

**COURT REPORTERS BOARD****OF CALIFORNIA**

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**COURT REPORTERS BOARD OF CALIFORNIA  
MINUTES OF OPEN SESSION  
SEPTEMBER 23, 2016**

**CALL TO ORDER**

Ms. Davina Hurt, chair, called the meeting to order at 10:00 a.m. at the San Diego State Building, 1350 Front Street, Sixth Floor, Eshleman Auditorium, San Diego, California.

**ROLL CALL****Board Members Present:**

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

**Staff Members Present:**

Yvonne K. Fenner, Executive Officer  
Ryan Marcroft, Assistant Chief Counsel  
Fred Chan-You, Staff Counsel  
Paula Bruning, Executive Analyst

A quorum was established, and the meeting continued.

**I. INTRODUCTION OF NEW BOARD MEMBER – CARRIE NOCELLA**

Ms. Hurt introduced Carrie Nocella, the Board's newest public member, and highlighted her background. Ms. Nocella's term runs through June 1, 2020.

**II. RESOLUTION FOR JOHN LIU**

Ms. Hurt referred to the resolution for Mr. Liu as presented on page 5 of the Board agenda packet and read it aloud. Unfortunately, Mr. Liu was unable to attend the Board meeting to personally receive the resolution.

Ms. Hurt added that Mr. Liu would be missed and wished him the best in his future opportunities. Ms. Lasensky shared her appreciation for Mr. Liu's sense of humor. Ms. O'Neill expressed her appreciation for Mr. Liu's input and analysis, which shaped the decisions of the Board. Ms. Fenner acknowledged Mr. Liu's sincere desire, and work, to protect the consumer.

*Ms. Lasensky moved to adopt the resolution. Ms. O'Neill seconded the motion. Ms. Hurt called for public comment. No comments were offered. A vote was conducted by roll call.*

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

**MOTION CARRIED**

III. MINUTES OF THE MAY 26, 2016 MEETING

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

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

**MOTION CARRIED**

IV. LEGISLATION

A. Update on Sunset Review and License Fee Cap Increase – AB 2192 (Salas)

Ms. Fenner reported that AB 2192 (Salas) had passed through the Legislature and was awaiting a decision by the Governor. She suggested the Board send a letter of support urging Governor Brown to sign the bill. She added that the language extended the Board and Transcript Reimbursement Fund (TRF) for three years, but also included the fee cap increase that was sought.

Ms. Hurt agreed that a support letter was in order. She added that the fee cap increase was a difficult hurdle to overcome due to the bill including a "tax" label for the TRF. The Board members agreed.

*Ms. Lasensky moved that the Board write a letter in support of AB 2192 to the Governor. Ms. Nocella seconded the motion. Ms. Hurt called for public comment. No comments were offered. A vote was conducted by roll call.*

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

**MOTION CARRIED**

(The bill was signed by the Governor the next day, September 24, 2016).

Ms. Hurt also expressed her appreciation to Assemblymember Salas as the author and to Senator Hill as the principal co-author for their roles in moving the language forward. Ms. Kramm suggested the Board send a letter of appreciation to the legislators. Ms. Fenner added that key staff of the Assembly Business and Professions Committee and the Senate Business, Professions and Economic Development Committee worked tirelessly to ensure the language came together. She asked to include consultants Gabby Nepomuceno, Mark Mendoza and Sarah Mason to the list of thank you recipients.

*Ms. Lasensky moved that the Board send letters of appreciation to the author and co-author of the bill, as well as the legislative consultants who worked on it. 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***

#### **B. Status of Update and Discussion of Bills Relevant to the Board**

Ms. Fenner stated that all the bills being tracked by the Board were included in the report in the Board agenda packet. She commented that the legislative cycle was coming to an end and offered to answer questions.

AB 1033 (Garcia, Eduardo) – Ms. Hurt inquired how this bill would impact freelance court reporters and small deposition firm owners. Ms. Fenner responded that it was a technicality and would not have a day-to-day impact.

AB 2629 (Hernandez) – Ms. Hurt inquired when the last time there was an increase to the statutory fee for official transcripts. Ms. Fenner responded that it was last increased in 1991.

AB 2859 (Low) – Ms. Fenner stated that this bill would allow programs within the Department of Consumer Affairs (DCA) to establish a retired license status. The Board already has language in its statute that allows retired status. Ms. Hurt commented that she believed a retired license status option is important for this Board and would like to promulgate regulations to implement the status.

Ms. O'Neill agreed that a retired status would be beneficial as official reporters retire from court. The retired category may offer some income to the Board for those who do not want to maintain a current license status. Ms. Kramm added that it would also be helpful as the freelance reporter population is aging as well. Ms. Fenner indicated that she would add the subject as a future agenda item for consideration in starting the regulatory process.

V. DISCUSSION AND POSSIBLE ACTION REGARDING STATUTORY AND/OR REGULATORY VIOLATIONS BY NON-CERTIFIED SHORTHAND REPORTER (CSR) OWNED FIRMS

Ms. Hurt stated that the issue of violations by non-CSR owned firms is a complex matter that has been plaguing the Board since at least 2007, at which point the Board created a task force to address firm registration. She added that there have been many lawsuits spanning the country, including California, Washington, Florida, and Louisiana. Anyone selling this as simple is being disingenuous.

Ms. Hurt briefly recounted the background on this topic. In an effort to combat the problem, the Board created a task force for firm registration in 2007. The task force recommended amendment of Business and Professions Code (BPC) 8046; however, the task force was not convinced firm registration was the answer. Ms. Hurt added that the Board worked on changing the BPC language in 2008. In 2009, AB 1461 (Ruskin) attempted to remedy the problem, but ultimately failed.

Ms. Hurt continued by mentioning the lawsuit the Board made against U.S. Legal in 2010, which went on for several years. The Board held many closed session meetings over the years to strategize on how to best use the Board's limited resources in the most effective manner. In 2015, SB 270 (Mendoza) again made attempts to remedy the issue with legislative language, but it too failed. Ms. Hurt invited public comment.

Ed Howard, on behalf of the Deposition Reporters Association (CalDRA), thanked Ms. Hurt for her recitation of the timeline. He stated that the problem predates 2007 when the Board convened a task force. When the task force met, they did not have the Moscone-Knox Professional Corporations Act on their radar. Moscone-Knox, an important but obscure area of law, was passed in 1968 to allow corporations to provide professional services. Before Moscone-Knox, licensed services could not be provided for in the corporate form. Corporations were, in part, invented to shield individuals from liability, whereas licenses were designed to enhance personal accountability for behavior. Although corporations can be sued for civil damages or receive an injunctive order, there is no additional threat to take away the business's ability to operate. Mr. Howard asserted that the Legislature wanted to maintain the level playing field between corporations and licensee-owned firms, as well as the personal stake to protect consumers. However, something happened with the court reporting practice that did not happen in other boards. Non-licensee owned firms is unique to court reporting. There are no non-doctor-owned corporations in California, for example.

Ms. Hurt clarified that the Board is aware the problem began before 2007, but clarified that it came into the spotlight in 2007. The complexity of the issue has caused the Board to try many different things throughout the years. She asked for comments on the practice of today.

Mr. Howard expressed his appreciation for the California Court Reporters Association (CCRA) sponsoring SB 270 (Mendoza). At times, DRA supported the bill, and at other times withdrew support. In the end, DRA was in support. He asserted that it is common for regulatory boards to take the lead on issues of this importance to the profession. He stated that both trade associations have previously worked through the Board to find a resolution, but that the Legislature and Governor need to see the regulatory Board taking the lead on a resolution. Additionally, the Legislature wants to know if the Board used its inherent

powers to promulgate regulations to address the gaps that may exist in current statute before requesting statutory changes. For example, defining what is or is not a professional corporation can be done by regulation.

Ms. Hurt requested information on other states that have had similar problems.

Mr. Howard stated that other states have more robust laws and regulations than California, including the home states of two major opponents of SB 270. Texas, home to U.S. Legal, and Georgia, home state of Esquire, have a definition of professional corporation that includes independent contractor relationships. Ms. Hurt added that Texas also has firm registration. Mr. Howard concurred and added that Georgia and Texas also have a licensee that is tied to the firm, adding personal accountability. Georgia has a statute that allows the Board to impose fines and seek court orders against individual officers and directors of court reporting corporations regardless of whether they are licensees.

Mr. Howard suggested the Board research what other states are doing that is actually working. In addition, he stated that another California board has a group that allows the California executive officer to talk privately with other state executive officers of the same practice to find out what is and is not working. Additionally, other state boards within California could be tapped for information.

Ms. Hurt pointed out that most other boards have an enforcement division larger than the total number of this Board's staff and members combined. Mr. Howard recognized that restriction of resources and added that the Board of Architects has similar statutes banning corporate practice, but requires individual accountability of licenses.

Mr. Howard reiterated that the Legislature will question what the Board did to exhaust its regulatory authority to deal with the issue. He added that Business and Professions Code (BPC) 8007(d) sets forth broad statutory powers for the Board to "adopt, amend, or repeal rules and regulations as necessary to carry out the provisions of this chapter." He stated that the Board has yet to explore all the things that can be done by regulations.

Mr. Hurt reminded Mr. Howard that he is not privy to closed session discussions, which have been several years in the making.

Mr. Howard stated that the Board prevailed in litigation against U.S. Legal's defense that they were just independent contractors. After the court ruling, the Board amended its standards of practice and scope of practice regulations in an attempt to facilitate enforcement. However, the Board has yet to study what it can and should do by dint of regulation. Regulations are easier to accomplish than statutory changes, although legislative changes may be necessary to hold corporations accountable for providing the same kind of services as licensees.

Mr. Howard expressed his appreciation for the Board's view of consumer interest. He stated that personal accountability to obey the law is pivotal for consumer interest. He added that the best laws on the books do not work unless you can enforce them easily, so firm registration without individual accountability does not provide enough incentive to obey the law.

Ms. Hurt thanked DRA for its work on the topic. She asked for a succinct list of priorities keeping the Board's limited resources in mind. Mr. Howard responded that he would first suggest the Board explore its regulatory options for defining what is and is not a professional corporation using its existing authority between the BPC, Moscone-Knox, and Code of Civil Procedure. He then stated that BPC 129(d) defines what a board is, and requires boards to evaluate complaints annually and make recommendations to the director and Legislature about changes needed to implement board functions and responsibilities. He recommended the Board get a buy-in from the director and Legislature as to statutory changes it sees necessary based on its research of what does and does not work in other states, especially the states where opponents are based.

Ms. Hurt called for additional public comment.

Brooke Ryan, CCRA President, stated that Senator Mendoza has committed to carrying the bill again next year. He worked tirelessly on SB 270, with help from the Speaker of the House, the Senate Pro Tem, and the Assembly Judiciary Committee Chair. The bill had great movement with a lot of people talking about the seriousness of the problem. CCRA has now hired a media consultant. She added that SB 270 made it further than AB 1461 (Ruskin), which was exciting.

Ms. Ryan indicated that she did not believe a task force, as recommended by DRA's September 19, 2016 memo, was the right avenue; however, information gathering would be great. She questioned how the Board would create specific language and carry a bill without a lobbyist since it requires middle of the night requests for amendments that the Board would have to go along with. She also stated that Senator Mendoza and CCRA provided information about the bill at every step, welcomed input, and conducted technical reviews.

Ms. Hurt inquired if CCRA was open to the Board putting forth language it thought was appropriate. Ms. Ryan responded that CCRA would absolutely be open to suggestions. She indicated that a new CCRA board would be coming in and meeting for the first time on November 19 and 20. Although she did not know exactly which bills they would vote to carry forward, she felt confident they would vote to continue carrying this bill since all new members had been on their legislative committee and attended advocacy training.

Ms. Lasensky asked why the bill failed and what would be done differently on the next go-round. Ms. Ryan responded that big insurance companies were involved at the last minute. She indicated that she has not yet met with the author, but knows he has strategies in mind. She offered to keep the Board and executive officer informed of any developments.

Ms. Nocella stated that it is best to present to the Legislature the most united front possible from the industry, including the trade associations and Board. Ms. Ryan agreed, reiterating that CCRA and Senator Mendoza worked to keep everyone informed during the process. She added that all suggested amendments were reviewed, some of which were accepted and some not.

Ms. Ryan shared that the third state that has firm registration is Nevada, which requires a licensed designee. Texas has a definition of shorthand reporting firm that includes any business that partly provides court reporting or related services, including firms that

contract with licensees. She stated that CCRA has looked to these other state laws and will attempt to mirror what works.

Ms. Kramm believed Texas and Nevada had both done a good job at slowing or stopping corporations from performing illegal court reporting services. She stated that firms pay attention to the fact that there is firm registration in those two states. Ms. Ryan indicated that many firm owners have reached out to her, and a group has been formed to keep the firm owners up-to-date on developments.

Jennifer Esquivel, freelance court reporter and future CCRA board member, credited social media for the letters, phone calls, and e-mails of support for SB 270. She is interested in being a part of change for the industry and appreciates any efforts the Board can give to support CCRA in its endeavors.

Ms. Ryan asked if CCRA lobbyist Ignacio Hernández of the Hernández Strategy Group would be able to call into the meeting with a response as to why SB 270 failed. Ms. Hurt responded that he could submit his comments in writing to the Board since phoning into the meeting would violate open meeting requirements.

The Board took a break at 11:02 a.m. and returned to open session at 11:15 a.m.

Ms. Kramm indicated that from her perspective as a freelance reporter, the gift-giving model of business went on a rampage after SB 270 failed. She believed that many companies were under the impression that they are safe now and can blatantly disregard the law. Ms. Kramm also heard that Esquire is suing the state board in Louisiana in regards to their attempts to stop foreign corporations.

Ms. Kramm shared that she registered her firm in Nevada, which required her to take a test to prove she knew Nevada laws. The registration also requires continuing education. She stated the Nevada enforcement staff is vigilant in stopping licensees from working for non-registered firms. She believes firm registration is very powerful, particularly with a licensee on the hook.

She shared that some firms are registering their companies in Asia, which then become foreign international corporations. Ms. Hurt added that the regulations and legislation need to be worded very well to encompass the large circle of entities.

Ms. Hurt requested Ms. Kramm to provide her top priorities for which she believes the Board should focus their efforts of consumer protection. Ms. Kramm responded that firm registration is working in other states and would fix part of the problem. Additionally, tying a licensee to the firm would give the Board more enforcement power.

Ms. Lasensky agreed with Ms. Kramm, but also recommended the Board look for a new approach. She suggested using social media and other outlets to bring the issue to the forefront of the public's attention with accurate statements to make it more difficult for those violating the laws to victimize consumers.

Ms. Hurt asked the Board members how they feel about CCRA continuing their fight with SB 270 and what role they see the Board playing in their efforts. Ms. O'Neill expressed a need to see how the bill language is reintroduced before making a decision. She stated

that the law must give the Board the ability to enforce the law and penalize offenders in order to be effective. She recommended the Board look at the enforcement of Nevada and Texas, keeping in mind the Board's limited staff. She agreed with moving toward firm registration, but emphasized the need for strong penalties.

Ms. Kramm indicated that the State Bar pushes ethics for continuing education. She suggested the Board advise the Bar that the gift-giving issue can have tax implications for law firms which can become an ethical issue if no one is paying taxes on the income. She added that the violations are akin to bribery.

Ms. Nocella stated that her priority is ensuring that corporations follow the same laws that licensees must. She agreed that enforcement must have teeth. She inquired about what things the Board could achieve through regulation and asked if regulatory changes would affect the path of the statutory bill that is being pursued.

Mr. Chan-You stated that the Board could instruct staff to come up with a regulation to clarify one of the statutes in the Board's practice act. The Board would consider the language and direct staff to begin the rulemaking process, which takes approximately one year. Once the regulation is published into the California Code of Regulations, the Board could then take actions against violations of that regulation. With regards to statutory changes, the Board would again instruct to develop language and, once approved, authorize staff to find an author for a bill.

Ms. Hurt suggested the Board be careful to not present any strategy to the other side's litigation team.

Ms. Bruning reiterated that the Board can only promulgate regulations for its practice act, not other laws or statutes. Ms. Fenner added that there is a limit to what can be accomplished through regulations, which clarify existing law.

Ms. Hurt agreed that the Board and industry should be in unity, but expressed a desire for the Board to lead the effort in addressing the matter, whether through regulation, statute, or any other option. The Board has to be smart in moving forward considering its limited staff versus the deep pockets of the opposition.

Ms. Hurt asked legal counsel how they suggest the Board move forward in exploring firm registration. Mr. Chan-You responded that the Board could form a task force to examine the idea or authorize staff to come up with proposed regulatory and/or statutory language for Board consideration.

Ms. Hurt suggested a subcommittee be created wherein the Board conducts its own research and takes a position in lieu of creating a task force. The Board members agreed. Ms. Kramm added that the Board members would bring in all the information gathered during closed session meetings. She asked for the support of industry leaders as the Board moves forward. Ms. Nocella suggested that once the Board developed its point of view, it meets with association leaders to create a cohesive front before going to the Legislature.

Ms. Fenner suggested the subcommittee not include either of the licensee Board members to avoid any appearances of anti-competition. She added that the subcommittee will bring its findings back to the Board for consideration.

*Ms. Kramm moved that staff and a subcommittee consisting of non-licensed CSR Board members, in conjunction with legal counsel, will write proposed regulatory and/or statutory language regarding the enforcement of California laws regarding the court reporting industry. Ms. Lasensky seconded the motion. Ms. Hurt called for public comment.*

Kerén Guevara, CSR, thanked the Board for addressing the issue. She indicated that in addition to giving gifts, some corporations are also giving away court reporting services and products at the expense of the court reporters. She asserted that it is harmful to the process because one side is being given something that is not offered to the other side.

Mr. Howard complimented the motion before the Board. He clarified that the Board's regulatory authority is not limited to the BPC, but is grounded in any statute that relates to the court reporting profession. For example, he stated that the Board's standards of practice regulations are in part based on the Code of Civil Procedure.

A vote was conducted by roll call.

For: Ms. Kramm, Ms. Lasensky, Ms. Nocella, Ms. O'Neill, and Ms. Hurt.

Opposed: None

Absent: None

Abstain: None

Recusal: None

### ***MOTION CARRIED***

Ms. Hurt appointed herself and Ms. Nocella to the subcommittee.

## **VI. REPORT OF THE EXECUTIVE OFFICER**

### **A. CRB Budget Report**

Ms. Fenner directed everyone to page 38 of the Board agenda packet to view the budget report for the end of fiscal year 2015-16. Ms. Hurt asked for an explanation of line item IA with OPES. Ms. Fenner responded that it is an interagency agreement with the Office of Professional Examination Services for the Board's written examination development. Ms. Hurt requested information about the zero for this item in the column titled, "Governor's Budget." Ms. Fenner indicated that the column is used by accounting and should not have been included in the spreadsheet. The column titled, "Actual Expenditures" under FY 2014-15 is what was spent in the last fiscal year. The current fiscal year expenditures are higher since the Board received an increase in its appropriation to be able to write additional test questions.

Ms. Fenner stated that page 39 of the Board agenda packet reflects the start of the Board's budget for the current fiscal year. The accounting unit added two percent to last year's expenditures to create the forecast, but as the year goes on, actual figures will be reflected.

Ms. Fenner explained that the Analysis of Fund Condition found on page 40 of the Board agenda packet reflects the Board's general fiscal condition. There is a balancing act necessary to keep the Board's fund condition healthy, but to not create too large of a reserve. The 2017-18 projections put the Board below six months' reserve, which triggers restrictions to funding the Transcript Reimbursement Fund (TRF). The Board will need to consider increasing its licensing or examination fees at a future meeting.

Ms. Fenner pointed out the information on Page 41 on the Board agenda packet regarding the TRF.

#### B. Transcript Reimbursement Fund

Ms. Bruning related that there is a five-month backlog for the Pro Bono Program as a result of the additional Pro Per Program duties added to her desk, as well as the multiple meetings and projects related to sunset review and the strategic plan. She stated that over \$90,000 for 163 invoices has been approved since the beginning of the fiscal year. There was a dip in the number of application approved for the last fiscal year due to the backlog. She also noted an increase in the number of applications received.

She reported that the funding for the Pro Per Program for 2016 had been fully allocated and that 80 applications were awaiting 2017 funding.

Ms. Hurt inquired if the Board had funding for an additional half-time position to assist with the TRF. Ms. Fenner responded that funding was available and that staff was pursuing the authority to hire.

#### C. Exams

Ms. Fenner offered to answer any questions regarding the historical examination pass rates found on pages 42 through 47 of the Board agenda packet.

Ms. Hurt commented that out of 152 candidates, 106 were returning for at least the second time. Ms. Fenner stated that many of the first-time candidates are just coming out of school where they were pressed to practice. It is common for candidates to stop attending school once they have taken the examination, and, therefore, many of them are not practicing nearly as regularly.

Ms. Kramm shared that she has spoken to the Sage College graduation classes on a couple of occasions and noted that the school encourages students to return to school to practice if they do not pass the examination the first time.

#### D. Enforcement

Ms. Fenner referred to the enforcement statistics found on pages 48 through 51 of the Board agenda packet. There were no notable trends.

## E. School Update – Reviews and ACICS

Ms. Fenner reported that a letter was sent to the Department of Education (DOE) supporting the continued recognition of ACICS. A copy of the letter can be found on page 52 of the Board agenda packet. Subsequently, DOE decided to withdraw its approval of ACICS as an accrediting body. ACICS will most likely appeal the decision. She shared that most of the private court reporting schools recognized by the Board are accredited by ACICS. Without an accrediting body, the students of these programs will be unable to access federal financial aid.

Ms. Kramm suggested the Board reach out to assist ACICS in the appeal process. Mr. Marcroft stated that ACICS has 30 days to appeal, but has not yet done so. If they appeal, the schools' approvals will remain in effect until there is a decision. Ms. Bruning shared that there will also be a grace period for the schools to find a new accreditor if the decision is adverse. In addition, the Bureau for Private Postsecondary Education (BPPE) has been very involved since they have a layer of approval for these schools at the state level. Mr. Marcroft added that the BPPE Web site has a link with up-to-date information on the matter.

Ms. Kramm asked if it were more appropriate to send a letter of support now or after the appeal is filed. Mr. Chan-You responded that he did not see any harm in having the letter ready now. Mr. Marcroft suggested it may be better to wait since there is currently nothing pending before DOE since the appeal has yet to be filed.

Ms. Bruning reported that Board staff has initiated school site visits with two Bay Area schools. Information has been collected, and the site visits have been scheduled for the second week of October. Board staff will be accompanied by expert consultant Ned Branch, who has been busy reviewing the information collected.

## VII. ONLINE SKILLS EXAM

### A. Update Regarding the Online Testing Policy and Procedures Task Force

Ms. Lasensky, task force co-chair, indicated that the task force held their first meeting on September 9, 2016, in Sacramento. She stated that the group is exploring policies and procedures that need to be in place should the Board decide to move forward with an online skills examination. The task force will meet at least one more time. The next meeting will be held in Southern California at a yet to be determined date.

Ms. O'Neill, task force co-chair, shared that staff from DCA's SOLID Planning division facilitated the process which helped the group to focus on the entire process. The task force consists of licensees, students, and school representatives.

Ms. Hurt asked if there were any surprising aspects to the process. Ms. O'Neill responded that a discussion arose as to how long candidates should be allotted to complete the transcript. The current dictation examination allows three hours; however, the test is supposed to reflect what is currently happening in the profession for an entry level reporter. Reporters now use computers with stenographic software, not typewriters. Therefore, the standard of practice should be evaluated when developing the examination.

Ms. Lasensky stated that if the online skills examination became a reality, there would be an overlap of in-person and online examinations during the transition. As a result, the same set of procedures must be in place for both.

#### B. Update on OPES Audit

Ms. Fenner shared that OPES will not be auditing the skills examination. She thanked the OPES staff for attending the task force meeting in Sacramento.

### VIII. STRATEGIC PLAN

#### Update on Action Plan Accomplishments

Ms. Hurt stated she believed the Board should focus its time on tasks with target dates of this year and next.

Ms. Kramm shared that she has received feedback that the Best Practice Pointers have been beneficial for reporters.

Ms. Hurt inquired about the status of the cross-training action items. Ms. Fenner responded that staff is on track to have it completed on time.

Ms. Hurt shared that she had spoken with industry representatives regarding the importance of realtime captioning standards, which is related to one of the action items on the Board's Strategic Plan. Ms. Fenner agreed that the issue of consumer protection related to captioning is significant and committed to reaching the goal of September 2018 for research and evaluation. Ms. Kramm added that it is a fast-growing industry and foresees support from industry associations and leaders.

Saba McKinley, CSR, related that she has been a court reporter since 1991, but became involved in the CART/captioning industry six years ago. She then wrote a book to help those aspiring to work in the captioning profession. She shared that she found a need for standards in the captioning industry to protect consumers with hearing loss. She stated that the Massachusetts Commission for the Deaf and Hard of Hearing developed a quality assurance program that could be mirrored in California.

Ms. McKinley indicated that court reporting schools have not traditionally provided the required information needed to work in the captioning environment, such as knowing how to change the font or background on the screen. She added that consumers have different limitations that need to be addressed.

Ms. Lasensky shared that the hearing loss community can lose entire historical, health, and safety information if they are not receiving a quality product. She thanked Ms. McKinley for her efforts.

Ms. Ryan indicated that CCRA made a resolution to include captioning under Medicare. She added that CCRA has an author and plans to introduce a CART bill next year to include CART providers under the interpreters statute in court. She has hopes that a fund similar to the TRF will be started for captioning services.

Ms. Ryan shared that CCRA has been collecting evidence of consumer harm to aid in future collaborations with the Board.

The Board took a break at 12:53 p.m. and returned to open session at 1:01 p.m.

The Board heard Agenda Item XII. – Election of Officers, prior to Agenda Item IX – Discussion and Possible Action Regarding the Communications Plan.

XII. ELECTION OF OFFICERS (out of order)

Ms. Hurt called for election of officers.

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

For: Ms. Kramm, Ms. Lasensky, Ms. Nocella, Ms. O'Neill, and Ms. Hurt.

Opposed: None

Absent: None

Abstain: None

Recusal: None

**MOTION CARRIED**

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

For: Ms. Kramm, Ms. Lasensky, Ms. Nocella, Ms. O'Neill, and Ms. Hurt.

Opposed: None

Absent: None

Abstain: None

Recusal: None

**MOTION CARRIED**

IX. DISCUSSION AND POSSIBLE ACTION REGARDING THE COMMUNICATIONS PLAN  
(out of order)

Ms. Hurt indicated that the Board approved the Communications Plan at its April 8, 2016 meeting, which is part of its Strategic Plan initiatives. Staff then worked further with the Office of Public Affairs (OPA) to develop a plan timeline.

Ms. O'Neill indicated that she believed several items marked for distribution on Facebook would be better on the Board's Web site instead. For example, she stated that she refers complainants to the Board's Web site, and it would be helpful to have a clear, bulleted process for consumers on the Web site. Ms. Hurt agreed, adding that the Board's Web site needs to be addressed before launching a social media campaign. Ms. O'Neill also shared concern that a Facebook page could become overrun with comments and debates.

Ms. O'Neill inquired if the Board currently has a Facebook page. Ms. Fenner responded that it does not, but that the proposal is for OPA to create and maintain the page. The page would be limited to information being posted by the administrator, and the comments function would be disabled. Ms. O'Neill suggested that if the Board moved forward with a Facebook page, the information should also be posted on the Board's Web site.

Ms. Hurt requested that public announcements and press releases be added to the plan, as well as external intergovernmental communications. Ms. Nocella suggested the Board expand to additional social media platforms on top of Facebook and Twitter.

Ms. Hurt reiterated that the Board's Web site needs to be updated. The site has great information, but it is difficult to navigate. Ms. Lasensky agreed, but asserted that social media should also be pursued to take advantage of the way in which people are now communicating. Ms. Kramm stated that the Board has a lot of great content on its Web site that could be disseminated via social media piece-by-piece.

Ms. Hurt shared concern that the limited staff would find it difficult to find time to develop content for distribution. Ms. Bruning expressed that a clear Web site may reduce the number of phone calls to the Board office. She added that social media could also be used to deliver public meeting notices and similar information that is currently being e-mailed to a distribution list.

Ms. Hurt proposed a subcommittee be formed to analyze the Web site for content and layout. Ms. Kramm and Ms. O'Neill volunteered to serve on the subcommittee. Ms. Hurt requested the subcommittee confer and begin developing suggested changes by the end of the year. Ms. Nocella suggested the Board invite constituents to review the Web site and send suggestions to their association representative to share with the Board.

Tricia Rosate, CSR, stated that she routinely visits the Board's Web site. She asked why court reporter e-mail addresses are not included. Ms. Bruning responded that the Board is not permitted to collect them for distribution. Ms. Rosate shared that Facebook will send suggestions to people in related fields to "like" the Board's page.

*Ms. Hurt moved to create a subcommittee of Rosalie Kramm and Toni O'Neill to work with staff with the Communications Plan implementation, the Board's Web site, and other media platforms. Ms. Kramm seconded the motion. Ms. Hurt called for public comment. No comments were offered. A vote was conducted by roll call.*

For: Ms. Kramm, Ms. Lasensky, Ms. Nocella, Ms. O'Neill, and Ms. Hurt.

Opposed: None

Absent: None

Abstain: None

Recusal: None

### **MOTION CARRIED**

The Board took a break at 1:25 p.m. and Ms. Kramm left the meeting. The Board returned to open session at 1:26 p.m.

X. FUTURE MEETING DATES

Ms. Hurt recognized the vast amount of items the Board is working on. She asked the Board about meeting again before the end of the year. Ms. Fenner indicated that the subcommittee for non-CSR-owned firms needs to meet and develop recommendations before the next Board meeting in consideration of legislative deadlines.

Ms. Hurt asked staff to poll Board members for a December 2016 or January 2017 Board meeting in Sacramento.

XI. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

Ms. Esquivel shared that fellow court reporters are telling her about agencies changing transcripts without authorization from the court reporter. This concerned her since reporters often never see their transcript again once turned over to the agency. She conducted a search of the Board's Web site and found a November 2007 document discussing the issue; however, she has not yet thoroughly read through it to know if the Board expressed an opinion regarding the issue. Ms. Esquivel requested guidelines for freelance reporters on this topic. Ms. Fenner offered to follow up with Ms. Esquivel.

Ms. Ryan thanked the Board for their time.

Ms. Bruning thanked the Speaker Emeritus of the Assembly and staff for the use of their hearing room for the Board meeting.

The Board convened into closed session at 1:35 p.m.

XII. ELECTION OF OFFICERS

(Taken out of order, see page 13)

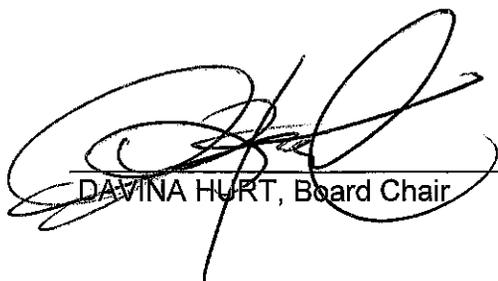
XIII. CLOSED SESSION

The Board convened into closed session pursuant to Government Code section 11126(e)(1) and section 11126(c)(3).

The Board returned to open session at 1:42 p.m.

ADJOURNMENT

Ms. Hurt adjourned the meeting at 1:42 p.m.

  
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DAVINA HURT, Board Chair

1.27.17  
\_\_\_\_\_  
DATE

  
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YVONNE K. FENNER, Executive Officer

1/27/17  
\_\_\_\_\_  
DATE