



DEPARTMENT OF CONSUMER AFFAIRS

COURT REPORTERS BOARD

OF CALIFORNIA

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**COURT REPORTERS BOARD OF CALIFORNIA
MINUTES OF OPEN SESSION
JULY 12, 2019****CALL TO ORDER**

Ms. Davina Hurt, chair, called the meeting to order at 11:35 a.m. at the DoubleTree by Hilton Ontario Airport, 222 North Vineyard Avenue, Big Bear Room, Ontario, CA 91764.

ROLL CALL**Board Members Present:**

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

Staff Members Present:

Yvonne K. Fenner, Executive Officer
Rebecca Bon, Staff Counsel
Paula Bruning, Executive Analyst

A quorum was established, and the meeting continued.

I. APPROVAL OF FEBRUARY 4, 2019, MEETING MINUTES

Ms. Lasensky moved to approve the minutes as presented. 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. Lasensky, Ms. O'Neill, and Ms. Hurt

Opposed: None

Absent: None

Abstain: Ms. Nocella

Recusal: None

MOTION CARRIED**II. REPORT OF THE EXECUTIVE OFFICER****A. CRB Budget Report**

Ms. Fenner stated that page 16 of the Board agenda packet contained the Board's expenditure projections for fiscal month 11. As is typical, the projections indicate that the Board will be very close to the break-even point.

Ms. Hurt inquired about changes to the format of the budget. Ms. Fenner responded that some expenses have been moved from one category to another. One example she provided was that the Travel In State line item now only includes travel for staff and Board members, and the travel expenses for exam development subject matter experts have been moved to the Exam Expenses category.

Ms. Hurt asked if there were any updates on pro rata. Ms. Fenner stated that she did not have any news but realizes along with the members that it is a significant portion of the Board's budget.

Ms. Hurt requested a status update for the online testing contract. Ms. Fenner indicated that the contract is in place. She offered to return to that subject after the Board's discussion on reciprocity, Agenda Item VIII.

Ms. Fenner stated that the Board's overall fund condition could be found on page 17 of the Board agenda packet. She noted that the fund balance reserve was slated to hit the six-month mark in budget year 2020/21, which would allow a transfer to the Transcript Reimbursement Fund (TRF).

B. Transcript Reimbursement Fund

Ms. Fenner indicated that there is not a fund condition analysis for the TRF. She shared that the program was paying invoices for cases that were previously provisionally approved with funds allocated for them.

Ms. Bruning added that although the TRF programs are not accepting applications due to the temporary closure caused by lack of funding, staff was continuing to work behind the scenes by reviewing files that were previously approved on a provisional basis. She explained that the Pro Per Program uses the estimate provided for the transcript to issue a provisional approval letter promising to pay for the transcript once completed. In many cases, the Board has not received the required invoice to either reimburse the applicant who already paid for the transcript or the court reporter if he or she was not yet paid. To date, Ms. Davis had sent over 400 letters to applicants and licensees to close out those old application files. As a result, she was able to pay \$6,700 and close many outstanding files.

C. Enforcement Activities

Ms. Fenner referred to the enforcement statistics starting on page 18 of the Board agenda packet. She stated that the Board typically receives between 100 and 120 complaints per year. She indicated that there was nothing notable or unique about the complaints.

Ms. Hurt asked if there were any particular stakeholders filing complaints. Ms. Fenner responded that most complaints are filed by litigants and attorneys, but some are submitted by courts or other court reporters.

D. Exam Update

Ms. Fenner offered to answer questions regarding the historical examination statistics presented in the Board agenda packet starting on page 20.

Ms. Fenner reported that were 123 candidates scheduled to take the dictation exam that day, of which there are 23 first-time candidates. The Board members wished the candidates success.

Ms. Hurt asked if there were details on how many times the 100 repeat test candidates had taken the test. Ms. Fenner stated that she would obtain the statistics to report to the Board at a later date.

David Striks approached the Board, which he indicated was his third time doing so. He asked the Board to look at the low passage rate as a high failure rate, which has been as high as 96 percent. He suggested the Board gather licensees of varying experience levels to sit for the dictation exam and have their tests graded anonymously. He believes the results will give an indication if the test is in line with industry standards. He also suggested the Board have licensed reporters review the failed exams to determine if they meet industry standards.

Liz Torres, CSR and instructor at Cypress College, inquired how many of the candidates for that day were out-of-state working reporters. Ms. Fenner stated that the statistical summary published after the tests are graded would include percentages. She added that Ms. Kale would have the actual numbers and could be reached the following work day.

E. CRB Today Newsletter, Summer 2019

Ms. Fenner stated that the Summer 2019 CRB Today newsletter was part of the Board agenda packet and that it would be posted to the Board's website within a week. The Board complimented the publication.

F. Business Modernization

Ms. Fenner stated that the next step of the business modernization project is to put together business requirements for the processes staff laid out. Stage one has been approved by Business, Consumer Services and Housing Agency and has been sent to the California Department of Technology for the next step of approval.

She shared that once the project is completed, the Board would be able to accept applications, payments, and complaints online, which would streamline internal processes.

Ms. Fenner indicated that it is her intent to interview vendors jointly with other boards and bureaus that are at the same stage. If another board has similar needs, there may be an opportunity to combine into one contract to save on costs.

Ms. Hurt asked for an estimated date of completion. Ms. Fenner responded that it would depend on the Board's ability to pay for the new system. There may be an ability to start with certain applications online and then grow into other components.

III. DEPARTMENT OF CONSUMER AFFAIRS UPDATE

Ms. Fenner stated that a representative from the Executive Office was not able to be in attendance, but that they had submitted a written update which she read to the attendees (see Attachment).

IV. SUNSET REVIEW

Ms. Hurt reported that she and Ms. Fenner visited the Senate on July 8, 2019. Due to last-minute amendments of AB 1520 (Low), she did not feel able to support the bill 100 percent. She stated that typically controversial items are left out of sunset bills so they can move forward quickly and easily. She requested a robust and detailed conversation about this important agenda item. She opened the discussion for public comment.

Holly Moose, on behalf of the California Deposition Reporters Association (CalDRA), urged the Board to support AB 1520 because it would better protect consumers. She acknowledged that the Board is not in place to protect court reporters but is charged with protecting consumers of court reporter services. She stated that the insurgence of foreign corporations providing reporting services is out of hand. She said that litigation against these entities has proven costly, time consuming, and fruitless. She indicated that AB 1520 adds a layer of accountability by using a reporter in charge (RIC) approach which would require a licensee to oversee operations that can only be performed by licensees. She asserted that the Board did not support a prior firm registration bill, SB 270, because it lacked a provision for a licensee in charge or another individual who had passed a Board test.

Ms. Moose stated that CalDRA submitted an amendment request to change "voice recognition" to "voice writing," which they believe was the intent. Additionally, they have requested language be added that limits the number of times a new RIC can be employed if the existing one is disciplined thus avoiding a revolving door situation. They have suggested a minimum one-year suspension of the corporate provider if the RIC is disciplined more than twice in a consecutive five-year period. Additionally, to quell potential concerns of some stakeholders that the licensee may be punished for the misdeeds of the corporate entity, a request for amendment has been made so that the RIC would not be disciplined for conduct committed or directed by another person unless they had knowledge of or knowingly participated in such conduct. Ms. Moose believed this bill is the only option that will provide a level playing field for all reporting agencies operating in California and thanked the Assemblymember Low for authoring the bill.

Rachel Barkume, president of the California Court Reporters Association (CCRA), indicated that CCRA has submitted a letter of support if amended for AB 1520. She agreed with the request to change "voice recognition" to voice writing." However, CCRA is not able to support the language for firm registration as presented because they do not support a RIC model and believe it is improper for a reporter to be put on the line for the action of a corporation. The corporation should have to answer for its own actions. She asserted that it is not enough to say the reporter can only be reprimanded if they have knowledge or

participated in the offenses because the corporation could say the reporter did not know. She stated that there needs to be accountability for the corporation itself and that CCRA supports firm registration in concept. Additionally, they support the sunset bill in total and want the Board to continue. CCRA is actively working with the author on amendments to the language so they may return to a support position, which she asked the Board to also do. She agreed that the sunset bill needs to be without controversial language.

Kelly Shainline, CSR, and Kimberly D'Urso, CSR, approached the Board on behalf of themselves and concerned members of the Protect Your Record Project. Ms. Shainline thanked the Board for its time and the work it has done. She then shared her opposition to the firm registration portion of AB 1520. She stated that the Board has failed to uphold its statutory duty to protect California consumers against unlicensed activity or unauthorized entities, which have severely harmed CSR-owned business across the state.

Ms. Shainline asserted that existing law is critical to the judicial system and protection of consumers, adding that Business and Profession Code (BPC) 8040 and 8044 state that court reporter corporations and all shareholders, directors, and officers must be licensed court reporters. She stated that this is important because CSRs are trained and bound to their duties as sworn officers of the court. She indicated that the Legislature's intended for these laws to protect consumers by ensuring all codes are followed and the integrity of the record and impartiality are maintained. She stated that there is currently only enforcement of individual reporters and that the Board is choosing to not enforce any regulations against unauthorized, unlicensed court reporting firm activity. She indicated that the Board referred to this activity as the underground economy in its 2018-19 sunset review report on page 30, item 41. AB 1520 would legitimize the underground economy in California by allowing any person, organization, or company to pay a fee and hire a RIC to become a court reporting firm and carry out the duties that CSRs are trained and license to do.

She expressed that venture capitalist companies now own many California court reporting firms and carry out the duties of licensees even though they are not authorized to do so. She stated that insurance companies are forcing law firms to use the services of these unauthorized, unlicensed companies, which violates Corporations Code 2259 and BPC 8019. It has also resulted in cost shifting, partiality, and gift giving violations. She alleged that the companies potentially hold trade secrets of their competitors and a database of information on individuals with no protection in place for the consumer. She stated that a RIC model is a shield for corporations with a lot of money, leaving the court reporter on the hook. She stated that many unauthorized corporations are buying CSR-owned business without holding a license. She questioned how a CSR-firm could sell its business to a corporation not owned by a court reporter. She asserted that a former member of the Board resigned, sold her CSR-owned firm to an unauthorized company, and was not disciplined. This person is now in place to step into the RIC model.

Ms. Shainline requested the Board post on its website a list of unauthorized court reporting firms operating in California and include a warning to consumers that there is no recourse for violations caused by the unauthorized activity.

Ms. Moose expressed her appreciation for the views of her colleagues but disagreed that the licensee would be the one taking all the risk. She stated that the author accepted the amended language that the reporter in charge may not be disciplined for conduct permitted

or directed by another person unless the RIC had knowledge of or knowingly participated in such conduct.

Mary Pierce, CSR, supported the comments made by Ms. Moose with one exception. She expressed that there should be a provision in the language that makes the RIC culpable if they should have known about the misconduct.

Ms. Pierce respectfully disagreed with the position of Ms. Shainline and Ms. D'Urso, stating that current law does not have the teeth necessary to regulate the corporations operating illegally in California; therefore, another path for better consumer protection is necessary.

Ms. D'Urso expressed that the bill legitimized the unauthorized corporations. She stated that the appellate decision from Ms. Moose's case shifted the power to reporters to advocate for themselves more than ever. She acknowledged that the Board is in a challenging position but stated that the RIC model would cause more ambiguity. She encouraged the Board to research the case law for pharmacist in charge, which is what the RIC model was based on. She urged the Board to keep these corporations unauthorized in California and focus on enforcing existing law.

Ms. Barkume reiterated that it would be best to not have the firm registration language in AB 1520 as it is obviously controversial.

Ms. Hurt inquired of staff counsel what powers can be given to the sunset review subcommittee to wordsmith language that the Board supports in concept. Ms. Bon responded that if the Board expresses overall intent, it can delegate to the executive officer or subcommittee to work out the language. She indicated that unforeseen circumstances that cannot be accounted for or delegated now would fall outside of the direction.

Ms. Lasensky asked if the Board can move the amended portion out of the bill. Ms. Bon responded that the Board can express its intent. Its options are to support, support if amended, watch, oppose, or oppose if amended. Ms. Lasensky inquired if requesting an amendment would jeopardize the bill. Ms. Bon stated that she could not speak to what the Legislature determines, but that the Board can express its preferences and intentions.

Ms. Hurt read from Issue #6 of the Board's sunset review report. She stated that there is a difference between specifically authorizing and being silent to the fact that foreign corporations can be present.

Ms. O'Neill stated that court reporting firms had to register with the Board in the 1980s. Ms. Fenner reported that she researched historical Board documents to determine why the Board stopped registering firms. She found that the Board found it duplicative to register firms that were also registered with the Secretary of State as a corporation. Ms. O'Neill asked if the Board could return to registering firms. Ms. Fenner responded that she would have to research whether the statutes are still in place.

Ms. O'Neill asked how the Moscone-Knox Act applies to the Board. Ms. Fenner stated that Moscone-Knox Act would apply to most of the corporations because they are offering professional services and are registered with the Secretary of State. It is unclear specifically if they are foreign corporations. The Board's act is silent regarding that. One court could interpret that because they are registered with Secretary of State then they are

fine, but another could determine that they do not have specific permission to perform professional services. Ms. O'Neill shared that the judge in the U.S. Legal case understood the issue, but because the entity was a foreign corporation, he had no jurisdiction over it.

Ms. O'Neill supported the amendment of "voice recognition" to "voice writer" in AB 1520. She expressed her surprise at seeing the firm language in the sunset bill language when reviewing the Board agenda materials. She felt sabotaged because, in her experience, sunset bills do not contain controversial elements. She acknowledged the frustration felt by the court reporting community but did not feel comfortable with the RIC model as presented. The RIC language does not appear to have any teeth for enforcement.

Ms. Hurt inquired if the entity would have to pay a fine and be penalized if they commit a violation. Ms. Fenner responded that the entities would be subject to a fine but not by the Board. The Board would have to take them to court for a civil action.

Ms. Nocella asked what impact the Board would face if the bill is not amended and the Governor vetoes it. Ms. Fenner responded that the Board would be terminated. She shared that the Board of Registered Nursing was sunset in approximately 2010 due to a very similar scenario where controversial language was added to a late amendment and the Governor vetoed the bill. That entity had to work with the Legislature to reconstitute the board, which she believed took place the next legislative year. Ms. Bon added that previously a board that sunset would become a bureau, however, that is no longer the case and a board that sunsets ceases to exist.

Ms. Nocella expressed her anger at the midnight amendments and questioned how that happened. She is supportive of firm registration but is not sure this is the proper path to take. She supported the idea of delegating power to the sunset review subcommittee to work with the author's office to amend the language. She felt uncomfortable taking a position on the bill without understanding the full risks and ramifications to the Board. She did support amending "voice recognition" to "voice writer."

Ms. Lasensky shared that she testified before the Legislature for the sunset review hearing. She stated that this firm registration language was not included in information that she went to support and defend. She expressed that she felt betrayed and believed the controversial language jeopardizes the Board. She preferred that the firm language be separated out, but if that was not an option, she would want amendments that do not put so much onus on the licensee. She indicated that the language puts the Board's enforcement over corporations as civil authority instead administrative. She did agree with changing the voice recognition language.

Ms. Hurt agreed with changing "voice recognition" to "voice writer." She indicated that she understood the strategy of putting firm registration in the sunset bill. The Board has been strong supporters of firm registration and recognizes that it will take many steps to get to a perfect bill. The amendments are an additional step to bringing firms into the proper format for following the law. She is not in opposition the RIC model; however, it is the sunset bill, and she expressed concerns over the bill containing controversial language.

The Board took a break at 12:58 p.m. and returned to open session at 1:17 p.m.

Ms. Hurt expressed appreciation to Assemblymember Low for authoring the Board's sunset bill and for supporting court reporters through the concept of firm registration.

Ms. Hurt indicated that it appeared all the Board members want to support the bill because the Board's existence is important. She shared that the author indicated that he would prefer to move forward without amendments, but she would like to continue communications with his office in an effort to lessen the controversial aspects of the language.

Ms. O'Neill stated that the term "voice recognition" alone would cause her to not support the bill if it went forward as is. Ms. Fenner believed that the author would be open to refinements, but the concepts would remain.

All Board members agreed that the term "voice recognition" should be amended to read "voice writing."

Ms. O'Neill stated that she is not completely against a RIC model, but believed the proposed language needed modification. She reiterated that the proposed language does not have any teeth for the Board to take the necessary action to affect a difference in the behavior of the bad actors. The proposed law would give the Board the authority to sue offenders in civil court which is timely and costly.

Ms. Nocella expressed her support of the bill in the spirit of continuing the Board and of the concept of firm registration but agreed Board representatives were needed to work with the author's office to achieve passage of the bill. She indicated that she supports the separation of the firm registration section only if it jeopardizes the sunset of the Board.

Ms. Lasensky stated that she still had a problem with the RIC model, fearing the reporter will be a fall person for the corporation. She would feel better if there were language that strengthened the reporter's position.

Ms. Nocella requested that CCRA share their requested amendments. Ms. Barkume stated that CCRA would like the Board to have the same jurisdiction over firms that they have over licensees wherein firms would have the same accountability and same type of penalties that licensees have. This bill does not follow that concept.

Ms. Hurt believed that the majority of the Board and stakeholders want firm registration where the firm is 100 percent accountable. She believed that it would take multiple steps to get there. She inquired if the RIC model was another step in the process to get to that place.

Ms. Barkume stated that CCRA's focus is on representing court reporters, and it is their belief that the RIC model puts the licensee in too much jeopardy.

Ms. Fenner indicated that to make the enforcement aspect the same for both licensees and firms, there would need to be an administrative remedy for disciplining firms instead of the proposed civil action ability. She added that if the RIC language was removed, the proposed language still includes several fail-safe steps, such as not allowing reporters to work for firms that are not registered (see proposed section 15, BPC 8051(d)).

Ms. Lasensky indicated that she liked the idea of the administrative remedy. Ms. O'Neill agreed it would have more teeth.

Ms. Barkume that it is CCRA's goal for the firm to be subject to administrative penalties. She added that the Texas board has existing law that they like and would be interested in mirroring their language. CCRA may be able to change their position if the RIC was removed.

Ms. Moose stated that CalDRA likes the RIC model because the licensee would have a stake in the practice. Licensees should be mindful about the integrity of a firm they represent. She reiterated that the RIC would have to know about the misconduct to be subject to discipline. In regard to removing the RIC model, she questioned for how long a firm would lose their registration following discipline. She speculated that a corporation would simply pay a fine and go back to doing business. Ms. Fenner replied that if the bill did not have clear language regarding that matter, it would have to be fleshed out in regulations.

Ms. D'Urso indicated that venture capital firms buying small California firms have incentive to find a RIC for a good sum of money to be their front person. She questioned how the RIC could possibly be accountable for hundreds of employees and asserted that it would be very easy for the corporation to simply blame the RIC, pay a fine, and move on.

Stephanie Leslie, CSR and firm owner, stated that the voice technology language was vague and requested that it be made more specific to a person or writer versus a machine. Ms. Fenner read the definition of voice writer from the National Verbatim Reporter Association: "*An individual court reporter who captures a verbatim record of the spoken word by means of repeating words of the speaker using a closed microphone voice dictation silencer into a system that is capable of digital translation into text.*" The Board accepted that definition.

Ms. Nocella encouraged all stakeholders to work together to achieve the best interests of the industry and consumers as well as pass the Boards sunset bill so it may continue to operate.

Ms. O'Neill moved to direct the chair and executive officer to work with the author's office and stakeholders to pass AB 1520, specifically addressing the concerns related to the reporter in charge, enforcement, and the voice writing definition concerns. Ms. Lasensky seconded the motion. Ms. Hurt called for public comment.

Claudia Stevenson, CSR, inquired as to the timeline for the proposed legislation. Ms. Fenner responded that if the bill was not signed by the Governor before October 13, 2019, the Board would sunset on January 1, 2020.

Ms. D'Urso acknowledged the difficult position the Board is in due to the last-minute amendment and thanked the Board for consideration.

A vote was conducted by roll call.

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

MOTION CARRIED

V. LEGISLATION

Ms. Fenner referred to the summaries of legislative bills that staff is following on pages 39 through 41 of the Board agenda packet. She stated that bills that are particular to the Board or the industry have been identified with three asterisks. The language of these bills was also included in the Board agenda packet.

AB 253 (Stone) – Ms. Fenner indicated that equipment would be installed in court rooms and the court reporters would be able to work from their home office or other remote location with software that would connect them. The concept would be like Skype or other live feed. The technology has been around for quite a while. The pitfalls may include loss of connection. It was her understanding that there would be safe guards such as recordings that could be referenced; however, that does not allow the court reporter to interrupt the proceedings if there are problems with the recording.

Ms. Lasensky asked if there would be a mechanism to capture the success or failure of the study. Ms. Hurt stated that they are supposed to prepare a report to the Legislature.

Ms. Hurt stated that she would take a neutral stance on this bill. Ms. O'Neill stated that the matter is of interest but agreed that watch position would be appropriate. Ms. Lasensky and Ms. Nocella agreed.

AB 424 (Gabriel) – Ms. Fenner indicated that this bill was sponsored by CalDRA and would require a CSR signature on any transcription of audio or video that is sent into court.

Ms. Moose reported that she believed the bill was pulled. Ms. Fenner responded that the bill was pulled from committee's hearing but was still a live bill.

AB 1385 (Santiago) – Ms. Fenner reported that this bill would raise the rates for court transcripts, which have not been increased for nearly 30 years. The Board has taken a support position in the past on this concept for prior bills.

Ms. Lasensky expressed her support of the bill, acknowledging that consumers would have to pay more for transcripts, but it is important to have a cost of living increase to retain quality reporters. Ms. O'Neill agreed, stating that there needs to be something to attract new reporters and pro tems to work in court.

Ms. Nocella supported a watch position. She supported the concept of court reporters earning more but worried about the impact to consumers, which is the Board's charge.

Ms. O'Neill agreed that there would be a monetary effect on consumers but reasoned that the alternative was not having a court reporter there at all to take the proceeding because of the unattractive compensation for producing transcripts.

Ms. Hurt agreed that a neutral position may be better; however, she believed an increase was overdue for cost of living. She supported the bill.

Ms. O'Neill moved that the Board write a letter of support for AB 1385. Ms. Lasensky seconded the motion. Ms. Hurt called for public comment.

Ms. Barkume shared that she attended the July 2, 2019, Senate Judiciary Committee hearing, wherein the chair expressed concern that this female-dominated profession had not received an increase in 30 years. The bill did pass the committee unanimously.

Ms. Nocella indicated that she would support the bill and believed that the profession deserves a raise, although she did not believe that the issue was within the proper jurisdiction of the Board and its mission of protecting California consumers.

A vote was conducted by roll call.

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

Opposed: None

Absent: None

Abstain: None

Recusal: None

MOTION CARRIED

SB 53 (Wilk) – Ms. Fenner stated that this bill would require open public meetings and notifications for any advisory committee meeting that is made up of two board members. She stated that advisory committees are usually conducting research and negotiating details that are then reported to the full board for decision.

Ms. O'Neill expressed that putting public meeting notice requirements on a subcommittee appeared to be inefficient.

Ms. Hurt supported the concept of open meetings and having the public be part of the process but agreed that for the advisory committee level this bill would cause inefficiency. She pointed out that advisory committee members often work from their homes, which would then have to be publicly noticed as meeting locations.

Ms. Nocella agreed with the open-meeting concept; however, for a board with limited funds, the notification requirements and extra travel costs would put a strain on this Board's budget.

Ms. Nocella moved to oppose SB 53. 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. Lasensky, Ms. Nocella, Ms. O'Neill, and Ms. Hurt
Opposed: None
Absent: None
Abstain: None
Recusal: None

MOTION CARRIED

VI. REGULATIONS FOR AB 2138 IMPLEMENTATION

Ms. Fenner referred to the proposed amended language for consideration on page 52 of the Board agenda packet. She stated that the regulations must be passed by July 2020 to implement new requirements put into place from AB 2138 (Chiu, Chapter 995, Statutes of 2018). The regulations considered for amendment by the Board included sections 2470 and 2471.

Ms. Lasensky moved to approve the proposed text for a 45-day comment period and delegate to the executive officer the authority to adopt the proposed regulatory changes as modified if there are no adverse comments received during the public comment period and also delegate to the executive officer the authority to make any technical or non-substantive changes that may be required in completing the rulemaking file. 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. Lasensky, Ms. Nocella, Ms. O'Neill, and Ms. Hurt
Opposed: None
Absent: None
Abstain: None
Recusal: None

MOTION CARRIED

VII. STRATEGIC PLAN

Ms. Hurt reported that the Board adopted its 2019-2023 Strategic Plan at its meeting on February 4, 2019. Staff had since worked with the DCA SOLID Training and Planning Solutions staff to develop an action plan timeline for Board consideration.

Ms. Hurt acknowledged there are multiple players and hurdles with the business modernization project but requested that the implementation be moved along as quickly as possible so that the Board could accept credit payments. Ms. O'Neill agreed.

Ms. Hurt inquired if the Board can set up its own social media accounts. Ms. Fenner responded that the Board would set up social media through the DCA Office of Public Affairs (OPA). The Board would provide the content for OPA to post and manage.

Ms. Fenner shared that the Board's website had been updated and brought into compliance with ADA requirements. Ms. O'Neill stated that she is impressed with the refreshed site and found it easy to navigate.

VIII. LICENSE/CERTIFICATE RECIPROCITY

Ms. Fenner referred to the summary of Board testing requirements compared to those of the Registered Merit Reporter (RMR) and Certified Realtime Reporter (CRR) on page 68 of the Board agenda packet. CCRA submitted a request for the Board to consider allowing RMR and CRR reporters to take only the Board's written tests to become California CSRs.

Ms. Barkume, on behalf of CCRA, believed that this was a good option to increase the number of reporters in California. She stated that the two high-level certifications are only obtained by elite reporters who are well qualified. She understands that a regulatory change would be necessary and offered to assist with drafting language.

Ms. Hurt asked how large the pool of RMR and CRR holders is. Ms. Fenner indicated that there are 1,809 RMR and 2,474 CRR holders. Approximately 168 RMR and 287 CRR holders already reside in California.

Ms. Hurt asked if California is the only state that administers four-voice tests. Ms. Fenner reported that every other state that licenses court reporters has either moved to the Registered Professional Reporter (RPR) format for their own test or have accepted the RPR certificate to license in their state. The RPR is considered to be entry level.

Ms. Leslie supported this option due to the desperate need of court reporters. She concurred that RMR and CRR reporters are highly skilled.

Rosalie Kramm, CSR, asserted that anyone who was able to obtain an RMR or CRR certificate would be able to write four-voice testimony and would be able to pass the California test. She stated that they are the best of the best in court reporting.

Ms. Moose echoed the sentiments that RMR and CRR holders are skilled reporters. She shared that CRR holders are not given the opportunity to edit and correct their transcripts when tested.

Ms. O'Neill did not believe the CRR should be reciprocal because they do not transcribe their notes as it is a test for realtime. Additionally, both the RMR and CRR are tested at five-minute increments versus California's continuous fifteen minutes.

Ms. Lasensky commented that the two certificates do not appear to test the same skill set that California tests for.

Ms. Hurt supported the concept of reciprocity if the tests are the same or similar. She was not sure these two certificates met the same qualifications California tests and, therefore, was not ready to say that reciprocity with these certificates was the route to go.

Ms. Nocella requested that more details be presented before deciding. She invited information for the benefit and harm to consumers.

Ms. Leslie urged the Board to move forward quickly with investigating this concept due to the pressing shortage of reporters in California.

Ms. Fenner inquired of legal counsel if it would be appropriate to work on developing proposed regulatory language for Board consideration as a time-saving measure. Ms. Bon suggested the Board differentiate whether they want to gather more information for discussion before moving forward versus gathering more information and developing regulatory language to pursue this option.

Ms. Hurt stated that the Board still has research to do and was hesitant to expend staff time on developing language just yet.

Heatherlynn Gonzalez, CSR, clarified that the RMR is not directly equivalent to the California state exam; however, the skills involved to pass the RMR are unquestionably higher than those needed to pass California's entry level exam.

Ms. Lasensky requested feedback on how much staff time would be needed to put together a rule-making package. Ms. Fenner responded that the time varies based on how technical the subject is. She stated that this concept is broader, but she would be starting from scratch. She estimated that it would take approximately twenty hours.

Ms. Hurt requested more information be presented at the next Board meeting. The Board could then decide how to direct staff to move forward.

IX. ELECTION OF OFFICERS

Ms. Hurt called for election of officers.

Ms. Lasensky nominated Ms. Hurt as 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. Lasensky, Ms. Nocella, Ms. O'Neill, and Ms. Hurt

Opposed: None

Absent: None

Abstain: None

Recusal: None

MOTION CARRIED

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

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

Opposed: None

Absent: None

Abstain: None

Recusal: None

MOTION CARRIED

X. FUTURE MEETING DATES

Ms. Fenner estimated that the Board would need to meet in late fall near November.

XI. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

Ms. Kramm indicated that she wanted to set the record straight. She shared that she is a past member of the Board, past president of CalDRA, past president of STAR, and she has received the Distinguished Service Award from CalDRA and the Altruism Award from the National Court Reporters Association. She disagreed with statements made earlier in the meeting about her. She stated that she will always support the court reporting profession and her fellow court reporters with all her spirit and energy.

XII. CLOSED SESSION

Pursuant to Government Code Sections 11126(c)(2), 11126(c)(3), and 11126(e)(2)(C), the Board will meet in closed session as needed to discuss or act on disciplinary matters and/or pending litigation.

This item was deferred.

ADJOURNMENT

Ms. Hurt adjourned the meeting at 3:03 p.m.



DAVINA HURT, Board Chair DATE



YVONNE K. FENNER, Executive Officer DATE