



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

**Board Meeting Minutes for April 21, 2023
Davy Crockett Tower
Conference Room 1-B**

The Tennessee Board of Court Reporting met on April 21, 2023, 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, 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 9:01 am. She took roll and established that a physical quorum was present.

NOTICE OF MEETING

This meeting was originally noticed for March 24, 2023, but the meeting had to be rescheduled for April 21, 2023. Director Gumucio read the notice of meeting into the record as follows: "Notice of the April 21, 2023, 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 April 12, 2023."

AGENDA

Briton Collins motioned to adopt the agenda. This was seconded by Brandon Pettes. The motion passed unanimously.

DECEMBER MINUTES

Stephanie Branim motioned to adopt the December minutes as written. This was seconded by Briton Collins. The motion passed unanimously.

ROBERT'S RULES OF ORDER

Ken Mansfield motioned to agree and adhere to Robert's Rules of Order to conduct meetings. This was seconded by Stephanie Branim. The motion passed unanimously.

Election of Officers

Director Gumucio informed the Board that they would need to elect new officers for this term. The nomination was to keep the same members in their roles for the year. Stephanie Branim as Chair, Brandon Pettes as Vice Chair, and Marilyn Morgan as Secretary. Briton Collins motioned to accept all three nominations and elect each of them to those respective offices. This was seconded by Ken Mansfield. 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 2022 – February 2023 have a deficit of 27,116 which is expected on non-renewal years. The current reserve for the program is \$164,589.

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 was previously tested. It should be ready to roll out once the regulatory systems update is launched. The final question addressed was the “expiration date” on the cards. The board discussed pros and cons of listing an expiration date and approved leaving the cards with an initial license date but no expiration.

LEGAL REPORT

Legal Report (presented by Hugh Cross)

1. 2023010701

Respondent:

License Status: License #ACTIVE

First Licensed: 07/01/2010

License Expiration: 06/30/2024

Disciplinary History: None

Summary: This complaint alleges that Respondent did not allow Complainant to sign the testimony of their transcript at the conclusion of a deposition. Complainant is a self-represented party in a civil matter. Complainant's deposition was taken by opposing counsel. Complainant, acting as a witness on their own behalf, chose to reserve signature after the deposition as is allowed. Complainant also chose to purchase a copy of the final transcript at that time. The opposing party also chose to purchase an expedited copy of the final transcript. Respondent completed the expedited transcript for the opposing party, received payment, and issued the expedited transcript to the opposing party as requested. Respondent also contacted Complainant with an attached invoice for payment which requires payment prior to issuing the transcript. Complainant responded they no longer wanted to purchase the transcript but wanted instead to read and sign the unofficial transcript before it is finalized. Respondent stated that an additional fee would be required for the read and sign since Complainant no longer wanted to purchase the transcript. Respondent provides mobile read and

sign services without additional charge if a transcript is ordered. Respondent refused to arrange for the mobile read and sign, as well as refused to pay the additional fee required. Authority for this board requires a court reporter to make timely delivery of transcripts. *See Rules of Tennessee Board of Court Reporting. § 0455- 01-04-.01(1)(c).* Here, Respondent appears to have provided the requesting party an expedited transcript in a timely manner. There was an apparent breakdown in communication between Respondent and Complainant regarding whether a transcript would be ordered and whether to arrange for a read and sign. However, the facts do not rise to the level of a violation. A witness in civil matter has the right to reserve signature until the transcript is fully transcribed as required under procedure rules. *See Tennessee Rules of Civil Procedure § 30.05.* However, the concern whether Respondent complied with § 30.05 should be deferred to the court handling the matter.

Recommendation: Close.

BOARD DECISION: Concur

2. 2023010921

Respondent:

License Status: License # ACTIVE

First Licensed: 07/01/2010

License Expiration: 06/30/2024

Disciplinary History: None

Summary: This complaint alleges that Respondent overcharged for court reporting services conducted in multiple civil court hearings. The complaint also alleges Respondent failed to provide proper videography services in civil proceedings. Complainant also seeks a refund for services provided. Complainant is a self-represented party in a civil matter. Organizations exist that provide certification in videography for legal proceedings. However, videography services are not defined as court reporting services under Tennessee law. *See T.C.A. § 20-9-602(1).* Respondent has since issued a refund, as requested. Complainant states that issuing a refund equates to an admission of guilt. The statutory authority for this board does not require a licensee to issue a refund. Further, the statutory authority does not substantiate the claim that issuing a refund is an admission of guilt. Here, whether to issue a refund is a business decision without relevance to liability. This board lacks jurisdiction over billing disputes and does not control whether Respondent issues a refund for services.

Recommendation: Close.

BOARD DECISION: Concur

Briton Collins motioned to accept the legal report for complaint one, which was seconded by Ken Mansfield. Stephanie Branim motioned to accept the legal report for complaint two, which was seconded by Ken Mansfield. The motion passed unanimously.

Mr. Cross updated the board on the Sunshine Law.

NEW BUSINESS

Mr. Ken Mansfield took a moment to recognize the passing of Jimmie Jane "J.J." McConnell. She was the first Chair on the board. She did an outstanding job and service for the profession.

Ms. Sheila Wilson spoke to the board regarding the grandfathering clause and reinstatement of licenses. The members discussed the required exams and licensing requirements.

ADJOURNMENT

There being no other business, a motion was made by Ken Mansfield and seconded by Stephanie Branim to adjourn at 10:10 am. The motion passed unanimously.