

MINUTES

THE LOUISIANA BOARD OF EXAMINERS OF
CERTIFIED SHORTHAND REPORTERS
BOARD MEETING

Friday, May 8, 2009

Pursuant to notice, the meeting was called to order at 2:00 p.m., Friday, May 8, 2009, at the Holiday Inn Superdome, Poydras, Jazz Room, New Orleans, Louisiana with a quorum present.

PRESENT BOARD MEMBERS:

Judge Kenneth P. Fuselier
Vincent P. Borrello, Jr.
Suzette Magee
Gail Freese
May Dunn
Suzanne Stinson
Dion Young
Laura Putnam
Phillip Kaufman

ABSENT:

Attorney:

David Marcello

Administrator:

Tonya R. Armentor

CALL TO ORDER: Judge Fuselier, Chairman called the meeting to order and asked Gail Freese to lead the prayer and pledge. Judge Fuselier asked for a motion to approve the minutes of the February 27th and March 20, 2009 meetings. Dion Young made a motion to adopt the minutes as written. Vincent Borrello, Jr. seconded the motion and the motion passed unanimously.

REPORT OF THE TREASURER: Ms. May Dunn, Treasurer presented the report and stated that all Board Members have been provided a copy of the report. The report shows assets and liabilities on an accrual basis. The monthly operating income and expenses cover the period of March 21, 2009 through May 7, 2009. Total income equals \$6,477.36 with total disbursements of \$28,262.71. Total assets equal \$118,382.95. Gail

Freese made a motion to adopt as read. Dion Young seconded the motion, and the motion passed unanimously. Judge Fusilier reported that we need to approve all the bills for final action.

Vincent Borrello, Jr. made a motion to approve all bills since the last meeting as presented. Suzanne Stinson seconded the motion and the motion passed unanimously. Bills are approved.

REPORT OF THE CHAIRMAN: Judge Fuselier reported that we have had allot of activity during this week based on the legislation that we had proposed. We appeared at the Capital on Tuesday to oppose a bill and on Wednesday to propose a bill. We were successful on Tuesday in opposing the Senate Bill which we thought would be harmful to us and to the profession. We were successful on the following day in getting the House Judiciary Committee to approve the bill we sponsored by Representative Dorothy Sue Hill. This bill will allow the board to issue temporary permits with a requirement that the person issued the temporary permit would have a maximum period of three years to meet all the certification requirements and to become certified. Those who are issued the temporary permit would remain under the jurisdiction of the Louisiana Court Reporters Board. The bill that we opposed was to transfer that supervision to the District Judges or the Judge (City Judge or District Judge) and not to be under the supervision and the jurisdiction of the Board. The Senate Bill that was contrary to what we wanted was voluntarily deferred and our bill passed the following day. It will pass the House without any opposition and then it will go from there to the Senate. We have a positive feeling that it will pass. It also requires that the person holding the temporary permit to comply with the ethical requirements of all of you who are certified court reporters and the continuing education requirements as well. We feel comfortable with our bill and we think that it will afford us an opportunity to require compliance even in the rural parishes that have difficulties in finding some qualified people. At least they can hire people with the ability and send them to school, seminars or do whatever is necessary for them to become certified. Judge Fuselier stated, "Allot of work went into this bill and I want to personally compliment the Legislative Committee." The Legislative Committee consists of Suzette Magee, May Dunn, Vincent Borrello, Jr., and Laura Putnam. David Marcello, Attorney to the Board, also did allot of work on these bills. The first crisis we had was that we needed to have a Representative or a Senator to sponsor our bill. The session was about to convene and we still didn't have a sponsor. Thanks to Fred Mills who found Ms. Hill who still had some availability. Ms. Hill introduced the bill to the committee and we supported it. I also want to thank all of you who sent emails and made phone calls to the House Committee and Senate Committee members. We had an ally on the Senate Committee, Senator Martiny who definitely steered the discussion against the Senate bill that had been proposed to transfer allot of that responsibility to the Judges. He spoke openly, that Representative Hills bill was much more likely to address our problems and to steer it in the direction that we need it to go to provide at least a temporary solution to those reporters who are working and are not properly certified. We are indebted to David Marcello who drafted the legislation for us and to Senator Martiny of the House Committee. Senator Martiny, liked that those who would be granted the temporary permit would be required to obtain continuing education credits and to comply with the ethics requirements. It is not law yet, it still has to pass the Senate. I do think that the toughest battle is behind us now. I do want to thank all of you who helped in these efforts and the Associations as well.

David Marcello reported that he had received an email late yesterday afternoon and forwarded it to the Board Office. The Chandler bill, HB 555 will be in the House Judiciary Committee next week. The committee was very favorable to our bill and I would think that members of the profession would want to be heard from at the Wednesday meeting. Encourage as many people as possible to be at the Capital on Wednesday to oppose the Chandler Bill and give moral support. Support in numbers for the position that we have already taken and that is to support the Hill Bill.

Dion Young made a motion to add an item to the Agenda as new business as requested by Phillip Kaufman. Suzanne Stinson seconded the motion, and the motion passed unanimously. This item is now added to the Agenda.

Phillip Kaufman reported that he will have to leave today's meeting early due to prior obligations. Mr. Kaufman stated that he had several motions that he would like to put before the Board. They don't all have to be discussed and decided on now. They can be tabled but I want to get them into peoples' minds and on the Agenda for the future. I have discussed them with allot of people. Phillip Kaufman made a motion that the Board assign a committee to evaluate the feasibility, the other states have and the process that may be required to license or certify court reporting firms, and make recommendations to the Board accordingly. Dion Young seconded the motion, and the motion passed unanimously. Phillip Kaufman made a motion that the Board assign a committee to evaluate the feasibility and costs involved for video streaming of the monthly Board meetings to a website into which CCR's may log in and view the proceedings. Suzette Magee seconded the motion and a brief discussion took place. A vote was taken and Dion Young was opposed. Phillip Kaufman made a motion that the Board assign a committee to evaluate the feasibility and costs involved in adding a private forum to the Board website to which CCR's may login to participate in "chat" discussions. Laura Putnam seconded the motion, and the motion passed unanimously. Phillip Kaufman made a motion that the Board assign a committee to study and provide clarifications to the Board what practices constitute "contracting," as well as what practices would fall under the term networking. Suzette Magee seconded the motion, a brief discussion took place. The motion passed unanimously. Phillip Kaufman made a motion that the Board study publicly available online transcript repositories and make recommendations to the Board in regards to developing rules regarding them, including the prohibition of Louisiana CCR's posting transcripts to such websites or requirements for authorization for such postings by the witness with required redaction of private information. May Dunn seconded the motion, and the motion passed unanimously. Phillip Kaufman made a motion that the Board assign a committee to evaluate Board expenses, possible cost cuts and the possibility of adding to our disciplinary rules that a party found guilty will be liable to pay for the investigation and hearing costs. Suzette Magee seconded the motion and a brief discussion took place. Suzanne Stinson made a motion to amend the initial motion to delegate this matter to the Disciplinary Committee. Vincent Borrello, Jr. seconded the motion to amend, and the motion passed unanimously. A vote was taken on the original motion as amended and passed unanimously. Phillip Kaufman made a motion to assign a committee to evaluate the costs and feasibility of contracting out the transcription of Board meetings. Judge Fuselier asked for some clarification on this motion and a brief discussion took place. Mr. Kaufman deferred this motion.

REPORT OF THE DISCIPLINARY COMMITTEE: Mr. Dion Young, Chairman reported that the committee did meet on April 3, 2009. All committee members and Judge Fuselier was in attendance. We had a very productive meeting. A number of items came from the meeting. We have a complaint form in mind. We reviewed other state disciplinary forms such as Texas, Georgia, and Kentucky. What we have come up with is a really good form. If there is a complaint filed against you then you will have a really good idea of what the complaint is, who filed the complaint, and what it is all about. We decided in order to file a complaint it had to be signed. The Disciplinary Committee is made up of all Board Members and because of the way we do disciplinary functions we think it would be best to have a two tier system. One body decides if there has been some wrong doing and the next group which only the Board can vote to take action. We are looking at making the Disciplinary Committee consist of 4 people, myself, Dion Young and three certified court reporters to make up the first tier. I may alternate with Laura as well. The first tier will investigate and

give recommendation. Dion Young reported that he does not have the form ready today but will present the new form and process at the next meeting for Board approval.

REPORT OF THE ETHICS COMMITTEE: No Report.

REPORT OF THE EXAMINATION COMMITTEE: Mr. Vincent Borrello, Jr., Chairman reported that he is waiting to hear back from Ms. Elaine Simmons with St. Scholastica High School in Covington, Louisiana regarding their fee for a possible testing site. The Examination Committee will meet before the next board meeting. We will also look at and discuss the examination fees. The Board has received a letter from the Monroe City Court requesting an out of time test for Ms. Velma Whitby. Vincent Borrello, Jr. made a motion to approve an out of time test for Ms. Whitby. Gail Freese seconded the motion, and the motion passed unanimously.

THE LEGISLATIVE COMMITTEE: Ms. Suzette Magee, Chairman reported that Judge Fuselier gave a thorough report earlier in the meeting. I would like to thank everyone who helped to get the legislation passed. I think it is good legislation and thank David Marcello for writing it and all his hard work.

REPORT OF THE CONTINUING EDUCATION COMMITTEE: Ms. Suzanne Stinson, Chairman reported that the committee did meet earlier today and considered several items for approval. The first item is that of Renee White Moarefi requesting approval of remote training on Case Catalyst software. I make a motion to approve. May Dunn seconded the motion, and the motion passed unanimously. The second item is that of John M...requesting approval for a Stenograph School of training. I make a motion to approve. Suzette Magee seconded the motion, and the motion passed unanimously. The next item is that of Lori Heffie requesting approval for attendance at NCRA approved seminar(s). I make a motion to approve. May Dunn seconded the motion, and the motion passed unanimously. The next item is a request of the LA City Court Clerks Association for their annual seminar. We will need to request additional information on this item. I make a motion to table this matter until additional information can be obtained. May Dunn seconded the motion, and the motion passed unanimously. The next item is that of Dawn Tupper requesting approval for attendance at NCRA approved seminar(s). I make a motion to approve. Dion Young seconded the motion, and the motion passed unanimously. The next it is a request from Billie Tripp for the Nuts And Bolts Seminar in Destin, Florida. We recommend that the following sessions be approved: Monday at 11:00 a.m., Tuesday at 8:30 a.m., 9:45 a.m., and 7:00 p.m., Wednesday at 3:30 p.m. repeat of Personal Court House Security, Thursday at 8:30 a.m., 12:15 p.m. I make a motion to approve the sessions as outlined for the Nuts And Bolts Seminar. May Dunn seconded the motion, and the motion passed unanimously.

REPORT OF THE OFFICE ADMINISTRATION COMMITTEE: Mr. Vincent Borrello, Jr., Chairman reported that Mr. George Delaune, CPA was present and that we would like for him to go over his letter of May 6th with the Board. Mr. Delaune gave an overview of the Boards financial situation by presenting current budget projections. The board will have a \$241,110.00 deficit by 2013. This means that you have four years to correct this projected deficit. You will need to increase your revenue and cut cost of \$60,000.00 per year to

correct this. You will need to be prepared for investigation fees as you have been discussing. At this time, the examination fees do not cover the cost of administering the examination. Basically you are asking everybody else that is a licensed court reporter to help pay for others to get into the profession. The license fee that you charge is for administration and regulation. Once you go beyond that you are going to have to charge fees accordingly for investigations and examinations. It will take some drastic cuts to get this deficit down. If you don't do something now then you will be shutting down by 2011.

Judge Fuselier stated that this item will be placed on the next agenda for further discussion.

Vincent Borrello, Jr. reported on potential new office space. Mr. Borrello asked about meeting space being available at the new location. We do not have a floor plan at this time so it is unclear as to potential meeting space. This item will be placed on the next meeting agenda. Vincent Borrello, Jr. made a motion to table the matter of the office employee and to go into Executive Session at the end of our meeting today. Suzette Magee seconded the motion, Ms. Armentor agreed to the motion as stated and the motion passed unanimously.

NEW BUSINESS:

- A. Request change in status (2). Marsha Baker has requested that her status be changed from suspended to retired due to medical reasons. Suzette Magee made a motion to change status to retired. Suzanne Stinson seconded the motion, and the motion passed unanimously. Jennifer Floyd has requested that her status be changed from suspended to retired due to various personal reasons. Dion Young made a motion to change status to retirement. Suzette Magee seconded the motion, and the motion passed unanimously.
- B. Reinstatements – Ms. Armentor presented a list of court reporters that have now paid their renewal and reinstatement fees since the last meeting. The following are those listed: Martha Dunn Duley, Karen Maher, Mark Randall Goodman, Cheryl E. Sablich, and Rochelle Billings Zauner. Vincent Borrello, Jr. made a motion to accept as provided. Suzanne Stinson seconded the motion, and the motion passed unanimously. Ms. Armentor, presented a list of court reporters that have now turned in their continuing education credits for the last two-year cycle of 2007-2008. The following are those listed: Rebecca Dupuy, Jill Freeman, Patricia Kreider, Wendy Ricard, Lyn Tedder, Beverly Heard Wesley, Dawn Deffner Tupper. Dion Young made a motion to accept as presented. Laura Putnam seconded the motion, and the motion passed unanimously.
- C. Meeting Notices – This was to notify all Board Members that a two week notice is not necessary. Only a 24 hour notice is mandated by the public meetings law.
- D. Digital Signatures-Vincent Borrello, Jr. reported that we had received many emails from court reporters and we have to address the issue that several meetings back we held in abeyance the ruling on digital signatures if there was going to be any change in the legislation with Louisiana recognizing digital signatures as being legally enforceable. As of this date, there has not been a change and I don't think this board can hold its rules in abeyance for a year. I think we have to come to some kind of conclusion and we do have audience participation on this issue. This must be addressed. A lengthy discussion took place including the concern of the ethical conduct of a

CCR. Dion Young made a motion to table this matter until the next the meeting. Suzanne Stinson seconded the motion, and a discussion took place. Vincent Borrello, Jr. made a motion that what we held in abeyance previously be now revoked and we revert back to the letter of the law of article 1103. That each reporter comply with 1103. A. Each certified court reporter shall attest to the accuracy of every transcript prepared by the reporter by dating, signing, and sealing a certification page containing substantially the following language: This certification is valid only for a transcript accompanied by my original signature. Gail Freese seconded the motion, and the motion passed unanimously with May Dunn and Phillip Kaufman absent at this time. David Marcello stated that he had a few points he wanted to make on the record. The first item is that of the May 15th deadline for the financial disclosure forms. The next item is that there are a couple of rules that we contemplated that a draft would be useful on rule changes might be needed for instance, that of recouping some of the costs on disciplinary matters or the authority to prohibit someone whose been immediately disciplined from taking the examination for some period of time. Judge Fuselier asked David Marcello to compile the needed drafts for the next meeting. In regard to the morning proceedings we need a written letter of decision. Judge Fuselier stated that Dion Young would prepare the decision letter.

Vincent Borrello, Jr. made a motion to add an item to the agenda. Suzanne Stinson seconded the motion, and the motion passed unanimously. Vincent Borrello, Jr. reported that Rennette Griffin, Official Court Reporter was listed on the No C. E. Suspended List. Ms. Griffin was not suspended but there was a mix up with her continuing education certificate turned in. Vincent Borrello, Jr. made a motion that the Board Office send a letter to the Judicial Administrator that it was an internal mix up. Suzette Magee seconded the motion, and the motion passed unanimously.

Judge Fuselier asked that the office email all board members to find a good meeting date for June.

Vincent Borrello, Jr. asked Ms. Armentor, Administrator to explain to the current board members her employment agreement with the Board as pertaining to raises and duties. Ms. Armentor stated that her date of hire was April 19th. Ms. Armentor has now made 11 years of employment with the Board. An annual increase of 3 percent has been budgeted annually. It has been the agreement that as long as my performance is satisfactory then a 3 percent increase would be granted. As for all of my duties I believe there are too many to list out. I not only have to deal and comply with all Board Statutes and rules but I must insure that we comply with all State Agency laws and comply with all other State Agencies reporting requirements. I am an unclassified employee. Dion Young made a motion that we grant Ms. Armentor a 3 percent increase based on her satisfactory performance. Vincent Borrello, Jr. seconded the motion, and the motion passed unanimously.

There being no further business Dion Young made a motion to adjourn. Laura Putnam seconded the motion and the motion passed unanimously. The meeting adjourned at 5:00 p.m.