



## **COURT REPORTERS BOARD OF CALIFORNIA**

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### **COURT REPORTERS BOARD OF CALIFORNIA MINUTES OF OPEN SESSION OCTOBER 27, 2017**

#### CALL TO ORDER

Ms. Davina Hurt, chair, called the meeting to order at 9:32 a.m. at the Department of Consumer Affairs HQ2, 1747 North Market Boulevard, Hearing Room, Sacramento, California.

#### ROLL CALL

##### Board Members Present:

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

##### Staff Members Present:

Yvonne K. Fenner, Executive Officer  
Shela Barker, Senior Staff Counsel  
Paula Bruning, Executive Analyst  
Melissa Davis, TRF Coordinator

A quorum was established, and the meeting continued.

#### I. APPROVAL OF JULY 6, 2017, MEETING MINUTES

Ms. Lasensky requested that the word "to" be added after "a key target of the bill is" in the first sentence of the fourth paragraph on page 5 of the minutes. She then requested the word "declare" be changed to "declares" in the second sentence of the third paragraph on page 16 of the minutes.

*Ms. Nocella moved to approve the minutes as amended. Ms. Kramm seconded the motion. Ms. Hurt called for public comment. No comments were offered. A vote was conducted by roll call.*

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

***MOTION CARRIED***

## II. REPORT OF THE EXECUTIVE OFFICER

### A. CRB Budget Report

Ms. Fenner referred to the final budget report for fiscal year 2016-17 on page 27 of the Board agenda packet. She then directed attention to page 28 of the Board agenda packet for the Board's fund condition. She stated that the months in reserve for fiscal year 2016-17 reflects 5.9 months. She reminded the Board that a stop in transfers to the Transcript Reimbursement Fund (TRF) is triggered if the reserve falls below six months.

Ms. Fenner stated that the Department of Consumer Affairs (DCA) transitioned to the state's new accounting and budgeting system, FI\$Cal, in July. As a result, the budget report on page 29 is a truncated version. The DCA Budget Office is having difficulty closing the expenses for the first fiscal month for the 2018-19 fiscal year.

Ms. Fenner referred to page 30 of the Board agenda packet regarding the TRF Fund Condition. She stated that the fund balance for the end of fiscal year 2016-17 reflects \$146,000. She then asked Ms. Bruning to provide an update on the TRF.

### B. Transcript Reimbursement Fund

Ms. Bruning reported that the new FI\$Cal system has created hurdles for the TRF. She stated that 76 invoices dating back to mid-June were returned by DCA. She added that nearly 250 applications for the Pro Bono Program were pending review. Board staff is working with the State Controller's Office (SCO) and DCA's Budget and Legal Affairs Offices to resolve the issues so that processing may resume.

Ms. Davis provided information pertaining to the Pro Per Program of the TRF. She stated that she received back 20 invoices from DCA, of which she resubmitted three in a new format as a test. The 17 remaining invoices total approximately \$6,300, which is a significant amount for indigent litigants.

Ms. Hurt asked if direction was given on how to correct the invoices. Ms. Bruning responded that staff is consulting with legal staff regarding the issues raised by SCO. Ms. Barker added that it appears that SCO does not understand the program and believes the TRF invoices are for obligations owed against the State of California. The invoices are used to prove the expenses to be covered by what is essentially a grant program. She asserted that a meeting with SCO is needed to educate their staff and find out how they pay other grant-type obligations without referring to them as invoices. Ms. Fenner stated that staff is very mindful of the effect of the delays on the consumers who are awaiting the funding.

### C. Exams

Ms. Fenner mentioned the historical examination pass rates found on pages 31 through 36 of the Board agenda packet. Per the Board's request, dictation examination statistics pertaining to how candidates qualified for the test were added starting on page 35. She stated that the asterisk noted on page 40 stating, "Unofficial until appeals hearing" should be disregarded as the statistics are now final.

Ms. Hurt noted the number of schools that have closed over the last few years and what that means to the industry and consumer protection. Ms. Fenner pointed out that the most recent school to close, Sierra Valley, sent 10 first-time applicants to the July 2017 dictation examination, and only one of them passed, leaving nine candidates who no longer have a school to return to for practice. It's possible that they sent unprepared students since they did not need to worry about their statistics.

#### D. Occupational Analysis

Ms. Fenner stated that she is working with the Office of Professional Examination Services (OPES) at the concept level of developing a survey of court reporters on how fast people are speaking and what their duration is to get a better feel for entry level minimum skills. She stated that with the recent lower pass rates, people questioned the difficulty of the exam. Ms. Hurt indicated that from the Board's perspective, the skills being tested are necessary to do the job. Ms. Fenner responded that the survey would provide the statistical documentation to substantiate that.

The survey would differ from the recently conducted occupational analysis, which measures the skills and knowledge reporters need to be successful in the industry but did not examine how fast people are speaking. She stated that OPES is in the process of doing the validation report for the occupational analysis and should be available shortly. OPES plans to have the spring examination based on the new occupational analysis.

#### E. Enforcement

Ms. Fenner stated that the final fiscal year 2016-17 enforcement statistics could be found on pages 41 and 42 of the Board agenda packet. There were no notable trends.

#### F. School Update

Ms. Bruning reported that there were 17 recognized court reporting schools in 2013, and that number has dropped to 11. Some of the schools that recently closed attributed their closure to the U.S. Department of Education's (DOE) termination of recognition of their accreditor, the Accrediting Council for Independent Colleges and Schools (ACICS). Ms. Bruning added that ACICS recently petitioned the DOE to once again be recognized as a national accreditor. However, the remaining affected recognized schools have applied to different accreditors so their students may continue to receive federal financial aid.

Ms. Bruning shared that Chaffey Joint Union High School District in Ontario, California, launched a pathway program for students and adults interested in becoming court reporters. She was unsure if the school district would apply for recognition since they do not have a need for recruitment. They may instead send their successful students to NCRA's RPR exam to qualify for the Board's exam. Ms. O'Neill stated that many high schools used to offer theory and low-level speed classes, and she was pleased to learn of this program. Ms. Kramm reported that she recently visited a San Diego high school where she explained court reporting to criminal justice program students. She stated that the interest was high. She plans to put together a program to teach

prospective candidates to write A to Z in steno. She suggested the Board support these programs as well as trade schools.

Ms. Bruning stated that Board staff is making plans to engage in onsite school reviews.

#### G. BreEZe

Ms. Fenner stated that staff is working with both the DCA Office of Information Services and the DCA SOLID Training and Planning Solutions to do a business modernization. The plan will help set out what tasks the Board needs to improve, such as having a system in place for processing licensee credit card payments. She stated that it is a lengthy process that will require a lot of staff time, but will provide a clear view of what type of database the Board needs. Ms. Hurt added that the Board may be able to work with other DCA boards who want to use the same program to offer a cost reduction to all.

#### H. CRB Today Newsletter, Fall 2017

Ms. Fenner indicated that there was not a Spring 2017 CRB Today Newsletter; however, staff is very close to issuing the Fall 2017 CRB Today Newsletter.

Ms. Hurt thanked the staff for all the work completed during the very busy year.

### III. LICENSE FEE INCREASE REGULATION

Ms. Hurt stated that this item was discussed in length at the July 6, 2017, Board meeting.

*Ms. Lasensky moved to accept the proposed regulatory text for section 2450 as proposed; direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services and Housing Agency for review and if no adverse comments are received, authorize the executive officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for public hearing. Ms. Kramm seconded the motion. Ms. Hurt called for public comment. No comments were offered. A vote was conducted by roll call.*

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

Opposed: None

Absent: None

Abstain: None

Recusal: None

#### **MOTION CARRIED**

### IV. LEGISLATION

***The Board heard Agenda Item IV.B. before Agenda Item IV.A.***

B. Consideration of Positions on Legislation

Ms. Fenner indicated that information for all the bills that the Board has been following is in the Board agenda packet. If the information indicates the bill is “held under submission” then it is essentially “dead.” If it is labeled “inactive” that means the author does not intend to pursue it.

AB 1285 (Gipson) – Ms. Fenner reported that this bill changed and no longer is of concern to the Board.

AB1450 (Oberholte) – Ms. Fenner reported that this bill, sponsored by CCRA regarding electronic transcripts being filed in court, was chaptered on October 6, 2017. This new law allows for electronic filing of court transcripts.

A. Non-Licensee-Owned Firms Subcommittee Report Including Update on AB 1660 (Kalra) – court reporter providers

Ms. Hurt conveyed her disappointment that AB 1660 (Kalra) was vetoed by Governor Brown. She stated that the subcommittee and the Board were committed to solving this inequity issue to protect California consumers, which the Legislature understood. At this point, she is dedicated to moving this long-time matter forward in seeking a resolution and educating the Governor’s office to all the consumer protection issues the Board needs solved by legislation.

Ms. Nocella expressed her appreciation to Ms. Hurt, Ms. Fenner, and Board staff, as well as the bill’s cosponsors, California Court Reporters Association (CCRA) and Deposition Reporters Association of California (CalDRA), for all their hard work. She also thanked Assemblymember Kalra and his legislative director, Ryan Guillen.

Ms. Kramm echoed the appreciation. She stated that lawmakers are understanding that there is an obvious issue based on how far the bill made it through the legislative process. She expressed that she felt proud of the work the Board, staff, and Legislature put forth. Ms. O’Neill agreed and added that AB 1660 was the best bill ever put forward by the Board.

Brooke Ryan, legislative chair and immediate past president for CCRA, thanked the Board for their commitment and voiced that CCRA stands ready to continue their ongoing fight in this matter.

Antonia Pulone on behalf of CalDRA expressed complete support in the Board’s persistent efforts to move forward with registration of reporting providers in the state.

Jennifer Esquivel, CCRA Secretary/Treasurer, shared that she has had the opportunity to speak with freelance colleagues who support this legislation. She commended the Board for working with the associations to ensure this matter is addressed and reaffirmed her personal commitment to work with the Board to help in any way she can.

After leaving the discussion of AB 1660 and firm registration, Ms. Fenner indicated that she received an e-mail from the Senate Business, Professions and Economic Development Committee inviting requests for non-controversial items to be added to their omnibus bill by January 9, 2018.

## V. ONLINE SKILLS EXAM TASK FORCE REPORT

Ms. Fenner indicated that she and staff counsel reviewed the policies and procedures approved by the Board at its meeting on July 6, 2017. They have identified which portions must go through the regulatory process. She will draft proposed regulatory language for review by legal and then bring it back to the Board for approval.

## VI. WEBSITE SUBCOMMITTEE REPORT

Ms. O'Neill reported that the subcommittee had been slow to progress, but were still moving forward and developing a game plan. She stated that more information would be available at the next meeting.

Ms. Kramm indicated that her primary focus was to make the Board's website pdf searchable. Ms. O'Neill added that she wants to make the site intuitive and easy for stakeholders to find needed information in logically-grouped topics.

Ms. Lasensky asked if licensees would be able to pay their fees on the website after it was overhauled. Ms. Fenner responded that she did not believe it would be part of the Board's website, but could possibly be hyperlinked to it.

## VII. STRATEGIC AND COMMUNICATION PLANS

Ms. Fenner referred to the Action Plan Timeline on page 62 of the Board agenda packet and invited the Board to provide feedback on any changes they would like to make to the priorities of the plan. She added that it is time to start making plans to meet for a new strategic plan since the current plan is valid through 2018. She proposed the Board request a date for next fall with DCA's SOLID Training and Development Solutions office if they wish to use their services again. Ms. Hurt commented that SOLID did a great job. The Board agreed to request their assistance for the next plan.

Ms. Hurt requested that the Best Practice Pointers Task Force meet in 2018 to develop additional pointers.

## VIII. FUTURE MEETING DATES

Ms. Fenner suggested that staff poll Board members for the next Board meeting, potentially in February or March 2018. Ms. Lasensky asked if the Board would be able to review the proposed regulatory language for the online skills policies and procedures at that time. Ms. Fenner affirmed that it would be an item for review.

## IX. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

No comments were offered.

***The Board took a break at 10:25 a.m. and convened into closed session, Agenda Item X, at 10:39 a.m.***

X. CLOSED SESSION


The Board convened into closed session pursuant to Government Code section 11126(c)(3).

***The Board returned to open session at 11:41 a.m.,***

Ms. Hurt reported that an action was taken during the closed session portion of the meeting.

ADJOURNMENT

Ms. Hurt adjourned the meeting at 11:41 a.m.

  
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DAVINA HURT, Board Chair

7-19-18  
DATE

  
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YVONNE K. FENNER, Executive Officer

7-19-18  
DATE