

TENNESSEE BOARD OF COURT REPORTING
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OFFICIAL Meeting Minutes

Friday, September 21, 2012

I. CALL TO ORDER

The meeting of the Tennessee Board of Court Reporting was called to order by Chairperson Ken Mansfield at 9 a.m.

In attendance:

Ken Mansfield, Chairperson
Jimmie Jane McConnell, Vice Chairperson
Terri Beckham, Board Member
Earl Houston, Board Member
David Haines, AOC
Debra Hayes, AOC

Also present:

Jim Beres
Teri Campbell
Maxine Cleeton
Martha Davis
Ken Gibson
Pat Gildea
Gene Jennings
Kathy May
Marilyn Morgan
Trish Smith
Jim Vowell
Sheila Wilson

Nomination and election of new secretary

Vice Chairperson McConnell nominated Terri Beckham. Earl Houston seconded the motion. The motion passed.

Approval of June 15, 2012 minutes

The motion to approve the minutes was made by Chairperson Mansfield and seconded by Mr. Houston.

II. OLD BUSINESS

TCRA request re: EchoScribe and Call Court Reporters gift-giving violation

Sheila Wilson reported to the Board that EchoScribe and Call Court Reporters, companies whose headquarters are out of state but who advertise physical Tennessee locations, are offering \$100 gift cards to ordering parties, in direct violation of the Tennessee Board of Court Reporting's Standards of Professional Conduct under 0455-01-04-.01. Ms. Wilson added that the case of Roger William Byrd vs. Tennessee Board of Chiropractic Examiners applies, and that out-of-state entities doing business in the state of Tennessee may not circumvent state law.

Don Baltimore, attorney for the Board of the Tennessee Court Reporters Association, concurred, adding that any state agency, including the Tennessee Board of Court Reporting, has authority to enforce its rules on out-of-state entities doing business in Tennessee.

Mr. Houston made a motion to forward the matter to the Disciplinary Counsel for its recommendation as to TBCR's course of action. Chairperson Mansfield seconded the motion. The motion passed.

Update re: question of notification of denial of waiver

It was confirmed that Ms. Barron was notified by letter that the Board had denied her request for a waiver of CEUs.

Update re: complaint turned over to AG office, Shelby County

No update was available. The matter will be placed on the agenda of the December meeting.

Letter to U.S. Legal

It was decided that a copy of a letter sent to U.S. Legal's main office would be sent to its Los Angeles office.

Adding Method of Reporting to LCR list

Debra Hayes agreed to check on the cost.

Report from Earl Houston

Tasked with comparing TBCR's website FAQs with those of its Georgia counterpart, Mr. Houston stated that the Georgia website has only seven FAQs, none of which are in common with the FAQs on the TBCR website. He recommended comparing the FAQs of other state websites as well. He also recommended that TBCR's FAQs be shorter and simpler. He suggested polling area reporters for their input. It was also suggested that FAQs be placed on the Home page for easy access.

Sheila Wilson stated that TCRA has submitted a list of FAQs in an effort to assist the Board.

Update re: new licenses, license renewal

Ms. Hayes reported there are 541 active licenses and that 101 licenses have expired, adding that six or eight of those were due to a lack of CEUs. She further reported that 12 licenses are inactive, one was revoked, and one that had been placed on temporary status expired.

Update re: list of inactive licensees

It was reported that a list of expired licenses has been posted on the TBCR website since September 20.

Chairperson Mansfield made a motion to send notification of ineligibility to those who failed to renew; it was seconded by Vice Chairperson McConnell. The motion passed.

III. NEW BUSINESS

Update on stand-alone website costs, feasibility

Vice Chairperson McConnell reported she is awaiting a final proposal from Dave Wenhold, and that preliminary quotes for a stand-alone website were \$5000 for setup and a yearly fee of \$1200, which would include unlimited changes.

Mr. Haines stated a Request for Proposal process is required, adding that he would investigate whether a \$10,000 threshold requirement would apply.

The feasibility of listing members' CEU information on the website was also discussed. It was agreed to table the issue, pending the receipt of additional information.

Fiscal report

Statements of Cash Position as of June 30 and July 31 were reviewed. Vice Chairperson McConnell requested a breakdown of the Professional Services expenditures. Mr. Haines stated he would follow up on her request.

Latest request for waiver of CEU requirements: Greenwood

Vice Chairperson McConnell stated that the records do not support Ms. Greenwood's claim in her request and made a motion to deny. It was seconded by Chairperson Mansfield. The motion passed.

Ms. Hayes added that an offer was extended to Ms. Greenwood to be placed on inactive status and issued a refund of her license fee, and that Ms. Greenwood had not responded.

Complaint No. 2012-04

Chairperson Mansfield reported there has been no response to the complaint and discussed a need for clarification on the handling of frivolous complaints sent to the Disciplinary Counsel.

NASA Report from NVRA National Conference in June

Vice Chairperson McConnell reported on her attendance of the conference. She discussed the benefits of putting together a LISTSERV spreadsheet to compare states' licensure requirements and more.

Releasing public records regarding complaints that are filed

A request was put forth to give a reporter an opportunity to respond to a complaint before releasing it as public record.

Mr. Haines pointed out that public records are immediately available to the public and to withhold them would require legislative action.

Suggested changes of rules and regulations

This topic was tabled.

Can a Kentucky reporter take a deposition in Tennessee without a Tennessee license?

This topic was tabled.

Complaint 2012-05

Chairperson Mansfield stated that the reporter who received the complaint was licensed at the time of the alleged offense but is not currently licensed.

Mr. Haines stated that the Board's jurisdiction is over licensees. He recommended leaving the complaint in the reporter's file to act upon when and if she chooses to renew.

Mr. Houston made a motion to send a letter to the complainant that action has been deferred, and to send a copy to Ms. Free. Chairperson Mansfield seconded the motion. The motion passed.

2013 Calendar

Dates for 2013 TBCR meetings were suggested as follows:

- March 22, 9 a.m.
- June 21, 8 a.m. via teleconference
- September 20, 9 a.m.
- December 6, 8 a.m. via teleconference

A motion to accept the dates was made by Chairperson Mansfield and seconded by Vice Chairperson McConnell. The motion passed.

IV. ADJOURNMENT

A motion to adjourn was made by Vice Chairperson McConnell and seconded by Chairperson Mansfield. The motion passed.