



**COURT REPORTERS BOARD OF CALIFORNIA
MINUTES OF OPEN SESSION
APRIL 30, 2010**

CALL TO ORDER

Mr. Gregory Finch, Chair, called the meeting to order at 4:05 p.m. at the Department of Consumer Affairs, El Dorado Room, 1625 N. Market Boulevard, Sacramento, California.

ROLL CALL

Board Members Present: Gregory Finch, Public Member, Chair
Elizabeth Lasensky, Public Member, Vice Chair
Lori Gualco, Public Member
Reagan Evans, Licensee Member

Staff Members Present: Yvonne K. Fenner, Executive Officer
Dianne R. Dobbs, Staff Counsel
Paula Bruning, Executive Analyst

A quorum was established, and the meeting continued.

Mr. Finch introduced and welcomed new licensee member Reagan Evans. He stated she has been a deposition reporter since January 1988. She specializes in technical work, as well as work that requires the technology and equipment associated with interactive realtime reporting. She currently serves as a member on the Deposition Advisory Committee for the California Court Reporters Association. She has also served on the Deposition Reporters Association of California board as the District Representative and Education Chair for two years. Ms. Evans is a member of the National Court Reporters Association, the Society for the Technological Advancement of Reporting, and the local Bar and paralegal associations in San Bernardino and Riverside Counties. She co-founded and serves as President of Olympic Reporting and Video, Inc. in June 2008 in Ontario.

Ms. Evans thanked the Governor and his staff for appointing her to this Board. She also thanked the Board staff for their assistance. She stated that she is honored to be serving on the Board and representing consumers and court reporters.

The members of the Board agreed to delay hearing Agenda Items 1 and 2 in anticipation of the arrival of Ms. Gualco to the meeting. After hearing Agenda Items 3 and 4.A, the Board moved to Agenda Item 1.

1. PETITIONS, STIPULATIONS, AND PROPOSED DECISIONS

A. Mabel Hayek – Petition for Reinstatement of Revoked License

Ms Hayek appeared before the Court Reporters Board (CRB) members to petition for reinstatement of her revoked license.

Administrative Law Judge (ALJ) Joann I. Eshelman and the CRB members heard the petition and convened into executive closed session to deliberate the matter. ALJ Eshelman will prepare the decision.

B. William Ionescu – Default Decision

This item was deferred.

2. MINUTES OF THE FEBRUARY 19, 2010 MEETING

Ms. Lasensky stated there was an error in the second sentence of the eighth paragraph on page seven of the minutes. The word “chea” should have been “cheat”. Ms. Lasensky moved to approve the minutes as corrected. Second by Ms. Gualco. Ms. Evans abstained. **MOTION CARRIED.**

3. BOARD AND STAFF APPEARANCES

Mr. Finch met with Ms Fenner regarding enforcement issues since the last Board meeting.

Ms. Lasensky exchanged phone calls and e-mails with staff since the last Board meeting.

Ms. Fenner spoke at the Deposition Reporters Association Convention on February 20, 2010, which was well attended and received.

4. REPORT OF THE EXECUTIVE OFFICER

A. DCA Director’s Report

Mr. Gil Deluna provided an update from the Department of Consumer Affairs (DCA) regarding the Consumer Protection Enforcement Initiative. He stated that SB1111 failed to make it out of committee; however, it will likely come up again next year in some form. He added that a bill will be introduced that has to do with the non-healing arts boards. Although the bill died, the Department intends to move forward with implementing administrative improvements, adding staffing and IT resources, and legislative changes. Administrative improvements include an Enforcement Academy which began April 19th wherein 40 DCA staff persons are receiving training on the enforcement process and sharing best practices. The Department has also begun to receive enforcement statistics and improvement plans from the Executive Officers on a monthly basis. Mr. Deluna stated that the BCP to request additional staff for the healing arts boards was approved by the Assembly Committee on March 24th. It was heard before the Senate Budget Committee on April 29th, but was deferred to another hearing in May. The Department is finalizing a request for further IT resources to

replace the licensing and enforcement antiquated system, which will also be heard by the Senate Budget Committee in May.

Mr. Deluna announced that the CRB budget was approved on the Senate side in a hearing the day before this meeting.

Mr. Deluna stated the Department is encouraging boards to post accusations and disciplinary documents on their Web site since these documents are public records and assists in keeping with transparency and information to the consumers.

Mr. Deluna reminded the members that the Form 700s were due on April 1, 2010. He also stated that the Department has scheduled a board member training in Sacramento on July 27, 2010, to provide information on licensing and enforcement processes, information on the roles of members and performance measures for each board.

At this point in the meeting, the Board moved to Agenda Item 1 before continuing to Agenda Item 4.B.

B. Occupational Analysis and Exam Workshops

There was no discussion on this item.

C. Exam Workshops

There was no discussion on this item.

D. OAL Rulemaking

There was no discussion on this item.

E. Compliance Reviews

There was no discussion on this item.

F. Update on West Valley College Court Reporting Program

There was no discussion on this item.

G. Update on Argonaut Court Reporting School

There was no discussion on this item.

H. CRB Today Newsletter, Spring 2010

Staff distributed copies of the recently completed CRB Today, Spring 2010 newsletter.

I. Transcript Reimbursement Fund

Janice Shintaku-Enkoji distributed spreadsheets entitled "0771 - Court Reporters Board Analysis of Fund Collection" (**see Attachment 1**) and "0410 - Transcript Reimbursement Fund Analysis of Fund Condition" (**see Attachment 2**). The analysis sheets cover fiscal years 1998/1999 through 2010/2011.

Ms. Shintaku-Enkoji indicated that the revenues and expenditures for the main CRB Fund are recorded on the 0771 spreadsheet. The line item in red labeled T00410 are funds transferred from the CRB Fund to the Transcript Reimbursement Fund (TRF). These corresponding figures are reflected as received from the CRB Fund to the TRF on the 0410 spreadsheet in red labeled F0771. She stated the revenues stay within these two funds and they do not go to the General Fund.

Mr. Finch clarified that it previously appeared that \$300,000 was being transferred from the main CRB Fund to the TRF each year, but the expenditures for the TRF were less. Therefore, there was a sum of money that appeared to be missing. Ms. Shintaku-Enkoji clarified that the excess balance in the TRF stays within the fund. She noted that the current law states that \$300,000 gets transferred to the TRF each year, however, prior to 2006/2007, the amount was less and she inquired if there was a law change at that time. Ms. Fenner indicated that there was not. Ms. Shintaku-Enkoji suggested that there be a law change that states to transfer *up to* \$300,000 if the TRF doesn't need the full amount.

Ms. Lasensky inquired if the office earns interest on the fund balance. Ms. Shintaku-Enkoji stated that it does, and it is reflected on line item 150300. She further stated that the TRF is projected to have a Fund Balance of \$420,000 at the end of the 2009/2010 fiscal year.

Ms. Dobbs clarified that the law states the transfer to the TRF can be less than \$300,000 if the transfer would cause the main CRB Fund to drop under six months in reserve. The main CRB Fund has more than six months in reserve.

Mr. Finch clarified that in order to change the current transfer amount to the TRF would require a statutory change. Ms. Shintaku-Enkoji confirmed his understanding.

Ms. Stephanie Grossman provided a history from the audience. She stated that the licensing fees were raised to maintain a \$300,000 fund annually, but not to have an excess.

Mr. Finch directed staff to look at the statute to see if the CRB can maintain the TRF at \$300,000 only. Ms. Shintaku-Enkoji indicated that the TRF budget fund is continuously appropriated and can be paid from as long as there is cash in the fund.

Ms. Lasensky requested an annual report of the TRF. Ms. Shintaku-Enkoji indicated that there are monthly Calstars reports generated that include this information. Mr. Finch requested that staff reconcile the information from the reports.

Ms. Shintaku-Enkoji discussed a final handout, *Transcript Reimbursement Fund (0410) Reconciliation of FY 2008-09 Charges* (**see Attachment 3**). She stated that the DCA Budget Office keeps the revenues and expenditures within the fiscal year. According

to the reconciliation of the charges, there is only a difference of \$159.92 between the Calstars Adjustments and the Calstars totals for the 2008/2009 Fiscal Year. The Board Members were satisfied with the figures and explanations provided by Ms. Shintaku-Enkoji.

J. Strategic Plan

There was no discussion on this item.

K. CRB Budget Report

Copies of the Budget Report, Expenditure Projection, as of March 31, 2010, were distributed. Ms. Fenner stated that there are three months remaining in the current fiscal year, with a remaining surplus of 1.56 %. Mr. Finch stated the budget is consistently on target.

5. ENFORCEMENT

Ms. Fenner introduced the new Monthly Enforcement Report. This information currently covers the preceding three months but will be cumulative as time continues. Ms. Fenner offered to provide the reports to the members on a regular basis. The Board Members agreed that they can wait until the Board meetings to receive updated reports.

Ms. Fenner stated that she and Ms. Connie Conkle, Enforcement Analyst, attended training on the Enforcement Activity Reporting (EAR), a tool that can be used to track enforcement time. They are also attending the eight-day Enforcement Academy.

6. REPORT ON LEGISLATION

A. SB 1111 – Regulatory Boards (Negrete McLeod)

Ms. Fenner reiterated Mr. Deluna's statement that this bill is dead for the moment but may make a comeback.

B. SB 1181 – Shorthand Reporters: Transcript Reimbursement Fund (Cedillo)

This bill would initiate a pilot project to allow indigent applicants appearing pro se to apply for funds from the Transcript Reimbursement Fund. Ms. Fenner reported that the bill has passed through the Senate B&P Committee unanimously and will next go to the Senate floor for consideration.

7. UPDATE ON SCHOOL CURRICULUM REGULATIONS

Ms. Fenner provided a brief overview of the chain of events regarding the School Curriculum Review Task Force. She stated that after careful consideration following the February 19, 2010 Board meeting, Ms. O'Neill decided to not chair any further meetings of the task force. She based her decision on the fact that the task force made unanimous decisions regarding the changes they proposed; therefore, she did not think there would be any further development utilizing the same group.

Ms. Fenner further stated that since that last meeting in February, the Board received a letter from Eric Evans of Bryan College addressing the concerns raised at that meeting, which is included in the agenda packet. The Board also received a letter from Lauren Somma of Sage College, which Ms. Fenner read into the record (**see Attachment 4**).

Ms. Fenner stated that the proposed changes that have made to the regulations since the last meeting are indicated in bold type (see Attachment 2 of Agenda Item 7). She indicated in Section 2411 (a) 2), the word "direct" has been added before "supervision". In addition, the words "from stenographic notes" were added to Section 2411 (a)(3). In Section 2414, a new subsection (i) was added to define "Direct supervision."

Ms. Fenner requested direction from the Board. She stated that many of the changes that have been proposed are for cleanup of the language as well as an adjustment to hours. She indicated that the Board could adopt some, all or none of the proposed regulations to be moved forward in the regulatory process.

Ms. Lasensky commented that many exams are offered electronically including SATs. She requested further information regarding the qualifier exams given by the schools that make them so different from other exams.

Mr. Rice of Bryan College commented on the concern raised by Ms. Somma's letter regarding the integrity of the qualifier examinations. He stated that there is no benefit to a court reporting school to send under-qualified candidates to the California CSR dictation exam with the fact that the Board requires the schools to publish their pass rate statistics. He further stated that multiple current education laws that use online testing that developed security measures that have been accepted by national and local bodies that are considered secure enough to protect the exam. Mr. Rice believes that to have a school be able to allow the qualifier online should be based on that school's ability to ensure the protection and quality of the qualifier and that there should not necessarily be a broad-based barrier to the idea itself. He stated that the proposed regulations essentially allow schools to demonstrate how they can provide similar protections to those of on-site exams.

Ms. Wendy Arlin, Member at Large on the Board of Directors of the California Court Reporters Association, read a letter from Suzanne Wasser, CART/Captioner (**see Attachment 5**).

Mr. Finch clarified that staff can develop policies to ensure that schools adhere to a certain standard.

Ms. Lasensky moved to approve the proposed regulations as presented by staff. Second by Mr. Finch. Ms. Evans abstained. **MOTION CARRIED.**

Ms. Fenner stated that the next step in the process would be to submit the language to the Office of Administrative Law for public notice, followed by a public comment period and public hearing. Comments received would then be presented to the Board at the next meeting with the final language for review.

Mr. Finch requested staff to draft written procedures for school compliance reviews.

8. UPDATE ON EXAM FEE REGULATIONS

Ms. Fenner stated that the proposed fee regulations are in process.

9. BOARD POLICIES (NOVEMBER 1999)

Ms. Fenner requested adoption of new board policies governing the dictation examinations. Specifically, all transcripts must comply with the Minimum Transcript Format Standards and be submitted with line and page numbers in order to be graded. She stated that the intent of the proposed change is to ensure candidates can produce work of high enough quality to offer consumers.

Ms. Gualco moved to adopt the policies. Second by Ms. Lasensky. **MOTION CARRIED.**

10. PUBLIC COMMENT

No comments were offered.

11. FUTURE MEETING DATES

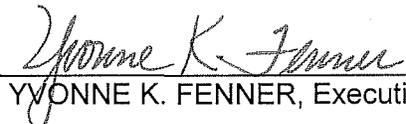
The date for the October Board meeting will depend on the contract for the dictation exam. Staff will notify Board members of the date once finalized to request availability.

12. ADJOURNMENT

The meeting was adjourned at 6:52 p.m.



GREGORY FINCH, Board Chair 11/1/10
DATE



YVONNE K. FENNER, Executive Officer 11/15/10
DATE