



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

**Board Meeting Minutes for September 28, 2018
First Floor Conference Room 1-B
Davy Crockett Tower**

The Tennessee Board of Court Reporting met on September 28, 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 (teleconference), Ken Mansfield, Marilyn Morgan, Ken Gibson

STAFF MEMBERS PRESENT: Glenn Kopchak, Ashley Thomas, Dennis Gregory, Shilina Brown, Heidi Flick

ROLL CALL/NOTICE OF MEETING

Chairman Collins called the meeting to order at 9:06 am and related to move forward with the meeting without the call-in from Judge Rambo. Director Kopchak took roll call after reading the Notice of meeting as follows: "Notice of September 28th, 2018 meeting of the Court Reporter's Board was posted to the Court Reporters Board website September 13th, 2018."

AGENDA

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

MINUTES

The Board reviewed the minutes from its March meeting. Mr. Collins noted that there was an incorrect date in the March minutes. Mr. Mansfield made a motion to amend the minutes with the corrected date and adopt the rest as written, which was seconded by Ms. Morgan. The motion passed by unanimous voice vote.

DIRECTOR'S REPORT

Budget

Director Kopchak reviewed the overall expenditures for FY17 noting that all was in good fiscal health. Director Kopchak did address the CORE expense that was deducted in May and other costbacks; however, this is balanced out by the annual renewal cycle.

Renewals & Audits

Director Kopchak informed the board members that 88% of court reporters have completed their renewals and the 1st quarterly CE audit will begin as early as next month. During this audit, approximately 10% of court reporters will be selected for audit.

Judge Rambo entered the meeting via teleconference at 9:19 a.m.

Statement of Necessity

Director Kopchak read the Statement of Necessity at 9:22 a.m. Judge Rambo made a motion to accept the State of Necessity, which was second by Mr. Gibson. The motion passed by unanimous roll call vote.

Anonymous Complaints

The board members had previously requested a policy regarding anonymous complaints. Director Kopchak and Ashley Thomas presented them with and explained to them an existing policy (Complaint Handling Standard Operation Procedure) that had been approved across division level. During the discussion of the policy, Mr. Collins asked for clarification on the process to determine what would be presented to the board and what would not. Ms. Thomas explained to Mr. Collins that all complaints are reviewed by the Customer Service and Complaints Executive Director and Staff Attorney prior to any action on the complaints. 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. It has since been decided that each of those will be opened, and then closed if no corroborating information is provided per the SOP provided. Opening, then closing these complaints, will assist administration in tracking the volume. Mr. Houston made a motion to authorize support services the authority to close these anonymous complaints without bringing each to the Board, which was seconded by Mr. Mansfield. The motion carried by unanimous roll call vote.

2019 Meeting Dates

Director Kopchak presented the 2019 board meeting dates. Mr. Gibson made a motion to adopt the meeting dates as proposed, which was seconded by Mr. Mansfield. The motion carried by unanimous roll call vote.

LEGAL REPORT

The legal report was presented by Dennis Gregory (Assistant General Counsel, Regulatory Boards) and Shilina Brown (Assistant General Counsel, Regulatory Boards). There were no new cases to present.

CASES RE-PRESENTED

1. 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.

New Information: A TDCI investigator was able to interview one of the Complainants who is a local court reporter. According to the investigative report, one Complainant explained that "What [the Respondent] does is have her girls work, type the transcript, then [the Respondent] signs with a notary seal." The "girls" referred to by the Complainant are apparently unlicensed individuals who can simply type and generate a transcript. Neither Complainant could give the investigator a ballpark number as to how many transcripts were done in this fashion. The Respondent is roughly 84 years-old.

A couple of days after the interview, both Complainants told the investigator they wished to withdraw their complaint. Ultimately, the matter may be difficult to prove at hearing if the Respondent was unwilling to sign a Consent Order for unlicensed activity.

New Recommendation: Close.

NEW BOARD DECISION: Mr. Houston made motion for a consent order and a \$500.00 civil penalty for unlicensed activity in violation of T.C.A. 20-9-603(a), which was seconded by Mr. Mansfield. The motion carried by unanimous roll call vote. Additionally, Judge Rambo made a motion to initiate an administrative investigation for the two (2) females associated, and any others identified during the investigation, for unlicensed activity. This motion was seconded by Mr. Gibson. The motion carried by unanimous roll call vote.

Mr. Houston exited the board meeting at 9:56 a.m.

2. **2016-03**

Respondent:

License Status: - EXPIRED

Original License Date: 9/10/2010

License Expiration: 06/30/2016

Complainant filed a complaint against the Respondent Court Reporter for practicing under an expired license. The Respondent contacted the Complainant in May 2016 to find out what was required to transfer a Tennessee Court Reporter license to another state. The Respondent's license expired on June 30, 2016. In September 2016, the Complainant was advised by the Hamilton County Circuit Court staff that the Respondent performed court reporting services relocated to another state. The Complainant checked the online license verification system and

found the Respondent's Tennessee court report license to be expired. The Complainant also confirmed this with the board office of the Tennessee Board of Court Reporters. The Complainant contacted the Respondent concerning the expired license and the Respondent did not bring the license to current status. Pursuant to the rules and regulations of the Tennessee Board of Court Reporter's, the Complainant believed there is a duty to report unauthorized court reporting. Tennessee Code Annotated § 20-9-603(a) states [n]o person, except as otherwise provided by law, shall practice or attempt to practice court reporting in this state or hold the person out as a court reporter unless the person is a licensed court reporter.

Recommendation: Authorize formal hearing and send a consent order for informal settlement with a civil penalty in the amount of \$250 for violations of Tenn. Code Ann. § 20-9-603(a) and Tenn. Comp. R. & Regs 0455-01-05-.03(1)(f) (willfully practicing or seeking to practice court reporting without a current license.).

Board Decision: CONCUR

New Information: We have made attempts to locate the Respondent, including using all available databases to locate individuals in the United States. We found an updated address, however, the mail that was sent to the address was returned to our office as undeliverable. As such, we are unable to locate the Respondent to serve the Notice of Hearing and Charges.

New Recommendation: Close.

NEW BOARD DECISION: Mr. Gibson made a motion to close without prejudice, which was seconded by Mr. Mansfield. The motion carried by unanimous roll call vote.

LEGISLATIVE UPDATE

Ms. Thomas provided a summary of HB2248/SB2465 referred to as the "Fresh Start Act" which generally speaking will not allow for denying an applicant for licensure due to a felony unrelated to the license for which the applicant applied.

NEW BUSINESS

There being no new business, Mr. Gibson made a motion to adjourn the meeting, which was seconded by Mr. Mansfield. The motion passed by unanimous roll call vote, and Mr. Collins adjourned the meeting at 10:11a.m.