



DEPARTMENT OF CONSUMER AFFAIRS

COURT REPORTERS BOARD

OF CALIFORNIA

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DRAFT

COURT REPORTERS BOARD OF CALIFORNIA MINUTES OF OPEN SESSION JULY 12, 2024

CALL TO ORDER

Ms. Denise Tugade, Chair, called the meeting to order at 9:00 a.m. The public meeting was held at Department of Consumer Affairs, HQ1 Hearing Room, 1625 North Market Boulevard, Sacramento, CA 95834 and via a teleconference platform.

ROLL CALL

Board Members Present: Denise Tugade, Public Member, Chair
Robin Sunkees, Licensee Member, Vice Chair
Laura Brewer, Licensee Member
Michael Dodge-Nam, Public Member
Arteen Mnayan, Public Member

Staff Members Present: Yvonne K. Fenner, Executive Officer
Helen Geoffroy, Board Counsel
Steven Vong, Regulations Counsel
Paula Bruning, Executive Analyst

Board staff established the presence of a quorum.

1. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

No comments were offered.

2. REVIEW AND APPROVAL APRIL 4, 2024, MEETING MINUTES

Ms. Brewer moved to approve the minutes. Mr. Dodge-Nam seconded the motion. Ms. Tugade called for public comment. No comments were offered. A vote was conducted by roll call.

For: Ms. Brewer, Mr. Dodge-Nam, Mr. Mnayan, Ms. Sunkees, and Ms. Tugade

Opposed: None

Absent: None

Abstain: None

Recusal: None

MOTION CARRIED

3. DEPARTMENT OF CONSUMER AFFAIRS UPDATE

Korrina Moreno with the Department of Consumer Affairs (Department/DCA) provided a Department update.

Ms. Moreno reported that Myriam Valdez-Singh was recently appointed by Governor Newsom as the Deputy Commissioner of Legislation at the Department of Financial Protection and Innovation. She previously worked closely with the Business, Consumer Services and Housing Agency as the Deputy Appointments Secretary at the Governor's Office.

She informed the Board that DCA developed a Workplace Violence Prevention Training to meet the requirements of SB 553. All staff, including Board Members, must complete the mandatory training annually.

She stated that the California Legislature approved a state budget that addresses the state's deficit. The new budget includes a permanent reduction of vacant positions for all departments. DCA boards and bureaus must continue to maximize cost savings and reduce expenditures to those that are mission critical and essential to operations and public services.

Ms. Moreno indicated that effective July 1, 2024, boards and bureaus must expedite licensure applications for service members currently enrolled in the U.S. Department of Defense SkillBridge Program. The program offers an opportunity for active-duty services members to gain valuable civilian work experience during their last 180 days of service by connecting the members with organizations that offer internship opportunities to build their resumes, explore career interests, develop job skills, and gain federal government work experience. Additional information may be found at www.dca.ca.gov/military.

She recapped the new federal regulation impacting Title IV funding for non-degree school programs that was to take effect on July 1, 2024. DCA worked with the California Legislature to develop and pass language to delay implementation of the new federal regulation and allow programs to come into compliance over the next two and a half years. However, the federal regulation was blocked by a preliminary injunction issued by federal district court in Texas on July 2, 2024, until the conclusion of the lawsuit. Consequently, the federal rule did not take effect as originally scheduled. DCA will continue to monitor the lawsuit and keep those boards impacted by the federal regulation updated.

She reported that the Department held its quarterly Board Leadership and Director's Meeting on June 11, 2024. Opening remarks were made by Agency Secretary Tomiquia Moss who shared her priorities for the Business, Consumer Services and Housing Agency. Discussions included updates from the Department on the state budget, information security initiatives, DEI activities, and a presentation from the Office of Data Innovation on California's plain language standard.

She indicated that the Department developed and released its Inclusive Hiring Principles to provide a Diversity, Equity, and Inclusion (DEI) perspective and tips for recruiting, screening, and selecting diverse and qualified candidates. A training to accompany the inclusive hiring principles will be developed with input from the DEI Steering Committee.

The DEI Steering Committee will meet on July 26, 2024, and will include a discussion on expanding language access and workforce development. Ideas for the committee to consider may be shared through your executive officer.

Board members are encouraged to participate in DEI-related training through the Learning Management System (LMS).

Ms. Tugade called for public comment. No comments were offered.

4. REPORT OF THE EXECUTIVE OFFICER

4.1 CRB Budget Report

Ms. Fenner provided a review of the Board's budget and referred the Board to page 21 of the Board agenda packet for the expenditure projections for Fiscal Month 10. She indicated that a 7% reversion of the budget was projected. She referred to the Board's overall fund condition on page 22 of the Board agenda packet. She indicated that transfers of \$200,000 to the Transcript Reimbursement Fund (TRF) were projected starting in Fiscal Years 2025/26.

In Fiscal Year 2026/27, the Months in Reserve is projected to approach the six-month threshold that stops transfers to the TRF. A close watch is being kept on the future projections in order to alert the Board to the need for a possible fee increase.

4.2 Transcript Reimbursement Fund

Ms. Bruning reported statistics for the 2023/24 Fiscal Year. She stated that the TRF paid out more than \$70,000 for pro bono cases. She added that over \$56,000 was paid for pro per applicants with an additional \$46,500 provisionally approved applications awaiting final invoices.

4.3 Enforcement Activities

Ms. Fenner referred to the enforcement statistics starting on page 24 of the Board agenda packet. She indicated that there had been a slight uptick in the number of complaints dealing with untimely delivery of transcripts. There was also a small increase in the number of complaints elevated to the Attorney General's Office.

4.4 License Exam

Ms. Fenner indicated that the overall exam statistics began on page 28 of the Board agenda packet. The first-time pass rate on the skills exam continues to improve as more voice writers take the exam.

The current testing cycle opened on July 5 and remains open until July 26. She stated that 149 applications for the exam were received of which 78 are first-timers. There are 62 voice writing candidates, 53 who are taking the test for the first time.

Ms. Fenner referred to the Exam Statistics by Reporting Method report on page 34 of the Board agenda packet, which is specific to the dictation exam. The report

compares the pass rate for steno writers to voice writers. At the time of the meeting, 71 voice writers had been licensed.

Mr. Dodge-Nam inquired if the apparent growth in applicants over the last year was slowing. Ms. Fenner responded that the court reporting schools continue to have waiting lists for students; therefore, it appears the increase will continue.

Ms. Fenner referred to the statistics for the two written portions of the license exam, English and Professional Practice, which appeared on pages 30 through 33.

4.5 Technology Modernization

Ms Fenner shared comments from Jason Piccione, Deputy Director, DCA Office of Information Services, related to the transition from the two 30-year-old legacy systems to a fully digitized system. The new system allows individuals to pay for initial applications, re-examination, and renewals, as well as make change of name and address requests. Mr. Piccione credited Board staff for their contributions to the development, testing, and launch of the new system. Developer staff continue to work on issues common with the launch of a new system.

Ms. Tugade called for public comment on this agenda item. No comments were offered.

5. LEGISLATION

Ms. Fenner provided a report regarding the bills the Board is tracking. Information pertaining to the bills could be found beginning on page 35 of the Board agenda packet.

5.1 AB 2269 (Flora) – This bill would change board member qualifications for public members who have or have had a relationship with a licensee of the board. This bill does not affect the current makeup of the Board.

5.2 AB 2862 (Gipson) – This bill would require all board to give priority to African American applicants seeking a license. Staff has a concern regarding the definition of “priority,” however, the Board already processes all applications within two days of receipt as a matter of course. Ms. Tugade commented that the bill was pulled.

5.3 AB 3013 (Maienschein) – This bill would establish a remote court reporting pilot project with specific technology requirements in 11 counties at the Superior Court level. The project may lead to a pathway to increasing the number of court reporters available to cover court proceedings.

Ms. Brewer offered comments in support of the bill. She stated that meeting the technical requirements would be key to a good experience for the reporters. Mr. Dodge-Nam and Ms. Sunkees agreed.

Ms. Brewer moved to take a position of support on the bill. Mr. Dodge-Nam seconded the motion. Ms. Tugade called for public comment.

Michelle Caldwell, California Court Reporters Association (CCRA), spoke in support of the bill.

A vote was conducted by roll call.

For: Ms. Brewer, Mr. Dodge-Nam, Mr. Mnayan, Ms. Sunkees, and Ms. Tugade
Opposed: None
Absent: None
Abstain: None
Recusal: None

MOTION CARRIED

5.4 AB 3252 (Berman) – This is the Board’s sunset bill and will be discussed during Agenda Item 9.

Ms. Tugade called for public comment on this agenda item. No comments were offered.

6. REGULATIONS

Title 16, Section 2420, 2422, and 2473 – Examination Results & Transcript Format

Mr. Vong summarized the regulatory proposal timeline and actions that relate to Title 16, California Code of Regulations (CCR) sections 2420, 2422, and 2473 for examination results, inspection of exams, and minimum transcript format standards. The Board originally approved the regulation text in January 2022 and approved revised text in September 2023, which repealed the exam reconsideration process in order to uphold exam security. In December 2023, the Board noticed the text for public comment, which ended in February 2024.

Mr. Vong said that the public comments received in that time period and the proposed responses to the public comments pursuant to Government Code section 11346.9(a)(3) are included for the Board’s consideration. The comments start at page 37 of the Board meeting materials. Comment numbers are indicated on the first page of the comment in the upper right-hand corner. He said that the comments are presented as they were received, so any redactions were done by the commenters and Board staff did not edit any of the comments themselves. Comment summaries and responses begin at page 155 of the Board meeting materials.

Mr. Vong said that a sample motion is on page 36 of the Board meeting materials, and he asked Board members to let him or Executive Officer Yvonne Fenner know if they have any questions about the comments or the regulation process. He also provided directions for public comment regarding this agenda item.

Ms. Brewer said that this item received a lot of feedback, and she wanted to assure the commenters that all of their concerns were heard because she spent a lot of time reading all of the comments and responses. She said that she did some of her own research on the appeal outcomes of other exams, and the applicants have gained an enormous benefit from the transition to the remote administration of the examination, which happened before she was on the Board. Ms. Brewer said that remote tests have protocols and testing laws, and she has done much work over the last 20-plus years relating to testing; so she has a lot of experience. She said that there are staff at CRB who have been dealing with testing for many years, and they are very experienced and dedicated. She said that the executive

officer is a court reporter and had been a Board member, so there is a lot of experience at CRB, and they know what they are doing.

Ms. Brewer said that she takes offense to the comments that the Board is deliberately trying to keep applicants from passing the exam. She said that the Board has dedicated many hours and actions to make sure that it can get more licensees and qualified people into the profession. Ms. Brewer said that the Board does want those individuals to know applicants are being treated fairly, whether or not the applicants know it. She said that the test is not a teaching or learning opportunity; it is a licensing exam, and the Board's duty is to the public and the consumers of California. She reiterated that Board staff are incredible and have been bending over backwards to provide feedback to applicants when it goes above and beyond what is required, but some applicants do not appreciate the effort.

Ms. Brewer said that applicants have been getting the benefit from multiple gradings under the current administration process, more than might be allowed under other testing, which is comparable to an automatic appeal process because there is an additional round or two of regrading of failed exams by people who are knowledgeable. She said that the Registered Professional Reporter (RPR) examination only has one person grading, and only one additional person will grade the exam if appealed. Ms. Brewer thanked Board staff and said that she is sorry for staff having to go above and beyond while some applicants may not have appreciated it and sometimes have even been accusatory.

Ms. Sunkees said that the same Board staff have been grading the exams for 20-25 years. She said that she agrees that licensing exams are not teaching tools, and she supports the enactment of the regulation packet in its current form. Ms. Sunkees also acknowledged that all of the comments have been taken into consideration. She reiterated that she agrees with the position to approve the regulations package that has already been reviewed and approved previously twice.

Mr. Dodge-Nam thanked the 58 individuals who took the time and effort to make and submit their clearly passionate comments. He said that he thinks the commenters and the Board share the goal of bringing in as many qualified court reporters to help the consumers of California as possible – it is a shared goal. He assured the commenters that he read every one of the 58 comments and the responses that CRB's staff took great lengths and time to prepare, and he encouraged the commenters to carefully read the responses.

Mr. Dodge-Nam agreed with Ms. Brewer and Ms. Sunkees in that new applicants are so much better off now with the remote test administration, saying that it is easier and better, including having a three-week window in which to test versus just one day for the prior in-person exam administration process. He said that it does come with changes, but those benefits far outweigh any detractors. Mr. Dodge-Nam said that there is an automatic appeal process because anyone who comes within 20 points of passing gets automatically reviewed by other staff members. He encouraged applicants to use their schools and trade associations to prepare for the test and discouraged them from using the test as a practice exam. Mr. Dodge-Nam summarized his comments by saying that applicants are far better off with the remote testing, and he thanked staff for their efforts in responding to the comments and for putting together one of the best testing procedures for licensure within the state.

Ms. Brewer agreed with Mr. Dodge-Nam and said that the Board appreciates the time and effort that people took to communicate with the Board, and the Board listened to what they had to say. She also thanked CRB Regulations Manager Betsy Figueira, DCA Regulations Counsel Steven Vong, and DCA Staff Counsel Helen Geoffroy for preparing an incredible summary of the documents for the Board, saying that it was quite an impressive job and very useful.

Mr. Mnayan agreed with the other Board members and added that CRB really emphasizes and focuses on trying to help applicants, including test taking, saying that it has always been an emphasis of the Board. He said that a lot of other licensing boards do not have the automatic appeal process that CRB has, and the Board is ahead in relation to its licensing processes and is pretty progressive when it comes to licensing.

Ms. Tugade also agreed with the other Board members and thanked Ms. Figueira and Mr. Vong and all of the people who took the time to engage with the Board and weigh in on the process because it is important. She said that the Board has taken the time to read through all 58 comments and dig into how CRB can get more court reporters into the field.

Ms. Brewer moved to direct staff to decline the requests in the adverse comments, approve the proposed responses to the comments (as indicated in the meeting materials), direct staff to use proposed responses for completing the regulatory process, direct staff to take all steps necessary to complete the rulemaking process, authorize the Executive Officer to make any technical or non-substantive changes to the proposed regulations, and adopt the proposed regulations either as described in the proposed text or with any potential amendments if no relevant, adverse comments are received within a modified text comment period, if necessary. Mr. Mnayan seconded the motion. Ms. Tugade called for public comment. No comments were offered. A vote was conducted by roll call.

For: Ms. Brewer, Mr. Dodge-Nam, Mr. Mnayan, Ms. Sunkees, and Ms. Tugade

Opposed: None

Absent: None

Abstain: None

Recusal: None

MOTION CARRIED

7. INFORMAL REVIEW OF SKILLS EXAM BY CRB STAFF

Ms. Fenner indicated that when the skills exam moved to an online platform, candidates no longer had access to their exams. Board staff began providing an informal review upon request and giving unsuccessful candidates general feedback on where mistakes were made. In light of the Board's position that the license exam is not a practice test, it seems like this practice should be discontinued or, alternatively, codified in regulation.

Ms. Sunkees supported discontinuance of the practice as licensing exams are not teaching tools. It is not the Board's role to provide education or exam preparation. Mr. Mnayan agreed, adding that the practice just causes confusion without a formal process.

Mr. Mnayan moved to instruct staff to stop providing informal feedback to unsuccessful candidates on the skills exam. Ms. Sunkees seconded the motion. Ms. Tugade called for public comment. No comments were offered. A vote was conducted by roll call.

For: Ms. Brewer, Mr. Dodge-Nam, Mr. Mnayan, Ms. Sunkees, and Ms. Tugade
Opposed: None
Absent: None
Abstain: None
Recusal: None

MOTION CARRIED

8. UNPROCTORED SKILLS EXAM

Ms. Fenner reported that the National Court Reporters Association (NCRA) began to administer its skills exam without the presence of a live proctor at the beginning of 2024. The Board then received a request to consider moving to unproctored skills exam testing. Unproctored exams are recorded and reviewed by a live proctor after the test instead of during the test. The proctor flags any issues for further review by the exam organization.

The benefit to the student is increased scheduling flexibility as they no longer need the 72 hours' advance notice for the live proctor. It also removes any additional stress that might be caused by a proctor logging in late and eliminates some technical difficulties that sometimes arise with the addition of the live proctor and their software.

It is hoped that it would benefit the exam organization, in this case the CRB, by resulting in fewer incident reports. If the Board can be assured of test security and wishes to move in this direction, regulations would have to be developed to specify what would constitute an automatic fail condition.

Mr. Dodge-Nam expressed that although promising, he would like to learn more from NCRA's experience in testing of the new process before putting it into effect.

Ms. Sunkees asked if any feedback from NCRA had been received. Ms. Fenner responded that she received encouraging comments from NCRA and Realtime Coach, that alleviating stress for the candidates has been the largest benefit. Although there has only been a limited number of testing cycles, thus far they have not experienced any problems.

Ms. Brewer inquired if staff had spoken with any other licensing or testing authorities that had experience with unproctored skills testing. Ms. Fenner responded that she had not.

Ms. Tugade agreed that more time to watch the results of NCRA's experience would be beneficial. She asked if the delayed review of the exam videos would cause delays in sending out test results. Ms. Fenner did not believe it would since staff would still be grading exams and sending results to all candidates at the same time.

Mr. Mnayan inquired if the request for the change was from the test candidates or the proctors. Ms. Fenner stated that the initiative for change was submitted by candidates as a result of incidents and issues they had experienced with live proctors. Mr. Mnayan requested feedback from the proctors and any stakeholders. Ms. Brewer agreed.

Ms. Sunkees suggested the Board consider this item at its next meeting.

Ms. Tugade called for public comment.

Stacy Gaskill provided information about her experiences taking an NCRA exam and CRB exam with ProctorU. She stated that the proctors try to be helpful but do not understand what court reporters do and are not familiar with their equipment. She waited an hour for a proctor each time she had to retake the test as a result of technical difficulties.

Trina Cox shared that her students said that the proctors tend to be a bit disruptive, causing the candidates to be more nervous. One proctor left their microphone on during the exam and more than one proctor was more than an hour late. In addition, the proctors do not know what items are allowed. She agreed with the comments made by Ms. Gaskill.

Ms. Fenner indicated that the proctors are provided a “flight path” that details what is and is not allowed. She added that the proctors are not specific to this Board’s exam and may proctor exams for a number of different disciplines each week.

The Board looked forward to receiving further information about NCRA’s progress in their new process.

The Board took a break at 10:18 a.m. and returned to open session at 10:36 a.m. Board staff established the presence of a quorum.

9. SUNSET REVIEW

Ms. Tugade reported that the amendments to the Board’s sunset bill (AB 3252 – Berman/Ashby) came out in late June. There were two amendments which the Board requested in its response to the sunset questions. The first requires a CSR to state their license number at the beginning of a proceeding. The second allows a CSR to provide an email address for the public in order to facilitate transcript orders.

Ms. Fenner added that a third amendment adds a type of provisional license category called the Associate Court Reporter Trainee. Anyone holding an RPR or CVR would be eligible to work in court as an official reporter. They would have one year to pass all three portions of the California license exam.

Ms. Brewer expressed pleasure with the prospect of provisional licensing to address shortages in court but suggested refinement of the details. Ms. Tugade joined in her enthusiasm.

Mr. Dodge-Nam moved to request an amendment to the proposed language in Business and Professions Code (BPC) 8024.9(b) to state, “An applicant or renewing certificate holder shall provide the Board a valid email address at the time of application or renewal.” Ms. Brewer seconded. Ms. Tugade called for public comment. No comments were offered. A vote was conducted by roll call.

For: Ms. Brewer, Mr. Dodge-Nam, Mr. Mnayan, Ms. Sunkees, and Ms. Tugade
Opposed: None
Absent: None
Abstain: None
Recusal: None

MOTION CARRIED

Ms. Brewer suggested that the provisional license holders should be able to work as freelance reporters and not just as court employees. Ms. Tugade countered that restricting it to court may be a good pilot program to test the training certificate. Ms. Sunkees agreed, adding that working in court makes it possible for the trainees to work side-by-side with mentors versus alone in the freelance arena.

Ms. Tugade called for public comment.

Ms. Gaskill inquired if BPC 8016(b) applies to official reporters and how the practice of stating the license number on the record would work in court. Ms. Fenner responded that the key point is to ensure the consumer has access to the court reporter. For officials in their regularly assigned courtrooms, the clerk should be able to help litigants determine who the court reporter was and how to contact them. However, there may be multiple pro tem reporters throughout the day in some courts, and it is hoped that having the reporter identify themselves will assist consumers in contacting the reporters.

Ms. Gaskill spoke in support of provisional licensing and looked forward to mentoring the licensees.

Shanna Gray commented that it is important for licensees to identify themselves as described in BPC 8016(b) so that consumers know they have a licensed reporter. She stated that interpreters have a similar requirement where they have to state their name and license information every day on the record. She spoke in support of provisional licensing. She shared concern that the provisional license was only valid for one year.

Ms. Caldwell agreed with the statement made by Ms. Gray pertaining to BPC 8016(b), emphasizing the need to have clarity on how the law affects officials who are court employees versus pro tem reporters.

Mary Pierce, on behalf of California Deposition Reporters Association (DRA) President Stephanie Gaskill, spoke in support of reciprocity and provisional licensing.

Ms. Brewer expressed appreciation to the Sunset Review Committee and authors Assemblymember Berman and Senator Ashby. Ms. Tugade added thanks to the staff of the business and professions committees for both the Senate and Assembly.

Ms. Tugade moved to add standardized language to the bill to enable the Board to collect demographic information from its licensees. Seconded by Ms. Brewer. Ms. Tugade called for public comment. No comments were offered. A vote was conducted by roll call.

For: Ms. Brewer, Mr. Dodge-Nam, Mr. Mnayan, Ms. Sunkees, and Ms. Tugade

Opposed: None

Absent: None

Abstain: None

Recusal: None

MOTION CARRIED

Mr. Dodge requested clarification due to the concerns shared about BPC 8016(b) as well as the provisional license only being valid one year.

Ms. Geoffroy commented that the language can be read that the license information should be verbally stated on the record. However, there may be local concepts as to how to get that information such as reporting it to the clerk. As long as courts and public know who the court reporter is, the reporter would be in compliance with this statute. The Board could additionally flesh out the details through the regulatory process.

Ms. Brewer was not concerned for the provisional license period limitation of one year. Not only would those individuals have three times in that year to take the exam, but she asserted that once working full-time, they would have the skills to pass the exam. The Board members agreed.

Ms. Tugade called for public comment.

Ms. Gray commented that those working in court may have trouble scheduling exams due to the hours required and workload.

The Board moved to Agenda Item 11 – Best Practice Pointers Task Force, which is reflected on page 14.

10. LICENSE/CERTIFICATE RECIPROCITY

Amy Welch-Gandy and Heidi Lincer of the DCA Office of Professional Examination Service (OPES) provided a presentation highlighting the material in the Board agenda packet.

OPES conducted a review of the Certified Verbatim Reporter (CVR) test offered by the National Verbatim Reporters Association (NVRA). The review resulted in a recommendation to support the Board's use of the skills portion of the CVR for licensing purpose but to continue to require and administer the written portions of the license exam (English and Professional Practice).

Ms. Sunkees inquired if both the CVR and CVR-S (Steno) would be supported by the recommendations of OPES. Ms. Welch-Gandy confirmed that both would be supported.

Ms. Sunkees suggested that the Board should only require the Professional Practice exam since the linkage study indicated that the English exam was fully assessed by the CVR Written Knowledge Test. Mr. Dodge-Nam pointed to the recommendation of OPES that the English exam be administered by the Board since the CVR test is not comparable in terms of weight. Ms. Sunkees responded that the Board is testing for entry-level skill.

Ms. Tugade called for public comment.

Jeanenne Morphis indicated that she had recently taken both the CVR and Board exams. She did not recall there being much substance to the CVR English test and requested the Board look into it further before considering using it in place of its own English exam.

Patrick Stephens, NVRA President, indicated that the CVR written knowledge test is a general test whereas the skills exam is more robust. He stated that NVRA has reciprocity with a lot of states where they accept the CVR skills exam but not the written knowledge test. He supported the Board continuing to use its own written exams.

Ms. Gaskill expressed concern that the CVR test does not require use of CAT software, which is required to be used when practicing court reporting in California.

Ms. Gray spoke in support of the Board using the skills portion of the CVR while continuing to offer the written portions of the exam.

Veronica Gerstner stated that the CVR has three five-minute tests. She spoke in support of using the CVR skills and English exams.

Heather Williams, voice writing candidate, agreed that CAT software training and usage are important considerations for the skills exam.

Elizabeth Fernandez commented that the California English exam is more difficult than the NCRA RPR English exam.

Priscilla Gwaltney spoke in agreement with the comments made by Ms. Gray.

Claudia spoke in agreement with the comments made by Ms. Gray.

Ms. Fenner remarked that lower-level schools are not teaching English to the degree that they used to. Since punctuation, grammar, and vocabulary are essential pieces to putting out a verbatim transcript, she believed the Board should continue administering its own English exam to keep the standards high. Ms. Brewer agreed and supported keeping the two California written knowledge tests.

Ms. Sunkees indicated that California is the only state administering two written knowledge tests. She reiterated her recommendation that the Board offer only the Professional Practice exam and use the CVR skills and English exams. She inquired if the CAT software requirement could be addressed in regulations. Ms. Fenner responded that she did not know how the Board could accept the CVR skills exam but then restrict what equipment they use for testing.

Mr. Dodge-Nam questioned the balance of the California English standard as a protection for consumers versus a potential barrier that hinders the greater need for more available reporters in the state.

Ms. Gandy-Welch shared that the CVR has an English component versus a full exam specific to English. The subject matter experts determined during the linkage study that the content being measured on the Board's English exam was being covered by the CVR English portion but not as extensively. Ms. Lincer added that it is typical when a state board moves to a national exam, the national exam is not going to cover the material at the same depth as the state exam.

The Board took a break at 12:30 p.m. and returned to open session at 12:45 p.m. Board staff established the presence of a quorum by roll call.

Mr. Dodge-Nam moved to direct staff to develop regulatory language to implement license reciprocity with the skills portion of the CVR, requiring CVR holders to only take the California written tests, specifically Professional Practice and English tests, to qualify for licensure. Seconded by Mr. Mnayan. Ms. Tugade called for public comment.

Mr. Stephens clarified that the English portion of the CVR is more of a national design that focuses on a variety of elements including medical and legal terms, grammar, punctuation, transcript production, and ethics. He reported that NVRA members are required to take 20 hours of continuing education biannually including grammar and punctuation. He supported a structure of reciprocity with the skills exam only.

Ms. Morphis requested clarification on how the CAT software requirement would be handled since it is not required for the CVR skills portion.

Ms. Gaskill joined in the concern regarding CAT software not being used during the CVR skills portion.

Ms. Gwaltney stated that all applicants should be familiar with California practices if they want to be a successful CSR. She deferred to Board staff who review skills exam transcripts to know whether English language knowledge requirements are being met. She reported that some newly licensed CSRs express that they do not feel ready. She expressed that the advanced speed of course completion by voice writing students means that they are not producing as many transcripts in school and, therefore, receiving less feedback from instructors.

Ms. Gerstner stated that many students take the CVR without software because their school did not require it, but they obtain it after certification to work.

Ms. Fenner stated that using software is the only way to efficiently create transcripts; so she does not have concern that candidates won't obtain it as soon as they reach licensure.

Ms. Sunkees reported that when she co-chaired the License Reciprocity Task Force in 2020, the subject matter experts did not want to form reciprocity with the RPR exam because the format was so different from the CSR exam. Now the Board is in the process of changing its exam to match the RPR format. She questioned what would be gained by having a separate written knowledge test for entry level skills if there is already one that covers it.

Ms. Brewer requested the Board consider additional information before waiving the current English exam.

Ms. Tugade called for public comment.

Linda Lawson stated that California is already diluting the qualifications by reducing the format and pass rate for the test and now not requiring demonstration of the skill to use CAT software.

Mr. Stephens indicated that CAT software companies are always present at NVRA conventions, and he does not believe there is a deficiency in software skills of its members. Many NVRA members offer realtime services.

Ms. Morphis shared in concern regarding CAT software and the possible inability of the reporter to provide readback.

Sheena Silvera recognized the concern regarding CAT software, but she expressed confidence that the successful candidates would learn the software as she did.

Ms. Lawson shared concern that once licensed, the CVR holders would go to work right away instead of waiting until they have the software skills.

Jean Kim stated a CVR applicant without CAT software felt that she could not make an accurate record and work because she had not learned CAT software. She asserted that those without CAT software skills are not applicants with entry-level skills.

A vote was conducted by roll call.

For: Ms. Brewer, Mr. Dodge-Nam, Mr. Mnayan, Ms. Sunkees, and Ms. Tugade

Opposed: None

Absent: None

Abstain: None

Recusal: None

MOTION CARRIED

11. BEST PRACTICE POINTERS TASK FORCE

Ms. Brewer reported that the task force met on May 30, 2024, and June 11, 2024, with great participation from the members and public. She presented Best Practice Pointers 1, 2, and 3 for review and approval.

The Board discussed amendments to the documents.

Ms. Pierce thanked the task force chairs for their exceptional leadership. She also expressed appreciation to the other members for their cooperative efforts.

Ana Costa echoed the comments made by Ms. Pierce, adding that she considered the Best Practice Pointers a valuable reference.

Ms. Sunkees also thanked all the members of the task force and Board staff for their team effort. Ms. Tugade and Mr. Dodge-Nam joined in the expression of appreciation.

Mr. Dodge-Nam moved to approve as amended Best Practice Pointers 1, 2, and 3. Seconded by Ms. Tugade. Ms. Tugade called for public comment. No comments were offered. A vote was conducted by roll call.

For: Ms. Brewer, Mr. Dodge-Nam, Mr. Mnayan, Ms. Sunkees, and Ms. Tugade

Opposed: None

Absent: None

Abstain: None

Recusal: None

MOTION CARRIED

12. 2024-2028 STRATEGIC PLAN

Ms. Fenner indicated that the Board approved its strategic plan for 2024-2028 at its December 2023 meeting. Staff worked with SOLID to prepare the Action Plan beginning on page 260 of the Board meeting materials as well as the Action Plan Timeline beginning on page 277. The timeline helps the Board track and prioritize the steps necessary to accomplish the goals in the strategic plan.

Ms. Sunkees requested the Board move the voice writer information awareness outreach (Objective 4.3) up from July 2026 to January 2025. The Board agreed.

Ms. Brewer moved to approve the Action Plan for the 2024-2028 Strategic Plan. Seconded by Mr. Dodge-Nam. Ms. Tugade called for public comment.

Ms. Pierce spoke in opposition of Objective 2.2, pursuit of legislation to oversee digital recording. She stated that there could not be any meaningful test that could justify license to anyone using the digital recording process. She also asserted that it would confuse consumers by implying a false equivalency to a court reporter. Concerns regarding the reliability, accuracy, and protection of privacy due to chain-of-custody issues, certifications, and use of artificial intelligence. She suggested the oversight and regulation of digital recorders be held through their notary license.

Ms. Tugade and Ms. Fenner clarified that the Strategic Plan, including the objectives, was already approved by the Board in December 2023.

A vote was conducted by roll call.

For: Ms. Brewer, Mr. Dodge-Nam, Mr. Mnayan, Ms. Sunkees, and Ms. Tugade

Opposed: None

Absent: None

Abstain: None

Recusal: None

MOTION CARRIED

Mr. Dodge-Nam requested the Action Plan Timeline be sorted in chronological order by target date. He also pointed out that the target date for oversight of digital recorders is appropriately three years away. Since technology is ever-changing, he believed it is important to keep a watch on how it develops and affects the Board's services to California consumers.

The Action Plan Timeline is a living document that will be brought to each meeting with progress updates. Board members will be encouraged to rearrange the priority of the action items as needs change.

Ms. Tugade called for public comment.

Ms. Gray spoke in support of the prioritization of the voice writer awareness outreach. She agreed with the comments made by Ms. Pierce.

13. ELECTION OF OFFICERS

Ms. Tugade called for election of officers.

Ms. Brewer nominated Ms. Tugade as chair. Mr. Mnayan seconded the motion.

Ms. Tugade called for public comment. No comments were offered. A vote was conducted by roll call.

For: Ms. Brewer, Mr. Dodge-Nam, Mr. Mnayan, Ms. Sunkees, and Ms. Tugade

Opposed: None

Absent: None

Abstain: None

Recusal: None

MOTION CARRIED

Mr. Dodge-Nam nominated Ms. Sunkees as vice-chair. Ms. Tugade seconded the motion.

Ms. Tugade called for public comment. No comments were offered. A vote was conducted by roll call.

For: Ms. Brewer, Mr. Dodge-Nam, Mr. Mnayan, Ms. Sunkees, and Ms. Tugade

Opposed: None

Absent: None

Abstain: None

Recusal: None

MOTION CARRIED

14. FUTURE MEETING DATES

Ms. Tugade stated that staff would poll the Board members offline for calendar availability for the next meeting.

Ms. Tugade called for public comment. No comments were offered.

ADJOURNMENT

Ms. Tugade adjourned the meeting at 1:36 p.m.



DENISE TUGADE, Board Chair 11/15/2024
DATE



YVONNE K. FENNER, Executive Officer 11/15/2024
DATE