



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

**Board Meeting Minutes for September 24, 2021
Davy Crockett Tower
Conference Room 1-B**

The Tennessee Board of Court Reporting met on September 24, 2021 in the first floor conference room of the Davy Crockett Tower in Nashville, Tennessee. The following business was transacted:

BOARD MEMBERS PRESENT: Judge John Rambo, Marilyn Morgan, Brandon Pettes, Briton Collins, Korian Neal, Ken Mansfield and Stephanie Branim

BOARD MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Glenn Kopchak, Hugh Cross, Katie Long, and Angela Nelson

CALL TO ORDER/ROLL CALL

Director Kopchak called the meeting to order at 9:08 am. He took roll and established that a quorum was present.

NOTICE OF MEETING

Director Kopchak read the notice of meeting into the record as follows: "Notice of the September 24, 2021 meeting of the Court Reporter's Board including date, time and location has been noticed on the website since September 28, 2020; additionally, this month's agenda has been posted on the website since September 17, 2021."

AGENDA

Ms. Morgan motioned to adopt the agenda. This was seconded by Mr. Mansfield. The motion passed unanimously.

MARCH MINUTES

Mr. Collins motioned to adopt the March minutes as written. This was seconded by Mr. Pettes. The motion passed unanimously.

DIRECTOR'S REPORT

Budget Report

Director Kopchak gave a brief overview of the budget for the last six (6) months of February through July. Director Kopchak reminded the Board that this is a non-renewal year, so the budget will be in the red until next year when renewals begin. Director Kopchak also highlighted that there was an increase in technology expenses due to enhancements and upgrades to the system, which were shared among the

different programs. Director Kopchak concluded that the budget was trending as expected with no immediate cause for concern.

Meeting Dates 2022

Director Kopchak presented the scheduled 2022 meeting dates as March 25th and September 30th. Judge Rambo inquired if it would be possible to change the September date to October. The Board agreed that the date could be changed. Judge Rambo motioned to confirm the 2022 meeting dates as March 25th and October 14th. This was seconded by Mr. Mansfield. The motion passed unanimously.

Application Reviews

Director Kopchak reminded the Board that at the last meeting there was a request made for more information regarding the Michigan Certified Electronic Court Reporter (CER) designation. At the time, it was uncertain if the designation met the reciprocity standard set by TCA 20-9-610. Director Kopchak presented the Board with new information. Judge Rambo motioned to approve reciprocity from Michigan and accept the Certified Electronic Court Reporter (CER) designation. This was seconded by Mr. Pettes. The motion passed unanimously.

Director Kopchak asked the Board to consider a method for the administrative staff to begin approving applications for reciprocity instead of having to wait for a Board meeting when the Board only meets twice a year. Director Kopchak suggested that like some other Boards, they could appoint several members to review applications electronically per TCA 20-9-610, then provide for their acceptance on the approval of two (2) to three (3) members. This option was provided to the Board for informational purposes and there was no action taken, leaving this to the Board for further consideration at a future date.

LEGAL REPORT

Legal Report

The legal report was presented by Hugh Cross.

1. 2021014581

Respondent:

License Status: ACTIVE

First Licensed: 3/22/2018

License Expiration: 6/30/2022

Disciplinary History: None

Summary: This complaint alleges that Respondent worked as a peripheral reporter for Complainant. Complainant states that Respondent did satisfactory work for the first three months. However, Complainant states that Respondent in the latter months of work failed to provide billing information, on-hold information, or backup files so that transcripts may be created for after-production if ordered, and the reporter is not available. Respondent had an after-production request for transcripts, but could not reach Complainant via cellular phone, text message, and e-mail. Respondent has since contacted Complainant and stated they were a victim of identity theft, and as such were only available via first class mail and home telephone—neither of which Complainant attempted. Respondent has since provided their updated contact information to Complainant. Overall, this appears to be an issue of breakdown in communication where both parties likely should have exhausted all avenues and means of communication to make certain the other is being notified of changes or issues. However, per the rules, licensees are under a duty to provide information regarding services to be rendered to all parties and to

make timely delivery of transcripts as part of their standards of professional conduct. See Rules of Tennessee Board of Court Reporting, § 0455-01-04-.01(1)(c). A letter of warning in that regard may be useful in this matter.

Recommendation: Letter of warning to notify Respondent that licensees are under a duty to provide information regarding services to be rendered to all parties and to make timely delivery of transcripts as part of their standards of professional conduct.

BOARD DECISION: The Board accepted counsel's recommendation.

2. 2021052681

Respondent:

License Status: ACTIVE

First Licensed: 07/01/2010

License Expiration: 6/30/2022

Disciplinary History: None

Summary: This administrative complaint alleges Respondent is the only licensee in the Court Reporters audit who could not supply the requested continuing education credits. Respondent stated they completed the required continuing education credits. However, Respondent has since lost the relevant certificates of completion which would show full completion of the required continuing education. Respondent requested copies of the certificates of completion from the continuing education providers. However, the providers stated they do not keep files, and it is Respondent's responsibility to file the certificate of completion provided at the end of the presentation. Respondent asks for leniency stating the certificates of complete were likely lost during a rushed move which was in response to tragic events. However, per the rules, licensees are under a duty to obtain a minimum of two (2.0) continuing education credits over a two-year period in courses approved by the Board of in compliance with the continuing education requirements of approved national or state associations. Rules of Tennessee Board of Court Reporting, § 0455-01-06-.01. However, here, Respondent states they have completed the continuing education requirements, but has misplaced the certificates of completion. The Agreed Citation Schedule dictates a \$250.00 civil penalty for a First Offense. Due to Respondent's request for leniency, a letter of warning in that regard may be deemed sufficient. Counsel offers the following recommendation(s) to be determined by board discretion.

Recommendation: Consent Order with a \$250.00 civil penalty, proof of continuing education if available, and authorization for formal hearing.

BOARD DECISION: The Board accepted counsel's recommendation.

3. 202105710

Respondent:

License Status: ACTIVE

First Licensed: 7/1/2010

License Expiration: 6/30/2022

Disciplinary History: None

Summary: This complaint relates to a prior complaint filed against a licensee who provided court reporting services during a civil trial with an expired license (Licensee). That complaint was closed after

Licensee executed a consent order and paid the appropriate civil penalty. This complaint appears to be a duplicate complaint, stating the same allegations against a different party. Here, Respondent is the court reporter initially hired to provide court reporting services in the civil matter at issue in that prior complaint. This complaint alleges that Respondent, the court reporter initially hired, intentionally hired the Licensee, knowing Licensee had an expired license. The complaint also alleges Respondent refuses to provide transcripts. Respondent denies all allegations. Respondent states they did not employ Licensee, but rather, Licensee worked as an independent contractor. Respondent was double-booked and could not provide the court reporting services in the civil matter, so the job was referred to Licensee, another court reporter. Here, Respondent states they were double-booked and sought help from Licensee who worked under their own name and license number, billed independently, and provided their own equipment and supplies. Respondent states they did not intentionally send an unlicensed court reporter to any job. Respondent also states Licensee was responsible for keeping their own audio files, and any stenographic notes and work product from work performed. Overall, the allegations contained in this complaint amount to the same allegations to the complaint which was previously made against Licensee and was otherwise resolved with that party's payment of the civil penalty.

Recommendation: Close.

BOARD DECISION: The Board accepted counsel's recommendation.

Laws Update and Rules Amendment

Mr. Cross informed the Board that there were two (2) new laws that would be going into effect on October 1, 2021. The first is that there will be no continuing education (CE) required for renewal if the license was held for less than one (1) year. The second is that those initial licensees with less than one (1) year remaining before being due for renewal, will only pay half of the fee. Mr. Cross let the Board know that a vote would be needed to move the rules package forward with the new law changes. Before moving forward with a vote, the Board expressed interest in the possibility of a reduction in licensing fees overall and requested that the administrative staff explore this option. Judge Rambo motioned to accept the rules package with the new law changes. This was seconded by Mr. Mansfield. The motion passed unanimously.

NEW BUSINESS

Judge Rambo expressed concern that transcripts are being provided through information requests and as a result, court reporters are not being properly compensated for their work. Judge Rambo inquired if there was a way to protect court reporters from this practice, for at least a certain period of time, so they can be paid appropriately, but also maintain transparency for the public record. Director Kopchak let Judge Rambo know that he could provide a departmental bill recommendation to be shared with the state legislature for their consideration.

ADJOURNMENT

There being no other business, a motion was made by Judge Rambo and seconded by Mr. Mansfield to adjourn at 10:08 am. The motion passed unanimously.