workshop participants will be provided with a per diem rate of $150 per day. Those living farther than 50 miles will be reimbursed for hotel accommodations at the State approved rate.

Please pass this important message on to reporters you know. The future success of the CSR industry lies with you. For more information on participating in an exam workshop, contact Kim Kale at Kim.Kale@dca.ca.gov.

Examination Statistics

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Occupational Analysis Completed

The latest occupational analysis has been completed, and the validation report is available on the Board's website at:


The report contains not only information on how the analysis was conducted, but also the results which form the basis for the new examination plan content. Candidates and court reporting programs can review the report to have a better idea of the content of the license exams.

Both the English and the Professional Practice exams in the current test cycle were developed using this most current occupational analysis.
School Update

On February 2, 2018, the Court Reporters Board (Board) received notification that Golden State College of Court Reporting would be closing after 15 years in operation. Their last day of instruction was March 9, 2018 – an ironic 11 years to the date from when they were granted full recognition by the Board.

Goodwill Industries of the Greater East Bay, Inc., assumed ownership of the school on November 1, 2015; however, the management and staff of the school remained the same. After the U.S. Department of Education ceased recognition of the school’s accreditor, Accrediting Council for Independent Colleges and Schools, Golden State College applied for accreditation to the Accrediting Council for Continuing Education and Training (ACCET). Golden State College received a letter from ACCET deferring the decision to approve the school until after its next meeting.

At its January 31, 2018, Board of Directors meeting, Goodwill Industries of the Greater East Bay, Inc., made the difficult decision to close the school and double-down its resources on retail stores.

Yvonne Fenner, executive officer for the Board, joined staff from the Office of Student Assistance and Relief of the Bureau for Private Postsecondary Education for a student workshop on March 1, 2018, at Golden State College. The workshop provided additional information regarding loan forgiveness, tuition recovery, and transfers.

“We adore our students, and I am deeply saddened by this loss,” said Sandy Finch, court reporting program manager. She later reported that the closure went smoothly, and the majority of Golden State College students transferred to other court reporting programs.

Board Conducts Speed Survey

The Court Reporters Board of California is conducting a brief survey of the court reporting profession on reporting speeds. The purpose of the survey is to collect real data related to working reporting speeds that reflect current practice in California. The Board is conducting the survey with the assistance of the Office of Professional Examination Services (OPES), a sister organization within the Department of Consumer Affairs that assists boards and bureaus with test development.

Despite rumors that the Board is trying to make the skills portion of the license exam faster or slower than the current 200 words per minute – yes, both rumors have made it back to Board staff – the Board is simply trying to gather data to substantiate what the current working speed range may be.

“I look forward to seeing if we obtain any useable results,” stated Yvonne Fenner, executive officer for the Board. “It was a difficult survey to put together, but being able to do it electronically kept the costs to a minimum so we figured it was worth a try.” OPES helped with the survey development and is tallying the results for analysis.
Student Spotlight

“‘I love to type.’ ‘Words are fun.’ ‘I fell in love with reporting.’”

Those are the expressions of court reporting student Nicole Johnson. Nicole was studying to be a journalist at her former college. While interviewing a teacher who fell off his motorcycle, she was frustrated with her inability to capture in her notebook every word and detail the teacher enthusiastically shared. She wondered if there was a career where she could take down what people say verbatim. A year or so later, someone suggested court reporting as an alternative career option. After researching the profession and attending an orientation, she enrolled at West Valley College.

“Court reporting school is by no means easy and not something to pursue if you’re seeking instant gratification,” Nicole said. “But it is definitely worth the time and effort put into it. It rewards you in little, unexpected ways all the time.”

Nicole shared that court reporting has taught her to stretch her brain and abilities beyond what she thought she was capable of. “I have ADHD, and it’s difficult for me to focus for extended periods of time. Through trial and error, I have learned to overcome mental roadblocks,” she shared. She finds speaking in front of people difficult, but she is gaining the tools to rise above difficult situations instead of hiding.

She has worked as a captioner for deaf and hard-of-hearing students while attending school. Once licensed, she hopes to work in criminal court covering murder, drug, and other serious crime cases. As a youth, someone close to her was murdered. Now she hopes to help the families of victims through her machine.

Although her friends may describe her as quiet, she is also the person who keeps going no matter what. She defines success as outdoing yourself, giving your best even if that means simply getting up when life hits you hard. She is also inspired to do well to be a good role model for her niece.

Nicole enjoys traveling to Europe and hopes to travel around the United States and other countries to experience nature and different cultures. After settling into her career, she and her boyfriend plan to buy a house in another state and continue their love of cooking together.

License Fee Increase Update

The Board’s regulatory package to effectuate the license fee increase approved by at the July 2017 meeting continues to be vetted via the rigorous pre-approval process currently in place at the Department of Consumer Affairs (DCA). Board staff has worked diligently with DCA’s Legal Affairs Office as well as the Budgets Office to polish the proposed regulations for review by the Business, Consumer Services and Housing Agency.

“We are looking forward to getting all feedback so that we can forward the package to the Office of Administrative Law,” noted Paula Bruning, the Board’s executive analyst. “This package has an important impact on the Board’s activities, especially funding and administration of the Transcript Reimbursement Fund.”
Frequently Asked Questions

Q What are the ramifications of not certifying a transcript because an attorney refuses to speak at a speed we can write? The reporters in my court cannot report one of our DAs. He has been spoken to by all of us, his superiors, judges, and he won’t slow down to a pace we can get. Even the 260 RMR reporters cannot get him. Is there such a thing as not certifying a transcript because we cannot guarantee its accuracy?

A No, there is no specific provision for not certifying a transcript. However, California Code of Regulations, Title 16, Division 24, Article 8, section 2475(3) requires that a court reporter: “Perform professional services within the scope of one’s competence, including promptly notifying the parties present or the presiding officer upon determining that one is not competent to continue an assignment. A licensee may continue to report proceedings after such notification upon stipulation on the record of all parties present or upon order of the presiding officer.”

Ultimately, the decision whether or not to certify a transcript rests with the court reporter, as the signature certifying the transcript is made with his or her license as the bond for the accuracy of that record. However, before taking the step of not certifying the transcript, the reporter would need to first inform the judge, in the presence of counsel for all parties, at the point in the proceedings where the accuracy of the record is in jeopardy.

Q I am a deposition reporter who has been asked to submit a declaration regarding how long we were on the record. I know there are prohibitions against making declarations regarding attorneys’ conduct and witness demeanor. If my declaration simply states that we were on the record for “X” number of hours and minutes, does that violate any professional standards of conduct?

A No, it does not violate any professional standards of conduct provided you provide a copy to all parties or their counsel pursuant to California Code of Civil Procedure 2025.320(b) which states “…All services and products offered or provided shall be made available at the same time to all parties or their attorneys.”

Q During a recent trial, midway through the witness’ answer, an objection was made. The objection was sustained, but no motion to strike was offered or granted by the Court. I am now being asked to read this portion back to the jury. Do I read back everything before the objection?

A While court reporters are trained to not read back to the jury any question to which an objection has been sustained, yours is a special case in the sense that the portion of the answer before the objection may, indeed, be evidence. Your best practice would be to consult with your judge in the presence of counsel before the readback.

Q I have an issue I would like to propose in light of society’s rapidly changing norms. Rather than asking attorneys if they would like to be referred to in the transcript as MR. or MS., can I simply use ATTORNEY JONES as an identifier?

A That practice would violate no statute or regulation pertaining to court reporting; therefore, you would be free to choose to use that designation.

Q I was just told by the judge in my trial that audio recording for backup by the court reporter is not allowed in the courtroom and is unlawful. Is this correct?

A California Rules of Court, Rule 1.150 controls here. Rule 1.150 provides in subdivision (c) in part that “Except as provided in this rule, court proceedings may not be photographed, recorded, or broadcast.” Subdivision (d) provides “[t]he judge may permit inconspicuous personal recording devices to be used by persons in a courtroom to make sound recordings as personal notes of the proceedings. A person proposing to use a recording device must obtain advance permission from the judge. The recordings must not be used for any purpose other than as personal notes.”

In short, without the judge’s permission in advance, it is a violation of the Rules of Court to make such recordings, and a reporter could be subject to a citation for contempt of court.
Newly Licensed Certified Shorthand Reporters

October 19, 2017 – March 31, 2018

The Court Reporters Board of California is pleased to welcome the following people to the rolls of licensed California court reporters:

Gabrielle Anderson, Walnut Creek, CSR 14253
Adrian Baule, Philadelphia, PA, CSR 14273
Kaylin Bush, Castro Valley, CSR 14267
Whitney Cardenas, Eastvale, CSR 14246
Krista Crane, San Clemente, CSR 14249
Jaime Derderian, Huntington Beach, CSR 14258
Cory Dostie, Oakland, CSR 14248
Donna Eshnaur, San Marcos, CSR 14263
Erika Espinoza, Folsom, CSR 14250
Julie Evans, Roseville, CSR 14259
Elizabeth Fernandez, Albuquerque, NM, CSR 14275
Alyssa Frazier, Murrieta, CSR 14266
Lauren Kares, Winchester, CSR 14264
Natalie Khamis, Mission Viejo, CSR 14260
Noelle Krawiec, La Crescenta, CSR 14255
Taylor Lohan, Cameron Park, CSR 14257
Traci Mertens, Belleville, IL, CSR 14265
Suzanna Mickelson, Palo Cedro, CSR 14270
Candy Newland, Vacaville, CSR 14256
Priscilla Ornelas, Bakersfield, CSR 14276
Comfort Pettis, San Diego, CSR 14272
Maria Plascencia, Hawthorne, CSR 14254
Andrew Semograd, Sacramento, CSR 14245
Kristie Shepherd, Santa Rosa, CSR 14268
Ellen Simone, Imperial Beach, CSR 14261
Donna St. Clair, Jurupa Valley, CSR 14252
Baila Strauss, Los Angeles, CSR 14251
Mikael Takeda, Riverside, CSR 14269
Justin Van Der Poorten, Riverside, CSR 14247
Debra West, Aptos, CSR 14274
Rebecca Wine, Sacramento, CSR 14271
Mariam Yezinkyan, Porter Ranch, CSR 14262

Burd vs. Barkley Appellate Decision Reached

On November 29, 2017, the Court of Appeals overturned the Superior Court ruling in Burd vs. Barkley. In summary, Burd alleged that statutory rates set out in Government Code 69950 applied to all court transcripts, whether the court reporter was an official reporter paid for by the court or privately hired by the parties. The trial court found that the statutory rates did not apply to pro tem reporters, ruling against Burd. The appellate court, however, upon review of the case issued a full reversal of that decision and awarded the plaintiff attorney's fees for the appeal.

At the end of February of 2018, the California Supreme Court denied Barkley’s petition to review, which makes the appellate ruling the legal interpretation of the law.

The Court Reporters Board has always held that the rates set out in the Government Code apply to all court transcripts. During the pendency of the Burd vs. Barkley case, the Board did not accept complaints regarding overcharging. Now that the outcome is certain, overcharging complaints will again be investigated.
CSR Spotlight

CSR Gareth Briscoe grew up in Missouri where he studied classical music and trained for 15 years as a cellist before he decided to switch career paths. Shortly before he was born, his family immigrated to the United States, where they were granted asylum from Rhodesia, now known as Zimbabwe, so that he and his siblings could cultivate their lives in a free and politically stable country. Unsure what profession to pursue outside of music, he learned about court reporting through the Bureau of Labor and Statistics handbook, realized it had potential to be a good match, and made arrangements to begin court reporting school.

Gareth started studying at a hybrid court reporting program while still living in Missouri. After a little more than a year, he transferred to Argonaut in Sacramento. “I think court reporting is a great career for the right person,” he said. “But you have to be honest with yourself about your strengths and weaknesses.” He likened learning court reporting to learning to play the piano and learning a foreign language at the same time.

Upon gaining licensure in the summer of 2014, he reported depositions almost exclusively. Although he enjoyed the flexibility of the freelance arena, he says taking a job as an official has been the best move for him professionally in his career. He is currently reporting family law proceedings in Sacramento County.

Gareth credits several reporters who have mentored him along his journey. He added that his experience in music gave him an advantage when it came to learning to be a court reporter. In his musical training, he learned how to diagnose weaknesses, how to practice efficiently, how to deal with performance anxiety, and how to collaborate with colleagues to create a final product that everyone can live with, and he found parallels in court reporting constantly. “I think each of those lessons has served me very well as a reporter,” he commented.

He wishes more people, including legal professionals, understood the challenges reporters face, including everything from sitting in a chair for hours without the ability to move around freely to needing witnesses to speak clearly and coherently. His wish list includes adding a section to the State Bar examination regarding making a record. He takes his role as guardian of the record seriously and holds himself to very high standards to make the best record possible, pushing to perform well each day – even if he's the only one that knows about it at the time.

For Gareth, court reporting came as an answer to an unknown future – a well-paying and professionally satisfying alternative to working as a classical musician. Although he enjoys moonlighting as a cellist in his free time, he is thankful to have found something he enjoys that also offers financial stability.
The Citations and Fines remain posted for one year from the date initially issued. To find out whether a specific licensee has ever been issued a Citation and Fine prior to the date shown, or to obtain further information on a specific Citation and Fine, please contact the Board office toll-free at 1-877-3-ASK-CRB (1-877-327-5272).

The following respondents’ Citation and Fines that reflect “Satisfied” have been satisfactorily resolved. Payment of a fine is not an admission to the violation.

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Guarding the Record for Consumer Protection

Court Reporters Board of California - Disciplinary Actions Current as of March 31, 2018

To find out whether a licensee has had disciplinary action, or to obtain further information on specific disciplinary action for a licensee listed below, please contact the Board office toll-free at 1-877-3-ASK-CRB (1-877-327-5272).

A disciplinary action is a formal proceeding that includes the basis for the action sought against the licensee. These disciplinary actions are held in front of an Administrative Law Judge and allow for attorney, testimony, and challenges as provided in the legal system. The Administrative Law Judge then issues a decision that the Board can accept, reject, or send back for additional information. Disciplinary cases can result in license suspension or revocation or a probationary status with conditions.

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<td>Accusation</td>
<td>03/29/2018</td>
<td>Business &amp; Professions Code Section 8025 (d) : Unprofessional conduct; Section 8025 (e): Repeated unexcused failure to transcribe notes; Section 8025 (j) and CA Code of Regulations, Title 16, Section 2475 (b)(4): Comply with legal and/or agreed to delivery, dates, and/or provide prompt notification of delays; Section 8025 (j) and CA Code of Regulations, Title 16, Section 2480 (e): Failure to comply with order of abatement.</td>
</tr>
<tr>
<td>Biggs, Janene - Solano County</td>
<td>11307</td>
<td>Petition to Revoke Probation</td>
<td>11/13/2017</td>
<td>Failure to comply with conditions of probation.</td>
</tr>
</tbody>
</table>

Court Reporters Board Of California - Disciplinary Actions Pending Current as of March 31, 2018

<table>
<thead>
<tr>
<th>RESPONDENT NAME - COUNTY</th>
<th>LICENSE NO.</th>
<th>ACTION</th>
<th>EFFECTIVE DATE</th>
<th>CHARGES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moen, Darla</td>
<td>N/A</td>
<td>Default Decision and Order; license denied.</td>
<td>03/02/2018</td>
<td>Business &amp; Professions Code Section 8025 (a) and 480 (a)(1), and (a)(2): Conviction of a crime.</td>
</tr>
<tr>
<td>Barnes, Robert - San Francisco County</td>
<td>2952</td>
<td>Decision and Order; license revocation.</td>
<td>12/28/2017</td>
<td>Business &amp; Professions Code Sections 8025 (d): Fraud, dishonesty, and/or unprofessional conduct related to the practice of shorthand reporting.</td>
</tr>
</tbody>
</table>