



**BOARD OF COURT REPORTING
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TENNESSEE 37243
615-741-1831**

**Board Meeting Minutes for March 23, 2018
First Floor Conference Room 1-B
Davy Crockett Tower**

The Tennessee Board of Court Reporting met on March 23, 2018 in the first floor conference room 1-B of Davy Crockett Tower in Nashville, Tennessee. The following business was transacted:

BOARD MEMBERS PRESENT: Briton S. Collins, Earl W. Houston, II, John Rambo, Ken Mansfield, Marilyn Morgan

STAFF MEMBERS PRESENT: Glenn Kopchak, Ashley Thomas, Dennis Gregory, Carol McGlynn

ROLL CALL/NOTICE OF MEETING

Chairman Collins called the meeting to order at 9:00 am. Director Kopchak took roll after reading the Notice of meeting as follows: "Notice of March 23, 2018 meeting of the Court Reporter's Board was posted to the Court Reporters Board website March 16, 2018."

AGENDA

Mr. Collins motioned to adopt the day's agenda as written. This was seconded by Mr. Mansfield. The motion carried by unanimous roll call vote.

MINUTES

The Board reviewed the minutes from its September meeting. Judge Rambo made a motion to amend the minutes with language that more accurately reflects the Board's will regarding the allocation of a possible net surplus as previously discussed, which was seconded by Mr. Houston. The motion passed by unanimous roll call vote. Judge Rambo then motioned to adopt the minutes as amended, which was seconded by Mr. Mansfield. The motion passed by unanimous roll call vote.

DIRECTOR'S REPORT

Director Kopchak read January's revenues and expenditures into the record and provided a detailed review of the 2017 Fiscal Year.

Director Kopchak stated that successful testing has been completed for data conversion and migration of the licensing database into regulatory boards' current operating system, the Comprehensive Online Regulatory and Enforcement (CORE) system. Final migration into CORE was scheduled in time for all renewals for this renewal cycle in June to be done online. Initially, a price tag from the vendor was provided in the \$80,000 range; however, due to much of the programming and testing being done by administrative staff, the final cost billed by the vendor came to \$41,000.

Director Kopchak informed the Board that executive management has decided not to pursue the issuance of photo ID cards with licensing information. Although the Board acknowledged that these photo ID cards are not statutorily mandated and courthouses throughout the state are not required to accept these photo ID cards for admittance or in lieu of other forms of identification, the Board would like to adopt the following statement provided by Judge Rambo as adapted: "If financially feasible in regards to manpower, equipment, and time, the benefit of having a Court Reporter photo identification card is important, and it is the Board's position that if that criteria is met, then [the photo ID cards] should be issued." Judge Rambo then motioned to adopt that statement, which was seconded by Mr. Mansfield. The motion passed by unanimous roll call vote.

LEGAL REPORT



**STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
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TO: Tennessee Board of Court Reporting

**FROM: Dennis Gregory, Assistant General Counsel, Regulatory Boards
Ashley Thomas, Assistant General Counsel, Regulatory Boards**

DATE: March 23, 2018

SUBJECT: Tennessee Board of Court Reporters' Legal Report

NEW CASES

1. 2017-9
Respondent:
License Status: - ACTIVE
License Expiration: Expires 6/30/2018

Summary: The Complainant is another licensed court reporter. The complaint deals with whether the Respondent's grandfathering licensure from 2010 was fraudulently obtained. The Complainant alleges the Respondent fraudulently obtained a license because she was not an "official court reporter" when the application was made. The Complainant says the Respondent was a "contract" or "per diem" reporter, but never an "official court reporter." While T.C.A. 20-9-613 mentions "official court reporter", it is not defined by the statute.

The Respondent did, in fact, have all the requisite affidavits when the application for licensure was made. T.C.A. 20-9-613 allows a person who was engaged in the “practice of court reporting on or before January 1, 2010” to become a licensee (along with the requisite affidavits). The Respondent appears to have engaged in the practice of “court reporting” before 2010; however, there is no requirement that the person be an “official court reporter.”

Recommendation: Close.

DECISION: CONCUR

2. 2017-10

Respondent:

License Status: - EXPIRED

License Expiration: 6/30/2016

Summary: The complaint stems from a criminal trial in 2010. The Complainant, now incarcerated, alleges the Respondent left out or mischaracterized relevant and important parts of the trial. From the complaint it appears the Complainant cited words that he claims were originally spoken as singular, but were transcribed as plural. There are some other line and page numbers referenced, but it is difficult to discern what exactly the Complainant’s point is.

The judge that presided over the original case responded to the complaint. The explanation from the court was that the Complainant is simply using the complaint system to attempt to get a new trial. It is the court’s view that the trial transcript was correct in its substance.

The complaint is well over 90 days from the events giving rise to the complaint.

Recommendation: Close.

DECISION: CONCUR

3. 2017-11

Respondent:

License Status: - ACTIVE

License Expiration: 6/30/2018

Summary: The complaint stems from a change of custody trial. The Complainant alleges the Respondent intentionally failed to complete the trial transcript to hinder the Complainant’s appeal. The trial concluded on July 25, 2016.

The Respondent says the Complainant did not contact her until August 8, 2016. At that time, the Complainant also neglected to tell the Respondent the matter was being appealed. The Respondent says the trial concluded on July 21, 2016. The Court then asked the Respondent to prepare a transcript and file it with the Clerk of Court on July 26, 2016. **The transcript, however, was only the Court’s ruling.** Therefore, it was not the full transcript for the entire trial. The complete transcript was not completed until October 13, 2016. The Respondent notified the Complainant (who was unrepresented at this point) that the transcript was ready. The Complainant still, apparently, did not inform the Respondent of any pending appeal.

There is no evidence the Respondent intentionally delayed completion of the transcript or any evidence that the Respondent was told to delay. Further, the Respondent's right to appeal was not hindered if the notice of appeal was timely filed.

This complaint was filed well over 90 days from the facts giving rise to the Complaint.

Recommendation: Close.

DECISION: CONCUR

4. 2017-12

Respondent:

License Status: – ACTIVE

License Expiration: 6/30/2018

Summary: This matter is related to the complaint above (2017-11) and was filed by the same Complainant. The Complainant alleges the Respondent was hired by his new attorney on August 3, 2017 to record the evidentiary hearing ordered by the Tennessee Court of Appeals on remand.

The Respondent says she was present in the trial court and recorded the five (5) minute telephone conference. According to the Respondent, the Complainant's attorney did not request a transcript. The Respondent then goes on to explain that she received a text from a person identifying themselves as a non-party to the action, requesting a transcript. The Respondent told the non-party that a transcript would have to be requested by the attorney and that she could not release it to anyone other than the attorney or the party (client). The Respondent claims she has heard no more from anyone, but has yet to be paid by the Complainant's attorney.

There does not appear to be a violation here. Ultimately, there was no guidance or instruction from the Complainant's attorney.

Recommendation: Close.

DECISION: CONCUR

5. 2017-13

Respondent:

License Status: – EXPIRED

License Expiration: 6/30/2016

Summary: This complaint was made by a licensed court reporter from the same geographic area as the Respondent. The Complainant states, generally, that the Respondent is practicing unlicensed court reporting. The Complainant claims that the Respondent was licensed, but allowed the license to lapse (6/30/16) while continuing to engage in court reporting. The Complainant claims the Respondent may have completed "thousands" of transcripts. The Complainant provided the certification page from one deposition handled by the Complainant dated July 27, 2017.

The Respondent's attorney responded to the Complaint. The attorney explains that the Respondent has been ill for some time, but does not admit or deny the unlicensed allegation.

Recommendation: Consent Order and \$100.00 civil penalty for unlicensed activity in violation of T.C.A. 20-9-603(a).

DECISION: THE BOARD REJECTED THE RECOMMENDATION AND VOTED TO DEFER THE DECISION PENDING AN INVESTIGATION. THIS WILL BE REPRESENTED AT THE SEPTEMBER MEETING.

As for Legislative Updates, Ms. Thomas notified the Board that the Board's term was extended to June 2024 in the Sunset hearing under Public Chapter 519.

NEW BUSINESS

Per TCA 20-9-604 (f), "At its first meeting each calendar year, the board shall elect a chair, vice chair, and secretary from its membership." Mr. Mansfield motioned to keep Mr. Collins as chair, Mr. Gibson as vice chair, and Judge Rambo as secretary. Ms. Morgan seconded, and the motioned passed by unanimous voice vote.

Director Kopchak noted that past anonymous complaints with no identifying information or those that lacked enough supporting information to warrant an investigation were never referred to legal or the Board in the past; however, administration would like to open each of those, and then close if no corroborating information is provided without referring those in keeping with past practices. This will assist administration in tracking the volume of total complaints processed. Judge Rambo recommended that a written policy be provided outlining administrative action regarding these anonymous complaints with no actionable information.

There being no other new business, Mr. Collins entertained a motion to conclude the meeting. Judge Rambo offered a motion to adjourn, with a second provided by Mr. Mansfield. The motion passed by unanimous voice vote, and Mr. Collins adjourned the meeting at 9:59 AM.