



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

**Board Meeting Minutes for December 9, 2022
Davy Crockett Tower
Conference Room 1-B**

The Tennessee Board of Court Reporting met on December 9, 2022, in the first-floor conference room of the Davy Crockett Tower in Nashville, Tennessee. The following business was transacted:

BOARD MEMBERS PRESENT: Stephanie Branim, Briton Collins, Ken Mansfield and Brandon Pettes

BOARD MEMBERS ABSENT: Judge John Rambo, Marilyn Morgan and Korian Neal

STAFF MEMBERS PRESENT: Roxana Gumucio, Hugh Cross, and Katie Long

CALL TO ORDER/ROLL CALL

Director Gumucio called the meeting to order at 9:00 am. She took roll and established that a physical quorum was present.

NOTICE OF MEETING

This meeting was originally noticed for November 18, 2022, but due to lack of quorum this meeting was rescheduled for December 9, 2022. Director Gumucio read the notice of meeting into the record as follows: "Notice of the December 9, 2022, meeting of the Court Reporter's Board including date, time and location has been noticed on the website since September 24, 2021; additionally, this month's agenda has been posted on the website since November 17, 2022."

AGENDA

Briton Collin motioned to adopt the agenda. This was seconded by Ken Mansfield. The motion passed unanimously.

MARCH MINUTES

Brandon Pettes motioned to adopt the March minutes as written. This was seconded by Stephanie Branim. The motion passed unanimously.

DIRECTOR'S REPORT

Budget Report

Director Gumucio presented the final financial numbers for FY21-22 showing the program added \$22,776 to the surplus. This puts the reserve balance at \$191,705. The financial reports from July – September 2022 have a deficit of 9,799 which is expected on non-renewal years.

2023 Meeting Dates

Director Gumucio informed the Board of the selected 2023 dates. Ken Mansfield motioned to approve the 2023 dates. This was seconded by Stephanie Branim. The motion passed unanimously.

Update on ID Cards

Director Gumucio took a moment to update the board on the photo ID card licensed court reporters will be able to request. The online process and system functionality is tested and ready to roll out. The final question needing to be addressed is an "expiration date" on the cards. The board discussed pros and cons of listing an expiration date and approved leaving the cards with no expiration.

LEGAL REPORT

Legal Report (presented by Hugh Cross)

NEW CASES

1. 2022026601
Respondent:
License Status: - ACTIVE
First Licensed: 7/1/2010
License Expiration: 6/30/2024
Disciplinary History: None

Summary: This complaint alleges that Respondent would not provide audio of a criminal court hearing to Complainant that Respondent used in their transcription to provide a transcript. Complainant is related to the defendant in the criminal matter. Further, Complainant stated that Respondent produced a fraudulent transcript. Complainant does not define what makes a fraudulent transcript, but the general notion appears to be that the final transcript did not include all conversation which occurred in the court room, that the judge at the hearing coerced Respondent into shaping the transcript to reflect the defendant in a false light, and that Respondent failed to provide testimony of the subsequent hearings. Respondent denies the allegations and states that the Complainant must get permission from the state criminal court judge (Court) to receive a copy of the audio recording. Respondent provided the transcript at issue as a service to Complainant only after the Court previously denied Complainant access to the audio recording. After review of the complaint and related documents, these allegations do not appear to hold merit. Respondent is only required to transcribe what was put on the record. Further, this board lacks the authority to require the Court to provide the court's own work product—such as audio of a criminal hearing. Further, Respondent states they were not the assigned court reporter for the subsequent hearings mentioned in this complaint. Further, although Respondent is currently licensed with this board, Respondent is exempt from licensure due to their work as a court reporter in a state criminal court. Public Chapter 450 exempts from licensure court reporters providing services in state criminal courts, as a per diem court reporter, compensated by the Administrative Office of the Courts (AOC) when those services fall under the court reporter's duties required by state government. Complainant has also filed a civil suit against Respondent again seeking the

audio files previously denied by the Court. The civil court has also denied Complainant's request for the audio files. This board also lacks jurisdiction over the civil lawsuit. Overall, there does not appear to be a violation.

Recommendation: Close.

BOARD DECISION: Concur

2. 2022043991
Respondent:
License Status: - EXPIRED
First Licensed: 7/1/2010
License Expiration: 6/30/2018
Disciplinary History: None

Summary: This complaint alleges unlicensed activity. Complainant submitted documentation to show Respondent appears to be engaged in court reporting while having an expired license. Respondent states they were unaware of having to renew their license and were also unaware of how to renew their license. Respondent has since admitted to working and seeking work as a court reporter when their license was in fact expired. Counsel put Respondent in contact with board personnel to assist with the renewal application.

Recommendation: Authorize formal hearing and issue \$250.00 civil penalty for unlicensed practice of court reporting (currently expired, suspended, or revoked in violation of T.C.A. § 20-9-603(a)).

BOARD DECISION: Concur

CASES TO BE REPRESENTED

No Cases to be Represented

Ken Mansfield motioned to accept the legal report, which was seconded by Briton Collins. The motion passed unanimously.

Update on Rules

Mr. Cross updated the board on the rules heard at the March board meeting.

NEW BUSINESS

Director Gumucio presented a request from a future applicant on the new skills test NCRA is using to expedite the route toward licensure. The board discussed this process and concluded that this skill test is more like a certificate and does not meet the boards requirements.

Ken Mansfield shared with the board that individuals reach him with questions about digital reporters. There is no path to licensure for digital reporting.

ADJOURNMENT

There being no other business, a motion was made by Stephanie Branim and seconded by Ken Mansfield to adjourn at 9:46 am. The motion passed unanimously.