

MINUTES

THE LOUISIANA BOARD OF EXAMNERS OF CERTIFIED SHORTHAND REPORTERS BOARD MEETING

Friday, June 19, 2009

Pursuant to notice, the meeting was called to order at 2:00 p.m., Friday, June 19, 2009, at the Crowne Plaza, Mississippi Queen Room, 4728 Constitution Avenue, Baton Rouge, Louisiana with a quorum present.

PRESENT BOARD MEMBERS:

Judge Perrell Fuselier
May Dunn
Suzanne Stinson
Dion Young
Laura Putnam
Phillip Kaufman

ABSENT:

Vincent Borrello, Jr.
Suzette Magee
Gail Freese

Administrator:

Tonya R. Armentor

CALL TO ORDER: Judge Fuselier, Chairman called the meeting to order and asked Dion Young to lead the prayer and Phillip Kaufman to lead the pledge. Judge Fuselier asked for a motion to approve the minutes of the May 8, 2009 meeting. Laura Putnam made a motion to adopt the minutes as written. Dion Young seconded the motion, and the motion passed unanimously.

REPORT OF THE TREASURER: May Dunn, Treasurer presented the report and stated that 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 May 8, 2009 through June 18, 2009. Total income equals \$1,423.19 with total disbursements of \$19,989.12. Total assets including certificate of deposits equal \$110,210.62. Suzanne Stinson seconded the motion and the motion passed unanimously. May Dunn made a motion to approve the payment of the bills presented. Laura Putnam seconded the motion, and the motion passed unanimously.

REPORT OF THE CHAIRMAN: Judge Fuselier reported that the board office has received several request for re-grading of the last examination. A review committee must be appointed for this task. Judge Fuselier appointed the following board members to complete the task of re-grading the requested examinations and report their findings at the next meeting. They are as follows: Laura Putnam, May Dunn, and Phillip Kaufman. Dion Young stated that he has been asked several questions about the next test and that it may be held in October, is this correct? Judge Fuselier stated that there has been a little confusion amongst the Board Members but Ms. Armentor, Office Administrator can tell us what the practice has been in the past and when the next exam is scheduled. Ms. Armentor stated that we do not have a scheduled exam for August. At the last meeting Vincent Borrello, Jr., Chairman of the Examination Committee reported that he was in contact with St. Scholastica High School, in Covington, Louisiana for facilities. I informed the Examination Committee via email that this item would have to go through State Purchasing as a bid item. State Purchasing will handle this item for us. Judge Fuselier asked if this could affect the scheduling of the next examination. Ms. Armentor replied that it was possible. However, nothing has been talked about or discussed as far as moving the exam. Judge Fuselier asked if August is still the tentative month for the exam. Ms. Armentor

stated yes. Dion Young asked if the exam would be in August. Ms. Armentor stated at this time it is tentatively scheduled for August. Ms. Armentor explained that if anything changes with the examination scheduling then it has to be done at a Board Meeting. Ms. Armentor explained the history of the examination scheduling of why the February exam was moved to April and that the August exam was never moved. We have been scheduling the examinations twice per year in April and August. The August examination was never discussed in any way at this point. Phillip Kaufman made a motion to move the August Examination to October to give us time to consider changing facilities and services for the examination. Dion Young asked do we have the test and do we only need to give the test? Phillip Kaufman stated that LSU is very expensive and we are concerned about our expenses. This will give us a little more time to go through the processes with the State to get everything approved. Dion asked if this could be done before August. Ms. Armentor stated that she had no idea. Phillip Kaufman stated that it would be tough unless we can sit down and make some decisions today. May Dunn reminded everyone that our checking account is down to about \$17,000.00. This is very low. Phillip Kaufman stated, "I think if we give ourselves until October we will have a little more time to get it moved and have another service take care of it." May Dunn seconded the motion, and the motion passed unanimously. Judge Fuselier stated that the exam will be scheduled for October and we will do whatever we can to meet that scheduled date.

Judge Fuselier stated that we have run into a little problem that has just recently developed and I want to address it at this time. Judge Fuselier read the report as follows:

All of us on the Board get along well and we enjoy serving together. In order to be effective as a Board however, we must understand our rights and our responsibilities. Our rights include our ability to bring up our own ideas for consideration by the Board. Our responsibilities include being careful not to exceed our authority as Board Members. Only a few people speak for the Board. The Chairman and the Board Attorney certainly do as well as those Committee Chairs that have been authorized by the Board and additionally any other Board Members who have been authorized by the Board. However, as Board Members, when we want to advocate a position on our own that is one that has not been sanctioned by the Board, we have to be particularly careful not to give the appearance that we are speaking for the Board when in fact the Board has not authorized us to do so. That sends the wrong signal whether it is to the profession, the legislature, or to others. It causes problems for all of us. Therefore, in order to avoid having that kind of problem in the future, I will direct Tonya to place this item on the Agenda for the next board meeting so that we can formally adopt a policy that will incorporate these principles into our operating procedures for the future. In the meantime, I would genuinely appreciate your cooperation in observing these principles. Whatever your thoughts are at this time, I would suggest holding in reserve for the Board meeting where we will discuss these policies. We need to have the most efficient way of doing business for the Board and also the most efficient and effective way of taking up matters that are not necessarily sanctioned by the Board.

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. Dion Young provided all Board Members a copy of the new form and stated that we will probably want to make some changes. I would like to ask everyone to look over it for discussion at this time. This is a basic overview of what we are going to have. If you file a complaint you will have to certify that it is true and correct. It will have to be notarized. This has not been the case previously. You will have to give your name, witnesses and what they will testify too as well. There is no anonymous complaint. You have to sign your name on it. After looking much closer at the Board Statutes and rules pertaining to this procedure I have determined that we may not be able to implement the full two-tier procedure, as we would like to see it. A lot of our disciplinary stuff is in Title 32, Section 257 and we can't change this part. I think we can change the way the Disciplinary Committee works as far as the two-tier system. I think along with this that article 257 is going to have to be revamped a little bit. It discusses having a hearing and attendance at the hearing. Our model is a two-tier hearing. You get two hearings. One is somewhat informal with a Board

Member and three court reporters. The second tier is a lot more formal if it gets to that point. I think that section 257, which deals with suspensions and revocations may need a little touch up. I have sent David Marcello something and we will have to address this when the legislature is over. There is no way to change it this year anyway. I think we can change the way we do things but I'm not sure how much because of the way our statutes read right now. I don't think we have a problem using the complaint form now. Judge Fuselier stated that this was a good start. I think we need to move forward and adopt the complaint form along with any changes that may need to be made and any additional changes can be adopted at a later meeting. Phillip Kaufman made a motion to adopt the complaint form. Suzanne Stinson seconded the motion, and the motion passed unanimously. This form will be posted on our website and the original must be submitted to the Board Office. Judge Fuselier instructed Tonya to place the adoption of the two-tier disciplinary procedure on the Agenda of the next meeting providing that it does not conflict with State Law, specifically section 2557.

REPORT OF THE ETHICS COMMITTEE: No report.

REPORT OF THE EXAMINATION COMMITTEE: In the absence of Vincent Borrello, Jr., Chairman Ms. Armentor stated that this information was given under the report of the chairman.

Phillip Kaufman reported that he will be administering the approved out of time test to Ms. Whitby on June 26, 2009.

Ms. Armentor reported that the results from the April 25, 2009 examination were very good. We had 16 examinees that passed for licensing plus a current CCR passed the skills in a new method.

REPORT OF THE LEGISLATIVE COMMITTEE: In the absence of Suzette Magee, Chairman, Judge Fuselier, Chairman of the Board reported that the legislative committee has been very active and that we have spent a lot of time in the halls of the legislature. The Board sponsored bill HB 599 by Representative Hill as reported yesterday, is that the amendments were rejected by the House. The bill has now been assigned to a conference committee. That committee's report with suggested amendments will lay the predicate for an up or down vote in each chamber of the House and the Senate. If either the House or the Senate votes unfavorably, then the bill is dead. If they both accept the report then the bill will go to the Governor for signature. David Marcello is monitoring this and we have not heard any further reports since yesterday at noon. After the conference committee makes its report, then the House and the Senate will have to vote on the bill as presented to them. They will not have the option of amending it. If they don't like it the way it is then they have to vote against it but they cannot make any further amendments. If it does not pass both houses, then the bill dies for the session.

REPORT OF THE CONTINUING EDUCATION COMMITTEE: Suzanne Stinson, Chairman reported that the C. E. Committee did meet prior to the Board meeting and discussed several requests for approval. We are anticipating multiple requests for the upcoming NCRA seminar in August. Suzanne Stinson made a motion to approve the NCRA Seminar sessions. May Dunn seconded the motion, and the motion passed unanimously. The next item is that of the Nuts & Bolts Seminar that we approved previously with exceptions. I did attend and participate in this seminar and I make a motion that all sessions of the warm-up and the Nuts and Bolts Seminar be approved. May Dunn seconded the motion, and the motion passed unanimously. The next item is a request for a Stenocat users network 2009 Fall Conference in Jacksonville, Florida. Suzanne Stinson made a motion to approve. May Dunn seconded the motion, and the motion passed unanimously. The next item is from Michelle Escobar regarding her c. e. credits for the last two-year cycle. Ms. Escobar attended a Texas CCR Seminar in 2008 and upon review of the information Suzanne Stinson made a motion to approve. May Dunn seconded the motion, and the motion passed unanimously. The next item is that of the City Court Clerks Association Seminar. The committee had requested additional information and we have since received that information. Suzanne Stinson made a motion to approve. May Dunn seconded the motion, and the motion passed unanimously. The next item is the 2009 NVRA

Convention that has been proposed for approval of sessions 1, 2, 3,5, and 6. Suzanne Stinson made a motion to approve. May Dunn seconded the motion, and the motion passed unanimously. The next item is that of the LCRA Seminar to be held in October. Suzanne Stinson made a motion to approve. May Dunn seconded the motion, and the motion passed unanimously. The next item is that of the VRLA Seminar to be held in September. Suzanne Stinson made a motion to approve. May Dunn seconded the motion, and the motion passed unanimously. Suzanne Stinson reported that the continuing education proposed rule change is in line to be published as a rule in September.

REPORT OF THE OFFICE ADMINISTRATION COMMITTEE: In the absence of Vincent Borrello, Jr., Chairman, May Dunn reported that a request was sent to Facility Planning and Control to start the process to lease new office space and that we need board approval on this. It will take 60 days to get this done. Facility Planning and control is currently requesting from the lessor, the Fire Marshal's approval for occupancy and a letter stating that no asbestos or asbestos containing materials have been used in the building. May Dunn made a motion to move forward with the new office space. Laura Putnam seconded the motion, and the motion passed unanimously.

May Dunn reported that we have received several reciprocal applications that need to be approved for licensing. The first one is that of Lisa D. Jeter and all information is in order. May Dunn made a motion to approve. Suzanne Stinson seconded the motion, and the motion passed unanimously. The next applicant is that of Katie Loupe and all information is in order. May Dunn made a motion to approve. Suzanne Stinson seconded the motion, and the motion passed unanimously. The next applicant is that of Holly Miller Bergeron and all information is in order. May Dunn made a motion to approve. Suzanne Stinson seconded the motion, and the motion passed unanimously.

NEW BUSINESS:

- A. Rebecca Daher – request reinstatement. Ms. Armentor requested that this matter be tabled until further notice because she has not met all requirements. Suzanne Stinson made a motion to table this matter until further notice. May Dunn seconded the motion, and the motion passed unanimously.
- B. Bettye Keys – request reinstatement. Ms. Keyes had not turned in her license fee or c. e. credits for the 2007-2008 two-year cycle until recently. The C. E. Committee did review and approve her c. e. credits submitted earlier. Ms. Keyes is not currently in the State but does wish to maintain her Louisiana CCR license. Suzanne Stinson made a motion to accept her c. e. credits as submitted and to reinstate her license. May Dunn seconded the motion, and the motion passed unanimously.
- C. Michelle Escobar – c. e. reinstatement requested. Michelle had not turned in proof of c. e. credits timely and has now complied. The C. E. Committee did review and approve her c. e. credits submitted earlier. Ms. Escobar does reside in Texas and is solely practicing in Texas at this time but does wish to maintain her Louisiana CCR license. Suzanne Stinson made a motion to reinstate her license. May Dunn, seconded the motion, and the motion passed unanimously.
- D. Wendy Ricard – c. e. reinstatement requested. Wendy had not turned in her original c. e. certificate timely and has now complied. May Dunn made a motion to accept her original certificate and to reinstate her license. Suzanne Stinson seconded the motion, and the motion passed unanimously.
- E. Board Members actions – this item was addressed under the report of the chairman.

Judge Fuselier reported that Phillip Kaufman had requested a list of items to be assigned to various committees at the last meeting. The first item was that of licensing of Court Reporting Firms. We do not have an appropriate committee for this item and it would be best that the Board address this matter. Phillip Kaufman made a motion that the Board address this matter and discuss it at the August board meeting. Laura Putnam seconded the motion, and the motion passed unanimously.

The next item is that of video streaming of board meetings. Judge Fuselier appointed this matter to the Office Administration Committee for further review. The next item is adding a private forum to the board

website allowing court reporters to login to participate in “chat” sessions. It is my understanding that we have some State issues with this item. Ms. Armentor reported that the main issue with this item is that of a security risk. Ms. Armentor has spoken with the State Data Security Officer on this matter. Ms. Armentor reported that State information does have to be protected and we do have encryption software installed on our computer and external hard drive to insure that not just anyone can access our information. Judge Fuselier stated that in light of the information provided this item will not be discussed any further.

The next item is to provide clarification on what practices constitute contracting as well as networking. Judge Fuselier will assign this item to the Disciplinary Committee as well as the next item of studying online depositories of transcripts.

There being no further business Dion Young made a motion to adjourn. Phillip Kaufman seconded the motion, and the motion passed unanimously. The meeting adjourned at 3:15 p.m.