



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



MEETING OF THE COURT REPORTERS BOARD

**AMENDED
7/5/2018**

**Thursday, July 19, 2018
9:00 a.m. to conclusion**

**Hilton Los Angeles Airport
Pacific A Room
5711 West Century Boulevard
Los Angeles, CA 90045**

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**

- | | | |
|------|---|----|
| I. | <u>REVIEW AND APPROVAL OF OCTOBER 27, 2017 MEETING MINUTES</u> | 4 |
| II. | <u>REPORT OF THE EXECUTIVE OFFICER</u> | 12 |
| | A. CRB Budget Report | |
| | B. Transcript Reimbursement Fund | |
| | C. Exams, including passing rates of recent exams | |
| | D. Enforcement Activities | |
| | E. School Update, including reports on status of existing schools | |
| | F. BreZE – Business Modernization | |
| | G. CRB Today Newsletter, Spring 2018 | |
| III. | <u>FEE INCREASE REGULATION</u> – Discussion and possible action | 35 |
| IV. | <u>SUNSET REVIEW</u> – Discussion and possible action | 82 |
| V. | <u>LEGISLATION</u> | 84 |
| | A. Non-Licensee-Owned Firms Subcommittee Report Including Update on AB 2084 (Kalra)
– court reporter providers | |
| | B. Consideration of Positions on Legislation: | |
| | 1. AB 767 (Quirk-Silva) – Master Business License Act | |
| | 2. AB 2138 (Chiu) – Licensing boards: denial of application: criminal conviction | |
| | 3. AB 2182 (Levine) – Privacy: Department of Consumer Affairs: California Data
Protection Authority | |
| | 4. AB 2354 (Rubio) – Family law: court reporters | |
| | 5. AB 2483 (Vopel) – Indemnification of public officers and employees: antitrust awards | |
| | 6. AB 2531 (Gallagher) – Access to judicial and nonjudicial proceedings: hearing
impaired | |

(continued)

7. AB 2664 (Holden) – Court reporters: official reporter pro tempore
8. AB 2757 (Reyes) – Court Reporters
9. SB 984 (Skinner) – State boards and commissions: representation: appointments
10. SB 1137 (Vidak) – Veterans: professional licensing benefits
11. SB 1298 (Skinner) – The Increasing Access to Employment Act
12. SB 1480 (Hill) – Professions and Vocations

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.

VI.	<u>RESULTS OF REPORTER WORKING SPEED SURVEY</u>	112
	Discussion and Possible Action	
VII.	<u>REPORTER LABOR SUPPLY</u> – Discussion and Possible Action	113
	Presentation by National Verbatim Reporters Association	
VIII.	<u>QUALIFICATIONS OF CANDIDATES FOR SKILLS EXAM</u>	114
	Discussion and Possible Action	
IX.	<u>ONLINE SKILLS EXAM UPDATE</u>	115
X.	<u>REQUEST FOR DECLARATION RE BURD V. BARKLEY</u>	116
	Discussion and Possible Action	
XI.	<u>WEB SITE SUBCOMMITTEE REPORT</u>	117
XII.	<u>STRATEGIC AND COMMUNICATIONS PLANS</u> – Updates on Action Plans.....	118
XIII.	<u>ELECTION OF OFFICERS</u>	124
XIV.	<u>FUTURE MEETING DATES</u>	128
XV.	<u>PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA</u>	131
XVI.	<u>CLOSED SESSION</u>	132
	A. Pursuant to Government Code Section 11126(e), the Board will meet in closed session to receive advice from counsel on litigation: R. Austin v. D. Grafilo et al. Superior Court of California, County of Los Angeles, Case No. BS171320.	
	B. Pursuant to Government Code Section 11126(e)(2)(C)(i), the Board will meet in closed session to receive advice from counsel regarding the potential commencement of litigation for enforcement of Business and Professions Code Section 8040 et seq.	
	C. Pursuant to Government Code Section 11126(a)(1), the Board will meet in closed session to conduct the annual evaluation of its executive officer.	

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.

COURT REPORTERS BOARD MEETING – JULY 19, 2018

AGENDA ITEM I – Approval of October 27, 2017 Meeting Minutes

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Agenda Description: Review and approval of minutes
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Brief Summary:

Minutes from October 27, 2017 meeting
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Support Documents:

Attachment – Draft minutes for October 27, 2017
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Fiscal Impact: None
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Report Originator: Paula Bruning, 5/3/2018
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Recommended Board Action: Staff recommends the Board approve minutes.



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COURT REPORTERS BOARD OF CALIFORNIA MINUTES OF OPEN SESSION OCTOBER 27, 2017

Attachment
Agenda Item I

DRAFT

CALL TO ORDER

Ms. Davina Hurt, chair, called the meeting to order at 9:32 a.m. at the Department of Consumer Affairs HQ2, 1747 North Market Boulevard, Hearing Room, Sacramento, California.

ROLL CALL

Board Members Present:

Davina Hurt, Public Member, Chair
Elizabeth Lasensky, Public Member, Vice Chair
Rosalie Kramm, Licensee 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
Melissa Davis, TRF Coordinator

A quorum was established, and the meeting continued.

I. APPROVAL OF JULY 6, 2017, MEETING MINUTES

Ms. Lasensky requested that the word "to" be added after "a key target of the bill is" in the first sentence of the fourth paragraph on page 5 of the minutes. She then requested the word "declare" be changed to "declares" in the second sentence of the third paragraph on page 16 of the minutes.

Ms. Nocella moved to approve the minutes as amended. 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

II. REPORT OF THE EXECUTIVE OFFICER

A. CRB Budget Report

Ms. Fenner referred to the final budget report for fiscal year 2016-17 on page 27 of the Board agenda packet. She then directed attention to page 28 of the Board agenda packet for the Board's fund condition. She stated that the months in reserve for fiscal year 2016-17 reflects 5.9 months. She reminded the Board that a stop in transfers to the Transcript Reimbursement Fund (TRF) is triggered if the reserve falls below six months.

Ms. Fenner stated that the Department of Consumer Affairs (DCA) transitioned to the state's new accounting and budgeting system, FI\$Cal, in July. As a result, the budget report on page 29 is a truncated version. The DCA Budget Office is having difficulty closing the expenses for the first fiscal month for the 2018-19 fiscal year.

Ms. Fenner referred to page 30 of the Board agenda packet regarding the TRF Fund Condition. She stated that the fund balance for the end of fiscal year 2016-17 reflects \$146,000. She then asked Ms. Bruning to provide an update on the TRF.

B. Transcript Reimbursement Fund

Ms. Bruning reported that the new FI\$Cal system has created hurdles for the TRF. She stated that 76 invoices dating back to mid-June were returned by DCA. She added that nearly 250 applications for the Pro Bono Program were pending review. Board staff is working with the State Controller's Office (SCO) and DCA's Budget and Legal Affairs Offices to resolve the issues so that processing may resume.

Ms. Davis provided information pertaining to the Pro Per Program of the TRF. She stated that she received back 20 invoices from DCA, of which she resubmitted three in a new format as a test. The 17 remaining invoices total approximately \$6,300, which is a significant amount for indigent litigants.

Ms. Hurt asked if direction was given on how to correct the invoices. Ms. Bruning responded that staff is consulting with legal staff regarding the issues raised by SCO. Ms. Barker added that it appears that SCO does not understand the program and believes the TRF invoices are for obligations owed against the State of California. The invoices are used to prove the expenses to be covered by what is essentially a grant program. She asserted that a meeting with SCO is needed to educate their staff and find out how they pay other grant-type obligations without referring to them as invoices. Ms. Fenner stated that staff is very mindful of the effect of the delays on the consumers who are awaiting the funding.

C. Exams

Ms. Fenner mentioned the historical examination pass rates found on pages 31 through 36 of the Board agenda packet. Per the Board's request, dictation examination statistics pertaining to how candidates qualified for the test were added starting on page 35. She stated that the asterisk noted on page 40 stating, "Unofficial until appeals hearing" should be disregarded as the statistics are now final.

Ms. Hurt noted the number of schools that have closed over the last few years and what that means to the industry and consumer protection. Ms. Fenner pointed out that the most recent school to close, Sierra Valley, sent 10 first-time applicants to the July 2017 dictation examination, and only one of them passed, leaving nine candidates who no longer have a school to return to for practice. It's possible that they sent unprepared students since they did not need to worry about their statistics.

D. Occupational Analysis

Ms. Fenner stated that she is working with the Office of Professional Examination Services (OPES) at the concept level of developing a survey of court reporters on how fast people are speaking and what their duration is to get a better feel for entry level minimum skills. She stated that with the recent lower pass rates, people questioned the difficulty of the exam. Ms. Hurt indicated that from the Board's perspective, the skills being tested are necessary to do the job. Ms. Fenner responded that the survey would provide the statistical documentation to substantiate that.

The survey would differ from the recently conducted occupational analysis, which measures the skills and knowledge reporters need to be successful in the industry but did not examine how fast people are speaking. She stated that OPES is in the process of doing the validation report for the occupational analysis and should be available shortly. OPES plans to have the spring examination based on the new occupational analysis.

E. Enforcement

Ms. Fenner stated that the final fiscal year 2016-17 enforcement statistics could be found on pages 41 and 42 of the Board agenda packet. There were no notable trends.

F. School Update

Ms. Bruning reported that there were 17 recognized court reporting schools in 2013, and that number has dropped to 11. Some of the schools that recently closed attributed their closure to the U.S. Department of Education's (DOE) termination of recognition of their accreditor, the Accrediting Council for Independent Colleges and Schools (ACICS). Ms. Bruning added that ACICS recently petitioned the DOE to once again be recognized as a national accreditor. However, the remaining affected recognized schools have applied to different accreditors so their students may continue to receive federal financial aid.

Ms. Bruning shared that Chaffey Joint Union High School District in Ontario, California, launched a pathway program for students and adults interested in becoming court reporters. She was unsure if the school district would apply for recognition since they do not have a need for recruitment. They may instead send their successful students to NCRA's RPR exam to qualify for the Board's exam. Ms. O'Neill stated that many high schools used to offer theory and low-level speed classes, and she was pleased to learn of this program. Ms. Kramm reported that she recently visited a San Diego high school where she explained court reporting to criminal justice program students. She stated that the interest was high. She plans to put together a program to teach

prospective candidates to write A to Z in steno. She suggested the Board support these programs as well as trade schools.

Ms. Bruning stated that Board staff is making plans to engage in onsite school reviews.

G. BreEZe

Ms. Fenner stated that staff is working with both the DCA Office of Information Services and the DCA SOLID Training and Planning Solutions to do a business modernization. The plan will help set out what tasks the Board needs to improve, such as having a system in place for processing licensee credit card payments. She stated that it is a lengthy process that will require a lot of staff time, but will provide a clear view of what type of database the Board needs. Ms. Hurt added that the Board may be able to work with other DCA boards who want to use the same program to offer a cost reduction to all.

H. CRB Today Newsletter, Fall 2017

Ms. Fenner indicated that there was not a Spring 2017 CRB Today Newsletter; however, staff is very close to issuing the Fall 2017 CRB Today Newsletter.

Ms. Hurt thanked the staff for all the work completed during the very busy year.

III. LICENSE FEE INCREASE REGULATION

Ms. Hurt stated that this item was discussed in length at the July 6, 2017, Board meeting.

Ms. Lasensky moved to accept the proposed regulatory text for section 2450 as proposed; 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. 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

IV. LEGISLATION

The Board heard Agenda Item IV.B. before Agenda Item IV.A.

B. Consideration of Positions on Legislation

Ms. Fenner indicated that information for all the bills that the Board has been following is in the Board agenda packet. If the information indicates the bill is "held under submission" then it is essentially "dead." If it is labeled "inactive" that means the author does not intend to pursue it.

AB 1285 (Gipson) – Ms. Fenner reported that this bill changed and no longer is of concern to the Board.

AB1450 (Oberholte) – Ms. Fenner reported that this bill, sponsored by CCRA regarding electronic transcripts being filed in court, was chaptered on October 6, 2017. This new law allows for electronic filing of court transcripts.

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

Ms. Hurt conveyed her disappointment that AB 1660 (Kalra) was vetoed by Governor Brown. She stated that the subcommittee and the Board were committed to solving this inequity issue to protect California consumers, which the Legislature understood. At this point, she is dedicated to moving this long-time matter forward in seeking a resolution and educating the Governor's office to all the consumer protection issues the Board needs solved by legislation.

Ms. Nocella expressed her appreciation to Ms. Hurt, Ms. Fenner, and Board staff, as well as the bill's cosponsors, California Court Reporters Association (CCRA) and Deposition Reporters Association of California (CalDRA), for all their hard work. She also thanked Assemblymember Kalra and his legislative director, Ryan Guillen.

Ms. Kramm echoed the appreciation. She stated that lawmakers are understanding that there is an obvious issue based on how far the bill made it through the legislative process. She expressed that she felt proud of the work the Board, staff, and Legislature put forth. Ms. O'Neill agreed and added that AB 1660 was the best bill ever put forward by the Board.

Brooke Ryan, legislative chair and immediate past president for CCRA, thanked the Board for their commitment and voiced that CCRA stands ready to continue their ongoing fight in this matter.

Antonia Pulone on behalf of CalDRA expressed complete support in the Board's persistent efforts to move forward with registration of reporting providers in the state.

Jennifer Esquivel, CCRA Secretary/Treasurer, shared that she has had the opportunity to speak with freelance colleagues who support this legislation. She commended the Board for working with the associations to ensure this matter is addressed and reaffirmed her personal commitment to work with the Board to help in any way she can.

After leaving the discussion of AB 1660 and firm registration, Ms. Fenner indicated that she received an e-mail from the Senate Business, Professions and Economic Development Committee inviting requests for non-controversial items to be added to their omnibus bill by January 9, 2018.

V. ONLINE SKILLS EXAM TASK FORCE REPORT

Ms. Fenner indicated that she and staff counsel reviewed the policies and procedures approved by the Board at its meeting on July 6, 2017. They have identified which portions must go through the regulatory process. She will draft proposed regulatory language for review by legal and then bring it back to the Board for approval.

VI. WEBSITE SUBCOMMITTEE REPORT

Ms. O'Neill reported that the subcommittee had been slow to progress, but were still moving forward and developing a game plan. She stated that more information would be available at the next meeting.

Ms. Kramm indicated that her primary focus was to make the Board's website pdf searchable. Ms. O'Neill added that she wants to make the site intuitive and easy for stakeholders to find needed information in logically-grouped topics.

Ms. Lasensky asked if licensees would be able to pay their fees on the website after it was overhauled. Ms. Fenner responded that she did not believe it would be part of the Board's website, but could possibly be hyperlinked to it.

VII. STRATEGIC AND COMMUNICATION PLANS

Ms. Fenner referred to the Action Plan Timeline on page 62 of the Board agenda packet and invited the Board to provide feedback on any changes they would like to make to the priorities of the plan. She added that it is time to start making plans to meet for a new strategic plan since the current plan is valid through 2018. She proposed the Board request a date for next fall with DCA's SOLID Training and Development Solutions office if they wish to use their services again. Ms. Hurt commented that SOLID did a great job. The Board agreed to request their assistance for the next plan.

Ms. Hurt requested that the Best Practice Pointers Task Force meet in 2018 to develop additional pointers.

VIII. FUTURE MEETING DATES

Ms. Fenner suggested that staff poll Board members for the next Board meeting, potentially in February or March 2018. Ms. Lasensky asked if the Board would be able to review the proposed regulatory language for the online skills policies and procedures at that time. Ms. Fenner affirmed that it would be an item for review.

IX. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

No comments were offered.

The Board took a break at 10:25 a.m. and convened into closed session, Agenda Item X, at 10:39 a.m.

X. CLOSED SESSION

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

The Board returned to open session at 11:41 a.m.,

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

ADJOURNMENT

Ms. Hurt adjourned the meeting at 11:41 a.m.

DAVINA HURT, Board Chair

DATE

YVONNE K. FENNER, Executive Officer

DATE

COURT REPORTERS BOARD MEETING – JULY 19, 2018

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. Enforcement
- E. School Update
- F. BreZE Business Modernization
- G. CRB Today Newsletter, Spring 2018

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Support Documents:

- Attachment 1, Item A – Budget Report, FM 11 Projection 2017-18
- Attachment 2, Item A – CRB Fund Condition
- Attachment 3, Item B – TRF Fund Condition
- Attachment 4, Item C – Exam Statistics
- Attachment 5, Item D – Enforcement Statistics
- Attachment 6, Item G – CRB Today Newsletter, Spring 2018

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Fiscal Impact: None.

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Report Originator: Yvonne Fenner, 7/6/2018

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Recommended Board Action: Informational only

**COURT REPORTERS OF CALIFORNIA
BUDGET REPORT
FY 2017-18 EXPENDITURE PROJECTION
FM 11 - Activity Log June 1, 2018
Updated 6/29/2018**

OBJECT DESCRIPTION	FY 2016-17				FY 2017-18		
	ACTUAL	PRIOR YEAR	BUDGET	CURRENT YEAR	PERCENT	CURRENT YEAR	UNENCUMBERED
	EXPENDITURES	EXPENDITURES	STONE	EXPENDITURES	SPENT	PROJECTIONS	BALANCE
	(MONTH 13)	FM 11	2017-16	FM 11		TO YEAR END	
PERSONNEL SERVICES							
Civil Service - Perm	235,560	216,652	241,000	216,304	92%	235,968	5,032
Statutory Exempt (EO)	89,988	82,434	84,000	86,416	92%	94,272	(10,272)
Temp Help (907)	17,538	15,144	11,000	22,428	68%	33,180	(22,190)
Board Member Per Diem	5,300	5,000	8,000	2,800	93%	3,000	5,000
Overtime	11,461	11,461	6,000	10,532	92%	11,490	(5,490)
Staff Benefits	212,563	193,651	172,000	200,332	93%	216,000	(44,000)
TOTALS, PERSONNEL SVC	572,410	524,342	522,000	538,812	91%	593,920	(71,920)
OPERATING EXPENSE AND EQUIPMENT							
General Expense	19,534	13,076	0	3,220	0%	3,513	(3,513)
Fingerprint Reports	539	490	9,000	(1,251)	-14%	500	8,500
Minor Equipment	155	155	1,000		0%	0	1,000
Printing (General)	2,992	2,169	0	2,890	0%	3,000	(3,000)
Communication	4,134	3,785	1,000	3,757	376%	4,103	(3,103)
Postage (General)	9,056	8,910	6,000	4,366	73%	4,763	1,237
Travel In State	40,939	35,814	23,000	20,300	88%	22,145	855
Training	14	14	2,000		0%	0	2,000
Facilities Operations	44,795	44,637	29,000	44,246	153%	48,288	(19,268)
C & P Services - Interdept.	0	0	111,000		0%	0	111,000
C & P Services - External (General)	11,004	11,004	27,000	10,716	40%	11,690	15,310
DEPARTMENTAL SERVICES:							
OIS Pro Rata	96,382	90,750	116,000	116,000	100%	116,000	0
Administration Pro Rata	53,791	47,663	62,000	33,450	54%	62,000	0
IA with OPES	89,444	92,694	0	58,972	100%	58,972	(58,972)
DOI - ISU Pro Rata	920	913	2,000	2,000	100%	2,000	0
Communication Division Pro Rata	7,704	7,337	3,000	3,000	100%	3,000	0
PPRD Pro Rata	0	0	4,000	4,000	0%	4,000	0
INTERAGENCY SERVICES:							
Consolidated Data Center	39	32	3,000	1,664	82%	2,028	972
Data Processing	148	148	2,000	0	0%	200	1,800
EXAM EXPENSES:							
Exam Rent - Non State	37,622	37,622	0	31,151	95%	32,800	(32,800)
Administrative - Ext	17,246	17,246	0	10,512	0%	18,000	(18,000)
C/P Svcs-External Expert Examiners	30,249	25,217	39,000	28,839	0%	31,461	7,639
ENFORCEMENT:							
Attorney General	46,706	43,296	97,000	24,631	92%	26,870	70,130
Office Admin. Hearings	11,736	8,816	16,000	720	9%	8,000	8,000
Court Reporters Service	450	350	0	1,150	0%	500	(500)
Evidence/Witness Fees	4,148	219	26,000	2,769	79%	3,500	22,500
Major Equipment	0	0	0	0	0%	0	0
Other Items of Expense	0	0	0	743	0%	743	(743)
TOTALS, OE&E	529,751	492,357	579,000	407,845	87%	468,057	110,943
TOTAL EXPENSE	1,102,161	1,016,699	1,101,000	946,658	89%	1,061,977	39,023
Sched. Reimb. - Fingerprints	(588)	(343)	(17,000)			(17,000)	0
Sched. Reimb. - External/Private/Grant	(705)	(470)	(1,000)	(382)		(1,000)	0
Unsched. Reimb. - Invas Cost Recovery	(8,991)	(8,991)	0	(2,562)		0	0
NET APPROPRIATION	1,091,877	1,006,895	1,083,000	943,714	90%	1,043,977	39,023
						SURPLUS/(DEFICIT):	3.6%

**0771 - Court Reporters Board of California
Analysis of Fund Condition**

(Dollars in Thousands)

GOVERNOR'S BUDGET 2018-19

	ACTUAL	CY	BY
	2016-17	2017-18	2018-19
BEGINNING BALANCE			
Prior Year Adjustment	\$ 1,138	\$ 604	\$ 329
Adjusted Beginning Balance	\$ -11	\$ -	\$ -
	<u>\$ 1,125</u>	<u>\$ 604</u>	<u>\$ 329</u>
REVENUES AND TRANSFERS			
Revenues:			
4121200 Delinquent fees	\$ 16	\$ 17	\$ 17
4127400 Renewal fees	\$ 846	\$ 831	\$ 831
4129200 Other regulatory fees	\$ 14	\$ -	\$ -
4129400 Other regulatory licenses and permits	\$ 40	\$ 37	\$ 37
4163000 Income from surplus money investments	\$ 13	\$ 1	\$ -
Totals, Revenues	<u>\$ 929</u>	<u>\$ 886</u>	<u>\$ 885</u>
Transfers and Other Adjustments			
T00410 Revenue Transfer to Transcript Reimbursement Fund per B&P Code Section 8030.2	\$ -300	\$ -	\$ -
Totals, Revenues and Transfers	<u>\$ 629</u>	<u>\$ 886</u>	<u>\$ 885</u>
Totals, Resources	<u>\$ 1,754</u>	<u>\$ 1,490</u>	<u>\$ 1,214</u>
EXPENDITURES			
Disbursements:			
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 1,092	\$ 1,083	\$ 1,099
8880 Financial Information System for California (State Operations)	\$ 1	\$ 2	\$ -
9892 Supplementary Pension Payments (State Operations)	\$ -	\$ -	\$ 12
9900 Statewide General Administrative Expenditures (Pro Rata) (Statewide Operations)	\$ 57	\$ 76	\$ 81
Total Disbursements	<u>\$ 1,150</u>	<u>\$ 1,161</u>	<u>\$ 1,192</u>
FUND BALANCE			
Reserve for economic uncertainties	\$ 604	\$ 329	\$ 22
Months in Reserve	6.2	3.3	0.2

NOTES:

D. ASSUMES NO TRANSFER TO THE TRANSCRIPT REIMBURSEMENT FUND IN CY AND ONGOING.

Prepared on 6/29/2018

**0410 - Transcript Reimbursement Fund
Analysis of Fund Condition**

(Dollars in Thousands)

GOVERNOR'S BUDGET 2017-18

	ACTUAL 2016-17	CY 2017-18	BY 2018-19
BEGINNING BALANCE	\$ 105	\$ 147	\$ 62
Prior Year Adjustment	\$ (154)	\$ -	\$ -
Adjusted Beginning Balance	\$ (49)	\$ 147	\$ 62
 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	\$ 300	\$ -	\$ -
Totals, Revenues and Transfers	\$ 301	\$ 1	\$ 1
Totals, Resources	\$ 252	\$ 148	\$ 63
 EXPENDITURES			
Disbursements:			
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 91	\$ 86	\$ 60
9900 Statewide General Administrative Expenditures (Pro Rata)	\$ 14	\$ -	\$ -
Total Disbursements	\$ 105	\$ 86	\$ 60
 FUND BALANCE			
Reserve for economic uncertainties	\$ 147	\$ 62	\$ 3
 Months in Reserve	20.5	12.4	0.6

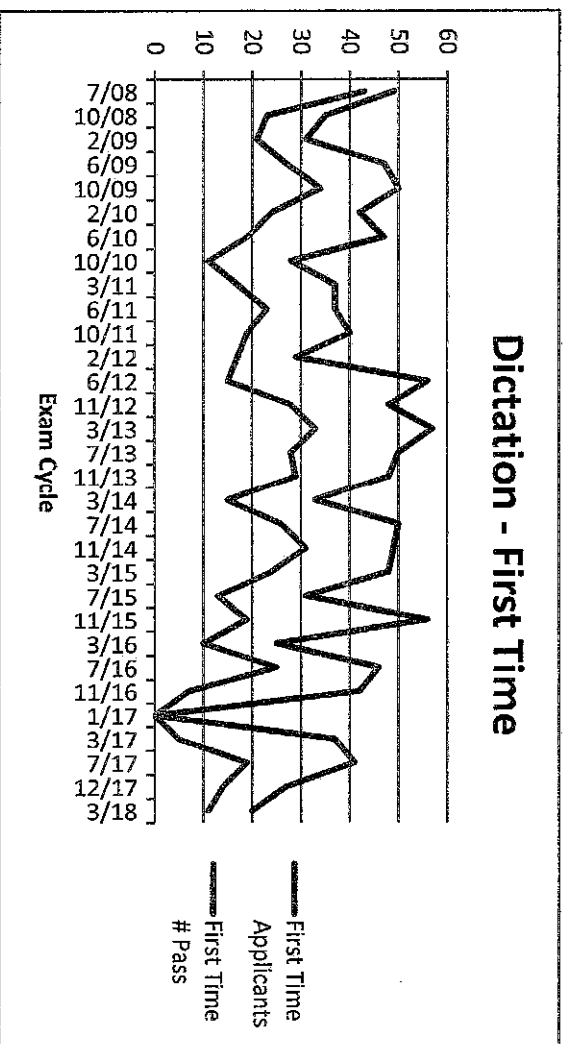
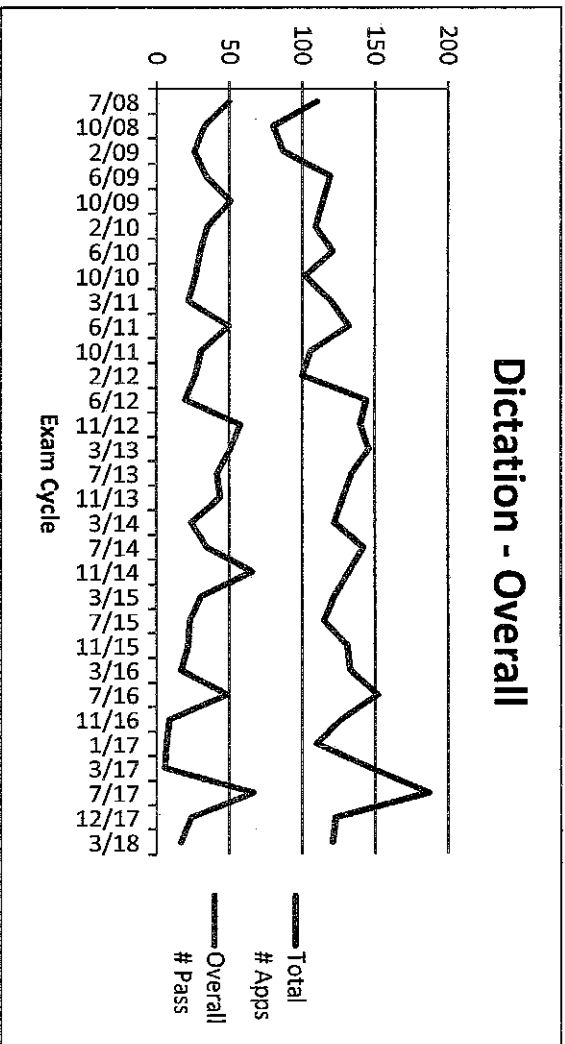
NOTES:

D. ASSUMES NO TRANSFERS FROM THE COURT REPORTERS FUND IN CY AND ONGOING

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%
Dec 2017	123	24	19.5%	27	14	51.9%
Mar 2018	121	17	14.0%	20	11	55.0%

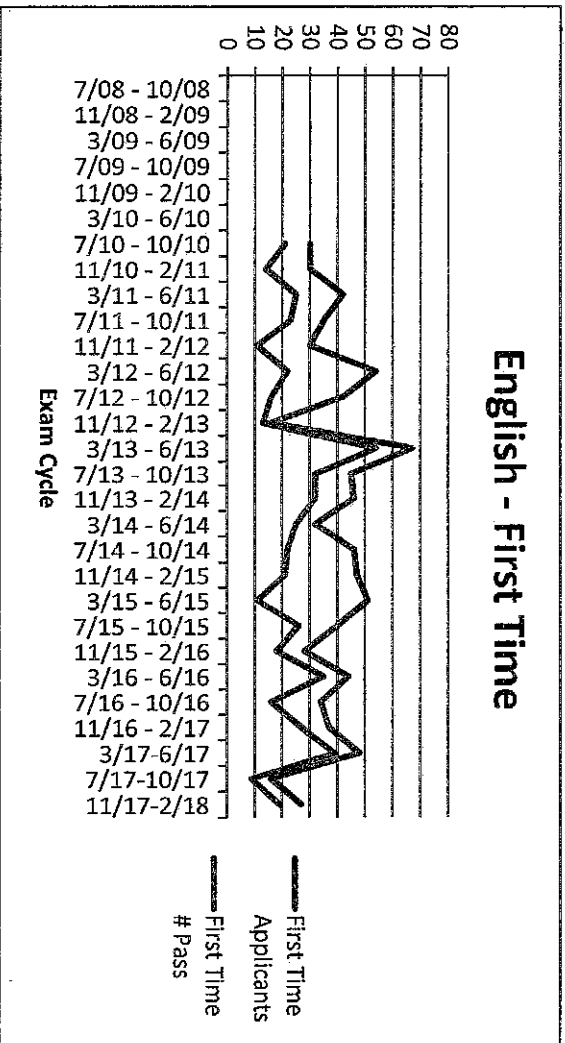
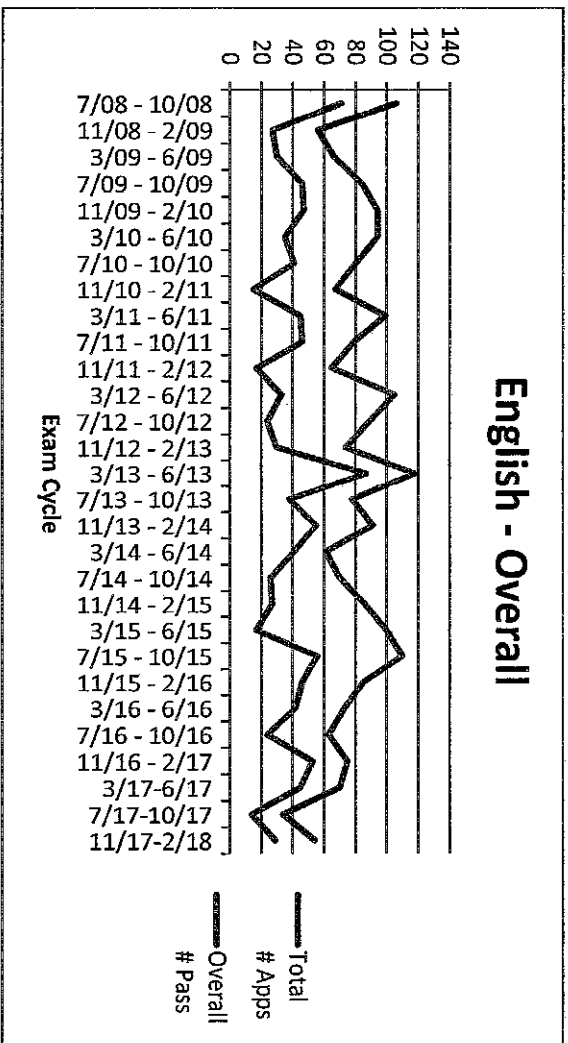
Dictation Exam



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%
Jul 2017 - Oct 2017	34	14	41.2%	16	9	56.3%
Nov 2017 - Feb 2018	54	29	53.7%	27	19	70.4%

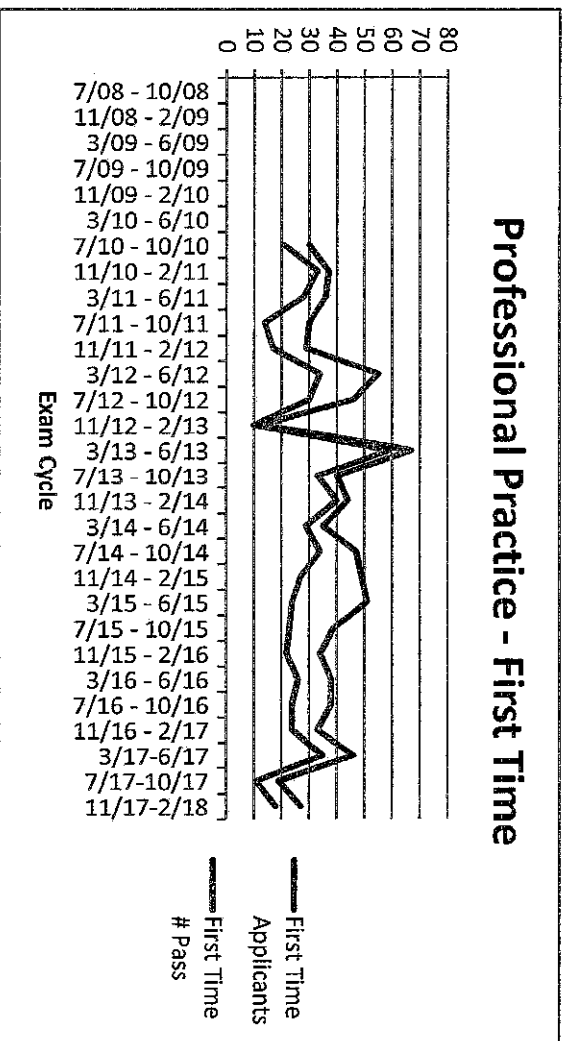
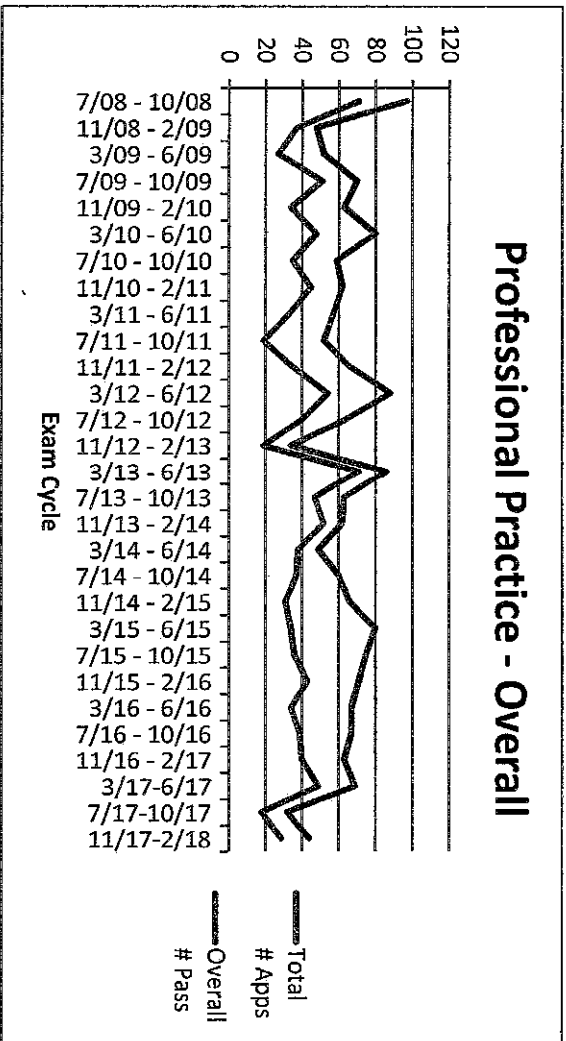
English Exam



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%
Jul 2017 - Oct 2017	32	18	56.3%	19	11	57.9%
Nov 2017 - Feb 2018	44	29	65.9%	27	18	66.7%

Professional Practice Exam



Consumer Protection Enforcement Initiative Fiscal Year 2017-2018 Enforcement Report July 1, 2017 - June 30, 2018

Complaint Intake

Complaints	July	August	Sept	Oct	Nov	Dec	January	Feb	March	April	May	June	Total
Received	8	4	5	6	2	8	7	7	11	11	11	4	84
Closed without Assignment for Investigation	0	0	0	0	0	0	0	0	0	0	0	0	0
Assigned for Investigation	8	4	5	6	2	8	7	7	11	11	11	4	84
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	0	0	0	0	1	0	1	0	0	2	0	0	4
Closed	0	0	0	0	0	0	0	0	0	0	2	1	3
Average Days to Close	0	0	0	0	0	0	0	0	0	0	52	129	91
Pending	0	0	0	0	1	1	2	2	2	4	2	1	2*

Investigation

Desk Investigation	July	August	Sept	Oct	Nov	Dec	January	Feb	March	April	May	June	Total
Initial Assignment for Desk Investigation	8	4	5	6	3	8	8	7	11	13	11	4	88
Closed	0	3	2	6	3	6	10	8	6	14	16	26	100
Average Days to Close (Straightline)	0	109	115	74	100	127	122	98	21	38	188	248	103
Pending	57	58	61	61	61	63	61	60	65	64	59	37	59*

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	0	0	0	0	0	0	0
Closed	0	0	0	0	0	0	0	0	0	0	0	0	0
Average Days to Close	0	0	0	0	0	0	0	0	0	0	0	0	0
Pending	0	0	0	0	0	0	0	0	0	0	0	0	0

All Investigation	July	August	Sept	Oct	Nov	Dec	January	Feb	March	April	May	June	Total
Closed	0	3	2	6	3	6	10	8	6	14	16	26	100
Average Days to Close (Straightline)	0	109	115	74	100	127	122	98	21	38	188	248	103
Pending	57	58	61	61	61	63	61	60	65	64	59	37	59*

*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	1	0	0	0	1	0	0	1	1	1	1	2	8
AG Cases Pending	3	3	3	3	4	3	3	4	4	5	6	8	4*
SOIs/Accusations	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
SOIs Filed	0	0	0	0	0	0	0	0	0	0	0	0	0
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	0	0	0	0	0	0	0	0	0	0	0
Accusations Filed	0	0	0	0	0	0	0	0	1	0	0	1	2
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	0	0	0	0	0	0	0	0	20	0	0	46	33
Petition to Revoke Probation (PRP)	0	0	0	0	1	0	0	0	0	0	0	0	1
Average Days to Complete PRP	0	0	0	0	108	0	0	0	0	0	0	0	108
Decisions/Stipulations	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Proposed/Default Decisions	0	0	0	0	1	0	1	0	0	0	0	0	2
Stipulations	0	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Orders	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Final Orders (Proposed Decisions Adopted, Default Decisions, Stipulations)	0	0	0	0	0	1	0	0	1	0	0	0	2
Average Days to Complete [straightline]	0	0	0	0	0	940	0	0	364	0	0	0	652
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	2	4	2	1	4	7	23
Average Days to Complete [straightline]	0	103	0	28	0	63	180	38	25	42	88	157	80

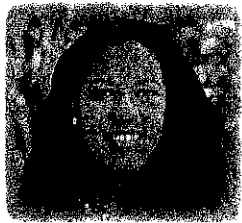
*Average number of cases pending per month

CRB* TODAY

2018

COURT REPORTERS
BOARD NEWSLETTER

GUARDING THE RECORD
FOR CONSUMER PROTECTION



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, "...[s]ometimes 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

Inside this issue ...

Legislative Update	2
TRF Update	3
CSRs Needed for Exam Workshops	4
Examination Statistics	4
Occupational Analysis Completed	4
School Update	5
Board Conducts Speed Survey	5
Student Spotlight	6
License Fee Increase Update	6
Frequently Asked Questions	7
Burd vs. Barkley Appellate Decision	8
Newly Licensed CSRs	8
CSR Spotlight	9
Citations and Fines Issued	10
Disciplinary Actions	11
Disciplinary Actions Pending	11

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- DAVINA HURT, *Chair*
- ELIZABETH LASENSKY, *Vice Chair*
- ROSALIE KRAMM, *CSR*
- CARRIE NOCELLA
- TONI O'NEILL, *CSR*

YVONNE K. FENNER, *Executive Officer*
 PAULA BRUNING, *Layout Designer*

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

Toll Free: (877) 327-5272
 Phone: (916) 263-3660
 Fax: (916) 263-3664

Mission Statement from the Board

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.

CSRs 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

Written Exams				
November 1, 2017 - February 28, 2018		Total	Pass	Overall %
English	Overall	54	29	53.7%
	First Timers	27	19	70.4%
Professional Practice	Overall	44	29	65.9%
	First Timers	27	18	66.7%
July 1, 2017 - October 31, 2017		Total	Pass	Overall %
English	Overall	34	14	41.2%
	First Timers	16	9	56.3%
Professional Practice	Overall	32	18	56.3%
	First Timers	19	11	57.9%

Dictation Exam			
December 2017	Total	Pass	Overall %
Overall	123	24	19.5%
First Timers	27	14	51.9%
July 2017	Total	Pass	Overall %
Overall	187	67	35.8%
First Timers	41	19	46.3%

Occupational Analysis Completed

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

http://www.courtreportersboard.ca.gov/formspubs/occupational_2017.pdf

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
Mikaele 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.



Court Reporters Board of California - Citations and Fines Issued December 2017 - March 2018

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.

RESPONDENT NAME - COUNTY	LICENSE NO.	DATE ISSUED	VIOLATION	SATISFIED
Caruthers, Kristine - Orange County	10560	03/13/2018	Business & Professions Code Section 8025 (d) and (j) in conjunction with CA Code of Regulations, Title 16, Section 2473 Minimum Transcript Format Standards (MTFS). (failed to comply with MTFS)	No
Bourne, Kamaiya - Los Angeles County	14127	03/02/2018	Business & Professions Code Section 8025 (d): Unprofessional conduct... availability, delivery, execution and certification of transcripts... (failed to timely produce transcript)	No
McAndrews, Kimberly - San Bernardino County	10755	02/15/2018	Business & Professions Code Section 8025 (d): Unprofessional conduct... availability, delivery, execution and certification of transcripts... (failed to timely produce transcript)	No
Cox, Pamela - Tulare County	8006	02/12/2018	Business & Professions Code Section 8025 (d): Unprofessional conduct... availability, delivery, execution and certification of transcripts... (failed to timely produce transcripts)	Yes
Priest, Wendy - Los Angeles County	12722	02/09/2018	Business & Professions Code Section 8025 (d): Unprofessional conduct... availability, delivery, execution and certification of transcripts... (failed to timely produce transcripts)	No
Wu, Valerie - Riverside County	14027	02/08/2018	Business & Professions Code Section 8025 (d): Unprofessional conduct... availability, delivery, execution and certification of transcripts... (failed to timely produce transcript)	No
Bivens, Shawn - Los Angeles County	7719	01/24/2018	Business & Professions Code Section 8025 (d): Unprofessional conduct... availability, delivery, execution and certification of transcripts... (failed to timely produce transcript)	No
Guzman, Diana - Los Angeles County	13373	01/09/2018	Business & Professions Code Section 8025 (d): Unprofessional conduct... availability, delivery, execution and certification of transcripts... (failed to timely produce transcripts)	No
Disbrow, David - San Francisco County	7768	12/14/2017	Business & Professions Code Section 8025 (d): Unprofessional conduct... availability, delivery, execution and certification of transcripts... (failed to timely produce transcripts)	No

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 and/or a probationary status with conditions.

RESPONDENT NAME - COUNTY	LICENSE NO.	ACTION	EFFECTIVE DATE	CHARGES
Wu, Valerie - Riverside County	14027	Accusation	03/29/2018	Business & 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.
Biggs, Janene - Solano County	11307	Petition to Revoke Probation	11/13/2017	Failure to comply with conditions of probation.

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

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



**COURT REPORTERS BOARD
OF CALIFORNIA**

AGENDA ITEM III – Fee Increase Regulation

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Agenda Description: Discussion and possible action on fee increase regulatory package
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Brief Summary: At its October 27, 2017, meeting, the Board approved regulatory language to increase license renewal fees from \$125 to \$225 and examination fees from \$25 to \$50 for each portion of the three-part license exam. It also instructed staff to begin the regulatory process. The Originally Proposed Language is included as Attachment 1. The Initial Statement of Reasons is included as Attachment 2. The Economic and Fiscal Impact Statement is included as Attachment 3.

Per the current process for approval of regulatory packages, board staff worked with legal staff to draft the language. The proposed regulatory package was submitted to DCA where it was reviewed by various departments including Budgets and Legal. After DCA approval, the package was submitted to Business, Consumer Services, and Housing Agency for review. After making requested edits from all reviewers, staff received approval to submit the package to the Office of Administrative Law (OAL) to begin the actual rulemaking process.

The regulatory package was submitted to OAL on April 26, 2018, and it was published on May 11, 2018, beginning the public comment period which stayed open until close of business July 5, 2018, the date of the public hearing.

A transcript of the public hearing is included as Attachment 4. The written public comments are included as Attachment 5. Response to the comments are found at Attachment 6.

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Support Documents:

- Attachment 1 – Originally Proposed Language
- Attachment 2 – Initial Statement of Reasons
- Attachment 3 – Economic and Fiscal Impact Statement
- Attachment 4 – Transcript of July 5, 2018, public hearing
- Attachment 5 – Written comments
- Attachment 6 – Final Statement of Reasons

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Fiscal Impact: Increase in fund balance.
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Report Originator: Yvonne Fenner, 7/6/2018
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Recommended Board Action: Staff recommends the Board review and approve the response to comments received and have staff continue the rulemaking process.

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.

COURT REPORTERS BOARD OF CALIFORNIA
Department of Consumer Affairs
California Code of Regulations, Title 16, Division 24, Court Reporters Board
Fee Increase

INITIAL STATEMENT OF REASONS

Subject Matter of Proposed Regulation: Initial Certificate, Annual Renewal, Delinquent, and Exam Fee Increase

Sections Affected: Section 2450 of Division 24, Title 16 of the California Code of Regulations (CCR).

Specific Purpose of the Proposed Changes

The Court Reporters Board of California (Board) proposes to amend section 2450 of Division 24 of Title 16 of the CCR. The purpose for amending the regulation is to allow the Board to raise fees to address structural imbalances in the Board's budget and to ensure funding for the Transcript Reimbursement Fund.

Section 163.5 of the Business and Professions Code (BPC) sets the renewal delinquency fee at 50% of the renewal fee. Section 8007 authorizes the Board to adopt, amend, or repeal rules and regulations which are reasonably necessary to carry out the provisions of the chapter. Section 8008 authorizes the Board to charge and collect fees. Section 8031 establishes the statutory limits for the fees that the Board may charge and collect.

The initial certificate, renewal, delinquency, and exam fees have remained the same since 2011. In this proposed rulemaking, the Board seeks to amend Title 16 of the CCR, section 2450 to increase said fees as detailed below. These fee increases will apply to licenses that expire after the effective date of the regulation.

FEE	EXISTING	PROPOSED	MAXIMUM
Exam Fee per Section	\$25	\$50	\$75
Initial Certificate	\$125	\$225	\$250
Annual Renewal	\$125	\$225	\$250
Delinquent Fee	\$62.50	\$112.50	\$125
Initial Certificate valid for less than 180 days	\$62.50	\$112.50	\$125

The proposed fee increases intend to address the Board's structural imbalance and will protect the Court Reporters Board Fund from becoming insolvent as projected in FY 18-19. Analysis of the Board's fund balance measured by Months in Reserve projects that at the end of the current fiscal year 2017-18, a 2.9-month reserve will exist. However, the reserve is projected to steadily decline in the following fiscal years to the point where there will be a negative 0.2-month deficit at the conclusion of 2018-19. Currently the Board is unable to

fund the operation of the Board and fund the Transcript Reimbursement Fund (TRF) as doing so would cause the Board to have less than six months' operating expenses in reserve. Existing statute precludes any transfer of funds to the TRF when the Board's reserve is below six months; however, BPC section 8030.2, subdivisions (a) and (b) require the Board to set fees in such a manner as to permit funding of the TRF at statutorily specified levels. The Board administers the TRF, established in 1981 to aid qualified indigent litigants in civil cases by providing transcript reimbursement funds. To date, the TRF has disbursed over \$8.5 million to California's indigent population. In 2010, SB 1181 (Cedillo) authorized a two-year pilot project, expanding the TRF to qualified pro per litigants, and the pilot project became a permanent part of the fund in 2013. There is great demand for this portion of the fund, which expands access to justice to those most in need.

Impact to Renewal Fees

The proposed fee increase will equate to an increase of \$100 per year per licensed court reporter.

Impact to Delinquent Fees

Pursuant to BPC section 163.5, and in response to the implementation of the proposed renewal fee increase, the delinquency fees imposed on practitioners who fail to timely renew their license prior to expiration will also increase from \$62.50 per year to \$112.50 per year.

Impact to Initial Certificate Fees

Pursuant to Business and Professions Code section 8031, subdivision (c), and in response to the implementation of the proposed renewal fee increase, the initial certification fee will increase \$100 over the current amount. For initial certificates issued for less than 180 days before expiration, the fee will increase \$50.

Impact to Examination fees

The proposed fee increase will result in an increase of \$25.00 over the current fee for each section of the examination taken by the candidate. Each candidate must take and pass three different examination sections, resulting in a total increase of \$75.00 for the full examination process.

Problem Being Addressed

The board is currently experiencing a structural imbalance – expenditures outpace revenue. A review of the Board's fund condition report demonstrates an overall revenue decrease of 7% between 2012-13 to 2016-17 a 12% decrease in revenue due to fewer people seeking licensure leading to a limited licensee population. A review of the licensee statistics from the same time period demonstrates for every new license issued, two licenses are cancelled (usually due to retirement). The fastest growing segment of court reporting is Computer Aided Realtime Translation (CART), which provides instantaneous translation for the deaf and hard of hearing as well as closed caption for broadcasting. CART providers do not need a license to practice in California. A review of the fund condition reflects an overall 16 percent decrease in revenue during the same time period. The decrease in revenue correlates directly to the slow net decrease of application and renewal fee revenue.

The increase in expenditures over the past six years is tied to increases in employee salaries and benefits, pro rata charges, and enforcement costs as follows:

	FY 12-13	FY 13-14	FY 14-15	FY 15-16	FY 16-17
Actual Positions	4.5	4.8	5.0	4.7	4.8
Salaries & Benefits	\$ 419,000	\$ 492,000	\$ 539,000	\$ 531,000	\$ 572,000
Departmental Pro Rata	\$ 82,000	\$ 141,000	\$ 135,000	\$ 120,000	\$ 248,000
BreEZe	\$ 5,000	\$ 38,000	\$ 21,000	\$ 21,000	\$ 55,000

- Other costs that have contributed to additional expenditures in the last five years include one-time expenses of approximately \$100,000 associated with a lawsuit against U.S. Legal, an out-of-state corporation.
- The Board has incurred one-time expenses associated with an updated occupational analysis, as well as increases in rent and license exam site rental.

Notwithstanding the increases in expenditures, the Board has undertaken every effort to increase efficiencies while reducing expenditures over the years, including participating in the Consumer Protection Enforcement Initiative (CPEI). CPEI focuses on increasing efficiencies with the overriding goal of completing the entire enforcement process for a licensee within 18 months. Additional training was provided to enforcement staff as well as cross-training provided to help complaints get processed as efficiently as possible.

As an additional cost-saving measure, the Board has decreased the number of meetings. In 2009 the Board was meeting quarterly. Since that time the Board meets only the minimum three times required by statute, only adding in an additional meeting when necessary to deal with pressing Board business.

Comparison to Consumer Price Index

In addition, the initial certificate, renewal, and delinquent fees have remained unchanged since 2011, while the Consumer Price index has increased over those years. The rate of inflation is calculated at 10.15 percent since 2012 and 33.46 percent since 2002 (See The Bureau of Labor Statistics' Consumer Price Index Detailed Report Data for December 2015 - Table 24). A review of the fund condition reflects an overall 60 percent increase in expenditures from 2012-13 to 2016-17.

Anticipated benefits from this regulatory action

The proposed fee increases address the Board's structural imbalance and are aimed at protecting the fund from becoming insolvent. The proposal is designed to enable the Board to maintain its licensing, disciplinary, and oversight operations mandated to protect California's consumers. The proposal also allows for funding of the TRF, an important legislative mandate benefitting qualified indigent litigants, which the Board is statutorily commanded to consider when setting fees authorized by BPC section 8031 and is required to fund pursuant to section 8030.2, subdivision (e).

Factual Basis/Rationale

Currently BPC section 8031 provides a statutory ceiling of \$250 for license renewal. The renewal fee was last increased by regulation in 2011. The demonstrated increase in costs is a fraction of the amount of inflation on the United States dollar's 10.15 percent increase since 2012 and 33.46 percent increase since 2002.

Current budget projections show that the Board's fund balance as measured in Months in Reserve will steadily decline to the point where there will be a negative 0.2-month deficit by the end of 2018-19. Therefore, the Board proposes to increase fees to preserve its fiscal solvency while continuing to make every effort to look for cost-saving efficiencies. A fee increase is necessary in order for the Board to continue to carry out its legislative mandate of oversight of the court reporting profession. Specifically, absent the proposed fee increase, licensing and enforcement activities will need to stop. Funding for the Transcript Reimbursement Fund has already stopped. After the proposed fee increase is implemented, the fund is projected to have 4.2 months in reserve starting in 2018-19. Starting in 2019-20 the Board will be able to fund the TRF \$300,000 annually.

As reflected in the Board's projected fund condition statement, the Board proposes to set the renewal fee at a level that will ensure the Board's fiscal solvency beyond 2018-19. Additionally, the proposed fee was set to ensure the Board's ability to fund the TRF pursuant to BPC section 8031. The initial certificate and delinquency fees are statutorily tied to the renewal fee and, consequently, will increase due to the increase to the renewal fee. The Board proposes to set the examination fee at a level equivalent to the actual cost to the Board of preparing, administering, grading, and analyzing the exam as required under section 8031.

Underlying Data

As identified above, the increase in fees is based upon the following materials:

1. Consumer Price Index (January 2017)
2. Fee Increase – Minutes from July 6, 2017 Board meeting (draft)
3. CRB Fund Condition 2016-17 through 2018-19
4. TRF Fund Condition 2016-17 through 2018-19
5. CRB Fund Condition 2011-12 through 2018-19
6. CRB Fund Condition with fee increase 2016-17 through 2022-23
7. Historical Expenditures
8. Revenue Increase Chart
9. BreZE Costs
10. Sample Official Court Reporter Salary Information

Business Impact

The proposed amendments to section 2450 will not have a significant adverse economic impact on businesses as the fee increases only impact individual court reporters.

Economic Impact Assessment

This regulatory proposal will have the following effects:

- It will not create or eliminate jobs within the state of California because the regulation

does not make any changes or provide for any new provisions that would affect the creation or elimination of jobs because it affects individuals rather than businesses.

- While the increase for renewal of the license fee is by percentage a large increase, the license renewal fee is small in comparison to the average salary of official court reporters, which ranges from \$5,400 to \$9,700 per month as demonstrated by the job recruitments attached as an exhibit in the Underlying Documents.
- It will not create new business or eliminate existing businesses within the state of California because the regulation does not make any changes or provide for any new provisions that would result in the creation or elimination of new businesses.
- It will not result in expansion of any businesses currently doing business within the state of California because the regulation does not make any changes or provide for new provisions that would directly affect the expansion of any businesses.
- This regulatory proposal will benefit the health and welfare of California residents because this proposal ensures the Board will remain fiscally solvent to administer and enforce the provisions of the Court Reporters Act in the interest of consumer protection.
- This regulatory proposal also will increase access to the California justice system as it will ensure statutorily-mandated funding for the TRF, administered by the Board to provide transcript reimbursement to qualified indigent litigants.
- This regulatory proposal does not affect worker safety because this proposal is specific to fee increases and it is not anticipated to impact current business practices or registration trends affecting worker safety.
- This regulatory proposal does not affect the state's environmental safety because it is specific to an increase in fees and is not anticipated to impact current business practices that may affect the state's environment.

Specific Technologies or Equipment

This proposed regulatory action does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

Any proposal for a fee increase less than what is being proposed will not allow the Board to fund the TRF, a statutory mandate from the Legislature, because the months in reserve would drop below six. Keeping fees at the current levels would prevent the Board from

fulfilling its consumer protection mandate because it would no longer have the available funds to fund the Transcript Reimbursement Fund as required by law by the end of calendar year 2017.

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 389 (REV. 12/2013)

ECONOMIC IMPACT STATEMENT

DEPARTMENT NAME Court Reporters Board of California	CONTACT PERSON Paula Bruning, Executive Analyst	EMAIL ADDRESS Paula.Bruning@dca.ca.gov	TELEPHONE NUMBER 916-263-3660
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Fee Increase			NOTICE FILE NUMBER Z

A. ESTIMATED PRIVATE SECTOR COST IMPACTS *Include calculations and assumptions in the rulemaking record.*

1. Check the appropriate box(es) below to indicate whether this regulation:

- a. Impacts business and/or employees
- b. Impacts small businesses
- c. Impacts jobs or occupations
- d. Impacts California competitiveness
- e. Imposes reporting requirements
- f. Imposes prescriptive instead of performance
- g. Impacts individuals
- h. None of the above (Explain below):

*If any box in Items 1 a through g is checked, complete this Economic Impact Statement.
If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.*

Court Reporters Board of California

2. The _____ estimates that the economic impact of this regulation (which includes the fiscal impact) is:
(Agency/Department)

- Below \$10 million
- Between \$10 and \$25 million
- Between \$25 and \$50 million
- Over \$50 million *[If the economic impact is over \$50 million, agencies are required to submit a Standardized Regulatory Impact Assessment as specified in Government Code Section 11346.3(c)]*

3. Enter the total number of businesses impacted: 0

Describe the types of businesses (include nonprofits): N/A

Enter the number or percentage of total businesses impacted that are small businesses: 0

4. Enter the number of businesses that will be created: 0 eliminated: 0

Explain: The proposed regulation will not create or eliminate any businesses.

5. Indicate the geographic extent of impacts: Statewide
 Local or regional (List areas): _____

6. Enter the number of jobs created: 0 and eliminated: 0

Describe the types of jobs or occupations impacted: N/A

7. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here? YES NO

If YES, explain briefly: _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

ECONOMIC IMPACT STATEMENT (CONTINUED)**B. ESTIMATED COSTS** *Include calculations and assumptions in the rulemaking record.*1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ See attacheda. Initial costs for a small business: \$ 0 Annual ongoing costs: \$ 0 Years: _____b. Initial costs for a typical business: \$ 0 Annual ongoing costs: \$ 0 Years: _____c. Initial costs for an individual: \$ See attached Annual ongoing costs: \$ See attached Years: See attachedd. Describe other economic costs that may occur: None2. If multiple industries are impacted, enter the share of total costs for each industry: N/A3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. *Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted.* \$ N/A4. Will this regulation directly impact housing costs? YES NO

If YES, enter the annual dollar cost per housing unit: \$ _____

Number of units: _____

5. Are there comparable Federal regulations? YES NOExplain the need for State regulation given the existence or absence of Federal regulations: There are no comparable federal regulation.Licenses are regulated at the state level in California.Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ 0**C. ESTIMATED BENEFITS** *Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: See attached2. Are the benefits the result of: specific statutory requirements, or goals developed by the agency based on broad statutory authority?Explain: BPC section 8031 sets out the fee caps.3. What are the total statewide benefits from this regulation over its lifetime? \$ See attached4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: N/A**D. ALTERNATIVES TO THE REGULATION** *Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: There were no workable alternatives to consider. The Board has made every effort to effectuate cost-savings; however, expenditures outside of the Board's control are driving this fee increase. This proj 44 is necessary to effectuate law.

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

ECONOMIC IMPACT STATEMENT (CONTINUED)

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation: Benefit: \$ 696,250 annually Cost: \$ See attached

Alternative 1: Benefit: \$ N/A Cost: \$ N/A

Alternative 2: Benefit: \$ N/A Cost: \$ N/A

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: N/A

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs? YES NO

Explain: This regulation does not mandate the use of specific technologies or equipment or prescribe specific actions or procedures.

E. MAJOR REGULATIONS *Include calculations and assumptions in the rulemaking record.*

California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.

1. Will the estimated costs of this regulation to California business enterprises exceed \$10 million? YES NO

*If YES, complete E2. and E3
If NO, skip to E4*

2. Briefly describe each alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1: _____

Alternative 2: _____

(Attach additional pages for other alternatives)

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 1: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 2: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding \$50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through 12 months after the major regulation is estimated to be fully implemented?

YES NO

If YES, agencies are required to submit a Standardized Regulatory Impact Assessment (SRIA) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.

5. Briefly describe the following:

The increase or decrease of investment in the State: N/A

The incentive for innovation in products, materials or processes: N/A

The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency: This proposal is expected to keep the Board's fund solvent through FY 2022-23, thereby allowing the Board to protect consumers via regulation.

ECONOMIC AND FISCAL IMPACT STATEMENT

(REGULATIONS AND ORDERS)

STD. 399 (REV. 12/2013)

FISCAL IMPACT STATEMENT

A. FISCAL EFFECT ON LOCAL GOVERNMENT *Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

1. Additional expenditures in the current State Fiscal Year which are reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

a. Funding provided in _____
Budget Act of _____ or Chapter _____, Statutes of _____

b. Funding will be requested in the Governor's Budget Act of _____
Fiscal Year: _____

2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

Check reason(s) this regulation is not reimbursable and provide the appropriate information:

a. Implements the Federal mandate contained in _____

b. Implements the court mandate set forth by the _____ Court.

Case of: _____ vs. _____

c. Implements a mandate of the people of this State expressed in their approval of Proposition No. _____

Date of Election: _____

d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected: _____

e. Will be fully financed from the fees, revenue, etc. from: _____

Authorized by Section: _____ of the _____ Code;

f. Provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each;

g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in _____

3. Annual Savings. (approximate)

\$ _____

4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

5. No fiscal impact exists. This regulation does not affect any local entity or program.

6. Other. Explain _____

ECONOMIC AND FISCAL IMPACT STATEMENT

(REGULATIONS AND ORDERS)

STD. 399 (REV. 12/2013)

FISCAL IMPACT STATEMENT (CONTINUED)

B. FISCAL EFFECT ON STATE GOVERNMENT *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ 0

It is anticipated that State agencies will:

a. Absorb these additional costs within their existing budgets and resources.

b. Increase the currently authorized budget level for the _____ Fiscal Year

2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

3. No fiscal impact exists. This regulation does not affect any State agency or program.

4. Other. Explain This proposal will increase revenue for the Board by an estimated \$696,250 each year. (See attached.)

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____

2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.

4. Other. Explain _____

FISCAL OFFICER SIGNATURE	DATE
	

The signature attests that the agency has completed the STD. 399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.

AGENCY SECRETARY	DATE
	

Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD. 399.

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER	DATE
	

COURT REPORTERS BOARD OF CALIFORNIA
Department of Consumer Affairs
California Code of Regulations, Title 16, Division 24 Court Reporters Board
Fee Increase

STD 399 Attachment

ECONOMIC IMPACT

B.1.c.) Licensees will incur a \$100 increase in license renewals for an active license, an annual fee, resulting in an increase to each licensee of \$1,000 over a 10-year period. Licensees holding a delinquent license will incur an increase of \$50 for each period of time the license is delinquent (up to three years), resulting in a lifetime increase of \$500, if the licensee renews delinquent each year. Applicants for initial licensure will incur a one-time \$100 increase.

Applicants for the license exam will incur a \$25 increase per portion (three portions). This would be a one-time fee if the applicant passed all three portions on the first attempt. The fee is recurring only for the portions of the exam the applicant does not pass.

C. 1 and C.3) The fee increases will affect initial license applicants, annual license renewals including delinquent renewals, and exam applicants. The fee increases are expected to keep the Board's fund solvent through FY 2022-23 thereby allowing the Board to continue to regulate the practice of court reporting in the interest of consumer safety. This regulation effectuates current law (BPC section 8031).

The public would benefit from the board balancing the budget because the board would be able to carry out the oversight activities mandated by the legislature. Consumer protection is achieved when the board tests court reporting candidates for minimum skills and knowledge for entry into the workplace as well as issuing discipline against licensees who are not following the statutes that relate to court reporting. Additionally, a balanced budget would benefit those who qualify to take advantage of the Transcript Reimbursement Fund.

The total statewide benefits from this regulation are expected to be \$696,250 annually, which will allow the Board to continue its licensing and enforcement operations as well as continue to fund and administer the Transcript Reimbursement Fund.

D.2.) The total statewide benefits from this regulation are expected to be \$696,250 annually, which will allow the Board to continue its licensing and enforcement operations as well as continue to fund and administer the Transcript Reimbursement Fund.

There is no cost to the Board to implement the fee increases. Licensees will incur a \$100 increase in license renewals for an active license, an annual fee. Initial applicants will incur a one-time \$100 increase. Licensees holding a delinquent license will incur an increase of \$50 for each period of time the license is delinquent (up to three years). Applicants for the license exam will incur a \$25 increase per portion (three portions). The fee is recurring only for the portions of the exam the applicant does not pass.

FISCAL IMPACT

B.4.)

License Type	17/18 Workload	Current Fee	2017-18 Projected Revenue	18/19 Workload	Proposed Fee 7/1/18	2018-19 Projected New Revenue	Difference (Fee)	Difference (Revenue)	Lifetime 10 Year Cost
Licensure Fees:									
Initial License Fee	80	\$ 125	\$ 10,000	80	\$ 225	\$ 18,000	\$ 8,000	\$ 6,000	\$ 6,000
Dictation Exam Fee	420	\$ 25	\$ 10,500	420	\$ 50	\$ 21,000	\$ 10,500	\$ 10,500	\$ 10,500
English Exam Fee	260	\$ 25	\$ 6,500	260	\$ 50	\$ 13,000	\$ 6,500	\$ 6,500	\$ 6,500
Prof Practise Exam Fee	230	\$ 25	\$ 5,750	230	\$ 50	\$ 11,500	\$ 5,750	\$ 5,750	\$ 5,750
Renewal Fees:									
Annual Renewal Fee	6,800	\$ 125	\$ 850,000	6,800	\$ 225	\$ 1,485,000	\$ 635,000	\$ 635,750	\$ 635,750
Delinquent Fees:									
Delinquent Renewal Fee	275	\$ 82.50	\$ 22,688	275	\$ 130	\$ 30,938	\$ 8,250	\$ 13,750	\$ 13,750
TOTAL			\$ 875,888			\$ 1,574,938		\$ 696,250	\$ 696,250
				\$ 696,250	(Fee Increase beginning July 2018)				

COURT REPORTERS BOARD OF CALIFORNIA

Third Floor Conference Room

2535 Capitol Oaks Drive

Sacramento, California 95833

California Code of Regulations Sections 2450 and 2451

Regulatory Hearing

July 2, 2018

1:00 p.m.

Attendees

Aimee Edwards-Altadonna, California Court Reporters
Association

Diane Freeman, California Deposition Reporters
Association

Sandy Walden, California Court Reporters Association

--o0o--

Paula Bruning, Court Reporters Board

Yvonne Fenner, Court Reporters Board

1 Good afternoon. My name is Yvonne Fenner. I'm the
2 executive officer of the Court Reporters Board of
3 California. This hearing is to consider the proposed
4 amendment to section 2450 to the Board's regulations as
5 outlined in the public notice. This hearing is being
6 held under the authority of section 8007 of the Business
7 & Professions Code and the procedures set forth in the
8 Administrative Procedure Act.

9 At this time, the hearing will be opened to take
10 oral testimony and/or documentary evidence from any
11 person interested in the proposed regulatory action for
12 the record, which is now being made by tape recorder.
13 All oral testimony and documentary evidence will be
14 considered by the Board pursuant to the requirements of
15 the Administrative Procedure Act before the Board
16 formally adopts the proposed regulatory action or
17 recommends changes which may evolve as a result of this
18 hearing.

19 As you entered this room, you were offered the
20 attendance sheet to sign your name and a space to mark to
21 indicate that you wanted to make oral comments on the
22 proposed regulations. By completing the attendance sheet
23 and providing your email address, we will notify you
24 before final adoption of any changes to this proposal or
25 about any new material relied upon in proposing these
26 regulation changes. While no one may be excluded from
27 participation in these proceedings for failure to

1 identify themselves, the names and addresses on the
2 attendance sheet will be used to provide the notice.

3 If you have not yet signed the attendance sheet and
4 you now wish to do so, please raise your hand.

5 It is the desire of the Board that the record of the
6 hearing be clear and intelligible and that the hearing
7 itself be orderly, thus providing all parties with fair
8 and ample opportunity to be heard. The purpose of this
9 hearing is to take oral testimony and/or documentary
10 evidence regarding the proposed regulatory action. The
11 Board will not respond to any comment at this time, but
12 will respond to all comments received in its Final
13 Statement of Reasons, which will be included in the
14 rulemaking file for the proposed regulatory action.

15 We will listen to oral comments in the order you
16 signed the attendance sheet. After we hear from everyone
17 who signed in, we will hear from any latecomers or anyone
18 else who wishes to be heard.

19 When you are called to speak, we ask that you come
20 to the table and begin by stating your name and
21 identifying the organization you represent, if any.
22 After all interested parties have been heard, the issue
23 will stand submitted.

24 Are there any questions concerning the nature of the
25 proceedings or the procedure to be followed here before
26 we begin?

27 Hearing none, we will now consider the Board's

1 proposed regulatory action.

2 We will mark as Exhibit A the originally proposed
3 language for the following section 2450 - Fee Schedule

4 These regulation changes were duly noticed more than
5 45 days prior to today's hearing. Copies of the notice,
6 together with the regulations and the statement of
7 reasons, were published on the Board's Web site and
8 noticed to all interested parties.

9 May I have the attendance sheet please? We will now
10 take oral comments on the proposed regulation changes.
11 In the interest of time, if you agree with comments made
12 by a prior speaker, simply state the fact and add any new
13 information you feel is pertinent to the issue.

14 Are there any comments regarding the proposed
15 regulatory action?

16 Hearing no requests, I hereby close this oral
17 hearing. We'll continue to receive written comments
18 until 5:00 p.m. today at our office at 2535 Capitol Oaks
19 Drive, Suite 230, Sacramento, California 95833.

20 Thank you for your attendance. We appreciate your
21 assistance in developing these regulation changes.

22 [The hearing was adjourned at 1:05 p.m.]
23
24
25
26
27

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

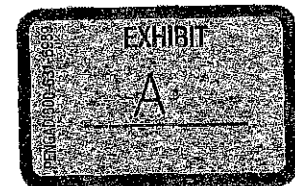
ORIGINALLY PROPOSED LANGUAGE

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.



Bruning, Paula@DCA

From: Laureen Badar ·
Sent: Wednesday, May 16, 2018 7:31 PM
To: Bruning, Paula@DCA
Subject: Comments re CA CR license fee increase

Importance: High

Categories: Laws / Regs

Dear Ms. Bruning:

I have been a stenographic freelance court reporter since 1978 and am currently licensed in three states. Although moving from New Mexico, to California, and then to Arizona, I have kept all my licenses current. I have not reported in New Mexico since 1998 and have not reported in California since 2006, yet have paid \$4,000 "just in case." An increase in the California dues will seriously cause me to think about allowing my California license to lapse. I also pay annual dues to NCRA and attend seminars and classes for CEU credits annually.

I am in excellent health and will be a young 60 years old in 10 days. I expect to report at least another five, if not 10 years, especially in light of a reporter shortage.

If the dues "must be increased," would you then also consider a significantly reduced fee to have my license frozen or put on hold in the chance I do move back to California?

Thank you for your time and consideration.

Sincerely,

Laureen Badar, CSR, RMR
Certified Reporter in AZ, CA, NM

Bruning, Paula@DCA

From: Eric Throne
Sent: Friday, May 18, 2018 8:03 AM
To: Bruning, Paula@DCA
Subject: Fee Increase

Paula,

Wanted to say I'm in complete agreement with the proposed increases.

ERIC L. THRONE, CSR No. 7855, RMR, CRR, CRC

Bruning, Paula@DCA

From: Shelly
Sent: Friday, May 18, 2018 10:12 AM
To: Bruning, Paula@DCA
Subject: Fwd: Court Reporters Board of California E-mail Notification

I support the attached increases. I understand that fewer persons are taking the exams each year, as well as fewer persons are entering schools for this profession, so it is reasonable for the Board to take proactive measures to ensure its continuity.

CONFIDENTIALITY NOTICE: The information in this electronic mail transmission may contain privileged and confidential matter and is intended for the named recipient(s) only. If you are not the intended recipient(s), you are not to disclose, disseminate or reproduce the contents of this transmission. If you have received this transmission in error, please notify us immediately by return e-mail. Thank you.

Bruning, Paula@DCA

From: Luciano
Sent: Monday, May 21, 2018 1:33 PM
To: Bruning, Paula@DCA
Subject: CRB of CA Fee Increase

Categories: Laws / Regs

Dear Ms. Bruning:

Before providing comments to you regarding the fee increase for CRB of CA exams, license application, original license issuance and future renewals, please know who these comments are coming from, for purposes of providing complete transparency to you, the CRB of CA office staff and Board. I have passed all three exams for CA CSR licensing reinstatement and am waiting the hearing date this summer before an administrative law judge. That pending hearing and the comments I am providing here in response to Ms. Kim Kale's email dated May 16, 2018 have absolutely nothing to do with each other, just as the feedback I provided to Ms. Kale last year regarding my test-taking experiences have no impact on my possible reinstatement.

I have been reporting since 1986. California is the state I was born and raised in and have called my home for 49 of my 60 years. It is also an extremely expensive state to live and work in. Any exam application or licensing fee increase here is justified. Perhaps I can sum up my feelings by saying we get what we pay for. I have had work offered to me in more than one state where there is little to no licensing requirement beyond being a member of their reporter association of having passed an exam elsewhere. I have paid license fees as low as \$30. I did not get much in return. Reporters and firm owners I would turn to for guidance couldn't answer basic questions, or I would receive many different answers that made no sense. There seemed to be no quality control. CRB of CA currently has an outstanding, knowledgeable office staff and Board members, along with providing reporters and the public with an abundance of resources available at our fingertips. The Web site is impressive and relevant.

Since April 2017 I have relied on it too many times to count, whether I have a question about formatting, backup audio media, the examination process, or a particular code or statute. I cannot recall being able to find specific answers to those kinds of things in other states when needed quickly. Again, my point to you and others is we get what we pay for.

I do not oppose a fee increase. I support it. I will pay whatever I am required to pay if reinstated and will be happy to pay the renewal fee each and every year thereafter. What should concern us is the possibility that our profession, like many others in the United States, could ever face deregulation. Thirty percent of workers in the U.S. hold professional licenses. Whether students or working reporters, a fee increase should be the least of our concerns as long as there is transparency, which I believe the CRB of CA has always provided.

Respectfully,
Catherine Luciano
CSR No. 6981 reinstatement hearing pending

Bruning, Paula@DCA

From: Jennifer Matteo
Sent: Tuesday, June 26, 2018 1:23 PM
To: Bruning, Paula@DCA
Subject: Increase in License fees

This is an email in opposition of the license fee increase. While I understand the need to increase fees, I find an 80% change absurd. Please look at other ways to increase your TRF revenue.

Thank you.

From: Salena Copeland
Sent: Friday, June 29, 2018 10:37 AM
To: Bruning, Paula@DCA; Fenner, Yvonne@DCA
Subject: Public Comment on the proposed rule change

June 29, 2018

Re: Proposed change to fee schedule for Court Reporters Board

The Legal Aid Association of California
(LAAC)

fully supports the proposed modest increases to the licensing fees for California's licensed Court Reporters.

Funding of the Transcript Reimbursement Fund, which is only possible if fees are increased, is crucial to ensuring that low-income litigants receive equal access to justice.

LAAC is a statewide membership association of nearly 100 public interest law nonprofits that provide free civil legal services to low-income people and communities throughout California. LAAC member organizations provide legal assistance on a broad array of substantive issues, ranging from general poverty law to civil rights to immigration, and also serve a wide range of low-income and vulnerable populations. LAAC serves as California's unified voice for legal services and is a zealous advocate advancing the needs of the clients of legal services on a statewide level regarding funding and access to justice issues. We are happy to express our support for this proposal.

The Transcript Reimbursement Fund allows for the reimbursement of court transcript costs, both to low-income, self-represented litigants and to legal aid organizations representing low-income clients. At the trial court level, the absence of a court transcript can mean being denied an effective court order entirely. At the appellate level, preventing low-income litigants from having access to court transcripts effectively precludes review of adverse rulings. In either case, low-income litigants are denied equal justice under the law. Because having a written record of court proceedings is an essential component in so many cases, including evictions, domestic violence orders, immigration proceedings and more, the Transcript Reimbursement Fund plays an essential role in ensuring access to justice. For many, it ensures even more – access to shelter, safety, and other important civil and human rights.

This is an incredibly important source of funding. When a legal aid program does not have to spend its scarce resources on expensive court transcripts, it frees up funds to serve more people in need. Many Californians, especially those in vulnerable communities including immigrants, the elderly, and the disabled, will receive less assistance and will suffer if this important resource vanishes.

LAAC speaks for the entire legal aid community in very strong support of this

proposal and for the critical importance of the Transcript Reimbursement Fund.

The proposed fee increase is modest, and in the analysis of the proposed increase, CRB staff state:

"Any proposal for a fee increase less than what is being proposed will not allow the Board to fund the TRF, a statutory mandate from the Legislature, because the months in reserve would drop below six. Keeping fees at the current levels would prevent the Board from fulfilling its consumer protection mandate because it would no longer have the available funds to fund the Transcript Reimbursement Fund as required by law."

For this reason, we support the proposed increase.

Thank you,
Salena Copeland

Salena Copeland (pronouns she/her)
Executive Director
Legal Aid Association of California
510-893-3000
www.LAAOnline.org
www.LawHelpCA.org

Like what we're up to? Help support our advocacy with your [donation!](#)



RECEIVED
JUN 29 2018
Dept. of Consumer Affairs
Court Reporters Board of CA

July 29, 2018

Paula Bruning
Yvonne Fenner
Court Reporters Board of California
2535 Capital Oaks Drive, Suite 230
Sacramento, CA 95833
BY EMAIL ONLY

Re: Proposed Rulemaking Action - Court Reporters Board of California Fee Increase

Dear Ms. Bruning and Ms. Fenner:

Family Violence Appellate Project (FVAP) strongly supports the proposed rule to slightly increase court reporter's fees in order to appropriately fund the Transcript Reimbursement Fund (TRF), and thanks the Board for initiating this crucial action. The TRF is a vital resource for low-income litigants and for legal aid organizations to cover court transcript costs. As the only statewide agency providing free appellate services to survivors of domestic violence, we can unequivocally vouch that without TRF funds, low-income domestic violence survivors will face insurmountable obstacles to justice that may well place them and their children in danger.

FVAP was founded in 2012 to represent low- and moderate-income litigants in family law cases involving domestic violence. FVAP's mission is to ensure the safety and well-being of domestic violence survivors and their children by helping them to obtain effective appellate representation. FVAP is the only organization in California dedicated to appealing cases on behalf of domestic violence survivors and their children. We are a State Bar-funded Support Center, providing statewide support to legal services agencies serving survivors of domestic abuse.

Most family court litigants are self-represented. (See Elkins Family Law Task Force, Final Report and Recommendations (Apr. 2010) ("Elkins Report"), at p. 10 [noting that "more than 75 percent of family law cases . . . have at least one self-represented party"].) This is particularly true of family violence litigants. (*Ross v. Figueroa* (2006) 139 Cal.App.4th 856, 861 fn.3 [litigants in domestic violence restraining order cases are *pro se* 90% of the time].) As described in more depth below, they rely on the TRF to obtain

transcripts to help them write restraining orders that accurately reflect the judge's in-court statements about how they and their children will be protected by a restraining order, custody and visitation orders, and other orders resulting from Domestic Violence Prevention Act cases. Without an accurate transcript, they will not be able to write orders that law enforcement can use to protect them and their children.

In addition, litigants and legal services attorneys rely on the TRF when petitioning courts for restraining order renewals. Renewal hearings occur up to five years after the initial restraining order hearing. (Family Code § 6345.) To obtain a renewal, petitioners must show they have a reasonable fear of future abuse. (*Ritchie v. Konrad* (2004) 115 Cal.App.4th 1275.) Without an accurate record of what the previous judge found happened, victims of abuse cannot show the new judge why they are in need of continued protection. Any testimony or trial court findings from the original hearing will be inaccessible to the survivors, their attorneys and the courts if legal services agencies and pro per litigants are unable to access transcripts through the TRF.

Such an outcome will put low-income survivors of abuse and their children at severe risk of future abuse. Many survivors of domestic violence do not have the financial resources to pay for the cost of a reporter's transcript. While domestic violence cuts across all socio-economic groups, the risk for domestic violence is higher for individuals with lower socio-economic status.¹ Even if these individuals were not poor when the abuse started, survivors of domestic violence often struggle to make ends meet as a direct result of the abuse.² Accordingly, survivors of domestic violence are less likely to be able to

¹ Holtzworth-Munroe, A., Smutzler, N., & Bates, L., A Brief Review of the Research On Husband Violence. Part III: Sociodemographic Factors, Relationship Factors, And Differing Consequences of Husband And Wife Violence. *2 Aggression and Violent Behavior* 285, 286-288 (1997).

² See Peña, Melissa, The Role of Appellate Courts in Domestic Violence Cases and the Prospect of a New Partner Abuse Cause of Action, *20 Rev. Litig.* 503, 506 (2001) ("Many battered women who divorce their abusers must sacrifice financial security as a result."); Barbara Hart and Erika Sussman, Civil Tort Suits and Economic Justice for Battered Women, *4(3) Violence Advocate Journal of the National Crime Victim Bar Assoc.* 3 (Spring 2004) (compiling the high costs of domestic violence, including medical care, relocation, lost pay, and damaged or stolen property); Joan Zorza, Women Battering: High Costs and the State of the Law, *Clearinghouse Review, Special Issue* (1994) 383, 384-385, (finding domestic violence to be the largest cause of homelessness in the U.S.; that 96% of domestic violence shelter residents in a U.S. city experienced problems at work from their abusers; that 20% of victims in two U.S. states lost their jobs and many victims had money and possessions destroyed by their batterers); Rachel Gallagher, Welfare Reform's Inadequate Implementation of the Family Violence Option: Exploring the Dual Oppression of Poor Domestic Violence Victims, *19(3) Am. U. J. of Gender, Soc. Policy & the L.* 987, 996-997 (2011) (finding that between a quarter and a half of domestic violence victims reported losing a job at least partly due to domestic violence).

afford to pay for attorneys or for reporter's transcripts than are other family law litigants, including their abusers. The TRF is essential to enabling low-income survivors of abuse have meaningful access to the courts.

I. THE LACK OF REPORTER'S TRANSCRIPTS IN FAMILY LAW COURTROOMS CREATES SERIOUS, AND OFTEN INSURMOUNTABLE, OBSTACLES FOR FAMILY VIOLENCE LITIGANTS

The uniquely fact-intensive nature of judicial determinations in family law cases concerning domestic violence makes the reporter's transcript critically important to indigent family violence survivors litigating their cases in the trial and appellate courts.

A. The Lack of a Reporter's Transcript Prejudices Indigent Family Violence Litigants in the Trial Court

Denying indigent family violence litigants access to reporter's transcripts at the trial level creates serious access-to-justice issues.

First, there is a particular need for a reporter's transcript in family law proceedings involving domestic violence issues because law enforcement officers are often called upon to enforce domestic violence restraining orders, or child custody and visitation orders that address family violence issues. In these cases, transcripts are needed to craft an accurate post-hearing written order that can be enforced by law enforcement officers.

Second, in custody and visitation cases where the issues are litigated and revisited over many years, transcripts are needed for the court to assess whether there have been significant changed circumstances since the initial determination. Having the transcript from the initial custody or visitation determination provides the court with a factual baseline of the parties' previous behavior to help the judge assess whether alterations to custody or visitation schedules are warranted.

Third, in many California counties, judges serve only one or two years in family court before moving on to another courtroom assignment. Consequently, domestic violence survivors are frequently assigned to multiple judges if the case spans more than one or two years, which happens frequently as parents request revisions to custody and visitation determinations over time. Without a transcript detailing the precise basis for the original order, the new family law judge is at a disadvantage in assessing and handling the case.

B. The Lack of a Reporter's Transcript Results in Denial of a Meaningful Right to Appeal in Family Violence Cases

A party may not raise evidentiary issues, or other issues dependent on trial court proceedings or rulings not included in a written order, unless there is a reporter's transcript. (See *Jameson v. Desta* (2015) 241 Cal.App.4th 491, 504 [holding that because

“the record on appeal does not contain a reporter’s transcript,” Jameson was “precluded from obtaining a reversal of the trial court’s ruling granting Desta’s motion for nonsuit”]; *Hodges v. Mark* (1996) 49 Cal.App.4th 651, 657 [an appellant who fails to provide a reporter’s transcript on appeal is precluded “from raising any evidentiary issues on appeal”].)

The lack of a reporter’s transcript is particularly problematic in family violence cases because of their fact-intensive nature and because the overwhelming majority of these litigants are not represented by counsel. The Elkins Family Law Task Force noted that “[a]ccess to the record in family law is a serious access-to-justice issue and must be significantly improved both to ensure that parties understand and can finalize the court’s orders and to ensure that the parties’ right to appeal is protected.” (See Elkins Report at p. 80.) The Task Force recommended that “[l]egislation should be enacted to provide that cost-effective options for creating an official record be available in all family law courtrooms in order to ensure that a complete and accurate record is available in all family law proceedings.” (*Ibid.*)

Family violence appeals typically arise from trial court decisions concerning requests for restraining orders and custody determinations. These decisions, by their nature, require judges to make determinations that are both fact-intensive and subjective. Indeed, trial courts must apply a statutory seven-factor test in order to award custody to a perpetrator of domestic violence. (Fam. Code, § 3044.) Those factors mandate determinations, among others, as to: whether the “perpetrator of domestic violence has demonstrated that giving sole or joint physical or legal custody of a child to the perpetrator is in the best interest of the child” and whether the “perpetrator of domestic violence has committed any further acts of domestic violence.” (*Id.*, § 3044, subd. (b).)

Accordingly, in family violence proceedings in the trial court, the judge’s decision in the overwhelming majority of cases turns on the facts of the case. Consequently, determinations of fact—and the evidence supporting or contradicting those determinations—will nearly always be at issue on appeal. A record of what was said in court by the parties and the judge is critical to both the parties’ ability to bring or oppose an appeal and to the appellate court’s ability to decide that appeal. A recent case in which there *was* a reporter’s transcript, and in which FVAP successfully appealed the trial court’s improper denial of a victim’s request for a renewal of a domestic violence restraining order, provides a telling demonstration of this point. (See *Cueto v. Dozier* (2015) 241 Cal.App.4th 550, 563.) To support her request for renewal of the restraining order, the victim presented evidence of the abuser’s alleged interactions with her that violated the restraining order. Her abuser gave contradictory testimony. The court denied the renewal request based on factual findings. (*Id.* at p. 553.) Because the transcript provided the appellate court with details of these factual findings, the appellate court was able to determine that the trial court’s denial of the renewal was an abuse of discretion. (*Id.* at p. 563.) If, however, the victim had not had a reporter’s transcript, she would have been

unable to support an appeal based on arguments regarding the sufficiency of the evidence presented below or the propriety of the judge's consideration of this evidence.

Further, the lack of a reporter's transcript is a particularly severe problem for appeals in family violence cases because, given limited judicial resources and the volume of family law and domestic violence cases, written opinions are the exception, not the rule. Trials in most domestic violence restraining order matters are concluded in less than eight hours, so written statements of decision are not even available to most family violence litigants. (See Code Civ. Proc., § 632.) Even when written statements of decision are an option, *pro se* litigants typically are not aware of their right to such a statement, nor do they know that they must request the statement, and must do so before the matter is submitted. Further, even when written opinions are provided, they are often summary and conclusory, and do not set forth the findings on which an appeal would be based. For example, in a recent FVAP custody case involving domestic violence issues, the court's written order simply stated, without elaboration: "Child Custody and Visitation: The Court adopts the recommendations of the Family Court Services Mediation Report, dated June 21, 2013, and attached herewith, in its entirety."³ (See *Fajota v. Fajota* (2014) 230 Cal.App.4th 1487.) Thus, even where a written ruling exists, the ability to appeal will often turn on oral findings and statements made in court that are not reflected in the written opinion.

Without a record delineating the factual and legal basis for the judge's ruling, indigent family violence litigants' appeals will be dismissed as a matter of law for lack of a transcript. (See, e.g., *Foust v. San Jose Construction Co.* (2011) 198 Cal.App.4th 181, 185-186) ["In numerous situations, appellate courts have refused to reach the merits of an appellant's claims because no reporter's transcript of a pertinent proceeding or a suitable substitute was provided."].)

We applaud your efforts to increase fees to ensure all Californians -- regardless of income -- have the access to justice that only court reporter's transcripts can provide. Please feel free to contact me directly at (510) 858-7358 or jwagner@fvaplaw.org if I can answer any questions or provide additional information.

Sincerely,

FAMILY VIOLENCE APPELLATE PROJECT



Jennafer Dorfman Wagner, Esq.
Director of Programs

³ The Family Court Mediation Report does not contain factual findings related to the abuse but only statements regarding custodial schedule.

Bruning, Paula@DCA

From: Kim Kuziora
Sent: Friday, June 29, 2018 5:40 PM
To: Bruning, Paula@DCA
Cc: Fenner, Yvonne@DCA
Subject: Inquiries, comments & concerns re: court reporter license fee increase

Importance: High

Dear Ms. Bruning,

I would like to express my following concerns regarding the Court Reporters Board Notice of Proposed Changes to raise court reporter licensing fees to \$225.

Will any of the 80% increase that the CRB is asking for in the court reporter's license renewal be used for and cover the "financial magnitude" of enforcing the existing laws to file injunctions against non-licensed, unauthorized entities that are doing business in CA illegally?

The CRB confirmed at the March 2016 Sunset Review Hearing that they are aware of the non-licensed activity related to corporate entities offering court reporting services in California without authorization. The CRB gave examples of violations by these non-licensed corporate entities, as well as complaints filed against said corporations. The CRB stated that a decision of this "financial magnitude" of pursuing an injunction against each non-licensed corporation would need to be analyzed carefully in conjunction with the Attorney General's Office.

I am concerned that funding from the license fee increase will not be used by the CR Board, in conjunction with the Attorney General's office, to enforce current shorthand reporting Business & Profession Code and Corporation Code laws over non-licensed, unauthorized individuals and entities. This should be considered a consumer protection high priority by the CR Board if the 80% increase in my licensing fee is "sufficient funding....to carry out its mandate to protect the health, safety and welfare of California consumers **by ensuring only actively licensed practitioners are providing court reporting services.**"

If monies from the license fee increase are needed to ensure future fiscal solvency for the CR Board, and these monies are not used to get non-licensed, unauthorized entities out of California, very soon there will be no need for a CR Board in California as these illegal entities are succeeding in replacing licensed court reporter agencies, and they are rapidly trying to replace licensed court reporters with video, audio and digital recording.

Thank you for your time and attention to my concerns.

Please confirm receipt of this email.

Very truly yours,

Kim M. Kuziora



Kim M. Kuziora
Certified Shorthand Reporter
License No. 8509

KUZIORA DEPOSITION REPORTERS
149 Thorndike Way
Folsom, CA 95630

916.983.7630 office & fax

MEMBER



*KDR is owned and operated by Kim Kuziora, a California licensed CSR, and operates under the jurisdiction of the Court Reporters Board of California.

Mission Statement: To preserve the integrity and impartiality of our judicial system by always operating as impartial officers of the court. KDR abides by all State and Federal laws and professional and ethical principles of the Court Reporters Board of California, the Deposition Reporters Association, and National Court Reporters Association, as endorsed by the American Judges Association. We strive for uncompromising excellent standards in the products and services that we provide to the legal community.

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Bruning, Paula@DCA

From: NOELLE OTTOBONI & ASSOCIATES
Sent: Monday, July 02, 2018 8:59 AM
To: Bruning, Paula@DCA
Subject: Court Reporting Fees

Dear Ms. Bruning:

I wanted to send a note regarding the proposed increase in fees for the Certified Shorthand Reporters.

I do not have a problem with the fee increase, but I would like to believe that the additional fees will be put to use to protect the public from the unlicensed companies who are currently doing work in California and not adhering to the same standards as licensed reporters who are paying these fees. The public is NOT being protected from these companies and the Court Reporter's Board needs to implement rules and regulations to protect the public's information; especially in regards to selling copies, relieving reporters of their duties, and the giveaways to attain business that the licensed reporter is prohibited from doing.

Please ensure these fees will be used to protect the public and the licensed reporter. Our industry is dying because these companies have come in and bought up the business from the insurance companies, making it tough for a licensed reporter to survive on what they offer to pay them for their services, and making it equally tough for the plaintiffs to fight them in many instances because the insurance companies are receiving kickbacks and discounts.

Graciously,
Noelle Ottoboni, CSR 6124

--
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From: Cgrrogers
Sent: Monday, July 02, 2018 11:06 AM
To: Bruning, Paula@DCA
Cc: Fenner, Yvonne@DCA
Subject: Notice of Proposed Changes response

Ms. Bruning, Ms. Fenner, and the CRBC,

I am writing this letter to let my voice be heard regarding the Court Reporters Board's Notice of Proposed Changes to raise renewal certificate/license fees.

First and foremost, the CRBC states in their Notice of Proposed Changes that they need to increase the fees for "future fiscal solvency for the Board." Is the CRBC aware of what is happening in the court reporting industry? Video, audio, and digital recording are quickly being introduced by nonlicensed, unauthorized entities providing court reporting services illegally in California.

If these nonlicensed, unauthorized entities are allowed by the CRBC to continue to do business in California illegally and do provide video, audio, and digital recording without a licensed court reporter, the CRBC won't need to have "fiscal solvency" because their won't be any court reporters to renew their license, and therefore, no need for the Board.

The CRBC confirmed at the March 2016 Sunset Review Hearing that they are aware of the nonlicensed activity related to corporate entities offering court reporting services in California without authorization. The CRBC gave examples of violations by these nonlicensed corporate entities, as well as complaints filed against said corporations. The CRBC stated that a decision of the "financial magnitude" of pursuing an injunction against each nonlicensed corporation would need to be analyzed carefully in conjunction with the Attorney General's Office. Will any of the 80 percent increase in licensing fees be used to cover the "financial magnitude" of enforcing the existing laws to file injunctions against the nonlicensed, unauthorized entities doing business in California illegally?

I would support an increase for the annual renewal of a court reporter's certificate/license if the CRBC will use some of those increased revenues to do the following:

* Work with the Attorney General's Office to enforce the B & P Corporation Code laws by getting injunctions against the nonlicensed, unauthorized entities providing court reporting services illegally in California to protect the consumer, the CRBC's "highest priority."
FIRM REGISTRATION WILL NOT FIX THIS PROBLEM, only hide that the CRBC has ignored this paramount issue for over 20-plus years.

* Protect the California consumers' health, safety, and welfare of ensuring only actively licensed court reporters are providing court reporting services in California and NOT nonlicensed, unauthorized entities that are currently, and have been for over 20 years, providing court reporting services in California illegally.

In the Notice of Proposed Changes, it states that the CRBC has determined that the proposed regulations would not affect small businesses in the state of California as the proposed amendments affect only individual practitioners renewing their Board-issued certificate... I want to share with you and the CRBC how the lack of oversight by the CRBC to file injunctions against these nonlicensed, unauthorized entities doing business in California illegally has affected me personally as a court reporter AND A CONSUMER. A vast percentage of work has been taken away from the license-owned, legally operating court reporting firm that I work for by these nonlicensed, unauthorized entities doing business in California illegally because my firm has to follow all the laws and can't fairly compete with these nonlicensed, unauthorized entities who have absolutely NO oversight.

I have personally lost 33 percent of my income, and it goes down each year. I am not losing work because there is a lack of work out there. I am losing work because I legally have to work for a license-owned court reporting firm. Even if I wanted to give up my ethics and work for these nonlicensed, unauthorized entities doing business in California illegally, I CAN'T because Corporations Code 2259 states, "Any person who transacts intrastate business on behalf of a foreign corporation which is not authorized to transact such business in this state, knowing that it is not so authorized, is guilty of a misdemeanor punishable by fine of not less than fifty dollars (\$50) nor more than six hundred dollars (\$600). I KNOW THESE NONLICENSED, UNAUTHORIZED ENTITIES ARE DOING BUSINESS IN CALIFORNIA ILLEGALLY, so I legally can't work for those entities, unless I want to break the law and have the CRBC discipline and fine me.

So although this increase in fees might seem minimal in the eyes of the CRBC and although the CRBC might think this increase in fees isn't going to affect small businesses, it is just one more expenditure that we, as court reporters and license-owned, legally operating court reporting firms, have to pay for when license-owned, legally operating firms are barely keeping their doors open, and court reporters can't find work with licensed-owned, legally operating firms and won't work for nonlicensed, authorized entities doing business in California illegally because of unfair pay, unethical practices, and fear of being disciplined and fined by the CRBC.

Please confirm receipt of this E-mail, and thank you for your time and attention,

Very truly yours,



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Bet Tzedek is a nonprofit organization funded in part by the City and County of Los Angeles, the State Bar of California, the Equal Access Fund, and the City of West Hollywood.

July 1, 2018

Paula Bruning
2535 Capitol Oaks Drive, Suite 230
Sacramento, CA 95833

Re: Proposed change to fee schedule for Court Reporters Board

Ms. Bruning,

Bet Tzedek Legal Services fully supports the proposed modest increases to the licensing fees for California's Court Reporters. Funding of the Transcript Reimbursement Fund, which is only possible if fees are increased, is crucial to ensuring that low-income litigants receive equal access to justice.

Founded in 1974, the mission of Bet Tzedek (Hebrew for "House of Justice") is to act upon a central tenant of Jewish law and tradition: "Tzedek, Tzedek, tirdof—justice, justice, you shall pursue." The doctrine establishes an obligation to advocate the just causes of the most vulnerable members of society. Consistent with this mandate, Bet Tzedek provides free legal assistance to eligible low-income residents of Los Angeles County, regardless of their racial, religious, or ethnic background. Our areas of practice include housing, eviction defense, real estate fraud, elder abuse, probate guardianship, employment law, tax, small business development, and public benefits, among others.

The Transcript Reimbursement Fund ("TRF") allows for the reimbursement of transcript costs related to court and/or deposition proceedings, and is accessible to low-income, self-represented litigants, legal aid organizations representing low-income clients, and pro bono attorneys who have undertaken the representation of a low-income client referred by a legal aid organization. The TRF is one of the underpinnings of the effort to ensure meaningful access to justice to all individuals, regardless of their economic means. The TRF's availability at the deposition level allows for the discovery of evidence, and facilitates its introduction at trial. At the trial court level, the absence of a court transcript can mean being denied an effective court order. At the appellate level, preventing low-income litigants from having access to court transcripts effectively precludes review of adverse rulings, and ultimately can deny a litigant the opportunity to appeal a ruling. Bet Tzedek has helped many unsophisticated litigants to understand their rights and responsibilities after trial, and in some instances has helped correct errors and injustices by securing copies of court transcripts. In each instance, low-income litigants are denied equal justice under the law when they are denied access to a transcript solely because they cannot afford one. Because having a written record of court proceedings is an essential component in so many cases, including evictions, domestic violence orders, immigration proceedings and more, the TRF plays an essential role in ensuring access to justice. Indeed, for the low impact on low-income client cannot be overstated. For these clients, it can mean access to shelter, safety, and other important civil and human rights.

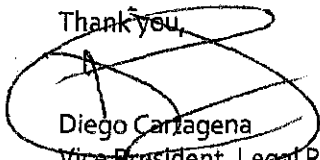
Bet Tzedek Legal Services 3250 Wilshire Blvd. Suite 1300 Los Angeles, CA 90010-1577
main: (323) 939-0506 • fax: (213) 471-4568 • www.bettzedek.org

The TRF is an incredibly important source of funding. When a legal aid program does not have to spend its scarce resources on expensive court transcripts, it frees up funds to serve more people in need. The fund also allows for pro bono attorneys of various backgrounds to volunteer to help represent low-income clients without having to worry about expending their own funds. The disappearance of this fund will undoubtedly have a negative impact on the ability of such volunteers to take on pro bono representation. The lack of the TRF, therefore, means many of the vulnerable community members Bet Tzedek serves, including immigrants, older Californians, and people with disabilities, will receive less assistance and will suffer if this important resource vanishes. The proposed fee increase is modest, and in the analysis of the proposed increase, CRB staff state:

"Any proposal for a fee increase less than what is being proposed will not allow the Board to fund the TRF [emphasis added], a statutory mandate from the Legislature, because the months in reserve would drop below six. Keeping fees at the current levels would prevent the Board from fulfilling its consumer protection mandate because it would no longer have the available funds to fund the Transcript Reimbursement Fund as required by law."

For this reason, we support the proposed increase.

Thank you,


Diego Cartagena
Vice President, Legal Programs
Bet Tzedek Legal Services

COURT REPORTERS BOARD OF CALIFORNIA
FINAL STATEMENT OF REASONS

DRAFT

Hearing Date: July 2, 2018

Subject Matter of Proposed Regulations:

(1) Section(s) Affected: 2450 Fee Schedule

Updated Information

The Initial Statement of Reasons is included in the file. The information contained therein is updated as follows:

The 45-day public comment period began on May 11, 2018, and closed at 5:00 p.m. on July 2, 2018. A public hearing was held on July 2, 2018, with no comments or testimony received.

During the 45-day comment period, 11 written comments were received. On July 19, 2018, the Board met and considered the comments. [Add Board action]

Local Mandate

A mandate is not imposed on local agencies or school districts.

Small Business Impact

The Board has determined that the proposed regulations would not affect small businesses in the state of California as the proposed amendments affect only individual practitioners renewing their Board-issued certificate, individual applicants for licensure, and individual exam candidates.

The anticipated benefits of this regulatory proposal are:

The Board has determined that this regulatory proposal will primarily benefit California consumers by ensuring sufficient revenue levels are maintained for the Board to administer and enforce the provisions of the Shorthand Reporters Act. Specifically, this proposal is designed to enable the Board to continue its licensing, disciplinary, and oversight operations in the interest of the health, safety, and welfare of California consumers by ensuring only actively licensed practitioners are providing court reporting services. Additionally, this regulatory proposal will provide statutorily required funding for the TRF, which provides reimbursement for transcript costs to qualified indigent litigants.

Consideration of Alternatives

No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

Any proposal for a fee increase less than what is being proposed will not allow the Board to fund the Transcript Reimbursement Fund (TRF), a statutory mandate from the Legislature, because the months in reserve would drop below six. Keeping fees at the current levels would prevent the Board from fulfilling its consumer protection mandate because it would no longer have the available funds for licensing, enforcement, school oversight, and administration and funding of the TRF.

Objections or Recommendations/Responses

45-Day Public Comment Period

A public hearing was held on July 2, 2018. No comments or testimony were offered.

During the 45-day public comment period, 11 comments were received. The comments were provided to the Board in the board agenda packet for the July 19, 2018, meeting. [The comments were reviewed and considered by the Board.]

Comment #1:

A comment was received via email on May 16, 2018, from Laureen Badar, CSR, RMR. Licensee Badar is licensed in New Mexico, Arizona, and California and states: "An increase in the California dues will seriously cause me to think about allowing my California license to lapse. I also pay annual dues to NCRA and attend seminars and classes for CEU credits annually."

Additionally, Licensee Badar requested that the board "also consider a significantly reduced fee to have my license frozen or put on hold in the chance I do move back to California."

Response to Comment #1:

The Board [rejects/accepts] the recommendation [for named reasons].

Comment #2:

A comment was received via email on May 18, 2018, from Eric Throne, CSR, RMR, CRR, CRC. Licensee Throne stated: "Wanted to say I'm in complete agreement with the proposed increase."

Response to Comment #2:

The Board accepts the comment.

Comment #3:

A comment was received via email on May 18, 2018, from Shelly, a licensee, stating: "I support the attached increases. I understand that fewer persons are taking the exams each year, as well as fewer persons are entering schools for this profession, so it is reasonable for the Board to take proactive measures to ensure its continuity."

Response to Comment #3:

The Board accepts the comment.

Comment #4:

A comment was received via email on May 21, 2018, from Catherine Luciano, a former licensee with a reinstatement hearing pending. Ms. Luciano stated: "Perhaps I can sum up my feelings by saying we get what we pay for." She goes on to offer specific examples of her experience with licensing in other states. She stated: "CRB of CA currently has an outstanding, knowledgeable office staff and Board members, along with providing reporters and the public with an abundance of resources available at our fingertips. The Web site is impressive and relevant." She also stated: "I do not oppose a fee increase. I support it."

Response to Comment #4:

The Board accepts the comment.

Comment #5:

A comment was received via email on June 26, 2018, from Jennifer Matteo, a licensee. Licensee Matteo stated: "This is an email in opposition of the license fee increase. While I understand the need to increase fees, I find an 80% change absurd. Please look at other ways to increase your TRF revenue."

Response to Comment #5:

The Board rejected this comment. The objection to the amount of the increase is rejected because while the proposed increase is, indeed, 80%, the total proposed license fee of \$225 is low as compared to other professional licenses.

As far as alternative funding sources for the TRF, the Board accept the recommendation and continues to work with stakeholders to secure alternate/additional funding for the TRF. However, the Board is still mandated statutorily to fund the TRF through licensing renewal fees and to consider the TRF when making decisions regarding the amount of such renewal fees.

Comment #6:

A comment was received via email on June 29, 2018, from Salena Copeland, executive director of Legal Aid Association of California (LAAC), a statewide membership association of nearly 100 public interest law nonprofits that provide free civil legal services to low-income people and communities throughout California.

Ms. Copeland described the type of services offered to a wide range of low-income and

vulnerable populations and also described how important the Transcript Reimbursement Fund is to both low-income, self-represented litigants and to the legal aid organizations representing low-income clients. Ms. Copeland stated: "LAAC speaks for the entire legal aid community in very strong support of this proposal and for the critical importance of the Transcript Reimbursement Fund."

Response to comment #6:

The Board accepts the comment.

Comment #7:

A comment was received via email on June 29, 2018, from Jennafer Dorfman Wagner, Esq., Director of Programs for the Family Violence Appellate Project (FVAP). [Note: The letter contains a typo, dating it July 29, 2018.] Ms. Dorfman Wagner stated: "Family Violence Appellate Project (FVAP) strongly supports the proposed rule to slightly increase court reporter's fees in order to appropriately fund the Transcript Reimbursement Fund (TRF), and thanks the Board for initiating this crucial action." Ms. Dorfman Wagner explained the FVAP is the only statewide agency providing free appellate services to survivors of domestic violence and stated: "...we can unequivocally vouch that without TRF funds, low-income domestic violence survivors will face insurmountable obstacles to justice that may well place them and their children in danger." Ms. Dorfman Wagner gave specifics regarding FVAP and the importance of having a transcript for appellate purposes and, therefore, the related importance of the TRF.

Response to Comment #7:

The Board accepts the comment, noting the subjective nature of "to slightly increase." The Board acknowledges the increase is higher than prior fee increases, but finds the increase necessary for the Board to continue its legislative mandates of licensing, enforcement, school oversight, and administration and funding of the TRF.

Comment #8:

A comment was received via email on June 29, 2018, from Kim Kuziora, CSR, of Kuziora Deposition Reporters. Licensee Kuziora questioned: "Will any of the 80% increase that the CRB is asking for in the court reporter's license renewal be used for and cover the 'financial magnitude' of enforcing the existing laws to file injunctions against non-licensed, unauthorized entities that are doing business in CA illegally?" Licensee Kuziora stated: "The CRB confirmed at the March 2016 Sunset Review Hearing that they are aware of the non-licensed activity related to corporate entities offering court reporting services in California without authorization" and noted the CRB gave examples of the complaints. Licensee Kuziora stated: "I am concerned that funding from the license fee increase will not be used by the CR Board, in conjunction with the Attorney General's office, to enforce current shorthand reporting Business & Profession Code and Corporation Code laws over non-licensed, unauthorized individuals and entities." Additionally, Licensee Kuziora stated: "If monies from the license fee increase are needed to ensure future fiscal solvency for the CR Board, and these monies are not used to get non-licensed, unauthorized entities out of California,

very soon there will be no need for a CR Board in California as these illegal entities are succeeding in replacing licensed court reporter agencies, and they are rapidly trying to replace licensed court reporters with video, audio and digital recording.”

Response to Comment #8:

The Board rejects this comment. The Board does not agree with Licensee Kuziora's characterization of its testimony at the 2016 Sunset Review hearing. However, the Board has been working with the Attorney General's Office since 2009 and is currently sponsoring legislation to ensure all entities offering court reporting services in California are following the laws specific to court reporting. The Board rejects the premise that the cost of pursuit of an injunction would be the only permitted use of the fees generated through the proposed increases, especially in light of the Board's statutory mandate to fund the TRF through licensing renewal fees.

Comment #9:

A comment was received via email on July 2, 2018, from Noelle Ottoboni of Noelle Ottoboni & Associates. Licensee Ottoboni stated: "I do not have a problem with the fee increase, but I would like to believe that the additional fees will be put to use to protect the public from the unlicensed companies who are currently doing work in California and not adhering to the same standards as licensed reporters who are paying these fees. The public is NOT being protected from these companies and the Court Reporter's Board needs to implement rules and regulations to protect the public's information; especially in regards to selling copies, relieving reporters of their duties, and the giveaways to attain business that the licensed reporter is prohibited from doing. Please ensure these fees will be used to protect the public and the licensed reporter."

Response to Comment #9:

The Board partially accepts this comment and partially rejects the comment. The recommendation is accepted in the sense that the fee increase will allow the Board to continue its current enforcement efforts which include sponsoring legislation to ensure all entities offering court reporting services in California are following the laws specific to court reporting. The Board would clarify that its mission is consumer protection, not protection of the licensed reporter.

Comment #10:

A comment was received via email July 2, 2018, from Coleen G. Rogers. Ms. Rogers asked: "Is the CRBC aware of what is happening in the court reporting industry? Video, audio, and digital recording are quickly being introduced by nonlicensed, unauthorized entities providing court reporting services illegally in California." Ms. Rogers repeats a paragraph from Licensee Kuziora's email regarding the Board's testimony at the 2016 Sunset Review hearing. Ms. Rogers stated: "I would support an increase for the annual renewal of a court reporter's certificate/license if the CRBC will use some of those increased revenues to do the following: Work with the Attorney General's Office to enforce the B & P and Corporation Code laws by getting injunctions against the nonlicensed, unauthorized entities providing court reporting services illegally in California to protect the consumer, the CRBC's 'highest priority.' FIRM

REGISTRATION WILL NOT FIX THIS PROBLEM, only hide that the CRBC has ignored this paramount issue for over 20-plus years. *Protect the California consumers' health, safety, and welfare of ensuring only actively licensed court reporters are providing court reporting services in California and NOT nonlicensed, unauthorized entities that are currently, and have been for over 20 years, providing court reporting services in California illegally."

Additionally, Ms. Rogers stated: "So although his increase in fees might seem minimal in the eyes of the CRBC and although the CRBC might think this increase in fees isn't going to affect small businesses, it is just one more expenditure that we, as court reporters and license-owned, legally operating court reporting firms, have to pay for when license-owned, legally operating firms are barely keeping their doors open, and court reporters can't find work with licensed-owned, legally operating firms and won't work for nonlicensed, authorized [sic] entities doing business in California illegally because of unfair pay, unethical practices, and fear of being disciplined and fined by the CRBC."

Response to Comment #10:

This comment is rejected. The Board does not agree with Ms. Rogers' characterization of its testimony at the 2016 Sunset Review hearing. However, the Board has been working with the Attorney General's Office since 2009 and is currently sponsoring legislation to ensure all entities offering court reporting services in California are following the laws specific to court reporting. The Board rejects the premise that the cost of pursuit of an injunction would be the only permitted use of the fees generated through the proposed increases.

Comment #11:

A comment was received via email on July 1, 2018, from Diego Cartagena, vice president of legal programs for Bet Tzedek Legal Services. Mr. Cartagena stated: "Bet Tzedek Legal Services fully supports the proposed modest increases to the licensing fees for California's Court Reporters. Funding of the Transcript Reimbursement Fund, which is only possible if fees are increased, is crucial to ensuring that low-income litigants receive equal access to justice." Mr. Cartagena gave background regarding Bet Tzedek, stating: "...Bet Tzedek provides free legal assistance to eligible low-income residents of Los Angeles County, regardless of their racial, religious, or ethnic background." Mr. Cartagena goes on to state the importance of the Transcript Reimbursement Fund in obtaining transcripts necessary for the judicial process. Mr. Cartagena additionally stated: "The lack of the TRF, therefore, means many of the vulnerable community members Bet Tzedek serves, including immigrants, older Californians, and people with disabilities, will receive less assistance and will suffer if this important resource vanishes."

Response to Comment #11:

The Board accepts the comment.

COURT REPORTERS BOARD MEETING – JULY 19, 2018

AGENDA ITEM IV – Sunset Review

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Agenda Description: Possible Action

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Brief Summary:

The Court Reporters Board is scheduled for sunset January 1, 2020, and, therefore, is beginning the process of Sunset Review. The final report will be due to the Senate Committee on Business, Professions and Economic Development and the Assembly Committee on Business and Professions on December 1, 2018. Public hearings are anticipated to be held early in 2019.

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Support Documents:

Attachment – Sunset Review Process

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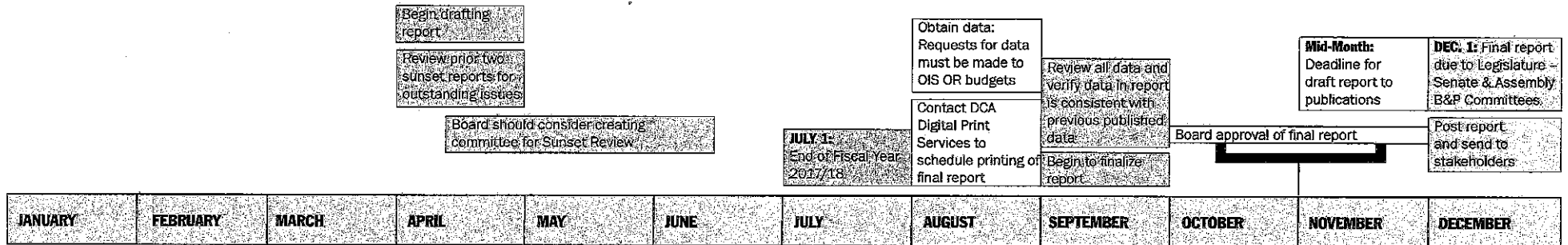
Report Originator: Yvonne Fenner, 7/9/2018

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Recommended Board Action: Staff recommends the Board appoint a task force to work with staff in preparing the Sunset Review Report to be submitted to the full Board before submission to the Legislature.

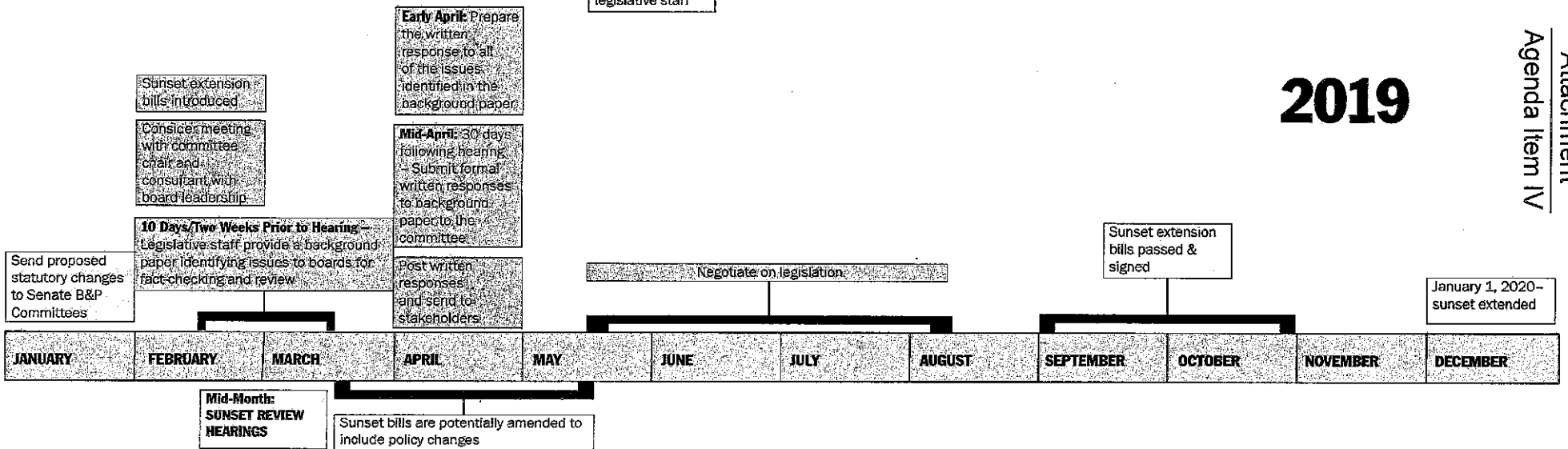
DCA SUNSET REVIEW PROCESS

2018



83

2019



Attachment
Agenda Item IV

AGENDA ITEM V – Legislation

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Agenda Description:

A. Non-Licensee-Owned Firms Subcommittee Report – AB 2084 (Kalra)

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Brief Summary:

AB 2084 (Kalra) passed out of the Senate Business, Professions and Economic Development on June 18, 2018, and is awaiting a floor vote by the Senate. The current language is included Attachment 1.

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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 767 (Quirk-Silva) – Master Business License Act

(Senate Appropriations Committee)

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 an online master business license system to simplify the process of engaging in business in this state.

*****AB 2138 (Chiu and Low) – Licensing boards: denial of application:**

criminal conviction (Attachment 4)

(Senate Appropriations Committee)

This bill would ease the restrictions regarding licensure requirements for prior offenders by limiting a board's discretion to deny a new license application or suspend or revoke an existing license to cases where the applicant or licensee was formally convicted of a substantially related crime or subjected to formal discipline by a licensing board. Nonviolent offenses older than seven years would also not be eligible for license denial or suspension.

AB 2182 (Levine) – Privacy: Department of Justice

(No longer applicable)

*****AB 2354 (Rubio) – Family law: court reporters** (Attachment 5)

(Senate Judiciary Committee)

This bill would require courts to provide a court reporter at every hearing at which testimony is received in either a proceeding that relates to child custody or a proceeding under the Domestic Violence Prevention Act.

*****AB 2483 (Voepel) – Indemnification of public officers and employees:**

antitrust awards (Attachment 6)

(Assembly Appropriations Committee)

This bill would require a public entity to pay a judgment or settlement for treble damage antitrust awards against a member of a regulatory board within the

Department of Consumer Affairs for an act or omission occurring within the scope of the member's official capacity as a member of that regulatory board associated with the initial license, or for the application for an examination.

*****AB 2531 (Gallagher) – Access to judicial and nonjudicial proceedings: individuals who are deaf or hard of hearing: operators of computer-aided transcription systems.** (Attachment 7)

(Senate Appropriations Committee – Suspense File)

This bill would require, on or before January 1, 2020, the Court Reporters Board to adopt standards for certifying operators of computer-aided transcription systems. The bill would authorize the board to satisfy this requirement by approving a state or national association to certify operators of computer-aided transcription systems. The bill would also require, on or before January 1, 2024, the board to report to the Legislature the number of operators of computer-aided transcription systems that, between January 1, 2020, and January 1, 2024, have successfully been certified pursuant to the standards developed by the board.

*****AB 2664 (Holden) – Court reporters: official reporter pro tempore**

(Attachment 8)

(Senate Judiciary Committee)

This bill would require the court to appoint an official reporter pro tempore pursuant to a written stipulation of the parties, if possible. The bill would require the court, if the parties attempt to arrive at a stipulation and are unable to do so, and at least one of the parties continues to seek the appointment of an official reporter pro tempore, to appoint an official reporter pro tempore that meets specified criteria. The bill would also require the court, if a party objects to the appointment of a particular reporter submitted by the requesting party, or if parties request appointment of different reporters, to appoint an official reporter pro tempore from among the reporters submitted by the parties if the reporter is available and meets specified criteria. The bill would also make technical, nonsubstantive changes to these provisions.

*****AB 2757 (Reyes) – Court reporters** (Attachment 9)

(Senate Appropriations Committee)

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 commencing July 1, 2019, except as specified. The bill would also provide that the fee for transcription is an additional 50% for special daily copy service. The bill would require the Judicial Council to report to the Legislature by January 1, 2023, with regard to transcript fees, as specified.

SB 984 (Skinner) – State boards and commissions: representation: appointments

(Assembly Appropriations Committee)

This bill would require all appointed state boards and commissions to be comprised of a specific number of women based on the total number of board or commission members. This bill would also require the office of the Governor to collect and release aggregated demographic data provided by state board and commission applicants, nominees, and appointees.

SB 1137 (Vidak) – Veterans: professional licensing benefits

(Assembly Appropriations Committee)

This bill would require the Department of Veterans Affairs and the Department of Consumer Affairs to consult with each other in order to take appropriate steps to increase awareness and notification for veterans regarding professional licensing benefits.

SB 1298 (Skinner) – The Increasing Access to Employment Act

(Senate suspense file)

This bill would prohibit the Department of Justice from releasing criminal information to specified employers about a job applicant whose convictions were expunged or dismissed at least seven years prior to applying for the job.

SB 1480 (Hill) – Professions and Vocations

(Assembly Appropriations Committee)

This omnibus bill would require the Department to prioritize through its Consumer Protection Enforcement Initiative the enforcement of complaints against licensees involving allegations of serious harm to a minor. Other provisions of this bill are specific to individual programs.

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Support Documents:

- Attachment 1, Item A – AB 2084 (Kalra)
- Attachment 2, Item A – AB 2084 (Kalra) Sponsor Letter
- Attachment 3, Item A – AB 2084 (Kalra) Support Letter
- Attachment 4, Item B – AB 2138 (Chiu)
- Attachment 5, Item B – AB 2354 (Rubio)
- Attachment 6, Item B – A B 2483 (Voepel)
- Attachment 7, Item B – AB 2531 (Gallagher)
- Attachment 8, Item B – AB 2664 (Holden)
- Attachment 9, Item B – AB 2757 (Reyes)

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Report Originator: Yvonne Fenner, 7/6/2018

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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.

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

Assembly Bill No. 2084

Introduced by Assembly Member Kalra

February 7, 2018

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 2084, as introduced, 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 applicants and 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, 2020, 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 is 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 statutes and regulations that are applicable to the conduct of certified shorthand reporters, and to pay a fee, as specified, that would 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 an individual 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 pursuant to this article with which an individual or entity shall comply in order to conduct business as a court reporter provider.

8051. (a) On and after January 1, 2020, 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 statutes 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 exceed an amount sufficient to cover the reasonable regulatory cost to carry out the registration requirements of this article.

(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 or entity knows or should know is not registered with the board as a court reporter provider and shall verify whether an individual or entity is registered with the board as a court reporter provider before engaging in the practice of shorthand reporting on behalf of that individual 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 individual or entity seeking registration.

(2) The business address and telephone number of the individual 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 individuals 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.



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 2
Agenda Item V.A

April 5, 2018

The Honorable Ash Kalra
Member, California State Assembly
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0027

RE: AB 2084 (Kalra) Court Reporter Providers - Sponsor

Dear Assemblyman Kalra:

The Court Reporters Board of California (Board) is deeply grateful for your authorship of AB 2084 and your support of the Board's efforts to ensure the consumers of court reporting services in California are protected whether they secure those services through a licensee-owned firm, a non-licensee-owned firm, in-state owner or out-of-state owner. There is space in the California court reporting market for all competitors who are willing to follow the law as properly set out by the California Legislature.

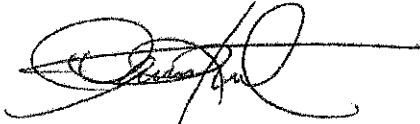
As you are aware from last year's legislation, out-of-state firms have been operating successfully in California for a number of years. It has only been within the last ten years or so that a growing number have boldly asserted that they are not subject to the Board's enforcement of California laws and regulations that govern the court reporting industry. What started out as a "minor" stretching of the law has evolved into a flagrant disregard for California consumers and the protections determined by the Legislature to be important enough to enact statutes. And, the Board emphasizes *California* consumers because many of these firms have no problem submitting to firm registration and following laws in their own home states as well as the states in which they do business, such as Texas, Georgia, Arizona, and Nevada

After working with the Attorney General's office for many years and exhausting other options for gaining compliance with existing laws, a legislative solution is required. AB 2084 is an uncomplicated, smart solution for all businesses that are providing court reporting services as firm registration is a vetted standard used by many other large states. Firm registration expressly affirms, without doubt or confusion, that the Board regulates all providers of court reporting services will be held to the same laws and regulations as intended by the Legislature. Moving forward, it is our belief that early education on the issues will help decision makers understand that this is not an extension of regulation, but a fulfillment of what is current law.

AB 2084 (Kalra) Court Reporter Providers - Sponsor
April 5, 2018
Page 2

Thank you for authoring and advocating for this court reporting firm registration bill; we look forward to doing all we can to support you. Please consider the Board a valuable resource and do not hesitate to contact me if you have any thoughts or questions to discuss.

With many thanks and appreciation,

A handwritten signature in black ink, appearing to read "Davina Hurt", with a long horizontal line extending to the right.

DAVINA HURT
Chairperson

CC: Department of Consumer Affair



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



April 5, 2018

Attachment 3
Agenda Item V.A

The Honorable Evan Low, Chairman
Members, Assembly Business and Professions Committee
1020 N Street, Room 383
Sacramento, CA 95814-4900

RE: AB 2084 (Kalra) Court Reporter Providers – Support

Dear Chairman Low and Committee Members:

The Court Reporters Board of California (Board) is sponsoring AB 2084 to ensure the consumers of court reporting services in California are protected whether they secure those services through a licensee-owned firm, a non-licensee-owned firm, in-state owner or out-of-state owner. There is space in the California court reporting market for all competitors who are willing to follow the law as properly set out by the California Legislature.

While out-of-state firms have operated successfully in California for a number of years, it has only been within the last ten years or so that a growing number have boldly asserted that they are not subject to the Board's enforcement of California laws and regulations that govern the court reporting industry. What started out as a "minor" stretching of the law has evolved into a flagrant disregard for California consumers and the protections determined by the Legislature to be important enough to enact statutes. And, the Board emphasizes *California* consumers because many of these firms have no problem submitting to firm registration and following laws in their own home states as well as the states in which they do business, such as Texas, Georgia, Arizona, and Nevada. They must be held accountable for refusing to follow similar laws in California.

The Board receives a variety of complaints about out-of-state and/or non-licensee-owned court reporting firms, including allegations of violations of the gift-giving regulations. Another repetitive complaint is allowing one side to obtain transcripts before the other, which gives an advantage to that party in preparing for litigation. Additionally, transcripts have been reformatted to increase the number of pages and, thus, the cost of the transcript for the consumer. Finally, the Board has received complaints of unilateral cost-shifting, an arrangement by which the court reporting firm agrees to provide services to the noticing attorney who hires them at a greatly reduced rate, even as low as one penny, and shifts the costs to the opposing attorneys who have no say in the choice of the court reporter nor how and what they are billed. Thus, favoring repeat litigators and corporations over individual California consumers who acquiesce and begrudgingly accept the inequity.

After trying different legislative options for gaining compliance with existing laws, the Court Reporters Board was forced to bring a suit for California consumers against U.S. Legal, an out-of-state corporation who was arranging for and providing court reporting services. The said corporation turned their backs to California laws, cherry-picking what they wanted to follow and then asserting

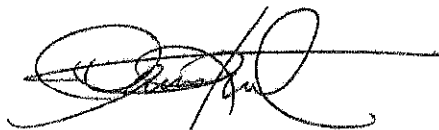
that the CRB has no jurisdiction over other laws. Thus, we filed an action for declaratory relief. The lower court ultimately found that the corporation in question is offering court reporting services and did violate the Professional Standards of Practice. However, because the court reporters' practice act does not expressly include jurisdiction over out-of-state corporations, the lower court found that the CRB may not issue citations against these corporations. Therefore, there is no incentive to follow the law. With our meager resources, many Board members opined that the way to protect California consumers was not in another court case, but going back to the Legislature to fine-tune the existing law to take into account the various business structures in court reporting.

Firm registration is an uncomplicated, smart solution for all businesses that are providing court reporting services, as firm registration is a vetted standard used by many other large states. As you are aware, court reporting is not a "true" free market. In a deposition setting, the noticing attorney has the ability to choose the court reporter, and opposing counsel are forced to get transcripts from that reporter. Because of this dynamic, the Code of Civil Procedure sets out laws to ensure goods and services are handled fairly, available to all sides at the same time. AB 2084 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. AB 2084 is not an extension of regulation, but a fulfillment of what is current law.

To ensure the integrity, neutrality, and fairness of the judicial process, all litigants must be assured that transcripts provided by court reporting services are honestly and accurately prepared and handled and delivered in accordance with law. This is a hallmark of this industry that must not be compromised. Without holding all entities to the same laws and regulations, it creates inequities within the provision of court reporting services and can undermine the integrity of the American judicial system as well as leave an uninformed consumer without protection

We urge your support of this important bill – AB 2084 (Kalra).

Sincerely,



DAVINA HURT
Chairperson

CC: Department of Consumer Affairs

**AMENDED IN SENATE JUNE 20, 2018
AMENDED IN ASSEMBLY MAY 25, 2018
AMENDED IN ASSEMBLY APRIL 2, 2018**

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

Assembly Bill No. 2138

Introduced by Assembly Members Chiu and Low

February 12, 2018

An act to amend Sections 7.5, 480, 481, 482, 488, 493, and 11345.2 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 2138, as amended, Chiu. Licensing boards: denial of application: revocation or suspension of licensure: criminal conviction.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes a board to deny, suspend, or revoke a license or take disciplinary action against a licensee on the grounds that the applicant or licensee has, among other things, been convicted of a crime, as specified. Existing law provides that a person shall not be denied a license solely on the basis that the person has been convicted of a felony if he or she has obtained a certificate of rehabilitation or that the person has been convicted of a misdemeanor if he or she has met applicable requirements of rehabilitation developed by the board, as specified. Existing law also prohibits a person from being denied a license solely on the basis of a conviction that has been dismissed, as specified. Existing law requires a board to develop criteria to aid it when considering the denial, suspension, or revocation of a license to determine whether a crime is substantially related to the qualifications, functions, or duties of the business or profession the board regulates and requires a board to develop criteria to evaluate the rehabilitation of a person when considering the denial, suspension, or revocation of a license.

This bill would revise and recast those provisions to instead authorize a board to, among other things, deny, revoke, or suspend a license on the grounds that the applicant or licensee has been convicted of a crime only if the applicant or licensee is presently incarcerated or if the conviction, as defined, occurred within the preceding 7 years, except for serious felonies, and would require the crime to be substantially related to the qualifications, functions, or duties of the business or profession. The bill would prohibit a board from denying a person a license based on the conviction of a crime, or on the basis of acts underlying a conviction for a crime, if the conviction has been dismissed or expunged, if the person has provided evidence of rehabilitation, if the person has been granted clemency or a pardon, or if an arrest resulted in a disposition other than a conviction.

The bill would require the board to develop criteria for determining whether a crime is substantially related to the qualifications, functions, or duties of the business or profession. The bill would require a board to find that a person has made a showing of rehabilitation if certain conditions are met. The bill would require a board to follow certain procedures when requesting or acting on an applicant's or licensee's criminal

history information. The bill would also require a board to annually submit a report to the Legislature and post the report on its Internet Web site containing specified deidentified information regarding actions taken by a board based on an applicant or licensee's criminal history information.

Existing law authorizes a board to deny a license on the grounds that an applicant knowingly made a false statement of fact that is required to be revealed in the application for licensure.

This bill would prohibit a board from denying a license based solely on an applicant's failure to disclose a fact that would not have been cause for denial of the license had the fact been disclosed.

Existing law authorizes a board, after a specified hearing requested by an applicant for licensure to take various actions in relation to denying or granting the applicant the license.

This bill would revise and recast those provisions to eliminate some of the more specific options that the board may take in these circumstances.

This bill would also make necessary conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes. Local program: no.

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

SECTION 1. Section 7.5 of the Business and Professions Code is amended to read:

7.5. (a) A conviction within the meaning of this code means a judgment following a plea or verdict of guilty or a plea of nolo contendere or finding of guilt. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence. However, a board may not deny a license to an applicant who is otherwise qualified pursuant to subdivision (b) or (c) of Section 480.

(b) (1) Nothing in this section shall apply to the licensure of persons pursuant to Chapter 4 (commencing with Section 6000) of Division 3.

(2) The changes made to this section by the act adding this paragraph do not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

(A) The State Athletic Commission.

(B) The Bureau for Private Postsecondary Education.

(c) Except as provided in subdivision (b), this section controls over and supersedes the definition of conviction contained within individual practice acts under this code.

SEC. 2. Section 480 of the Business and Professions Code is amended to read:

480. (a) Notwithstanding any other provision of this code, a board may deny a license regulated by this code on the grounds that the applicant has been convicted of a crime or has been subject to formal discipline only if either of the following conditions are met:

(1) The applicant has been convicted of a crime for which the applicant is presently incarcerated or for which the conviction occurred within the preceding seven years. However, the preceding seven-year limitation shall not apply to a conviction for a serious felony, as defined in the Penal Code.

The board may deny a license pursuant to this subparagraph only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

(2) The applicant has been subjected to formal discipline by a licensing board within the preceding five years based on professional misconduct that would have been cause for discipline before the board for which the present application is made and that is substantially related to the qualifications, functions, or duties of the business or profession for which the present application is made. However, prior disciplinary action by a licensing board within the preceding seven years shall not be the basis for denial of a license if the basis for that disciplinary action was a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code or a comparable dismissal or expungement.

(b) Notwithstanding any other provision of this code, a person shall not be denied a license on the basis that he or she has been convicted of a crime, or on the basis of acts underlying a conviction for a crime, if he or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code, has been granted clemency or a pardon by a state or federal executive, or has provided evidence of rehabilitation pursuant to Section 482.

(c) Notwithstanding any other provision of this code, a person shall not be denied a license on the basis of any conviction, or on the basis of the acts underlying the conviction, that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code, or a comparable dismissal or expungement. An applicant who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code shall provide proof of the dismissal if it is not reflected on the report furnished by the Department of Justice.

(d) Notwithstanding any other provision of this code, a board shall not deny a license on the basis of an arrest that resulted in a disposition other than a conviction, including an arrest that resulted in an infraction, citation, or a juvenile adjudication.

(e) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact that is required to be revealed in the application for the license. A board shall not deny a license based solely on an applicant's failure to disclose a fact that would not have been cause for denial of the license had it been disclosed.

(f) A board shall follow the following procedures in requesting or acting on an applicant's criminal history information:

(1) A board shall not require an applicant for licensure to disclose any information or documentation regarding the applicant's criminal history.

(2) If a board decides to deny an application based solely or in part on the applicant's conviction history, the board shall notify the applicant in writing of all of the following:

(A) The denial or disqualification of licensure.

(B) Any existing procedure the board has for the applicant to challenge the decision or to request reconsideration.

(C) That the applicant has the right to appeal the board's decision.

(D) The processes for the applicant to request a copy of his or her complete conviction history and question the accuracy or completeness of the record pursuant to Sections 11122 to 11127 of the Penal Code.

(g) (1) For a minimum of three years, each board under this code shall retain application forms and other documents submitted by an applicant, any notice provided to an applicant, all other communications received from and provided to an applicant, and criminal history reports of an applicant.

(2) Each board under this code shall retain the number of applications received for each license and the number of applications requiring inquiries regarding criminal history. In addition, each licensing authority shall retain all of the following information:

(A) The number of applicants with a criminal record who received notice of denial or disqualification of licensure.

(B) The number of applicants with a criminal record who provided evidence of mitigation or rehabilitation.

(C) The number of applicants with a criminal record who appealed any denial or disqualification of licensure.

(D) The final disposition and demographic information, including, but not limited to, voluntarily provided information on race or gender, of any applicant described in subparagraph (A), (B), or (C).

(3) (A) Each board under this code shall annually make available to the public through the board's Internet Web site and through a report submitted to the appropriate policy committees of the Legislature deidentified information collected pursuant to this subdivision. Each board shall ensure confidentiality of the individual applicants.

(B) A report pursuant to subparagraph (A) shall be submitted in compliance with Section 9795 of the Government Code.

(h) "Conviction" as used in this section shall have the same meaning as defined in Section 7.5.

(i) The changes made to this section by the act adding this subdivision do not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

(1) The State Athletic Commission.

(2) The Bureau for Private Postsecondary Education.

SEC. 3. Section 481 of the Business and Professions Code is amended to read:

481. (a) Each board under this code shall develop criteria to aid it, when considering the denial, suspension, or revocation of a license, to determine whether a crime is substantially related to the qualifications, functions, or duties of the business or profession it regulates.

(b) Criteria for determining whether a crime is substantially related to the qualifications, functions, or duties of the business or profession a board regulates shall include all of the following:

(1) The nature and gravity of the offense.

(2) The number of years elapsed since the date of the offense.

(3) The nature and duties of the profession in which the applicant seeks licensure or in which the licensee is licensed.

(c) A board shall not deny a license based in whole or in part on a conviction without considering evidence of rehabilitation.

(d) Each board shall post on its Internet Web site a summary of the criteria used to consider whether a crime is considered to be substantially related to the qualifications, functions, or duties of the business or profession it regulates consistent with this section.

(e) The changes made to this section by the act adding this subdivision do not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

(1) The State Athletic Commission.

(2) The Bureau for Private Postsecondary Education.

SEC. 4. Section 482 of the Business and Professions Code is amended to read:

482. (a) Each board under this code shall develop criteria to evaluate the rehabilitation of a person when doing either of the following:

(1) Considering the denial of a license⁹⁷ by the board under Section 480.

(2) Considering suspension or revocation of a license under Section 490.

(b) Each board shall consider that an applicant or licensee has made a showing of rehabilitation if either of the following are met:

(1) The applicant or licensee has completed the criminal sentence at issue without a violation of parole or probation.

(2) The applicant or licensee has satisfied criteria for rehabilitation developed by the board.

(c) The changes made to this section by the act adding this subdivision do not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

(1) The State Athletic Commission.

(2) The Bureau for Private Postsecondary Education.

SEC. 5. Section 488 of the Business and Professions Code is amended to read:

488. Except as otherwise provided by law, following a hearing requested by an applicant pursuant to subdivision (b) of Section 485, the board may take any of the following actions:

(a) Grant the license effective upon completion of all licensing requirements by the applicant.

(b) Deny the license.

(c) Take other action in relation to denying or granting the license as the board in its discretion may deem proper.

(d) The changes made to this section by the act adding this subdivision do not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

(1) The State Athletic Commission.

(2) The Bureau for Private Postsecondary Education.

SEC. 6. Section 493 of the Business and Professions Code is amended to read:

493. (a) Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact.

(b) (1) Criteria for determining whether a crime is substantially related to the qualifications, functions, or duties of the business or profession the board regulates shall include all of the following:

(A) The nature and gravity of the offense.

(B) The number of years elapsed since the date of the offense.

(C) The nature and duties of the profession.

(2) A board shall not categorically bar an applicant based solely on the type of conviction without considering evidence of rehabilitation.

(c) As used in this section, "license" includes "certificate," "permit," "authority," and "registration."

(d) The changes made to this section by the act adding this subdivision do not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

(1) The State Athletic Commission.

(2) The Bureau for Private Postsecondary Education.

SEC. 7. Section 11345.2 of the Business and Professions Code is amended to read:

11345.2. (a) An individual shall not act as a controlling person for a registrant if any of the following apply:

(1) The individual has entered a plea of guilty or no contest to, or been convicted of, a felony. If the individual's felony conviction has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code, the bureau may allow the individual to act as a controlling person.

(2) The individual has had a license or certificate to act as an appraiser or to engage in activities related to the transfer of real property refused, denied, canceled, or revoked in this state or any other state.

(b) Any individual who acts as a controlling person of an appraisal management company and who enters a plea of guilty or no contest to, or is convicted of, a felony, or who has a license or certificate as an appraiser refused, denied, canceled, or revoked in any other state shall report that fact or cause that fact to be reported to the office, in writing, within 10 days of the date he or she has knowledge of that fact.

AMENDED IN ASSEMBLY MARCH 14, 2018

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

Assembly Bill No. 2354

Introduced by Assembly Member Rubio

February 13, 2018

An act to add Sections 3013 and 6222.5 to the Family Code, relating to family law.

LEGISLATIVE COUNSEL'S DIGEST

AB 2354, as amended, Rubio. Family law: court reporters.

Existing law, the Domestic Violence Prevention Act, provides for the issuance of emergency protective orders and other protective orders for the prevention of domestic violence. Existing law also requires a family court to determine child custody in proceedings for dissolution of marriage, nullity of marriage, and legal separation of the parties, petitions for exclusive custody of a child, and proceedings under the Domestic Violence Prevention Act.

Existing law requires an official reporter or official reporter pro tempore of the superior court to take down in shorthand all testimony and other information in proceedings before the court in civil cases on order of the court and at the request of a party or counsel.

This bill would require the court to provide a court reporter at every hearing at which testimony is received in either a proceeding that relates to child custody or a proceeding under the Domestic Violence Prevention Act.

Vote: majority. Appropriation: no. Fiscal committee: yes. Local program: no.

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

SECTION 1. Section 3013 is added to the Family Code, to read:

3013. The court shall provide a court reporter at every hearing in a proceeding under this division at which testimony is received.

SEC. 2. Section 6222.5 is added to the Family Code, to read:

6222.5. The court shall provide a court reporter at every in a proceeding under this division at which testimony is received.

AMENDED IN ASSEMBLY APRIL 9, 2018

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

Assembly Bill No. 2483

Introduced by Assembly Member Voepel

February 14, 2018

An act to amend Section 825 of the Government Code, relating to liability.

LEGISLATIVE COUNSEL'S DIGEST

AB 2483, as amended, Voepel. Indemnification of public officers and employees: antitrust awards.

The Government Claims Act, except as provided, requires a public entity to pay any judgment or any compromise or settlement of a claim or action against an employee or former employee of the public entity if the employee or former employee requests the public entity to defend him or her against any claim or action against him or her for an injury arising out of an act or omission occurring within the scope of his or her employment as an employee of the public entity, the request is made in writing not less than 10 days before the day of trial, and the employee or former employee reasonably cooperates in good faith in the defense of the claim or action. That act prohibits the payment of punitive or exemplary damages by a public entity, except as specified.

This bill would require a public entity to pay a judgment or settlement for treble damage antitrust awards against a member of a regulatory board within the Department of Consumer Affairs for an act or omission occurring within the scope of the member's official capacity as a member of that regulatory board. The bill would specify that treble damages awarded pursuant to a specified federal law for violation of another federal law are not punitive or exemplary damages within the act.

Vote: majority. Appropriation: no. Fiscal committee: yes. Local program: no.

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

SECTION 1. Section 825 of the Government Code is amended to read:

825. (a) Except as otherwise provided in this section, if an employee or former employee of a public entity requests the public entity to defend him or her against any claim or action against him or her for an injury arising out of an act or omission occurring within the scope of his or her employment as an employee of the public entity and the request is made in writing not less than 10 days before the day of trial, and the employee or former employee reasonably cooperates in good faith in the defense of the claim or action, the public entity shall pay any judgment based thereon or any compromise or settlement of the claim or action to which the public entity has agreed.

If the public entity conducts the defense of an employee or former employee against any claim or action with his or her reasonable good-faith cooperation, the public entity shall pay any judgment based thereon or any compromise or settlement of the claim or action to which the public entity has agreed. However, where the public entity conducted the defense pursuant to an agreement with the employee or former employee reserving the rights of the public entity not to pay the judgment, compromise,

or settlement until it is established that the injury arose out of an act or omission occurring within the scope of his or her employment as an employee of the public entity, the public entity is required to pay the judgment, compromise, or settlement only if it is established that the injury arose out of an act or omission occurring in the scope of his or her employment as an employee of the public entity.

Nothing in this section authorizes a public entity to pay that part of a claim or judgment that is for punitive or exemplary damages.

(b) Notwithstanding subdivision (a) or any other provision of law, a public entity is authorized to pay that part of a judgment that is for punitive or exemplary damages if the governing body of that public entity, acting in its sole discretion except in cases involving an entity of the state government, finds all of the following:

(1) The judgment is based on an act or omission of an employee or former employee acting within the course and scope of his or her employment as an employee of the public entity.

(2) At the time of the act giving rise to the liability, the employee or former employee acted, or failed to act, in good faith, without actual malice and in the apparent best interests of the public entity.

(3) Payment of the claim or judgment would be in the best interests of the public entity.

As used in this subdivision with respect to an entity of state government, "a decision of the governing body" means the approval of the Legislature for payment of that part of a judgment that is for punitive damages or exemplary damages, upon recommendation of the appointing power of the employee or former employee, based upon the finding by the Legislature and the appointing authority of the existence of the three conditions for payment of a punitive or exemplary damages claim. The provisions of subdivision (a) of Section 965.6 shall apply to the payment of any claim pursuant to this subdivision.

The discovery of the assets of a public entity and the introduction of evidence of the assets of a public entity shall not be permitted in an action in which it is alleged that a public employee is liable for punitive or exemplary damages.

The possibility that a public entity may pay that part of a judgment that is for punitive damages shall not be disclosed in any trial in which it is alleged that a public employee is liable for punitive or exemplary damages, and that disclosure shall be grounds for a mistrial.

(c) Except as provided in subdivision (d), if the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Chapter 10 (commencing with Section 3500) of Division 4, the memorandum of understanding shall be controlling without further legislative action, except that if those provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

(d) The subject of payment of punitive damages pursuant to this section or any other provision of law shall not be a subject of meet and confer under the provisions of Chapter 10 (commencing with Section 3500) of Division 4, or pursuant to any other law or authority.

(e) Nothing in this section shall affect the provisions of Section 818 prohibiting the award of punitive damages against a public entity. This section shall not be construed as a waiver of a public entity's immunity from liability for punitive damages under Section 1981, 1983, or 1985 of Title 42 of the United States Code.

(f) (1) Except as provided in paragraph (2), a public entity shall not pay a judgment, compromise, or settlement arising from a claim or action against an elected official, if the claim or action is based on conduct by the elected official by way of tortiously

intervening or attempting to intervene in, or by way of tortiously influencing or attempting to influence the outcome of, any judicial action or proceeding for the benefit of a particular party by contacting the trial judge or any commissioner, court-appointed arbitrator, court-appointed mediator, or court-appointed special referee assigned to the matter, or the court clerk, bailiff, or marshal after an action has been filed, unless he or she was counsel of record acting lawfully within the scope of his or her employment on behalf of that party. Notwithstanding Section 825.6, if a public entity conducted the defense of an elected official against such a claim or action and the elected official is found liable by the trier of fact, the court shall order the elected official to pay to the public entity the cost of that defense.

(2) If an elected official is held liable for monetary damages in the action, the plaintiff shall first seek recovery of the judgment against the assets of the elected official. If the elected official's assets are insufficient to satisfy the total judgment, as determined by the court, the public entity may pay the deficiency if the public entity is authorized by law to pay that judgment.

(3) To the extent the public entity pays any portion of the judgment or is entitled to reimbursement of defense costs pursuant to paragraph (1), the public entity shall pursue all available creditor's remedies against the elected official, including garnishment, until that party has fully reimbursed the public entity.

(4) This subdivision shall not apply to any criminal or civil enforcement action brought in the name of the people of the State of California by an elected district attorney, city attorney, or attorney general.

(g) Notwithstanding subdivision (a), a public entity shall pay for a judgment or settlement for treble damage antitrust awards against a member of a regulatory board within the Department of Consumer Affairs for an act or omission occurring within the scope of the member's official capacity as a member of that regulatory board.

(h) For purposes of this section, treble damages awarded pursuant to the federal Clayton Act (Sections 12 to 27, inclusive, of Title 15 of, and Sections 52 and 53 of Title 29 of, the United States Code) for a violation of the federal Sherman Act (Sections 1 to 7, inclusive, of Title 15 of the United States Code) are not punitive or exemplary damages under this division.

AMENDED IN SENATE JUNE 4, 2018
AMENDED IN ASSEMBLY APRIL 12, 2018
AMENDED IN ASSEMBLY APRIL 4, 2018

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

Assembly Bill No. 2531

Introduced by Assembly Member Gallagher

February 14, 2018

An act to add Article 6 (commencing with Section 8050) to Chapter 13 of Division 3 of the Business and Professions Code, and to amend Section 54.8 of the Civil Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2531, as amended, Gallagher. Access to judicial and nonjudicial proceedings: individuals who are deaf or hard of hearing: operators of computer-aided transcription systems.

Existing law requires that a participant in any civil or criminal proceeding, court-ordered or court-provided alternative dispute resolution, or administrative hearing of a public agency, who is hearing impaired be provided with a functioning assistive listening system or a computer-aided transcription system, upon his or her request. Existing law requires, if a computer-aided transcription system is requested, sufficient display terminals be provided to allow the hearing impaired individual to read the real-time transcript of the proceeding without difficulty. Existing law requires the Judicial Council to perform various tasks related to assistive listening systems and computer-aided transcription systems, including the development and maintenance of a system to record utilization by the courts of these systems.

This bill would require an individual requiring the services of an operator of a computer-aided transcription system to give advance notice of this need, as specified, and would require the operator to provide the speech-to-text equipment to be used, unless otherwise provided by the court. The bill would require a sign to be posted in a prominent place indicating the availability, and how to request, the services of an operator. The bill would also require the Judicial Council to develop and approve official forms for notice of the availability of the services of an operator and to develop and maintain a system to record utilization by the courts of the services of certified operators of computer-aided transcription systems, the services of sign language interpreters, and the services of otherwise uncertified operators, interpreters, or captioners. The bill would change references to "hearing impaired" to "deaf or hard of hearing."

Existing law authorizes a court reporter to be present in the jury deliberating room during jury deliberation if the services of the court reporter for the purpose of operating a computer-aided transcription system are required for a juror who is hearing impaired.

This bill would instead authorize an operator of a computer-aided transcription system to be present for that purpose.

Existing law requires the Court Reporters Board of California to license and regulate the practice of shorthand reporting, defined to generally mean, among other things, the making of a verbatim record of any oral court proceeding.

This bill would require, on or before January 1, 2020, the board to adopt standards for certifying operators of computer-aided transcription systems. The bill would authorize the board to satisfy this requirement by approving a state or national association to certify operators of computer-aided transcription systems. The bill would also require, on or before January 1, 2024, the board to report to the Legislature the number of operators of computer-aided transcription systems that, between January 1, 2020, and January 1, 2024, have successfully been certified pursuant to the standards developed by the board.

Vote: majority. Appropriation: no. Fiscal committee: yes. Local program: no.

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. Operators of Computer-Aided Transcription Systems

8050. On or before January 1, 2020, the board shall adopt standards for certifying operators of computer-aided transcription systems under Section 54.8 of the Civil Code. The board may satisfy this requirement by approving a state or national association to certify operators of computer-aided transcription systems under Section 54.8 of the Civil Code.

8051. (a) On or before January 1, 2024, the board shall report to the Legislature the number of operators of computer-aided transcription systems that, between January 1, 2020, and January 1, 2024, have successfully been certified pursuant to the standards developed pursuant to Section 8050.

(b) The report required by this section shall be submitted pursuant to Section 9795 of the Government Code.

8052. (a) The board's general enforcement powers and duties under this chapter shall not apply to this article.

(b) Notwithstanding Section 8030, the Court Reporter's Fund is not appropriated to carry out the purposes of this article.

SEC. 2. Section 54.8 of the Civil Code is amended to read:

54.8. (a) (1) In any civil or criminal proceeding, including, but not limited to, traffic, small claims court, family court proceedings and services, and juvenile court proceedings, in any court-ordered or court-provided alternative dispute resolution, including mediation and arbitration, or in any administrative hearing of a public agency, where a party, witness, attorney, judicial employee, judge, juror, or other participant who is deaf or hard of hearing, the individual who is deaf or hard of hearing, upon his or her request, shall be provided with a functioning assistive listening system or a computer-aided transcription system. Any individual requiring this equipment or the services of an operator of a computer-aided transcription system shall give advance notice of his or her need to the appropriate court or agency at the time the hearing is set or not later than five days before the hearing.

(2) The operator of a computer-aided transcription system shall provide the speech-to-text equipment to be used, unless otherwise provided by the court.

(b) Assistive listening systems include, but are not limited to, special devices that transmit amplified speech by means of audio-induction loops, radio frequency systems (AM or FM), or infrared transmission. Personal receivers, headphones, and neck loops shall be available upon request by individuals who are deaf or hard of hearing.

(c) If a computer-aided transcription system is requested, sufficient display terminals shall be provided to allow the individual who is deaf or hard of hearing to read the real-time transcript of the proceeding without difficulty.

(d) A sign shall be posted in a prominent place indicating the availability of, and how to request, an assistive listening system and the services of an operator of a computer-aided transcription system. Notice of the availability of the systems shall be posted with notice of trials.

(e) Each superior court shall have at least one portable assistive listening system for use in any court facility within the county. When not in use, the system shall be stored in a location determined by the court.

(f) The Judicial Council shall develop and approve official forms for notice of the availability of assistive listening systems and the services of an operator of computer-aided transcription systems for individuals who are deaf or hard of hearing. The Judicial Council shall also develop and maintain a system to record utilization by the courts of these assistive listening systems, the utilization of computer-aided transcription systems, the utilization of the services of certified operators of computer-aided transcription systems, the utilization of the services of sign language interpreters, and the utilization of the services of otherwise uncertified operators, interpreters, or captioners.

(g) If the individual who is deaf or hard of hearing is a juror, the jury deliberation room shall be equipped with an assistive listening system or a computer-aided transcription system upon the request of the juror.

(h) An operator of a computer-aided transcription system may be present in the jury deliberating room during a jury deliberation if the services of the operator for the purpose of operating a computer-aided transcription system are required for a juror who is deaf or hard of hearing.

(i) In any of the proceedings referred to in paragraph (1) of subdivision (a), or in any administrative hearing of a public agency, in which the individual who is deaf or hard of hearing is a party, witness, attorney, judicial employee, judge, juror, or other participant, and has requested use of an assistive listening system or the services of an operator of a computer-aided transcription system, the proceedings shall not commence until the system is in place and functioning.

(j) As used in this section, "individual who is deaf or hard of hearing" means an individual with a hearing loss, who, with sufficient amplification or with the services of a computer-aided transcription system, is able to fully participate in the proceeding.

(k) In no case shall this section be construed to prescribe a lesser standard of accessibility or usability than that provided by Title II of the Americans with Disabilities Act of 1990 (Public Law 101-336) and federal regulations adopted pursuant to that act.

AMENDED IN SENATE JUNE 4, 2018

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

Assembly Bill No. 2664

Introduced by Assembly Member Holden

February 15, 2018

An act to amend Section 70044 of the Government Code, relating to court reporters.

LEGISLATIVE COUNSEL'S DIGEST

AB 2664, as amended, Holden. Court reporters: official reporter pro tempore.

Existing law authorizes the court to appoint an official reporter pro tempore when needed for the judicial business of the superior court of the county to be diligently carried on and so a particular matter may proceed to trial or hearing without delay. Existing law requires the written stipulation of the parties at the trial, hearing, or other proceeding in a contested matter for the appointment of an official reporter pro tempore.

This bill would require the court to appoint an official reporter pro tempore pursuant to a written stipulation of the parties, if possible. The bill would require the court, if the parties attempt to arrive at a stipulation and are unable to do so, and at least one of the parties continues to seek the appointment of an official reporter pro tempore, to appoint an official reporter pro tempore that meets specified criteria. The bill would also require the court, if a party objects to the appointment of a particular reporter submitted by the requesting party, or if parties request appointment of different reporters, to appoint an official reporter pro tempore from among the reporters submitted by the parties if the reporter is available and meets specified criteria. The bill would also make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no. Local program: no.

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

SECTION 1. Section 70044 of the Government Code is amended to read:

70044. (a) When needed for the judicial business of the superior court in the county to be diligently carried on and for a particular matter to proceed to trial or hearing without delay, an official reporter pro tempore who is a certified shorthand reporter pursuant to Section 8018 of the Business and Professions Code may be appointed to perform the duties of a phonographic reporter in a matter, or until a regular official reporter becomes available. An official reporter pro tempore may be appointed by the presiding judge of the court and the judge presiding in the department where the reporter will serve.

(1) Except as provided in paragraph (2), if the matter is contested, the appointment shall be made pursuant to a written stipulation of the parties appearing at the trial, hearing, or other proceeding to be reported by the official reporter pro tempore, if possible.

(2) (A) If the parties attempt to arrive at a stipulation and are unable to do so, and at least one of the parties continues to seek the appointment of an official reporter pro

tempore, the court shall appoint an official reporter pro tempore who meets the criteria described in subdivision (b).

(B) If a party requests an appointment of a particular official reporter pro tempore who meets the criteria described in subdivision (b), the court shall appoint the reporter submitted by the requesting party, if the reporter is available. If a party objects to the appointment of the reporter submitted by the requesting party or if the parties request the appointment of different reporters, the court shall appoint an official reporter pro tempore from among the reporters submitted by the parties if the reporter is available and meets the criteria described in subdivision (b).

(b) An official reporter pro tempore who is a certified shorthand reporter pursuant to Section 8018 of the Business and Professions Code, has passed the test on qualifications, has a certificate on file in the court records, as prescribed by Section 69942, and has been appointed an official reporter pro tempore by a majority of the judges of the court pursuant to Section 69941, may serve in any matter without further order of the court or stipulation of the parties.

AMENDED IN SENATE JUNE 21, 2018

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

Assembly Bill No. 2757

Introduced by Assembly Member Reyes

February 16, 2018

An act to amend Section 69951 of, to amend, repeal, and add Section 69950 of, and to add and repeal Section 69950.5 of, the Government Code, relating to court reporters.

LEGISLATIVE COUNSEL'S DIGEST

AB 2757, as amended, Reyes. Court reporters.

Existing law provides that, except as specified, the fee for original transcripts prepared by an official court reporter or by a court reporter pro tempore is \$0.85 for each 100 words, and for each copy purchased at the same time, \$0.15 for each 100 words. Existing law provides that, except as specified, the fee for a first copy of a transcript by a person who does not simultaneously purchase the original transcript is \$0.20 for each 100 words, and for each additional copy purchased at the same time, \$0.15 for each 100 words. Existing law authorizes a court reporter, in civil cases, to charge an additional 50% for special daily copy service.

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 commencing July 1, 2019, except as specified. The bill would also provide that the fee for transcription is an additional 50% for special daily copy service. The bill would require the Judicial Council to report to the Legislature by January 1, 2023, with regard to transcript fees, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. Local program: no.

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

SECTION 1. The Legislature finds and declares all of the following:

(a) Official court reporters and court reporters pro tempore employed by the courts are currently paid under a dual compensation structure in which the base salary of the court reporter is supplemented by income from preparing required transcripts and providing other required transcription services.

(b) The dual compensation structure protects the state from bearing the full cost of transcript preparation and other transcription services and avoids the resulting consequences of overtime liability related to these services.

(c) The fees for original transcripts prepared by official court reporters and court reporters pro tempore have not been adjusted in 28 years, and fees for copies purchased at the same time as the original transcript have only increased once in 105 years.

(d) In order to ensure full and fair compensation of official court reporters and court reporters pro tempore employed by the court, and in order to attract and retain official court reporters and court reporters pro tempore employed by the courts that have sufficient skills and competence to serve the needs of the justice system, it is imperative

that the system of dual compensation provide sufficient payment for transcription services.

(e) Therefore, it is necessary to revise the fees for transcripts prepared by official court reporters and court reporters pro tempore.

SEC. 2. Section 69950 of the Government Code is amended to read:

69950. (a) From January 1, 2019, to July 1, 2019, inclusive, the fee for transcription for the original printed copy is eighty-five cents (\$0.85) for each 100 words, and for each copy purchased at the same time by the court, party, or other person purchasing the original, fifteen cents (\$0.15) for each 100 words.

(b) From January 1, 2019, to July 1, 2019, inclusive, the fee for a first copy to any court, party, or other person who does not simultaneously purchase the original shall be twenty cents (\$0.20) for each 100 words, and for each additional copy, purchased at the same time, fifteen cents (\$0.15) for each 100 words.

(c) Notwithstanding subdivisions (a) and (b), if a trial court had established transcription fees that were in effect on January 1, 2012, based on an estimate or assumption as to the number of words or folios on a typical transcript page, those transcription fees shall be the transcription fees for proceedings in those trial courts, and the policy or practice for determining transcription fees in those trial courts shall not be unilaterally changed.

(d) This section shall become inoperative on July 1, 2019, and, as of January 1, 2020, is repealed, unless a later enacted statute that is enacted before January 1, 2020, deletes or extends that date.

SEC. 3. Section 69950 is added to the Government Code, to read:

69950. (a) From July 1, 2019, to January 1, 2021, inclusive, the fee for transcription for the original printed copy is ninety-three cents (\$0.93) for each 100 words, and for each copy purchased at the same time by the court, party, or other person purchasing the original, sixteen cents (\$0.16) for each 100 words.

(b) From July 1, 2019, to January 1, 2021, inclusive, the fee for a first copy to any court, party, or other person who does not simultaneously purchase the original shall be twenty-one cents (\$0.21) for each 100 words, and for each additional copy, purchased at the same time, sixteen cents (\$0.16) for each 100 words.

(c) Notwithstanding subdivisions (a) and (b), if a trial court had established transcription fees that were in effect on January 1, 2012, based on an estimate or assumption as to the number of words or folios on a typical transcript page, those transcription fees shall be the transcription fees for proceedings in those trial courts, and the policy or practice for determining transcription fees in those trial courts shall not be unilaterally changed.

(d) This section shall become operative on July 1, 2019.

(e) This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2021, deletes or extends that date.

SEC. 4. Section 69950 is added to the Government Code, to read:

69950. (a) From January 1, 2021, to January 1, 2023, inclusive, the fee for transcription for the original printed copy is one dollar and three cents (\$1.03) for each 100 words, and for each copy purchased at the same time by the court, party, or other person purchasing the original, eighteen cents (\$0.18) for each 100 words.

(b) From January 1, 2021, to January 1, 2023, inclusive, the fee for a first copy to any court, party, or other person who does not simultaneously purchase the original

shall be twenty-three cents (\$0.23) for each 100 words, and for each additional copy, purchased at the same time, eighteen cents (\$0.18) for each 100 words.

(c) Notwithstanding subdivisions (a) and (b), if a trial court had established transcription fees that were in effect on January 1, 2012, based on an estimate or assumption as to the number of words or folios on a typical transcript page, those transcription fees shall be the transcription fees for proceedings in those trial courts, and the policy or practice for determining transcription fees in those trial courts shall not be unilaterally changed.

(d) This section shall become operative on January 1, 2021.

(e) This section shall remain in effect only until January 1, 2023, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2023, deletes or extends that date.

SEC. 5. Section 69950 is added to the Government Code, to read:

69950. (a) On and after January 1, 2023, the fee for transcription for the original printed copy is one dollar thirteen cents (\$1.13) for each 100 words, and for each copy purchased at the same time by the court, party, or other person purchasing the original, twenty cents (\$0.20) for each 100 words.

(b) On and after January 1, 2023, the fee for a first copy to any court, party, or other person who does not simultaneously purchase the original shall be twenty-six cents (\$0.26) for each 100 words, and for each additional copy, purchased at the same time, twenty cents (\$0.20) for each 100 words.

(c) Notwithstanding subdivisions (a) and (b), if a trial court had established transcription fees that were in effect on January 1, 2012, based on an estimate or assumption as to the number of words or folios on a typical transcript page, those transcription fees shall be the transcription fees for proceedings in those trial courts, and the policy or practice for determining transcription fees in those trial courts shall not be unilaterally changed.

(d) This section shall become operative on January 1, 2023.

SEC. 6. Section 69950.5 is added to the Government Code, to read:

69950.5. (a) On or before January 1, 2023, the Judicial Council shall report to the Legislature recommendations to increase uniformity in transcript rate expenditures in California. The intent of the report shall be to not reduce the rate of pay or overall compensation to reporters or jeopardize collective bargaining agreements. The Judicial Council shall work in collaboration with key stakeholder groups, including the California Court Reporters Association, the Court Reporters Board of California, and relevant labor unions.

(b) (1) A report to be submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795.

(2) Pursuant to Section 10231.5, this section is repealed on January 1, 2027.

SEC. 7. Section 69951 of the Government Code is amended to read:

69951. The fee for transcription is an additional 50 percent for special daily copy service.

COURT REPORTERS BOARD MEETING – JULY 19, 2018

AGENDA ITEM VI – Results of Reporter Working Speed Survey

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Agenda Description: Discussion and Possible Action
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Brief Summary: In response to concerns expressed to the Board that the skills portion of the license exam, currently being given at 200 words per minute, is too fast for entry-level court reporters, the Board partnered with the Office of Professional Examination Services (OPES) to undertake a survey of working reporters regarding actual reporting speeds. OPES has conducted a number of occupational analyses in the past for the Board, a comprehensive look at the knowledge and skills needed for entry-level court reporters. The occupational analysis forms the basis for the two written portions of the license exam, English and Professional Practice.

The survey was emailed to CSRs who had an email address on file with the Board. OPES was able to work with data from 17% of the CSRs sampled, making it statistically relevant. The survey collected demographic information including what geographic area of the state they are working, how many years they have been licensed, how many hours a week are spent reporting, whether they are primarily freelance or official reporters, and information on the types of cases reported.

Additionally, survey respondents were asked to report their slowest, average, and fastest reporting speeds for the five most recent proceedings. Close to 60 percent of responding reporters used their CAT software to determine the speed, and 40 percent used their best estimate. They were also asked the length of each proceeding.

Overall, the majority of the proceedings reported in the survey lasted one to two hours, with the second largest group three to four hours. The mean slowest reporting speed was less than 180 words per minute (wpm). There were two mean average reporting speeds: 180-200 wpm and 201-240 wpm. There were also two mean fastest reporting speeds: 221-240 wpm and over 260 wpm.

To ensure that entry-level practice was represented in the results, OPES performed additional data analyses on survey respondents who were licensed five years or less. The results for these CSRs was very similar to the overall results.

The results of the survey support the current license examination speed of 200 wpm. This reporting speed falls within the mean average reporting speed for all respondents as well as for respondents licensed five years or less.

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Report Originator: Yvonne Fenner, 6/26/2018
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Recommended Board Action: Staff recommends the Board continue to administer the skills portion of the license exam at 200 words per minute.

COURT REPORTERS BOARD MEETING – JULY 19, 2018

AGENDA ITEM VII – Reporter Labor Supply

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Agenda Description: Discussion and Possible Action

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Brief Summary:

The Board has been receiving information that there is a shortage of court reporters in the freelance arena, making it difficult for court reporting firms to cover their calendars. Historically the supply of reporters has fluctuated with supply and demand; however, the current shortage seems to be exacerbated because of school closings and low enrollment coupled with increasing numbers of retiring Baby Boomers.

The Board has received a request by the National Verbatim Reporting Association to present information on the current state of voicewriting for the Board's consideration of options in alleviating a possible shortage.

Additionally, the Board has received a specific request from Veritext to permit currently licensed court reporters from other states as well those who hold a current RPR certification from the National Court Reporters Association to work in California by passing only the written portions of the California license exam.

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Report Originator: Yvonne Fenner, 7/5/2018

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Recommended Board Action: Staff recommends the Board discuss the policy questions posed in the request from Veritext. If the Board is in favor of licensing voicewriters in California, necessary for them to work in court, a legislative change is needed to change the definition of shorthand reporting.

If the Board is in favor of allowing reciprocity of reporters licensed in other states and/or holding the RPR, requiring only the written tests to be passed, regulatory changes would need to be made. In this case, staff recommends the formation of a task force to define the specifics of the regulation.

Additionally, staff recommends the Board work with the Office of Public Affairs to expand the communication plan to include how to communicate to the public the importance of hiring a licensed court reporter.

COURT REPORTERS BOARD MEETING – JULY 19, 2018

AGENDA ITEM VIII – Qualifications of Candidates for Skills Exam

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Agenda Description: Discussion and Possible Action
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Brief Summary:

Over the past 18 months the Board has received concerns from candidates and candidates' family members regarding the low pass rate of the license examination. The Board has responded by reaching out to the Office of Professional Examination Services (OPES) for assistance in developing and researching whether the current speed of the skills portion of the exam is relevant. As was reported on earlier, a survey was conducted and supports the current testing speed of 200 words per minute. There is a Board policy in place to account for the density of the exam, specifically 1.3-1.5 syllables.

While the pass rate for first-time candidates has always been markedly higher than for repeat candidates, there appears to be a growing discrepancy between the two pass rates. Part of that may be due to the possibility that court reporting programs that knew they were soon to close qualified a number of students who where actually not prepared for the license exam. This, if true, is a "double whammy" in that now the unsuccessful candidate cannot return to school as their program has closed.

No matter why the candidate is unsuccessful, the big question is what are they doing to get faster and more accurate in order that they can achieve a confidence level that will allow them to pass the license exam.

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Report Originator: Yvonne Fenner, 6/27/2018
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Recommended Board Action: Staff recommends referral of unsuccessful candidates to the trade associations for mentorship opportunities.

COURT REPORTERS BOARD MEETING – JULY 19, 2018

AGENDA ITEM IX – 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, 6/27/2018

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COURT REPORTERS BOARD MEETING – JULY 19, 2018

AGENDA ITEM X – Request for Declaration Re Burd v. Barkley

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Agenda Description: Discussion and Possible Action
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Brief Summary:

In November of 2017, the Second Appellate District of California overturned the Superior Court Ruling in the Burd v. Barkley case. The appellate court found that statutory rates set out in Government Code 69950 and 69954 apply to all court transcripts, whether prepared by an official court reporter or an official pro tem, which would include privately hired freelance reporters.

In February of 2018, the California Supreme Court denied Barkley's petition for review.

In March of 2018, counsel for Appellant Burd contacted the Board requesting a declaration confirming that Appellant's efforts have provided a public benefit to consumers.

Staff consulted with DCA Legal Affairs and was informed that the Board would need to receive the same permission to issue a declaration as was required for the amicus brief during the appeal process. Specifically, the Board would need to request permission from the Governor's Office, which starts with DCA, progresses to Business, Consumer Services, and Housing Agency, and then proceeds to the Governor's Office.

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Report Originator: Yvonne Fenner, 6/26/2018
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Recommended Board Action: If the Board finds it would serve the consumers of California to issue such a declaration, it should instruct staff to begin the process of requesting permission. If not, the Board would deny the request and ask staff to inform Appellant.

COURT REPORTERS BOARD MEETING – JULY 19, 2018

AGENDA ITEM XI – Website Subcommittee Report

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Agenda Description: Update on status.
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Brief Summary:

In furtherance of the Board's strategic and communications plans, a subcommittee was appointed to make the Board's website easier for consumers and licensees to use.

The subcommittee worked with staff to edit and streamline information for the home page and other tabs. They then directed staff to work with the Office of Information Services at the Department of Consumer Affairs to effectuate a clean and modern site that will also be mobile friendly. It is anticipated that the revised website will be live in fall 2018.

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Report Originator: Paula Bruning, 6/27/2018
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COURT REPORTERS BOARD MEETING – JULY 19, 2018

AGENDA ITEM XII – 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 – Updated Communications Plan
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Fiscal Impact: None
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Report Originator: Yvonne Fenner, 6/27/2018
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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 XII

Action Items	Target Date	Status
Perform new occupational analysis to confirm that tested knowledge, skills and abilities are relevant to the industry	June 2017	Completed 9/17
Conduct exam development workshops to produce a robust bank of test questions to safeguard the integrity of the exam	Dec 2018	Contracted with OPES through FY2018-19
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 2084
Conduct cross-training to protect the continuity and timeliness of the consumer complaint process	Dec 2016	Started/to be completed 11/18
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 – Ten Developed.
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	Started/to be completed 11/18
Investigate and implement strategies to increase Web site use to maximize efficiency in addressing consumer information requests	Sept 2016	Comm plan

Court Reporters Board of California Communications Plan

Introduction

The Court Reporters Board was established in 1951 by an act of the Legislature. The Board's mandate is to protect California's consumers by administering a minimum competency test to determine entry-level abilities; regulating the minimum curriculum that court reporting schools and programs must offer; and disciplining licensees when necessary.

In addition, the Board administers the Transcript Reimbursement Fund (TRF), which reimburses licensed court reporters for providing transcripts to indigent civil litigants. All the Board's activities, including the TRF, are funded from licensing and examination fees, which means the Board is considered a "special fund" or self-funded agency because no tax dollars from the General Fund are used to support it.

Since its inception, the Board has licensed more than 14,000 people. Of those, nearly half have current licenses. In the profession, licensees are known as either "officials" who work in court, or "freelance," who work through court reporting agencies and report mostly depositions.

There is currently a court reporter shortage in some portions of the industry, and a one of the goals of the communications plan is to assist school recruitment efforts by developing campaigns and messaging that promote the profession. This will ensure a strong workforce for the consumers of California. An additional goal is effective communication with the licensees as well as consumers of court reporting services, specifically litigants, their attorneys, and courts.

Communications Objectives

- Increase public and professional awareness of the Board's mission, standards, activities, and services. Launch a strategic awareness campaign in collaboration with external stakeholders (such as the State Bar, industry associations, law libraries, self-help centers, court websites, schools and legal nonprofits) to educate consumers about the Board's services and practice standards.
- Support school recruitment efforts to preserve the integrity and continuity of the court reporter workforce for consumer protection.
- Educate stakeholders (licensees, litigants, attorneys, courts, and general public) on the Board's complaint process.
- Promulgate best practices.
- Provide Transcript Reimbursement Fund updates to stakeholders.
- Secure the support of partners to assist in the distribution of messaging.

Target Audience

The Board will be targeting multiple audiences and developing different messages and materials for each.

- Licensees (court reporters)
- Applicants for licensure/students
- Litigants
- Attorneys
- Courts
- General public
- Legislators

Messaging

Audience	Message Themes
Multiple	<ul style="list-style-type: none">• How to file a complaint with the board.• Transcript Reimbursement Fund.• Board's services and practice standards.
License applicants, students	<ul style="list-style-type: none">• Variety of career options as CSR, including captioning• Career with high growth, high income potential and ability to be your own boss
Licensees	<ul style="list-style-type: none">• Professional oath• Best practices (including use of backup audio media)• How to interrupt proceedings video

Strategy

The Board will work with the Department of Consumer Affairs' Communications Division to create materials and content to use for outreach. Campaigns will leverage national holidays pertaining to court reporting, current events and issues, as well as Board priorities. The Board will also work on developing partnerships (associations, NextEd, etc.) to help promote the Board's role and campaigns.

Tactics

Traditional Media Outreach

- News releases – News releases can be written to gain interest on board activities and messages. These can be tied to national/state events (such as National Court Reporting & Captioning Week, legislation, new board members, new services, and any other topic deemed newsworthy).
- Interviews – These can be for radio, television or print. The Communications Division will work to secure interviews on specific topics for the Board.
- Opinion editorials – Topics can be decided to develop an opinion editorial for placement. These too can coincide with specific months to gain relevancy or around specific pieces of legislation.
- Articles – for DCA's *Consumer Connection* and the Board's own newsletter

Social Media Outreach

- Facebook and Twitter pages will be launched and promoted to garner more followers and engagement with the Board. Content sharing through partnerships will be encouraged.
- Working with DCA's Office of Information Technology, the Board's website will be redesigned to incorporate the State of California template and streamline content.

Video Development

- Using DCA's services, the Board will develop videos to explain topics of importance such as best practices, how to file a complaint, etc.
- The Board's existing YouTube video developed for the sunset hearing will also be updated.

Collateral Materials

- Update existing career brochure to reflect more diversity.
- Redesign board newsletter with more cutting-edge look and feel.

Partnerships

Developing partnerships is a great tool to get ambassadors to deliver Board messages. Potential partners can be identified and materials developed (such as shared social media content) as necessary. Potential partners:

- Bureau of Private Postsecondary Education
- Court reporting schools
- Legal nonprofits
- National and state associations
- Affinity groups
- Legislators

DCA Publications/communications channels

- "The DCA Page" blog
- *Consumer Connection* magazine
- Monthly DYK (internal newsletter)

DCA RESOURCES

- Office of Publications, Design and Editing
- Office of Public Affairs
- In-house design and printing capabilities
- Strategic communications
- Video production
- Website and social media assistance with content design, layout and management
- Content development
- Translation services

COURT REPORTERS BOARD MEETING – JULY 19, 2018

AGENDA ITEM XIII – Election of Officers

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Agenda Description: Election of Chair and Vice-Chair.
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Brief Summary:

The election of Board officers shall occur on an annual basis at the first regular meeting of the Board after June 1 of each year. The purpose of this item is to conform to this policy.

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Support Documents:

- Attachment 1 – Board policy on election of officers.
- Attachment 2 – Chairperson duties.
- Attachment 3 – Board member duties.

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Report Originator: Paula Bruning, 6/27/2018
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Recommended Board Action: Hold elections.

ANNUAL MEETINGS

The CSR Board shall hold an annual meeting for the purpose of electing a chairperson and a vice-chairperson in accordance with Business and Professions Code, Section 8003. Said annual meeting shall be held at the first regular meeting held after June 1 of each year.

Adopted: August 1987

CERTIFIED SHORTHAND COURT REPORTERS BOARD

Chairperson of the Board

Definition: The Chairperson is responsible for the effective functioning of the Board, the integrity of the Board process, and assuring that the Board fulfills its responsibilities for governance. The Chairperson instills vision, values, and strategic planning in Board policy making. The Chairperson sets an example reflecting the Board's mission as a State licensing and law enforcement agency. The Chairperson optimizes the Board's relationship with its executive officer and the public.

Specific Duties and Responsibilities:

- Chairs meetings to ensure fairness, public input, and due process;
- Prepares Board meeting notices and agendas;
- Appoints Board committees;
- Supports the development and assists performance of Board colleagues;
- Obtains the best thinking and involvement of each Board member. Stimulates each Board member to give their best effort;
- Implements the evaluation of the executive officer to the Board;
- Continually focuses the Board's attention on policy making, governance, and monitoring of staff adherence to and implementation of written Board policies;
- Facilitates the Board's development and monitoring of sound policies that are sufficiently discussed and considered and that have majority Board support;
- Serves as a spokesperson; and
- Is open and available to all Board members, staff and governmental agencies, remaining careful to support and uphold proper management and administrative procedure.

CERTIFIED SHORTHAND COURT REPORTERS BOARD

Board Members

Definition: As Board members, the Board is responsible for good governance of the Board. Appointed as representatives of the public, the Board presses for realization of opportunities for service and fulfillment of its obligations to all constituencies. The Board meets fiduciary responsibility, guards against the taking of undue risks, determines priorities, and generally directs organizational activity. The Board delegates certain administrative duties and responsibilities to its executive officer, but remains involved through oversight and policy making. The Board members are ultimately accountable for all Board actions.

Specific Duties and Responsibilities:

- Develops and sets policy and procedures as a State licensing and law enforcement agency;
- Supports and articulates the Board's mission, values and policies and procedures;
- Serves as spokespersons;
- Reviews and assures the executive officer's performance in managing the implementation of Board policies and procedures;
- Ensures that staff implementation is prudent, ethical, effective and timely;
- Assures that management and staff training and succession is being properly provided;
- Assures the ongoing (quarterly) performance review of the executive officer by the Chairperson, with an annual written evaluation by the Board which is to be conducted at a public Board meeting;
- Assures that the executive officer effectively administers appropriate staff policies;
- Maximizes accountability to the public; and
- Ensures staff compliance with all laws applicable to the Board.

COURT REPORTERS BOARD MEETING – JULY 19, 2018

AGENDA ITEM XIV – Future Meeting Dates

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Agenda Description: Proposed Meeting Dates

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Support Documents:

Attachment – 2018 and 2019 Board Calendars

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Current scheduled activities:

Exam Workshop:

- July 13 – 14, 2018 – Sacramento
- August 10 – 11, 2018 – Sacramento
- September 14 – 15, 2018 – Sacramento
- October 12 – 13, 2018 – Sacramento
- October 26 – 27, 2018 – Sacramento
- March 8 – 9, 2019 – Sacramento
- April 12 – 13, 2019 – Sacramento

CSR Dictation Exam:

- July 20, 2018 – Los Angeles

Strategic Planning:

- September 17, 2018 – Sacramento

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Recommended Board Action: Information exchange

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

JANUARY 2018

S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

FEBRUARY 2018

S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28			

MARCH 2018

S	M	T	W	Th	F	S
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					Workshop	
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11	12	13	14	15	16	17
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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

	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 2019
COURT REPORTERS BOARD OF CALIFORNIA**

JANUARY 2019

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FEBRUARY 2019

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MARCH 2019

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APRIL 2019

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MAY 2019

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JUNE 2019

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JULY 2019

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AUGUST 2019

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SEPTEMBER 2019

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OCTOBER 2019

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NOVEMBER 2019

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DECEMBER 2019

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COURT REPORTERS BOARD MEETING – JULY 19, 2018

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

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.

COURT REPORTERS BOARD MEETING – JULY 19, 2018

AGENDA ITEM XVI – Closed Session

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Agenda Description:

- A. Pursuant to Government Code Section 11126(e), the Board will meet in closed session to receive advice from counsel on litigation: R. Austin v. D. Grafilo et al. Superior Court of California, County of Los Angeles, Case No. BS171320.
- B. Pursuant to Government Code Section 11126(e)(2)(C)(i), the Board will meet in closed session to receive advice from counsel regarding the potential commencement of litigation for enforcement of Business and Professions Code Section 8040 et seq.
- C. Pursuant to Government Code Section 11126(a)(1), the Board will meet in closed session to conduct the annual evaluation of its executive officer.

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Fiscal Impact: None

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Report Originator: Yvonne Fenner, 6/27/2018