



DEPARTMENT OF CONSUMER AFFAIRS

COURT REPORTERS BOARD

OF CALIFORNIA

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**COURT REPORTERS BOARD OF CALIFORNIA
MINUTES OF OPEN SESSION
APRIL 16, 2021****CALL TO ORDER**

Ms. Robin Sunkees, Chair, called the meeting to order at 9:00 a.m. The public meeting was held via a teleconference platform pursuant to the provisions of Executive Order N-29-20.

ROLL CALL**Board Members Present:**

Robin Sunkees, Licensee Member, Chair
Toni O'Neill, Licensee Member, Vice Chair
Davina Hurt, Public Member

Staff Members Present:

Yvonne K. Fenner, Executive Officer
Rebecca Bon, Staff Counsel
Danielle Rogers, Regulations Counsel
Paula Bruning, Executive Analyst
Mary Kathryn Cruz Jones, DCA Executive Office

Board staff established the presence of a quorum.

1. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

Charlotte Mathias, CSR, requested the Board put its public comment section at the end of its meeting. She also requested that the Board allow its participants to see all who are in attendance.

2. REVIEW AND APPROVAL OF NOVEMBER 20, 2020 MEETING MINUTES

Ms. Hurt moved to approve the minutes. Ms. O'Neill seconded the motion. Ms. Sunkees called for public comment.

Mike Hensley, CSR and California Court Reporters Association (CCRA) President, requested that a correction be made to the second sentence on page 10 of the minutes. He stated that the RPR requires a 95% rate of accuracy, not 97%.

Ms. Hurt amended her motion to approve the minutes with the correction noted above. Ms. O'Neill seconded the motion. Ms. Sunkees called for public comment.

Mr. Hensley suggested the Board use a CSR to capture a verbatim record of future meetings. Mary Piece, CSR, thanked Mr. Hensley for his requested amendment. She indicated that the 95% accuracy rate is a standard, not a statistic.

Kim Kuziora, CSR, stated that she was misquoted in line 8 of the second paragraph on page 8 of the minutes. She reported that she said, "This transcript was certified by the notary and transcriptionist. Per CCP 2025.340(m), this transcript would not be admissible evidence because it is not a stenographic transcript. As pointed out in the March 2020 attorney email that I submitted, this transcript would be useless in an insurance fraud situation where a district attorney would need to use a transcript for criminal prosecution."

Motion Withdrawn

Ms. Fenner stated that the minutes are not intended to be a verbatim record. She would want substantial errors corrected because the information in minutes would potentially be referred to by future Board members for historical background on decisions.

The Board directed staff to bring the minutes to the next meeting with amendments.

3. DEPARTMENT OF CONSUMER AFFAIRS UPDATE

Mary Kathryn Cruz Jones, Department of Consumer Affairs (Department/DCA) Board and Bureau Relations, provided a Department update.

COVID-19

She thanked Ms. Fenner and staff for maintaining excellent customer service during the challenging times brought on by COVID-19. DCA remained open with preventative measures to safeguard the health and safety of employees and visitors. Boards and bureaus started looking toward the future to decide which changes can be made permanent for efficiency and employee well-being, such as telework. She referred the members and public to DCA's COVID-19 webpage for updates, resources, and vaccine information.

Board Meetings

She stated that the ability for the Board to meet remotely is tied to the Governor's Executive Orders and the state of emergency. When these are lifted, the board will be required to follow all aspects of the Open Meeting Act, including publicly noticed and accessible locations. DCA does not yet know when this will happen or if any changes in the law will occur before that date; however, they will assist the boards and bureaus to plan in-person meetings. She shared that DCA created a virtual background with the DCA logo for board member and staff use. She added that the board logo can be added to the graphic.

DCA Executive Team

Ms. Jones shared that two new members joined the DCA Executive Office team: Monica Vargas was appointed to the role of deputy director of the Communications Division, and Sara Murillo was appointed as the deputy director of the Office of Administrative Services.

Board Membership

Ms. Jones indicated that appointments and filling vacancies are top priorities at Board and Bureau Relations. The goal of DCA and the appointing authorities is to have a fully seated, diverse, and effective board. Those interested in serving can find information on Board Member Resources page of the DCA website.

Training

Ms. Jones stated that 2021 is a mandatory Sexual Harassment Prevention training year for all DCA board members and staff. She added that board members must attend Board Member Orientation Training with one year of appointment and reappointment. The new and improved training will be held via WebEx on June 23, 2021.

New Initiatives for 2021

Director Kirchmeyer developed a group of board and bureaus executives to maintain regular communication, provide feedback and information to DCA, and assist with special projects that impact all board and bureaus. The group has met several times and is making progress on projects such as standardizing board reporting requirements.

The Enlightened Licensing Project workgroup is also underway, helping individual boards and bureaus streamline and make their licensing processes more effective and efficient by utilizing best practices, information technology, and cost-saving measures. The workgroup has begun to dive into licensing processes at one board with processes that have been implemented in real time.

4. REPORT OF THE EXECUTIVE OFFICER

4.1 CRB Budget Report

Ms. Fenner referred to the Board's most current expenditure projections on page 29 of the Board agenda packet. She highlighted that the overall personnel expenses were lower compared to the historical numbers. This was a result of two recent vacancies: the half-time TRF Coordinator, who separated in December 2020, and the receptionist, who separated in February 2021. She thanked staff for picking up the extra duties.

She also stated that there was a decrease in operating expenses, largely due to the shift of offering the skills examination to an online platform. Also, there was travel cost savings by holding Board meetings and a number of exam constructions workshops remotely. She stated that the surplus is normally under 5 percent; therefore, the 11 percent surplus is considered robust for this Board.

Ms. Fenner then referred to the overall fund condition on page 30 of the Board agenda packet, which reflected a projected transfer of \$200,00 to the Transcript Reimbursement Fund (TRF).

4.2 Transcript Reimbursement Fund

Ms. Bruning reported that the TRF reopened and began accepting applications on November 2, 2020. Thus far, 123 invoices had been approved totaling more than \$86,000 for the pro bono portion of the program. Nearly \$6,000 in invoices had been

approved for the pro per portion of the program, with another \$6,000 in provisional approvals having been issued.

Ms. Sunkees inquired why the transfer projection for the TRF was \$200,000 instead of the allotted \$300,000. Ms. Fenner explained that although fees increased, the Board's licensee base is decreasing as a result of retiring reporters and fewer new reporters joining the ranks. Additionally, the Board's cost of doing business has increased. Therefore, staff was trying to be modest in the projection, but could potentially bump it up to \$300,000 if needed.

4.3 Enforcement Activities

Ms. Fenner referred to the enforcement statistics starting on page 32 of the Board agenda packet. She indicated that the most common complaints received are for timeliness or accuracy of the transcript. She stated that there have been benefits of fewer distractions and interruptions for the enforcement desk as a result of teleworking.

Ms. Kuziora inquired if the enforcement statistics reflected all complaints related to licensees. Ms. Fenner responded that the statistics reflect all complaints.

4.4 Exam Update

Ms. Fenner indicated that the pass rates for the three parts of the license exam were found starting on page 34 of the Board agenda packet. She stated that the skills portion of the test is continuing to be administered online through Realtime Coach. There were 63 candidates during the last testing cycle.

Ms. Hurt shared concern that the number of candidates had consistently been decreasing. She supported the cost-saving benefits of continuing to offer the test online versus in person.

Ms. Sunkees thanked staff for moving quickly to transition the exam to the online platform to continue its licensing efforts.

4.5 Business Modernization

Ms. Bruning shared online renewal trends. She stated that there were delays in the printing and mailing of the March and April 2021 renewal notifications; therefore, the online renewal option was very useful.

Ms. Hurt thanked staff for their efforts in making online renewals possible.

Ms. Fenner reported that Ms. O'Neill's Board position has been extended for 120 days.

5. LICENSE/CERTIFICATION RECIPROCITY

5.1 Discussion and possible action to allow reciprocity with the state of Texas.

Ms. Sunkees reported that the License Reciprocity Task Force, chaired by herself and Ms. O'Neill, met via videoconference on June 26, 2020. During the meeting, information was received from the Texas Judicial Branch Certification Commission regarding the structure of their licensing examination, which mimics the format of the National Court Reporter Association's RPR exam. With that information, the Board entered into an interagency agreement with DCA's Office of Professional Examination Services (OPES) to analyze the Texas exam. The report from OPES was included in the Board agenda packet starting on page 42.

The agreement with OPES also included a request for analysis of the RPR. That review is ongoing and will include a linkage study involving subject matter experts from the industry.

Ms. Sunkees stated that the Task Force met again on March 29, 2021, to discuss the information received to date, including whether the RPR was a sufficient test to prove entry-level skills. The members voiced a variety of concerns, and no consensus was achieved at that time. The Task Force will meet again in the coming months as new information becomes available.

Ms. Mathias spoke in opposition to the Board considering the RPR as equivalent to the Board's skills examination.

Mr. Hensley, on behalf of CCRA, stated his opposition to the Board using the RPR as a substitute to the Board's skill examination. He suggested the Board consider the RMR and CRR examinations instead.

Ms. Pierce spoke in opposition to using the RPR as an equivalent to the Board's CSR examination.

Ms. Fenner stated that the standards are set, and the test is developed to determine that the candidate has entry-level skills sufficient to report safely for consumers. Because of this, it is not beneficial to compare numbers and formats from one test to another.

5.2 Discussion and possible action to allow reciprocity with the National Court Reporters Association's Registered Professional Reporter (RPR) certification.

Ms. Sunkees reiterated that the Board is awaiting the OPES validation report.

5.3 Discussion and possible action to grant CSR certification to holders of the RMR or CRR certification on either a full or provisional basis.

Ms. Sunkees deferred this item until the License Reciprocity Task Force completes its recommendation to the Board.

The Board took a break at 10:15 a.m. and returned to open session at 10:30 a.m.

6. LEGISLATION

Ms. Fenner referred to the information starting on page 44 of the Board agenda packet. She stated that the bills listed as agenda items 6.1 through 6.5 did not warrant a need for the Board to take a position. She offered to discuss them in more detail if any member determined there was a necessity.

6.1 AB 29 (Cooper) – No discussion.

6.2 AB 225 (Gray, Gallagher, and Patterson) – No discussion.

6.3 AB339 (Lee and Christina Garcia) – No discussion.

6.4 AB 646 (Low) – No discussion.

6.5 AB 1169 (Eduardo Garcia) – No discussion.

6.6 SB 241 (Umberg) – Ms. Fenner reported that the bill now holds the firm registration language from the prior year. It was heard before the Senate Business, Professions & Economic Development Committee on April 5, 2021, wherein Ms. Hurt, chair of the Firm Registration Subcommittee, provided remarks in support during the hearing. The bill passed out of committee and would next be heard by the Senate Judiciary Committee on April 20, 2021. Ms. Fenner thanked Senator Umberg's office for recognizing the Board's current position with regards to jurisdiction over foreign corporations and for pursuing a simple, fiscally responsible solution.

Kelly Shainline, CSR and co-founder of the Protect Your Record Project (PYRP), spoke in opposition of SB 241.

Mr. Hensley, on behalf of CCRA, spoke in opposition of SB 241 unless amended.

Ms. Mathias spoke in opposition of SB 241.

Ms. Pierce, president of the Deposition Reporters Association of California (CalDRA), spoke in support of SB 241. She added that they are monitoring the remote reporting language and are not taking a position on it at this time.

Kimberly D'Urso, on behalf of PRYP, spoke in opposition to SB 241.

Ms. O'Neill moved to support the firm registration language of SB 241. Ms. Hurt seconded the motion. Ms. Sunkees called for public comment.

Ms. D'Urso requested the Board work on court reporter title protection legislation. She reiterated her opposition to SB 241.

Carolyn Dasher, CSR, spoke in opposition to the remote reporting language of SB 241.

Ms. Mathias spoke in opposition to the remote reporting language of SB 241.

Mr. Hensley reiterated his opposition to SB 241.

A vote was conducted by roll call.

For: Ms. Hurt, Ms. O'Neill, and Ms. Sunkees

Opposed: None

Absent: None

Abstain: None

Recusal: None

7. REGULATIONS

7.1 AB 2138 Implementation: Status report for section 2470 & 2471

Ms. Rogers shared that the regulatory package has been filed with the Office of Administrative Law and is due to be completed by May 13, 2021.

7.2 Title Use – Discussion regarding potential adoption of regulations in Article 1, California Code of Regulations

Ms. Fenner reported that at its last meeting, the Board directed staff to reach out to stakeholders to try to find an author for legislation to limit the use of the terms “court reporter” and “deposition reporter” to CSRs. It was later suggested that the better route to achieve that goal was through the regulatory process. Staff is working with Ms. Rogers and Ms. Bon to explore this option more fully and would provide an update at the next Board meeting.

7.3 Minimum Transcript Format Standards (MTFS): Public hearing regarding proposed amendment of regulations. (Gov. Code, § 11340.6.)

Ms. Fenner stated that the Board received a new request for a regulation change from a consumer. The request is to require all transcripts be provided in a searchable format. Providing an electronic transcript is currently optional. Although there is a Rule of Court requiring searchable transcripts, it does not take effect until January 2023. Staff recommends the Board appoint a chair for a task force to develop language to amend the MTFS.

Ms. Mathias asked if the requirement was going to be extended to deposition transcripts. Ms. Sunkees responded that the MTFS would apply to all transcripts, and the details on how to implement that would need to be addressed by the task force.

Ms. O'Neill volunteered to chair the task force and was so appointed. Those interested in volunteering as members of the task force were directed to contact Ms. Fenner or Ms. Bruning.

8. STRATEGIC PLAN

8.1 'Five Reasons to Hire a Licensed Court Reporter' – Publication

Ms. Fenner reported that the publication was shared with the California Lawyer Association with a notation that a best practice for attorneys would be to request the CSR number of their reporter before the proceedings. Staff intends to further distribute the publication to other state and local layer associations in California as staff vacancies are back filled. Ms. Hurt offered an expression of appreciation for creation and distribution of the document. She encouraged others to distribute the electronic document.

8.2 Best Practices Task Force – Best Practice Pointers Number 11 for Remote Reporting.

Ms. Sunkees stated that the comments received at the last Board meeting were taken back to the Task Force. She presented the revised proposed draft document starting on page 57 of the Board agenda packet.

Mr. Hensley, on behalf of CCRA, thanked the Task Force participants for their efforts. He spoke in support of the document.

Ms. Hurt moved to approve Best Practice Pointer 11. Ms. O'Neill seconded the motion. Ms. Sunkees called for public comment.

Ms. Mathias requested the Board consider creating a new best practice pointer to clarify if a California CSR is allowed to swear in a witness in another state where there are court reporting and/or notary laws.

A vote was conducted by roll call.

For: Ms. Hurt, Ms. O'Neill, and Ms. Sunkees

Opposed: None

Absent: None

Abstain: None

Recusal: None

8.3 Update to the Board on Action Plan

Ms. Fenner referred the Board to the Action Plan timeline on page 59 of the Board agenda packet. She shared that staff has been working to launch its social media accounts but had faced hurdles in finding acceptable images to use on its posts and pages. She welcomed changes to the priorities from the Board.

Ms. Hurt inquired as to the status of the captioning standards item. Ms. Fenner responded that the Board does not currently have jurisdiction over captioners and, therefore, had not received any complaints related to captioning. She explained that licensing captioners would require a legislative sunrise process, which requires proof of consumer harm. She added that staff vacancies have also not allowed the addition of new projects.

9. FUTURE MEETING DATES

Ms. Fenner stated that many years earlier, the Board would meet every other month; however, economic downturns resulted in budget-tightening measures and forced a reduction of meeting to twice each year. The remote meeting platform has provided cost-savings and increased the public's ability to attend the Board meetings. She recommended the Board consider increasing its number of meetings to three times each year while remote meetings are still an option. She proposed meeting in July and November 2021 and in March 2022. The actual dates would be developed by an offline Board member poll.

Ms. Hurt supported the recommendation and agreed that the online platform had increased accessibility to the public. Ms. O'Neill concurred.

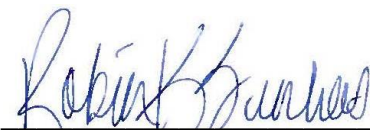
10. CLOSED SESSION

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

This item was deferred as there were no cases to review.

ADJOURNMENT

Ms. Sunkees adjourned the meeting at 11:38 a.m.



ROBIN SUNKEES, Board Chair

8/20/2021
DATE



YVONNE K. FENNER, Executive Officer

8/20/2021
DATE