

MINUTES

THE LOUISIANA BOARD OF EXAMNERS OF CERTIFIED SHORTHAND REPORTERS BOARD MEETING

Friday, July 17, 2009

Pursuant to notice, the meeting was called to order at 2:15 p.m., Friday, July 17, 2009, at the Crowne Plaza, Mississippi Queen Room, 4728 Constitution Avenue, Baton Rouge, Louisiana with a quorum present.

PRESENT BOARD MEMBERS:

Judge Perrell Fuselier
Suzette Magee
Dion Young
Laura Putnam
Phillip Kaufman
Vincent Borrello, Jr.
Gail Freese

ABSENT:

May Dunn

Administrator:

Tonya R. Armentor

CALL TO ORDER: Judge Fuselier, Chairman called the meeting to order. He began with the Pledge of Allegiance and a prayer. Judge Fuselier asked for a motion to approve the minutes of the June 4 and June 19, 2009 Board Meetings. Laura Putnam made a motion to adopt the minutes with a few typographical changes. Suzette Magee seconded the motion, and the motion passed unanimously.

REPORT OF THE TREASURER: Judge Fuselier reported in the absence of the Treasurer. All Board Members have been provided a copy of the report along with a listing of all deposits and disbursements since the last meeting. The report shows assets and liabilities on an accrual basis. The monthly operating income and expenses cover the period of June 18, 2009 through July 16, 2009. Total income equals \$766.13 with total disbursements of \$8,378.51. The checking account balance as of July 16, 2009 is \$9,650.89. Total assets including certificate of deposits equal \$102,909.34. Laura Putnam made a motion to accept the report as presented. Dion Young seconded the motion and the motion passed unanimously. Judge Fuselier stated that he has made an Executive decision to instruct Ms. Armentor to divide the total amount of our attorney's fees billed into 3 payments. Each payment will be \$3,142.93. Judge Fuselier presented an itemized list of bills that will be due between now and August 3, 2009 that need to be approved. Suzette Magee made a motion that the bills be paid as presented. Phillip Kaufman seconded the motion and the motion passed unanimously. Judge Fuselier stated that our most viable option is for us to borrow from one of the certificates of deposit. Judge Fuselier recommends that we borrow from the certificate of deposit that matures on August 5, 2009 whatever amount needed as long as we leave \$10,000.00 to be renewed. Dion Young made the motion as stated by Judge Fuselier. Suzette Magee seconded the motion and the motion passed unanimously.

REPORT OF THE CHAIRMAN: Judge Fuselier suggested that the problems we had at the Legislature resulted because we were not all on the same page. Some of our missions got commingled and that damaged our efforts for each individual purpose that we were trying to accomplish. If we could have separated those into 2 or 3 separate missions, then I think our chances of success would have been much better. We learned a valuable lesson from this. If we do have to go back to the Legislature then we need to go with a united front.

I have contacted the Supreme Court. I have a meeting with Chief Justice Kimball on Tuesday, July 27, 2009 at 3:00 p.m. in New Orleans to discuss the matters that were brought up in the Legislature. The Supreme Court did initiate setting up the meeting. The goal would be to try and accomplish these same matters through court rules instead of through the Legislature. If we can do this we will be a whole lot better off. If we cannot do it by court rule, then at least we can work in unison with the Supreme Court. Then we can say this is what the Supreme Court and the Board wants and we are all on the same page. Legislation that we sponsor that is endorsed by the Supreme Court is what we need in the future. This will save us a lot of expense, agony and misunderstanding.

Judge Fuselier stated that when Board Members have a matter they feel should be addressed by this Board or may be by the entire profession that these matters should be brought to the Board through the regular channels. This gives the Board an opportunity to discuss and take the appropriate action. The Board will then hopefully reach an agreement but if we cannot reach a consensus, at least we will have some understanding that this will be coming in the future. We may not all be together on this. We may have split views and we will hopefully eliminate most of them. The ones we cannot eliminate then at least we will know how to address them. Judge Fuselier read his statements on this matter from the last Board Meeting of June 19, 2009. He stated that he is reiterating this now, and has given some background about what has happened as a result of not having a clear policy. This is his goal of what we should do in the future. If anyone has any suggestions, questions or improvements then this is the time to discuss it. Phillip Kaufman stated that there were 3 items that he would like to submit in this matter. The first item is that he did not represent that he was on the Board when he spoke to the State Police, Representatives, and Senators at the Legislature. They did not know that he was a Board Member until the meeting on June 2, 2009. The second item is that of the meeting minutes of February 27, 2009 a motion was made by Vincent Borrello, Jr. to pursue digital signatures through legislation and Laura Putnam seconded the motion and the motion passed unanimously. Phillip Kaufman stated that the Board had made a decision to pursue digital signatures and then the Board did not hold a committee meeting to handle it. Why did the Board have a problem with the people then doing it and a Board Member being involved with it? He stated that he did not understand. Judge Fuselier stated that looking back at it there are several better ways to handle it than the way it was handled. This is not to say that there was any malice or any evil intent. It just was not handled very well. In the future we need to avoid the situation that occurred last time. With the brain power that we have on this board we can improve on it. Vincent Borrello, Jr. made a motion to appoint a task force of people on both sides of the issue of digital signatures. We could have attorneys who are on both sides of the issue as well as the Supreme Court's input. This will give us a clear defining law on what this could be. This way we can go to the Legislature and say the Supreme Court backs it and the legal community backs it. Laura Putnam seconded the motion and the motion passed unanimously.

Judge Fuselier stated that he was asked to mention the legislative change concerning the appointments of Board Members to this Board. In the past it has been 6 CCRs, 2 attorneys, and 1 Judge with each representing a Congressional District with 1 At Large. All were appointed by the Governor on a 3 year term. Under the new legislation to be effective on August 15, 2009 this has been changed. Now 4 members will be appointed by the Supreme Court, 3 by the Governor's Office, 1 from the President of the Senate, and 1 from the Speaker of the House. It is not clear whether there will be one member from each congressional district. The changes will take place as Board Member terms expire.

Judge Fuselier appointed Phillip Kaufman to the Office Administration Committee.

REPORT OF THE DISCIPLINARY COMMITTEE: Dion Young, Chairman, reported that the committee has not met since the last meeting. However, the ongoing item of the committee is that of the new disciplinary procedure and form. The form has been posted on our website. Laura Putnam has a few changes to make. The form will be a work in progress. Dion Young stated that the two-tier procedure is a little more difficult because in the statutes under section 2557 it indicates when a member of the board finds out about a

disciplinary problem, that any Board Member may investigate. I think if we draw up a two-tier procedure now that it will violate the statutes. I don't think we can do it based on the way the statutes read. Judge Fuselier stated that he thinks this is a very appropriate subject to discuss with Chief Justice Kimball. Judge Fuselier instructed that the Disciplinary Committee Chairman is to notify all committee members of every complaint received by sending a copy of the complaint to them. The Disciplinary Committee Chairman will decide when a committee meeting is to be held and notify its members.

Judge Fuselier called a 10 minute recess at 3:40 p.m.

Judge Fuselier called the meeting back to order at 3:50 p.m.

Judge Fuselier instructed the committee members to discuss the best method of handling the complaints when they come in. The Chairman of the committee will make a recommendation to the Board at the next Board Meeting so that it can be adopted as a formal board procedure.

Dion Young made a motion to request an opinion from the Attorney General's Office on the issues concerning Contracting vs. Networking. Laura Putnam seconded the motion and a discussion took place. Dion Young will draft the request to the Attorney General's Office and present it to the Board for Board approval. Once approved by the Board then it will be submitted to the Attorney General's Office. The motion passed unanimously.

Dion Young stated that several audience members have information on the matter of an online repository of deposition transcripts. Debbie Brooks offered that this online repository was found by a court reporter by just simply looking up Craig's List and searching under the legal information. The first 5 pages of a transcript can be viewed without purchasing. The full transcript can be purchased by anyone who has a paypal account. Vincent Borrello, Jr. stated that he has gone to this website and viewed it. On the website it states that a deposition is a public record. We have an advisory opinion from NCRA that states that depositions are not a public record. Vincent Borrello, Jr. suggested that we request an opinion from the Attorney General's Office on whether or not Louisiana depositions are public records. Vincent Borrello, Jr. stated that it is our understanding that a court reporting firm has turned over numerous depositions to this website and some are without the permission of the court reporters who took the deposition. This Board has no authority over firms. Kay Donnelly stated that some of their depositions have shown up on this website as copies we sold to a law firm. She stated, "I didn't sell it or give it to Deposition Source." She has no idea who they got it from. Vincent Borrello, Jr. read from the NCRA advisory opinion number 9 as follows: "A question arose regarding the confidentiality of transcripts that have yet been filed with the court and that accordingly are not yet public records. Unless a deposition transcript has been made a part of a public record the reporter must obtain the permission of all parties and the deponent not just the hiring party, before selling or otherwise releasing the transcript to any third party." The NCRA advisory opinion was issued as an interpretation of Article 4 of the Code of Professional Ethics. It requires that a member "preserve the confidentiality and ensure the security of information, oral or written, entrusted to the member by any of the parties in a proceeding." Phillip Kaufman made a motion that we call the owner/reporter of Alliance Court Reporting to attend the next Disciplinary Committee meeting to explain their involvement with Deposition Source and the public release of transcripts. Vincent Borrello, Jr. seconded the motion and the motion passed unanimously.

REPORT OF THE ETHICS COMMITTEE: No report.

REPORT OF THE EXAMINATION COMMITTEE: Vincent Borrello, Jr., Chairman reported that the committee did meet earlier today. He reminded the Board that he had previously reported that he was waiting to hear back from St. Scholastica High School. Since hearing several complaints from previous examinees, this facility is not recommended. He also contacted Baton Rouge Community College, and spoke with Ms.

Tuesday and expects to hear back from her. Ms. Armentor provided a list of all the colleges in the State. Gail Freese and Vincent Borrello, Jr. arrived early enough today to look at the banquet rooms here at the hotel. Vincent Borrello, Jr. reported that he thinks the hotel could meet our needs. The Cypress 1 room will accommodate up to 85 people. There is adequate space for tables and chairs. The cost would be approximately \$500.00. However, we do have concerns about noise coming from other large rooms in the same area. This is an item that will have to go through State Purchasing. Ms. Armentor was instructed to go ahead and submit the necessary information to State Purchasing. It will take about 30 days to complete. The other issue will be to locate someone who can grade the examinations. Suggestions are welcomed. Vincent Borrello, Jr. made a motion that Ms. Armentor submits the necessary information to State Purchasing to begin the bid process for examination facilities. Suzette Magee seconded the motion and the motion passed unanimously.

Vincent Borrello, Jr. reported that a request was made that the Board provide a study guide or bank of questions for the written knowledge examination. Vincent Borrello, Jr. reported that we do have the written knowledge bank of questions from LSU. Vincent Borrello, Jr. made a motion that we post this item on the FAQ page of our website as follows: Can an applicant obtain the written knowledge bank of questions to prepare for the examination? Yes, please contact the Board Office. Suzette Magee seconded the motion, and the motion passed unanimously.

Vincent Borrello, Jr. reported that the next item of discussion was that of the examination fees. Vincent Borrello, Jr. made a motion to increase the skills portion of the examination from \$125.00 to \$225.00 and the written knowledge examination from \$75.00 to \$150.00. Dion Young seconded the motion, and the motion passed unanimously.

REPORT OF THE LEGISLATIVE COMMITTEE: No report.

REPORT OF THE CONTINUING EDUCATION COMMITTEE: In the absence of a committee chairman, Vincent Borrello, Jr. stated that he thinks that the Board needs to set up a seminar to generate some fees. He would like to see the new Chairman of this committee set up a seminar before the end of the year. Vincent Borrello, Jr. made a motion that the new Chairman of the C. E. Committee set up a seminar before the end of the year that will include the required 1 hour of ethics. Gail Freese seconded the motion, and the motion passed unanimously.

Judge Fuselier appointed Phillip Kaufman as a member of the C. E. Committee and May Dun as the Chairman.

REPORT OF THE OFFICE ADMINISTRATION COMMITTEE: Vincent Borrello, Jr. reported that the committee did meet earlier today. The first item of discussion was that of the moving expenses. The office is scheduled to move on August 7, 2009. The new address will be 9422 Florida Boulevard, Suite A-1, Walker, Louisiana. A bid letter has been sent out to three vendors. The office has received two out of the three bids. Vincent Borrello, Jr. made a recommendation that Ms. Armentor send the same bid letter to Student Movers. Vincent Borrello, Jr. made a motion that after receiving the bid from Student Movers to allow Ms. Armentor to go ahead and select the lowest bidder as per State Purchasing rules. Suzette Magee seconded the motion, and the motion passed unanimously. Vincent Borrello, Jr. reported that the copier will be moved by Electronic Business Systems and will cost between \$150.00 and \$200.00. Vincent Borrello, Jr. reported that the Board previously approved \$5,000.00 for new office furniture. Vincent Borrello, Jr. made a motion to amend the previous amount of \$5,000.00 to \$2,000.00. Suzette Magee seconded the motion, and the motion passed unanimously.

Vincent Borrello, Jr. reported that the next item visited is that of meeting space options. He further reported that we do have adequate space in the new office to accommodate a meeting of this size. The Denham Springs-Walker Library has a very nice room available free of charge and holds up to 100 people. Vincent Borrello, Jr. stated that he agrees that this would be adequate and acceptable meeting space.

Vincent Borrello, Jr. reported that the next item visited was that of video streaming. The information that we currently have on video conferencing indicates that it is extremely expensive. Vincent Borrello, Jr. reported that he was going to contact Mike Gusky, Chief Security Officer for the State. There could be some security issues with us being a State Agency. Phillip Kaufman stated that the only expense we should have is that of our webmaster to set up the additional items needed on our website. Vincent Borrello, Jr. made a motion to table this matter until the next meeting. Suzette Magee seconded the motion, and the motion passed unanimously.

NEW BUSINESS:

A. Request for Seminar approval-The first request is that of Rene White Moarefi for a Case Catalyst 10 Workshop. Vincent Borrello, Jr. made a motion to approve. Laura Putnam seconded the motion, and the motion passed unanimously. The next request is that of Lou-Tex Seminars and CEUs, Proofing, Polishing, & Perfecting. Vincent Borrello, Jr. made a motion to approve all sessions except the Ethics Session. Phillip Kaufman seconded the motion and the motion passed 6 to 0. Suzette Magee had stepped out and was not present.

Judge Fuselier recommended that we go back to meeting every other month. Gail Freese made a motion to go back to meeting every other month. The next meeting would take place in September. Dion Young seconded the motion, and the motion passed unanimously.

Vincent Borrello, Jr. made a motion to add licensing fees to the agenda. Suzette Magee seconded the motion, and the motion passed unanimously. Vincent Borrello, Jr. reported that due to our financial situation it is imperative that we increase the licensing fee. Vincent Borrello, Jr. made a motion to increase the licensing fee from \$75.00 to \$125.00. Phillip Kaufman seconded the motion and a discussion took place. Phillip Kaufman offered an amendment to seek to revise the statutes in the next legislative session that would grant us authority to raise the licensing fee to a maximum of \$250.00. Dion Young seconded the amendment. The motion and amendment passed unanimously. Phillip Kaufman made a motion to go back to a separate seal fee and that the maximum charge be \$25.00 which includes the cost of mailing. Suzette Magee seconded the motion, and the motion passed unanimously.

Vincent Borrello, Jr. made a motion to go into Executive Session. Suzette Magee seconded the motion, and a brief discussion took place. Phillip Kaufman agreed to go into Executive Session. The motion passed unanimously.

There being no further business Laura Putnam made a motion to adjourn. Dion Young seconded the motion, and the motion passed unanimously.