



COURT REPORTERS BOARD OF CALIFORNIA

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COURT REPORTERS BOARD OF CALIFORNIA MINUTES OF OPEN SESSION MARCH 14, 2014

CALL TO ORDER

Ms. Toni O'Neill, Chair, called the meeting to order at 11:03 a.m. at the Westin LAX, 5400 West Century Boulevard, Grand Ballroom D, Los Angeles, California.

ROLL CALL

Board Members Present:

Toni O'Neill, Licensee Member, Chair
Davina Hurt, Public Member
Rosalie Kramm, Licensee Member
Elizabeth Lasensky, Public Member
John K. Liu, Public Member

Staff Members Present:

Yvonne K. Fenner, Executive Officer
Angelique Scott, Staff Counsel
Paula Bruning, Executive Analyst
Melissa Davis, TRF Coordinator

A quorum was established, and the meeting continued.

I. INTRODUCTION OF NEW BOARD MEMBER, JOHN LIU

Ms. O'Neill introduced John Liu, the Board's newest public member, and highlighted his background. Ms. O'Neill spoke about him at the prior Board meeting; however, he was unable to attend at that time. Mr. Liu's term runs through June 1, 2016.

The Board moved to Agenda Item VIII, Curriculum Hours Increase.

II. MINUTES OF THE NOVEMBER 19, 2013 MEETING

Ms. Lasensky requested the addition of the word "like" following the word "would" on the first line of the fourth paragraph from the bottom of page five of the minutes.

Ms. Lasensky moved to approve the minutes as amended. Second by Ms. Hurt. **MOTION CARRIED.**

III. REPORT OF THE EXECUTIVE OFFICER

A. CRB Budget Report

Ms. Fenner referred to the Budget Report on page 22 of the Board agenda packet, which reflects the projections for fiscal month seven with a slight surplus. The Board has had a lot of expenses for the Attorney General's Office; therefore, cutbacks have been made everywhere possible. She then turned the attention to page 23 to discuss the projections for the following budget year. The Board's Months in Reserve stand healthy at 18.3.

B. Transcript Reimbursement Fund

Ms. Fenner referred to the Fund Condition of the Transcript Reimbursement Fund (TRF) on page 24. She indicated that \$250,000 of the \$300,000 allowance was expended.

Ms. Bruning reported that processing of TRF applications resumed in October 2013 following the inadvertent repeal of portions of the Business and Professions Code that govern TRF. Since then, staff has processed 239 invoices totaling more than \$125,000 for the pro bono program, and the program is back in compliance with the 30-day mandatory response time. She reported that the 2012/13 and 2013/14 fiscal year reports might be skewed since applications from last fiscal year were processed this fiscal year.

Ms. Bruning reported that since the beginning of the calendar year, staff has processed approximately 52 requests for the pro per program totaling over \$17,000. All the applications processed this year to date were received last year, and staff is currently reviewing applications from September 2013. There are currently more than \$35,000 in application requests pending, which exceeds the \$30,000 allotment for the calendar year. The addition of Ms. Melissa Davis, whose main focus is the pro per program, has allowed Ms. Bruning to work toward clearing the pro bono program backlog.

Ms. Fenner added that having the additional staff has afforded Ms. Bruning the ability to assist in reaching strategic plan initiatives. Ms. Bruning indicated that the Administrative Office of the Courts made a change to a rule of court to limit TRF applicants to 90 days to obtain a response from the Board. If the litigant does not have an approval from the Board in that time frame, they must deposit the money for their transcripts or forfeit their appeal.

C. Exam

Ms. Fenner reported that 131 candidates were in attendance for the dictation examination being held concurrently with the meeting, of which 34 are first time applicants.

D. School Updates

Ms. Fenner reported that Bryan College of Court Reporting in Sacramento is currently conducting a teach out. Their current students are taking classes on campus and online. The student contracts allow the school to move them to an online format through the Bryan University program.

E. BreEZe

Ms. Fenner stated that the first group of boards and bureaus scheduled to go live with the BreEZe project was implemented in October 2013. The Department of Consumer Affairs (DCA) is analyzing the lessons learned from that release. Group two is scheduled to transition to BreEZe in the spring of 2015. The Board is included in group three, which does not have a firm release date.

F. State Bar Invitation to Consumer Protection Agencies

Ms. Fenner informed the Board that retired Senator Joe Dunn, CEO of the State Bar, has been working with Real Estate Commissioner Wayne Bell on collaborating with other boards and bureaus in the interest of consumers. The collaboration creates an infrastructure of communication. She reported that she learned from Mr. Dunn that legislators have resources to produce public service announcements. Although they may only distribute that announcement to their own district, once something is produced, it can later be distributed by other means. Ms. Lasensky supported this idea, stating that it would put the Board in view of the legislators.

IV. ENFORCEMENT REPORT

Ms. Fenner directed the Board to the corrected enforcement statistics that were distributed to the Board with an amendment to the number of complaints received from 60 to 64 (see Attachment 1).

V. STRATEGIC PLAN UPDATE

A. Professional Oath

Ms. Fenner presented the updated language for a voluntary professional oath, as provided on page 31 of the Board agenda packet. Mr. Liu stated that he liked the language.

Ms. Scott inquired how the Board was intending to use the oath. Ms. Fenner responded that it would be voluntary and that she would work with DCA on disseminating it to the licensees.

Ms. Lasensky moved to adopt the language for a voluntary professional CSR oath. Second by Ms. Hurt. **MOTION CARRIED.**

Ms. Fenner reported that the Action Plan, as reflected on pages 32 and 33 of the Board agenda packet, had been updated with the progress made to date.

B. Task Forces

1. Electronic Record/Signatures

Ms. O'Neill, Chair of the Electronic Record/Signatures Task Force, reported that the National Court Reporters Association (NCRA) has a subcommittee focused on this issue. The Board has utilized information developed by NCRA in the past to model its own best practices, such as those for Backup Audio Media. The research conducted by NCRA is excellent. Ms. O'Neill would like to delay the meeting of this task force until there is an opportunity to review what NCRA distributes, which is due to emerge within the next year.

2. Best Practice Pointers

Ms. Hurt, Chair of the Best Practice Pointers Task Force, indicated that three volunteers have been appointed to the task force. The first meeting is due to be held in July 2014 in Northern California to brainstorm topics within the mission and consider breaking up the best practices amongst groups based on where a licensee is within his or her career.

3. Exhibit Handling at Depositions

Ms. Kramm, Chair of the Exhibit Handling Task Force, stated that her committee has also been established and plans to meet in the summer. The volunteers are from various regions of the state and a broad spectrum of backgrounds.

4. Interpreted Depositions

Ms. Kramm, Chair of the Interpreted Depositions Task Force, indicated that this group has also been put together; however, she has decided to add an interpreter to the task force. This team will also meet starting in July 2014.

The Board took a break at 12:36 p.m. and reconvened into open session at 12:45 p.m.

VI. REPORT ON LEGISLATION

Ms. O'Neill called the meeting back to order.

Ms. Fenner drew the attention of the Board to the summary of current legislation that may affect the court reporting industry or the Board starting on page 34 of the Board agenda packet. She indicated that those marked by two asterisks were directly related to the Board; however, the language for just three bills was included in the packet for the Board's consideration of taking a position.

Ms. Fenner indicated AB 365 (Mullin – Court reporting) went into an inactive status and has returned in an amended form. Mr. Howard reported that Assembly Member Mullin will be stripping the bill to use for a different purpose, and, therefore, there is no need to take a position.

Ms. Fenner reported that AB 2006 (Wagner – Depositions: video recording) allows videotapes to be introduced with the same weight as a court reporter's transcript. Mr. Howard stated that DRA is taking an oppose position, as did Ms. Christy Cannariato of CCRA. Ms. Kramm added that it would not serve the best interest of the consumer to allow this bill to go through. Ms. O'Neill agreed, and Mr. Liu added that it appeared dangerous as currently proposed.

Ms. Hurt moved to oppose AB 2006. Second by Ms. Kramm. **MOTION CARRIED.**

Ms. Fenner described AB 2487 (Wagner- Witness testimony: copies of transcripts), stating the bill would continue the automatic production of transcript for homicide cases, but mandate that the transcript be specifically especially ordered for all other felony cases. Ms. Cannariato, CCRA, requested the Board oppose the bill to further the rights of defendants in non-homicide cases. She added the bill may cause a delay instead of actually saving funds. Mr. Howard concurred, but indicated that DRA had not taken an official position yet. Ms. O'Neill stated that the change may be detrimental in the flow of justice and does not change the financial burden. Ms. Lasensky stated that it appears to put forward unequal treatment.

Ms. Lasensky moved to oppose AB 2487. Second by Ms. Hurt. **MOTION CARRIED.**

Ms. Fenner stated that she would draft letters for Ms. O'Neill's signature for each bill opposed.

VII. SCOPE OF PRACTICE REGULATION

Ms. O'Neill summarized where the language stands in the regulatory process. She indicated that the Board was charged with adopting or not adopting the proposed language. She requested public comment on the language.

Mr. Howard, DRA, regrettably requested the Board not adopt the regulation as presented. He asserted that the Scope of Practice as presented imposes new duties on licensees under subsection (b)(3) by requiring the reporter to notify all parties when a request is made for an original or a copy of the transcript. He added that the duties are inconsistent with code and current practice and provide no public policy benefit. He stated that Code of Civil Procedures (CCP) 2025.510(d) already requires notification by reporters of any requests made for any portion of or partial transcript that will be made available prior to the time the original or copy would be available. The statute requires that transcripts be made available to all parties at the same time and not allow for a litigation advantage of one side. Mr. Howard also indicated that law requires that deposition proceedings be transcribed unless the parties agree otherwise; therefore, the notification to parties of that which is automatic is redundant.

Mr. Howard continued by indicating that the language further loses the opportunity to make specific what state law means by omitting the specific products and services that are not mentioned in the code but which do potentially provide a litigation advantage to one side over another such as rough drafts, partial transcripts, and expedited transcripts. He referred the Board to DRA's proposed language on page 63 of the Board agenda packet. Mr. Howard requested that the Board reconsider the proposed language and send it back out for public comment.

He further provided comment on subsection (b)(10), stating that there is a simple omission that could make the regulation unclear. He referred the Board to DRA's comments on page 64 of the Board agenda packet, suggesting the language encompass that which is required by CCP 2025.570(b), so that a reporter is on notice that there is further obligation beyond providing a copy of a transcript to a party.

Ms. Hurt inquired if the DRA proposed change to subsection (b)(10) was accepted. Ms. Fenner indicated that it was.

Ms. Kramm indicated that she could see the redundancy of subsection (b)(3). She added that including a list of products could be dangerous. She inquired if the language would require the deposition officer to notify all parties every time a deposition is taken and a transcript is ordered, stating that current practice does not oblige reporters to do so. Ms. Scott clarified that the Scope of Practice is not imposing a list of duties, but a description of what is considered an "accurate transcription thereof." Although the reporter does not have to do each of the things listed in the Scope of Practice, if an individual or entity participates in any of the items listed, they are considered to be offering court reporting services. The proposed regulatory change was born out of the US Legal case.

Mr. Howard responded that the proposed language is an attempt to catalog the duties of licensees; however, statute does not require court reporters to notify all parties when a request for an original or a copy is made. He stated that licensees will be confused and view it as a new burdensome duty being imposed.

Ms. Hurt asked for a comparison of the proposed regulatory language to the Professional Standards of Practice. Ms. Scott responded that all the activities were specifically taken from existing statute, for which the authority is cited on page 50 of the Board agenda packet.

Ms. Cannariato, CCRA, also opposed the proposed language, stating that it leads to unintended consequences and agreed with Mr. Howard's statements.

Ms. Fenner indicated that the Board can change any of the proposed language; however, any change would require a new regulatory package since the one-year time limit for the current package was quickly approaching and there would not be enough time for an additional public comment period on new or revised language. Ms. Hurt inquired if the proposed language could be adopted with the deletion of subsection (b)(3). Ms. Fenner responded that any substantive change would require a new public comment period. In addition, the Board would need to provide the language they wanted to see for staff to go forward with a new regulatory package.

Mr. Howard commented that the Scope of Practice is a legacy document that seeks to memorialize what licensees do, and he enthusiastically supports getting it right. He encouraged the Board to send the language back out for public comment and consider the DRA suggested change to subsection (b)(3). He stated that deleting that subsection instead of amending it would be a disadvantage since it is imperative that reporters ensure there is equity between the parties when it comes to delivery of their services. Mr. Howard continued, stating that the regulation does not capture the services, such as rough drafts, that are not covered in the code.

Ms. Scott quoted CCP 2025.510(d), stating, "If the deposition officer receives a request from a party for an original or a copy of the deposition transcript, or any portion thereof, or the full or partial transcript will be available to that party prior to the time the original or copy would be available to any other party, the deposition officer shall immediately notify all other parties attending the deposition of the request, and shall, upon request by any party other than the party making the original request, make that copy of the full or partial deposition transcript available to all parties at the same time." She commented that the proposed language was derived from the quoted code as the description of the act of court reporting services. Mr. Howard argued that a portion of the statute states, "...prior to the time the original or copy would be available to any other party..." Therefore, the statute does not require the notification of parties in the case of a regular delivery time. Ms. Scott reiterated that the purpose of the Scope of Practice is not to define all duties that have to be completed, but to provide a list of things that would be considered engaging in the accurate transcription thereof if they are done by an individual or entity.

Mr. Howard stated that if the regulation is not consistent with current practice, then it is capturing nothing. He indicated that if a person or entity does not provide notice when an original or copy is requested, then they may claim they are not providing services requiring a license. Ms. Scott responded that if someone that is not licensed does perform any of the services listed under the Scope of Practice, they will then be under the jurisdiction of the Board.

Ms. O'Neill commented that subsection (b)(3) appeared to be stating that standard practice should include a requirement for the deposition officer to notify all parties that the original is being produced every time a deposition is taken. Ms. Scott responded that if that were true, all ten items under subsection (b) would be required every time. Instead, the regulation sets out to state that if a person completes any one of the items, they would be providing court reporting services.

Ms. Kristy Johnson, DRA, referred the Board to CCP 2025.10(a), which states: "Unless the parties agree otherwise, the testimony at any deposition recorded by stenographic means shall be transcribed." Therefore, the fact that the deposition went forward is notice that the original is coming. She commented that the regulation is confusing to her as an agency owner as to what her duties become.

Ms. Scott restated that the Scope of Practice states: "The accurate transcription thereof includes, but is not limited to:" and then lists the activities considered under the regulation.

Ms. Hurt moved to approve the proposed modified text and delegate to the executive officer the authority to adopt the proposed regulatory changes as modified.

Mr. Liu commented that the proposed regulatory language was a grab bag of actions with isolated actions that are not exhaustive of all the duties required. He asked if subsection (b)(3) was truly inaccurate in regards to practice. Ms. Hurt reminded the Board why the regulatory change was created, which is why she moved to approve it. She added that tabling the decision would diminish the authority the Board has over non-licensed practitioners.

The motion was seconded by Ms. O'Neill. Ms. Hurt and Ms. O'Neill voted to approve the motion. Ms. Lasensky and Ms. Kramm voted to oppose the motion. Mr. Liu abstained.
MOTION FAILED.

Ms. Kramm commented the reason for the change is to protect the consumer. With past litigation considered, clarification is necessary to have everyone playing by the same rules. She added that the language was a bit ambiguous with regards to day-to-day practice; however, the language is in the code. She stated that she did not desire to pick apart the language if it is not for the greater good, and due to the time-sensitive nature of the regulatory package, it may better benefit the consumer to move forward. Ms. Hurt concurred.

Mr. Liu inquired if the Board could pass the currently proposed language and then clarify the ambiguity in another manner. Ms. Scott confirmed that would be an option through a separate regulatory process. She encouraged the Board to provide specific language to staff in further regulatory packages to limit the number of revisions necessary and, therefore, make the process turnaround time faster.

Mr. Howard stated that the intent of the regulatory change is to make subsequent enforcement actions of the Board against non-licensees easier by providing a set denominator of what constitutes the practice of licensees, which it does not.

Mr. Howard added that he sees a litigation risk to move forward with the proposed language by affording non-licensees the opportunity to say they are not providing notice as indicated in subsection (b)(3); therefore, what they are doing is not within the Scope of Practice.

Ms. Kramm inquired if there was any way to shorten the time frame of a new regulatory package. Ms. Fenner responded that the current package has to be completed by July 2014, which will expire before a new public comment period can be completed and the language can be brought before the Board. A new package would start the one-year maximum time limit clock over again. Since the Board meets just twice a year, additional comment periods eat up the time.

Ms. Lasensky moved to table the discussion of the proposed regulatory language.
MOTION FAILED.

Ms. O'Neill inquired as to the advantage of tabling the discussion. Ms. Fenner responded that the Board could take their time to decide how to change the language. Mr. Liu clarified that the clock still runs on the regulatory time limit and will expire. Ms. Scott added that the new regulatory clock does not even start until a new package is submitted to the Office of Administrative Law (OAL). Newly proposed language must be approved at a Board meeting.

Ms. Hurt requested that Mr. Howard repeat why he objects to subsection (b)(3). Mr. Howard stated that there are four reasons. The first is that the aim of the regulations is to list the lawful Scope of Practice of a licensee, which it does not. Secondly, the scope does not accurately reflect what the law currently requires of a reporter, as mandated by CCP 2025.510. He stated that the law triggers the reporter's obligation, not the request for the transcript. The third reason is that because it is incorrect, it fails on its own premise of what

the law requires reporters to do. Finally, he stated that the scope arms the respondent with an argument that if they are not providing the services under (b)(3), they are not providing court reporting services under the jurisdiction of the Board.

Mr. Liu commented that the Scope of Practice contains excerpts from actual statutes, which are surrounded by other statutes. The net sum of all the statutes derives the practice. Citing all the related statutes would likely still result in confusion. Mr. Howard suggested that citing CCP 2025.510(d) would suffice to bring the scope into conformity with the law. He added that including partial transcripts and rough drafts in the language is to refine the statute, which is the purpose of regulations.

Mr. Liu asked the licensee Board members if the language was confusing. Ms. Kramm responded that subsection (b)(3) is concerning because it is not the practice of court reporters to notify all parties every time a deposition transcript is requested unless it is a rough draft, partial transcript, any other type of special request. However, if you add the other nine items under subsection (b), it makes sense. Mr. Liu inquired if a corporation could develop a business around avoiding (b)(3). Ms. Scott responded that omitting the act of just one of the items listed does not relieve someone of the other nine items. If a person or entity is performing even one of the items listed, then they are within the scope. She added that currently there is nothing providing jurisdiction of the Board over these entities; therefore, there is a need to start somewhere to provide oversight even it is further refined later. If the Board attempts to include everything from the CCP into the regulation, OAL would kick it back.

Ms. Hurt reminded the Board of the reason why the DRA amendment from the 15-day comment period was rejected, in that the three instances being offered in the amendment are already included under the broader language of the proposed language and are unnecessarily limiting. The language provide by staff counsel is not limiting and keeps it open, which is less harmful. Ms. Lasensky commented that harmful is not the same as clarifying, and she sees that lack of clarification as a problem. Ms. Hurt responded that there is a lot that needs to be clarified.

Ms. Scott stated that the Board could accept the language or reject it completely and start over if they do not like it. The intent is to best protect the public by ensuring the Board has jurisdiction over the individuals or entities that may cause harm. Ms. Kramm favored moving forward with the regulation with the option to amend it later to give the Board better ability to protect consumers.

Ms. Hurt moved to approve the proposed modified text and delegate to the executive officer the authority to adopt the proposed regulation changes as modified. Second by Ms. Kramm.

Mr. Liu inquired if the licensee members were comfortable with the entire Scope of Practice. Ms. Kramm and Ms. O'Neill responded that it is what is necessary.

MOTION CARRIED.

VIII. CURRICULUM HOURS INCREASE

Ms. O'Neill moved to this agenda item immediately following Agenda Item I. She opened the discussion up to the public for comment.

Ms. Sandy Finch from Golden State College of Court Reporting approached the Board and thanked them for considering her proposal of March 1, 2014. She indicated that she has a goal of assisting students to receive financial aid for a longer time than they can under the current clock-hour program. She stated that she met with the public schools the day before, and there was a consensus that it takes four to five years on average for students to complete the court reporting program. The regulations currently require 2,960 hours, which equates to two and half years. She pointed out that the student brochure put out by the Board discloses to students that CSR school programs are designed to take three to four years. Ms. Finch finds that the discrepancy is harming students' ability to access financial aid beyond two and a half years. She added that Sage College and South Coast College are in agreement with her proposal.

Ms. Finch went on to say that the Department of Education (DOE) allows programs to increase their program hours up to 50% over the regulatory requirement over a two-year period, however, this would max the hours out at 4,440 clock hours. She stated that her proposal would bring the minimum required hours to 4,760, which would equate to a three-and-a-half-to-four-year program.

Ms. Hurt inquired what information was gathered from the discussion with the other schools. Ms. Finch responded that she left the meeting understanding that the public and private schools are in different categories and will probably be treated differently by DOE. She stated that she hopes the public schools will go to their financial aid directors and inquire how this proposal would affect them.

Ms. Lauren Soma of Sage College and Ms. Jean Gonzalez of South Coast College approached the public comment table. Ms. Soma stated that the federal regulations recently changed and has caused DOE to look at the Board's approved curriculum. She stated that she increased her hours with the DOE to three and a half years as Ms. Finch described. She supports the proposal of Ms. Finch because it would allow students to stay in school and complete their education. If students are not allowed to do so, there will be fewer CSRs. She indicated that the statistics show that 50% of students complete the program in more than the allotted time.

Ms. O'Neill asked if the increase in hours would benefit both the private and public schools, or would the two types of programs need different requirements. Ms. Soma responded that the public schools have indicated that it may affect them negatively because they would no longer be a two-year program. However, the program has never been a two-year program. Ms. Soma asked for the support of the Board and offered to meet with the Board to educate them on the federal regulations.

Mr. Liu asked for clarification on the number of students who complete the program in more than three and half years. Ms. Gonzalez provided an example by relaying that she sent 12 first-time students to the dictation examination being held concurrently with the Board meeting. Of the 12, only five finished in less than three years. Ms. Soma added that the

academic hours are fine, but more hours are needed in the machine speed-building category to develop the skill.

Ms. Lasensky inquired about the cap on the hours being requested. Ms. Soma responded that the machine hours would be increased from 2,300 hours to 4,100 hours and that the academic hours would remain at 660, bringing the total to 4,760. Ms. Lasensky asked if that is for both private and public. Ms. Soma stated that the Board regulates what is required, so if it is changed, it would apply to both.

Ms. Hurt asked if the schools had spoken with the DOE about how to help. Ms. Gonzalez indicated that DOE looks to the state law, which requires clock hours.

Ms. O'Neill requested clarification on the process for effecting such a change and the time frame. Ms. Fenner responded that a regulatory change would be required and would take approximately one year.

Ms. Margaret Ortiz from West Valley College, a public community college, stated her support for the private schools. She requested, however, the Board take more time to consider the proposal since not all of the potential issues are understood at this point. She indicated that the community college environment requires any program offered to be able to be completed in two years, which can be extended to two and a half. Although the students usually do take longer, they cannot say they are a four-year program in a two-year school. At this time, it appears that adding hours could essentially shut down the community college court reporting programs.

Ms. Ortiz stated that after discussing the proposal with Ms. Finch, the public schools all agreed to meet with their individual offices of instruction and financial aid offices to seek out additional information in order to make an educated decision. She expressed that one idea that had surfaced was to have out-of-class machine practice hours. Ms. O'Neill asked if the idea was to add that component to the regulations. Ms. Ortiz responded that she did not know if that was even a viable option. She understands that private schools have to track clock hours, but that her school is measured in units and then converted to clock hours as outlined in the course approval handbook of the State of California.

Ms. Hurt inquired as to the number of students enrolled at West Valley. Ms. Ortiz indicated that there are just fewer than 100 students in her program. They are hoping to increase that number in the near future with some new technological changes.

Ms. Gonzalez clarified that all proprietary schools are not clock-hour institutions, which is why she and Ms. Soma advocated for a regulatory language change at the last Board meeting. They measured their programs in clock hours and credits until DOE required them to take out the credits.

Ms. Fenner asked the schools if proposing a range of hours in the regulations would benefit the schools. Ms. Soma responded that DOE would need to be consulted to confirm doing so would meet the needs of the schools' requirements with them.

Ms. O'Neill inquired if the regulations could include separate requirements for the private schools and public schools. Ms. Scott responded that there is nothing in code that would

prohibit doing so. An argument would have to be made as to why the differentiation is wanted.

Mr. Kevin Magner of South Coast College expressed that state regulation is dictating the time frame. However, the brochure indicates that the requirement set forth is a "minimum" number of hours. He suggested the Board look into whether or not the wording would make a difference with DOE. He then provided statistics from the Board's three separate examinations over the past five years for all the recognized schools (see Attachment 2).

Ms. O'Neill inquired if the Board could direct the executive officer to review the issues in the sense of creating a change to the code of regulations, asking when the time would start running. Ms. Fenner responded that it would not be until the request is filed with the OAL. Ms. Scott added that the request is not filed until the Board provides approved language.

Ms. Soma inquired how the public schools, specifically West Valley College, are keeping students in school after two and a half years when they are already facing a repeatability issue. Ms. Ortiz responded that her program has different academic components with each speed building course. Each speed can be taken up to four different times because they are four different course numbers. She indicated that each prospective student is informed that the program takes an average of four years, although they do have students finish sooner. Just like the private school students, once they have completed the required hours, their financial aid runs out.

Ms. Ortiz added that some of her students are working as CART providers on campus. This is a valuable service being offered that may not show up in statistics. Ms. Soma suggested Ms. Ortiz look into enrolling students into a CART certification program to give more hours toward financial aid.

Ms. Soma expressed that the problem with financial aid is a national problem.

Mr. Liu asked how a clock hour translates to a unit. Ms. Ortiz explained that one unit of lecture translates into 18 hours for that semester. Scheduled, supervised lab translates one unit to 54 hours. Mr. Liu asked if the units are converted to hours or hours to units. He also inquired how DOE handles this. Ms. Ortiz responded that the private schools may know more about how DOE views the hours; however, in the community college arena the units and hours have a symbiotic relationship. West Valley has ensured that the hours required by the Board coincide with the units and hours for their program. Ms. Gonzalez stated that her degree-granting institution uses a formula of 12 hours to 1 lecture credit, and 24 hours to 1 lab credit. She suggested Ms. Ortiz present an increase of lab hours for credit to her administration.

Ms. Kramm suggested that schools offer a two-year CART program, a two-year captioning program, and a two-year court reporting program to give students six years on a machine. Ms. O'Neill commented that Ms. Kramm's idea was great, but indicated that the Board does not have jurisdiction over CART and captioning.

Ms. Vykki Morgan of Cerritos College indicated that an increase in lab hours means the school has to pay the instructor for more hours. Unfortunately, that will not happen in community colleges. She added that each college has an individual curriculum which takes a year to have approved plus additional time to implement. She did, however, like the idea

of having a range of required hours and validating out-of-class practice. There can possibly be three categories: 1) academics, 2) time on the machine in the classroom, and 3) time on the machine outside of class.

Ms. Lasensky asked what the Board's next move would be procedurally. Ms. Scott indicated that the Board would have to make a decision within 30 days to adopt the petition as is, not adopt it, or adopt it with modifications.

Ms. O'Neill commented that she sees the urgency in the proposal; however, discussions are needed between stakeholders. She suggested the schools come together and either propose language that works for both private and public schools or explore the option of having two separate requirements. Ms. Hurt agreed that language covering both groups would be best.

Mr. Howard, Deposition Reporters Association (DRA), stated that DRA withdrew their petition at the November 2013 Board meeting because they did not know if the regulatory change would satisfy the requirements of DOE. It is often challenging to obtain information from DOE as to what they want. He suggested that the Board may be more successful in getting DOE to be forthcoming with the necessary information.

Ms. Scott pointed out the CCR Section 2411 requires "not less than" 2,300 hours of machine shorthand. She, therefore, questioned what type of language should be proposed with the change to 4,100 when the language currently allows for more than 2,300 hours.

Ms. O'Neill again suggested that the schools meet to come up with a course of action that can be agreed upon by everyone. Ms. Fenner indicated that the instructors have agreed to go back to their administrations and financial aid offices to make informed decisions.

Ms. Soma commented that the schools have to face many requirements from different entities. She stated that it will be difficult for all of the programs to come up with something that will fit everyone because each school has their own battles with administration and accrediting bodies. She added that she would like it to be recognized that court reporting is a four-year program.

Ms. Kelly Emerick of Golden State College of Court Reporting suggested that two-year programs have a minimum requirement of 2,960 and private schools have a four-year program of 4,400. Ms. Fenner indicated that it may be difficult from a regulatory standpoint to justify different curriculum for different types of schools.

Mr. Liu asked if the DOE ignores the fact the requirement is a minimum. Ms. Finch responded that DOE sees just the number of hours required, and that is "the" number they apply to court reporting. Mr. Howard reiterated that opening the lines of communication between DOE and the Board may offer opportunities to resolve this issue. Ms. Ortiz supported the idea of the Board contacting DOE and suggested the Board request an extension during the solution process.

Ms. Lasensky asked if it is appropriate for Board staff to contact DOE. Ms. Scott indicated that it would be legally permitted. She added that the Board needs to address the petition before the Board before directing staff to take any other action.

Ms. Lasensky moved to adopt the proposal to increase the clock hours from 2,300 hours to 4,100 hours. No second. **MOTION FAILED.**

Ms. Kramm moved to not adopt the proposal presented by Ms. Finch at this time. Second by Mr. Liu. **MOTION CARRIED.**

Ms. Lasensky moved to direct staff to contact DOE to request a grace period and get clarification on what their requirements really are. Ms. O'Neill amended the motion to also request staff to propose language to modify the regulations surrounding the issue of clock hours. Second by Mr. Liu. **MOTION CARRIED.**

Ms. Hurt expressed concern that the schools still need to be involved in relating what they need. Ms. Fenner suggested that she contact DOE first to inquire about any possible solutions and then present those to the schools. Ms. Hurt and Mr. Liu urged the schools to talk to their administrations to enable them to make decisions in consideration of the timing of the regulatory process.

The Board then returned to the regular order of the agenda by moving to Agenda Item II, Minutes of November 19, 2013 Meeting.

IX. RESOLUTION FOR REAGAN EVANS

Ms. O'Neill referred to the resolution for Ms. Evans as presented on page 73 of the Board agenda packet and read it into the record. Unfortunately, Ms. Evans was unable to attend the Board meeting to personally receive the resolution.

Ms. Lasensky moved to adopt the resolution of Reagan Evans. Second by Mr. Liu.

Ms. Lasensky stated that Ms. Evans was a great Board member. Ms. O'Neill added that Ms. Evans was the epitome of acting forthrightly and conscientiously. She always had the consumers in mind and looked at the global picture and was a true asset to the Board.

Ms. Kramm commented that Ms. Evans is very well-respected within the court reporting community as a reporter. She added that she is a very talented, smart woman.

MOTION CARRIED.

Ms. Fenner commented on behalf of staff what a pleasure it had been working with Ms. Evans, a caring, professional advocate for consumers. Her passion for court reporting and ethics served the Board well during her tenure. Her service has been greatly appreciated.

X. FUTURE MEETING DATES

Ms. Fenner reported that there is not a contract in place as of yet for the fall dictation examination, which will take place in Sacramento. Upon securing a date, staff will poll the Board for scheduling availability of a half-day meeting coupled with a full-day strategic planning session. She indicated that a Sacramento meeting would be the most economical, but it is not set in stone.

Ms. O'Neill asked if it was possible to meet in July. Ms. Fenner responded that staff is awaiting results of budgetary appropriations, but it may be possible.

XI. PUBLIC COMMENT

No comments were offered.

The Board took a break at 2:20 p.m. and convened into Closed Session at 2:30 p.m.

XII. CLOSED SESSION

The Board convened in Closed Session pursuant to Government Code sections 11126(a) and 11126(e)(2)(C).

- Moose vs. US Legal Case No. 1-14-CV-258886

Upon returning to open session at 2:46 p.m., Ms. O'Neill indicated that there was nothing to report from closed session.

XIII. ADJOURNMENT

Ms. O'Neill adjourned the meeting at 2:46 p.m.

Toni O'Neill 12-5-14
TONI O'NEILL, Board Chair DATE

Yvonne K. Fenner 12/5/14
YVONNE K. FENNER, Executive Officer DATE