



## COURT REPORTERS BOARD OF CALIFORNIA

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### COURT REPORTERS BOARD OF CALIFORNIA MINUTES OF OPEN SESSION JUNE 26, 2015

#### CALL TO ORDER

Ms. Toni O'Neill, Chair, called the meeting to order at 10:02 a.m. at the Department of Consumer Affairs HQ2, 1747 North Market Boulevard, Hearing Room, Sacramento, California.

#### ROLL CALL

Board Members Present: Toni O'Neill, Licensee Member, Chair  
Davina Hurt, Public Member, Vice Chair  
Elizabeth Lasensky, Public Member  
John K. Liu, Public Member

Board Members Absent: Rosalie Kramm, Licensee Member

Staff Members Present: Yvonne K. Fenner, Executive Officer  
Fred Chan-You, Staff Counsel  
Dianne Dobbs, Staff Counsel  
Paula Bruning, Executive Analyst  
Melissa Davis, TRF Coordinator

A quorum was established, and the meeting continued.

#### I. MINUTES OF THE FEBRUARY 6, 2015 MEETING

Ms. Hurt requested replacement of the word "and" with "an" on the fourth line of the third paragraph from the bottom of page eight of the minutes.

Ms. Lasensky moved to approve the minutes as amended. Second by Ms. Hurt. Ms. O'Neill called for public comment. No comments were offered. A vote was conducted by roll call. Ms. Kramm was absent. **MOTION CARRIED.**

#### II. REPORT OF THE EXECUTIVE OFFICER

##### A. CRB Budget Report

Ms. Fenner referred to the expenditure projection report for fiscal month 13. She then directed the Board to the Fund Condition of the Board on page 17, pointing out that by fiscal year 2015-16, the Months in Reserve will be reduced to 6.7 months. This is

significant since the law dictates that once the operating expenses fall below six months, the TRF cannot be funded.

Ms. O'Neill inquired if the TRF continues up until the time the months fall below six months. Ms. Fenner confirmed that was correct. She indicated that there was not a transfer of funds to the TRF during the 2014-15 fiscal year since there was sufficient money in the fund to fund applications. Therefore, there is \$300,000 that may be allocated to fiscal year 2015-16.

Ms. Hurt later inquired about the decrease to the renewal fee line item. Ms. Fenner responded that there are fewer licensees. She suggested that the Board consider during their Sunset Review agenda item the amount of reporters who will be retiring in the next few years, which results in work force issues and budget issues for the Board.

#### B. Transcript Reimbursement Fund

Ms. Bruning reported that nearly \$211,500 had been paid out on the Pro Bono Program in fiscal year 2014-15, covering 336 invoices. She added that there were 24 pending applications, all of which have been reviewed and are awaiting additional information. She indicated that the program has averaged a little over \$200,000 for the past five fiscal years.

Ms. Hurt requested an explanation to the public of the two TRF programs. Ms. Bruning defined the two programs, the first being the Pro Bono Program which assists pro bono attorneys with up to \$300,000 per fiscal year for all cases. The second program, the Pro Per Program, assists indigent pro se litigants with up to \$1,500 per case, up to \$30,000 per calendar year for all cases. She then referred to Ms. Davis to report on the Pro Per Program.

Ms. Davis indicated the Board received 223 requests for reimbursement in 2014. Some applications have multiple dates and reporters, so the figure provided is based on the number of people staff needs to contact. There were 145 requests approved and 45 denied or returned as incomplete. Staff was able to allocate \$44,455 in 2014 since previously allocated funding was recovered from outdated approvals from 2011 to 2013. To date for 2015, 115 requests have been approved with an allocation of \$34,375, including additional release of previously allocated funding. Unfortunately, there are 75 requests totaling \$24,500 that will be held since the full allowance has already been allocated.

Ms. Davis further reported that she worked to reduce a backlog of 131 requests when she was hired in November 2013. For 2014, funds were fully allocated by April. As a result of the leftover applications, she was sending letters out for the 2015 funding by the second week of the year to let applicants know funding was exhausted. The program has become very well-known. Many complaints are received regarding the lack of funding availability for the Pro Per Program in comparison to the Pro Bono Program.

Ms. Hurt requested the Board consider increasing the Pro Per Program allowance for those litigants in the community who are acting as their own attorney. She indicated

that it would require a legislative change, which may be possible to do during the sunset review.

Mr. Liu inquired if the Board is obligated to prorate the amount required to be transferred to the TRF so as to maintain a minimum of six months in reserve. Ms. Fenner responded that in the past, the full \$300,000 was transferred at one time; however, recently the process has been to transfer \$100,000 at a time as needed. Mr. Chan-You read Business & Professions (B&P) Code 8030.2(a), wherein it reads, "The TRF shall be established by a transfer of funds from the Court Reporters' Fund in the amount of \$300,000 at the beginning of each fiscal year. Notwithstanding any other provision of this article, a transfer to the TRF in excess of the fund balance established at the beginning of each fiscal year shall not be made by the board if the transfer will result in the reduction of the balance of the Court Reporters' Fund to an amount less than six months' operating budget." Ms. Fenner reiterated that a lesser amount of \$100,000 is transferred as needed in order to maintain a healthy balance for the CRB budget.

Ms. Bruning mentioned that the pro per pilot project was initiated due to the amount of unused funds from the Pro Bono Program. There appears to be far more litigants representing themselves than litigants that have access to a pro bono attorney. Therefore, whatever limit is applied to the Pro Per Program is likely to be used in its entirety annually. Furthermore, many of the pro per applicants to the fund have been deemed vexatious and can use up the funds very quickly.

Mr. Liu added that litigants that benefit from the Pro Bono Program have been vetted by a third party; however, the Pro Per Program litigants are not subject to the same examination.

Ms. Bruning indicated that approximately 90 percent of the Pro Bono Program applications are accompanied by deposition invoices versus 90 percent of the Pro Per Program applications coming in with court hearing invoices. The invoices for the depositions average approximately \$680. Many court transcript invoices are much lower since there are statutory caps on the amount that can be charged per page.

Ms. Bruning added that the \$30,000 limit for the Pro Per Program was set in the original two-year pilot project. When the mandatory report was submitted to the Legislature pertaining to the results of the project, the threshold was not addressed, and the program was extended through the Board's sunset review process.

Ms. O'Neill inquired if the Pro Bono Program has maxed out or if it had been consistently \$200,000 or less. Ms. Bruning provided statistics for the last five fiscal years, which averaged \$211,000. She added that there was a dip in processing due to the inadvertent repeal of the TRF in 2013. It appears that some of the cases from that time period are just coming in now.

Ms. O'Neill asked if the \$30,000 for the Pro Per Program was independent of the \$300,000 for Pro Bono Program. Ms. Bruning indicated that the \$30,000 comes from the \$300,000.

Ms. Hurt inquired about the timeline for changes made through the sunset review process. Ms. Bruning responded that changes made to the law in sunset review would take effect January 1, 2017.

Ms. O'Neill suggested the Board postpone the discussion pertaining to adjusting the limits of the Pro Per Program to the discussion of the Sunset Review agenda time. The Board agreed.

C. Exam

Ms. Fenner reported that 121 candidates were scheduled to sit for the upcoming dictation examination scheduled for July 3, 2015, in Los Angeles. She stated that 32 of those candidates are taking the test for the first time. The amount is low for Los Angeles and more in line for what the Board sees in Sacramento.

D. School Updates

Ms. Fenner indicated that the Department of Education had proposed a rule that would do away with requiring the programs to measure in clock hours for their Title IV purposes. If the changes are enacted, they will take effect July 1, 2016. The proposed change would help the private schools that have had a problem with their credit hours versus clock hours issue with financial aid.

E. Education/Outreach

Ms. Fenner updated the Board on the State Bar and Bureau of Real Estate collaboration. The group originally met to pool resources to address fraud issues. She highlighted the directory that was developed by the Los Angeles County Department of Consumer Affairs which aids in referring consumers to the appropriate entity to find what they are seeking.

Ms. Fenner referred to the Spring 2015 version of the CRB Today newsletter. She indicated that the Board no longer has an outside editor and welcomed feedback. Ms. Hurt inquired about any challenges the absence of an editor may have brought about. Ms. Fenner responded that she hoped that staff has continued to keep the publication professional, although there is lack of training in that category. Ms. Hurt complimented the newsletter and its contents, having not noticed any change since the loss of the editor. Mr. Liu also liked the newsletter. Ms. O'Neill has received positive feedback from reporters in her court regarding the FAQs. She added that reporters are impacted by the information they read in the newsletter. It is a consumer protection component to keep the reporters educated with the statutes and regulations. Ms. Fenner stated that it feels good to be able to be proactive instead of reactive to problems, which in turns benefits the enforcement aspect of the Board's operations.

Ms. Freeman, Deposition Reporters Association (DRA), commented that the newsletter is very helpful for reporters these days because they work independently instead of in offices where they can ask questions. Ms. O'Neill added that she sees conversations on the Facebook groups that spur from the articles, which proves it is being read.

## F. Staffing

Ms. Fenner informed that Board that Ms. Davis' position is nearing the end of its two-year term as of June 30, 2015. Unfortunately, the Board was not able to obtain funding to make the position permanent; however, funding was available to keep the position an additional four months. Ms. Davis has been invaluable in researching unused TRF funding in the Pro Per Program. The Board thanked Ms. Davis for her work.

Ms. Hurt inquired who would absorb the duties after Ms. Davis' term ends. Ms. Fenner responded that there would be a reorganization of duties. Since Ms. Bruning is already processing TRF applications for the Pro Bono Program, it is likely that the Pro Per Program will also fall on her desk. However, that would overload her desk, so some of her tasks may be distributed. Ms. Lasensky asked if that would encompass the cross-training proposed in the strategic plan. Ms. Fenner confirmed that it would.

Ms. Hurt asked how many hours each week Ms. Davis spends on the Pro Per Program. Ms. Fenner responded that Ms. Davis works 20 hours a week. Ms. Bruning asked the Board to consider the staffing requirements when deciding whether or not to raise the limit for the Pro Per Program.

Ms. O'Neill questioned if funding could be allocated in the future for this position. Ms. Fenner indicated that the overall fund condition would not support the position at this time. However, if increased licensing fees were established, a Budget Change Proposal (BCP) could be prepared to gain the position.

## G. BreEZe

Ms. Fenner reported that the costs for BreEZe were reflected in the Fund Condition. She added that the contract has been renegotiated. The Department of Consumer Affairs (DCA) is planning to conduct a formal cost benefit analysis after release 2 is live to determine how best to proceed with the remaining boards and bureaus. DCA will then have to decide whether to hire a contractor, use in-house DCA staff or have a blend of both.

Ms. Hurt inquired where the budgeted \$60,000 was going since the Board is not close to participating. Ms. Fenner stated that the foundation work done by Accenture under the previous contract will presumably benefit the Board down the road. Cynthia Dines, DCA budget manager, indicated that the \$60,000 is for costs to support the project development, such as new staff hired by the Office of Information Services for two years, as well as mandatory oversight with other state agencies such as the Department of Technology. Additionally, there will be efforts to conduct the cost-benefit analysis, which will not start until 2016/17. DCA is preparing BCPs to fund some of those costs. Ms. Dines stated that the only boards and bureaus that have paid Accenture costs are those in release 1. She indicated that there was a current year reduction of about \$13,000 savings to the Board's fund, not the appropriation.

### III. ENFORCEMENT REPORT

Ms. Fenner indicated that the enforcement statistics on pages 20 and 21 in the Board agenda packet were prepared by the enforcement analyst, Connie Conkle. She offered to answer any questions.

Ms. Hurt inquired how many complaints had been received during the month of June. Ms. Fenner replied that the Board had received an unusually high number of 23 complaints. The two primary reasons for complaints are for transcripts turned in late or not at all and accuracy issues.

### IV. STRATEGIC PLAN UPDATE

#### A. Best Practice Pointers

Ms. Hurt reported that the task force had a very successful meeting in April where four practice pointers were developed. The meeting began with brainstorming ideas for known issues, some of which overlapped. She hopes that the next meeting slated for July 25, 2015, will round the total practice pointers up to 10. Ms. Fenner added that the meetings are open to the public and input at the meetings or via e-mail are welcome.

Ms. Fenner indicated that four practice pointers presented in the Board agenda packet are drafts. She stated that the pointers may be living documents with amendments being applied as technology changes and feedback is received. If the Board votes to adopt them, the staff will be tasked to disseminate them. She stated that they may be distributed in different ways. For example, Practice Pointer No. 3 is very short and may be inserted in the renewal notification packets. Some of the longer pointers may be sent to DCA for formatting and then placed on the Board's Web site. In addition, a video or webinar may be developed for longer pointers, such as Practice Pointer No. 1.

Ms. O'Neill suggested that pointers be sent via the e-mail notification list with a reference to the place practice pointers can be found on the Web site.

Ms. Lasensky commented that the pointers are concise and clearly written.

Ms. Lasensky moved to adopt Best Practice Pointer No. 1, How to Interrupt Proceedings, and delegate to the executive officer the authority to make non-substantive changes as needed. Second by Mr. Liu. Ms. O'Neill called for public comment. No comments were offered. A vote was conducted by roll call. Ms. Kramm was absent. **MOTION CARRIED.**

Ms. Lasensky moved to adopt Best Practice Pointer No. 2, How to Go On and Off the Record, and delegate to the executive officer the authority to make non-substantive changes as needed. Second by Mr. Liu. Ms. O'Neill called for public comment. No comments were offered. A vote was conducted by roll call. Ms. Kramm was absent. **MOTION CARRIED.**

Ms. Lasensky moved to adopt Best Practice Pointer No. 3, Videotaped Depositions, and delegate to the executive officer the authority to make non-substantive changes as needed. Second by Mr. Liu. Ms. O'Neill called for public comment. No comments

were offered. A vote was conducted by roll call. Ms. Kramm was absent. **MOTION CARRIED.**

Ms. Hurt moved to adopt Best Practice Pointer No. 4, Rough Draft Transcripts, and delegate to the executive officer the authority to make non-substantive changes as needed. Second by Mr. Liu. Ms. O'Neill called for public comment. No comments were offered. A vote was conducted by roll call. Ms. Kramm was absent. **MOTION CARRIED.**

#### B. Review of Action Plan

Ms. Fenner referred to the CRB Action Plan in the Board agenda packet. Staff and the SOLID facilitator developed the plan dissecting the Board's strategic plan. Additionally, an Action Plan Timeline was created to indicate the target date and status of each item, which can be seen on page 45 of the Board agenda packet. Ms. Fenner invited input from the Board on the prioritization of the plan.

Ms. Lasensky inquired about the expectations set in Goal 3.1.4. Ms. Fenner indicated that the plan refers to the Board as a body, not specifically the members. As such, the staff would be working with the schools and promoting the industry. The survey would be a measurement of the efforts put forth by the Board.

Ms. Hurt commented that she did not see room to shift the priorities considering the upcoming sunset review process. She stated the first several items up for completion are important and the list has been laid out appropriately. Ms. O'Neill agreed.

### V. REPORT ON LEGISLATION

#### A. Update on licensee fee cap increase

Ms. Fenner provided a brief summary of the efforts made toward obtaining the fee cap increase. She stated that DRA submitted the general language for a bill request to the Office of Legislative Counsel since the January 30, 2015 deadline occurred before the Board could meet. Upon review of the language, the Office of Legislative Counsel determined that the bill would be deemed a tax bill, which requires a two-thirds vote instead of a majority vote. The Board and DRA disagreed with that determination since the funding for the TRF is collected from court reporters and is ultimately paid back to court reporters for their work product.

Ed Howard, representing DRA, indicated that he pursued the matter with the Office of Legislative Counsel who insisted that the bill was a two-thirds bill notwithstanding that under case law the definition of a tax is when you take money from one group of people and you give it to a different group of people. He contended that the money is collected from one group of reporters and given to another group of reporters. Unfortunately, the Office of Legislative Counsel rejected his argument.

Mr. Howard stated that his conversations with other trade associations led him to believe the two-thirds vote has been inconsistently and controversially applied by the Office of Legislative Counsel. He received a commitment from Sarah Mason, consultant from the Senate Business, Professions & Economic Development

Committee, as well as others in the Judiciary Committee, to revisit the question with the Office of Legislative Counsel in a more conservative fashion. Mr. Howard stated that timing was a factor in obtaining support as the committee members and consultants are very busy at the beginning of the legislative session. He intends to gather forces and revisit the issue more definitely when the Legislature returns from their summer recess mid-July.

Ms. Hurt asked if there was anything the Board could do to help in that task. Mr. Howard replied that it would be helpful for the Board to write a letter to the chairs of the Business and Professions committees and Judiciary committees outlining the precarious nature of the TRF, highlighting the Board's efforts to proactively raise the licensing fee, which was set in 1951 when the Board was established.

Ms. Hurt moved that the Board direct staff to prepare a letter for the chair's signature directed to the chairs of the Senate and Assembly Business and Professions committees and Judiciary committees supporting a fee cap increase. Second by Ms. Lasensky. Ms. O'Neill called for public comment. No comments were offered. A vote was conducted by roll call. Ms. Kramm was absent. **MOTION CARRIED.**

Ms. Fenner thanked DRA for the time and effort that provided in assisting in this matter.

B. Discussion of legislation affecting the court reporting industry or the Court Reporters Board

Ms. Fenner offered to answer questions pertaining to any of the bills presented in the Board agenda packet before focusing on AB 749, AB 804, AB 1197 and SB 270.

Ms. Hurt asked if the Board would be able to fulfill the requirement listed in the proposed language of AB 351 (Jones –Sawyer). Ms. Fenner responded that the Board would have to review what the actual definition of the expenses. Some of the Board's expenses fall outside of the small business category, specifically the dictation exam site rental held at hotels. The majority of the Board's other expenses fall within the small business category, but exam site cost may offset the percentage. Ms. O'Neill pointed out that the bill is in suspense, which indicates it most likely will not be passed this year.

Ms. Hurt referenced SB 570 (Jackson) and inquired if the Board had ever experienced a breach in security. Ms. Fenner indicated that DCA had, but that the Court Reporters Board has not. She understood the language to require the Board to be responsible for the information contained physically in its office, such as the paper files kept on each licensee. The Board's other data is stored and controlled by DCA who would be responsible to comply with the proposed language.

AB 749

Ms. Fenner indicated that AB 749 (Bloom) was being held in suspense and therefore, did not see a reason for the Board to discuss it.



## AB 804

Ms. Fenner reported that AB 804 (Hernandez) pertained to continuing education for court reporters had recently been ordered to its third reading. She invited the sponsor, California Court Reporters Association (CCRA), to speak to the bill.

Brooke Ryan Henrikson, CCRA President-Elect, urged the Board's support of the bill. Morgan Carvajal of Hernandez Strategy Group representing CCRA requested the Board write a letter of support. Since similar bills had been vetoed in the past, meetings were held with DCA and staff from the Governor's Office to address any concerns in hopes of avoiding the same outcome. She stated that efforts were continuing toward that goal and the Board's support would be helpful. Ms. O'Neill indicated that she recently learned how impactful support letters are to Governor Brown's decisions when considering bills. Ms. Carvajal indicated that it would be appropriate to first send letters to the author's office, then to the Governor's office when it passes to his desk.

Ms. Hurt inquired if there was any opposition to the bill. Ms. Carvajal responded that there has been no opposition. She said that review is being conducted of a similar continuing education requirement held by Judicial Council of official court reporters to resolve any overlap of the requirements.

Mr. Liu moved to support AB 804 (Hernandez), Shorthand reporters: continuing education requirements, and direct staff to prepare the appropriate sequence of letters for the chair's signature. Second by Ms. Hurt. Ms. O'Neill called for public comment. No comments were offered. A vote was conducted by roll call. Ms. Kramm was absent.  
**MOTION CARRIED.**

Ms. Fenner indicated that when drafting the letter she would refer to the strategic plan session where the matter was discussed at length for language.

## AB 1197

Ms. Fenner related that AB 1197 (Bonilla) regarding deposition notices was sponsored by DRA.

Toni Pulone, DRA, indicated that a request for support was sent to the Board the prior day. She stated that the bill is attempting to resolve a long-standing problem by obligating the noticing attorney to notify all other parties in the notice that there may be a contractual relationship between one of the parties in litigation and the reporting firm. She expressed that she believed the language falls in line with the concerns of the Board with respect to fairness.

Ms. Hurt asked the sponsors to cite any opposition they have received to the bill. Mr. Howard responded that DRA had not yet received an official opposition letter, but learned that one is forthcoming. He stated that the author's office met with the lobbyist of the four firms indicated in the aforementioned letter. Mr. Howard added that if the Board was inclined to support the bill, all letters are due to the Senate Judiciary Committee by July 1, 2015.

Ms. O'Neill inquired as to the strikeouts included in the June 23, 2015, amendment. Mr. Howard responded that the bill was not originally well drafted. The original version that returned from the Office of Legislative Counsel contained new references to objections that did not fit the intent of the author. The objective was simply to default to the current law related to objections to deposition notices, et cetera. The deletions were a means of reducing confusion in that sense.

Ms. Lasensky moved to support AB 1197 (Bonilla), Deposition notices, and direct staff to prepare the appropriate sequence of letters for the chair's signature. Second by Mr. Liu. Ms. O'Neill called for public comment. No comments were offered. A vote was conducted by roll call. Ms. Kramm was absent. **MOTION CARRIED.**

### SB 270

Ms. Fenner indicated that SB 270 (Mendoza) regarding corporations was sponsored by CCRA.

Ms. Carvajal stated that the bill addresses whether or not out-of-state corporations who practice in California are within the jurisdiction of the Board. The bill gives clear authority to seek injunctive relief if there is a violation by one of these types of corporations.

Ms. Pulone expressed that DRA supports both AB 804 and AB 270.

Ms. O'Neill inquired about the knockout of the last two paragraphs on page three of the June 23, 2015, amendment. Ms. Carvajal stated that it was a committee recommendation to strike those based on the complication of how to enforce the provisions of decertifying transcripts and who to charge for the misdemeanor of rendering court reporter services without a license.

Mr. Chan-You asked if the intent of the bill is to solely give the Board injunctive powers. Ms. Carvajal confirmed that it is to clarify the authority and establish fines.

Ms. Hurt stated that the Board already has the jurisdiction, but the bill makes it clear. Mr. Liu added that it summarizes the authority the Board already has to set the basis for the ability to have certain remedies available to the Board including the fines and equitable remedies. Ms. Hurt reiterated that the Board already has the jurisdiction, but giving support to the bill is emphasizing the jurisdiction.

Mr. Chan-You added that the bill does not give the Board authority to cite foreign corporations that may be in practicing in California without a license. It does clarify more what the Board can do in court but it does not address the problem of the US Legal case. Ms. Fenner clarified that the Board definitely has jurisdiction over corporations that are offering court reporting services in California with the one exception of foreign corporations.

Mr. Howard indicated that the Board did not request injunctive relief in the US Legal case, but asked for declaratory relief. Once the court determined that US Legal was a foreign corporation without authorization to be in California, the court deemed that the Board did not have authority to treat them like a licensee. The bill would allow the

Board to seek injunctive relief against a foreign corporation practicing in California instead of seeking an injunction by a writ of mandate under CCP 1085. Mr. Chan-You agreed with that analysis.

Ms. Dobbs clarified that the bill does not give the Board authority to cite foreign corporations.

Ms. Lasensky moved to support AB 270 (Mendoza), Court Reporters Board of California: civil actions: corporations, and direct staff to prepare the appropriate sequence of letters for the chair's signature. Second by Mr. Liu. Ms. O'Neill called for public comment. No comments were offered. A vote was conducted by roll call. Ms. Kramm was absent. **MOTION CARRIED.**

Ms. Carvajal stated that the bill is before two committees, and letters were needed by June 30, 2015.

## VI. SCOPE OF PRACTICE REGULATION

Ms. Fenner reported that the required regulatory hearing for the proposed language was held on June 18, 2015, for which no one attended. She will prepare the Final Statement of Reasons and send the regulatory package to the Office of Administrative Law (OAL).

Ms. Hurt inquired about the next step. Ms. Fenner indicated that OAL has 45 days to review the package for procedural accuracy.

## VII. SUNSET REVIEW

Ms. Fenner indicated that the Board received the questions from the Joint Sunset Review Committee, for which the response is due December 1, 2015. She indicated that staff would prepare responses for the statistical data, but the Board would need to provide input for the policy and direction inquiries. She inquired if the Board would like to meet as a whole over a couple of meetings to develop the responses or appoint a task force to work with staff to draft the responses for the whole Board's review at a Board meeting before the deadline.

Ms. Lasensky inquired how often the Board goes through the sunset review process. Ms. Fenner responded that it is approximately every four years, but the process and preparation time are lengthy, so they seem closer together.

Mr. Howard conveyed his prior experience as chief consultant for the Sunset Review Committee for five years when it was a standing committee. He encouraged the Board to be proactive instead of merely reactive to the questions. The committee may not know where the issues lie when developing the questions. Therefore, the Board should take the opportunity to address the concerns of the Board, as well as make a case for reforms to the laws.

Ms. Fenner expressed that staff received very supportive responses from the various committees when seeking the fee cap increase bill. The sunset review process is a perfect opportunity to seek the necessary changes for the current issues.

Ms. Hurt invited the associations to provide input for what they would like to see for the industry. Ms. O'Neill echoed that comment and added that the meetings would be held in open session.

Ms. Hurt indicated this would be her first experience in the sunset review process. She said the Board may benefit from a task force to weed through the information and bring back the issues to the Board. Ms. Lasensky inquired who would make up the task force. Ms. Fenner replied that one or two Board members would make up the task force, with invitations to the associations to send representatives to attend. She added that the task force would need to meet in early August to allow staff time to prepare the report and time for the Board to meet again to review the report. A cushion of time between meetings and the deadline for the report is necessary in case there are substantial changes needed for the Board's further review and approval.

Ms. O'Neill appointed Ms. Hurt as the chair of the Sunset Review Task Force. Ms. O'Neill will also be a member. Ms. Fenner will develop a mission and coordinate dates for the first meeting.

#### VIII. ELECTION OF OFFICERS

Ms. O'Neill called for election of officers.

Ms. Lasensky nominated Ms. Hurt as chair. Second by Mr. Liu. Ms. O'Neill called for public comment. No comments were offered. A vote was conducted by roll call. Ms. Kramm was absent. **MOTION CARRIED.**

Ms. O'Neill stated that Ms. Kramm indicated that she was willing to serve as vice chair.

Ms. Lasensky nominated Ms. Kramm as vice-chair. Second by Mr. Liu. Ms. O'Neill called for public comment. No comments were offered. A vote was conducted by roll call. Ms. Kramm was absent. **MOTION CARRIED.**

#### IX. FUTURE MEETING DATES

Ms. Fenner indicated that she will work with the Sunset Review Task Force on setting their first meeting and would then poll the Board for the next meeting. She suggested that it may be in late September or early October.

#### X. PUBLIC COMMENT

No comments were offered.

The Board took a break at 11:59 a.m. and convened into closed session at 12:15 p.m.


#### XI. CLOSED SESSION

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

Upon returning to open session at 12:59 p.m., Ms. O'Neill indicated that there was nothing to report from closed session.

XII. ADJOURNMENT

Ms. O'Neill adjourned the meeting at 12:59 p.m.

	<u>10.30.15</u>	<u>Yvonne K Fenner</u>	<u>10/30/15</u>
DAVINA HURT, Board Chair	DATE	YVONNE K. FENNER, Executive Officer	DATE