

TENNESSEE BOARD OF COURT REPORTING
ADMINISTRATIVE OFFICE OF THE COURTS
511 UNION STREET/NASHVILLE
May 16, 2014
MINUTES

Board Chair Jimmie Jane McConnell called the meeting to order at 9:10 CST. Members present were Board Chair Jimmie Jane McConnell, Secretary, Earl Houston, Terri Beckham, Ken Mansfield, Jim Martin, Lynn Peterson, Disciplinary Counsel and David Haines.

Members of the public present were Kathy May, Jim Vowell, Dana Webb.

Also present were three individuals making the Board's website presentation.

First on the Agenda is approval of the Minutes.

Ken Mansfield made motion that the Minutes be approved.

Motion seconded by Judge Martin.

None opposed, Motion carried.

Chair Jimmie Jane McConnell brought old business.

David Haines was going to check on the CER, CET, CERT certification as it pertains to the licensure status.

David Haines stated that the Bill was going before the legislature, but was derailed. It will be on the agenda next year.

Next on the Agenda were the Rules and Regulations.

Jimmie Jane -- Did not realize that a motion was made and seconded that we be presented with website information so I am going to skip the Rules and Regulations right now and let our website designers make their presentation and then back to the Agenda.

Website Designers:

Center Source -- tries to understand an organization's particular needs, i. e., who their users are, who they are trying to reach with their website.

Center Source -- approaches web development not just from a list of requirements you have, but rather "what is the problem we're solving and what is the return on investment for you.

Center Source -- starts with a Strategy Process where they define stake holders, users, give them a definition, what does your typical user look like.

Board -- we want to make it easier for the reporters to get on there and be able to check out their CEU's (Continuing Education Credits) on their own.

Center Source -- we get together initially with newer clients and go through a planning session. We call that our boot camp and it's usually 5 or 6 hours with key people from your team and key people from our team.

Center Source -- what we provide you at that moment is enough information to say you like this direction, we would like to work with Center Source and let's move forward with the execution agreement for them to do the design and development. You would then have time to review all the documentation and make changes as needed. Any person could make changes to the forms depending on how it was worked out between the parties involved. We could give you the tools to go in and make the change or we could make the change for you. In our world, everything is time based. We don't need to reinvent the wheel if you like what the Georgia website has. We can set it up anyway you like depending on the feedback you are getting from your users.

Center Source -- if the Board is interested in doing business with Center Source we would need to generate a contract which Bill's team would present to you. It would be around \$5,000 to \$7,500 for the initial strategy and planning. There would be no monthly service fee. We have post launch support which is usually about 30 days for free fixes. After that we get into a maintenance program. Technology is always changing and that is what the maintenance program is used for. There would also be a monthly hosting fee which we would make recommendations of companies for you to use and it would run up to about \$50 a month for that. If you want a flat marketing site with great design and contact information that is probably going to be in the range of \$15,000. If we end up saying you need this really complicated database that needs approvals and everything else, that could go anywhere from \$20,000 to \$50,000 range depending on the requirements. I know that's a huge range there. We try to stay towards the low range but if it goes over the higher range, that's on us. Once we hit that number, we eat the cost and finish up the build. The \$5,000 to \$7,500 would not be included in the \$15,000 to \$50,000 range. That would be separate.

Review complaints and recommendations.

Complaint # 1 -- The terms of the Agreed Order on Nancy O'Brien sets forth that she was notified that her license had expired and that if she didn't renew it, it would be deemed suspended. She requested a waiver of that.

The Board looked at that and that was denied. She did not obtain her continuing education credits until later on. Now, we have proof that she received some of those now. She continues to court report in

the state while her license was suspended. She's a long time court reporter and there have been no complaints against her. She had some reasons for what she did. That's the basis of what occurred with her. The Order says there's a \$500 fine for court reporting when she knew or should have known that she didn't have a valid license. This Order would work as a formal letter of reprimand and then the Board would have to decide what they wanted to do with her license at this point. She has sent in the fine and has signed the Order and has expressed an intent to finish up her continuing education requirements. She was anxious to find out what the Board was going to do with her license so that she could press forward and do what she needed to do to continue court reporting in the state. When I last spoke to her I asked her about continuing to court report without a license. She answered that she has continued to court report without a license. I don't think she does a lot of work. She's sent in a check for reinstatement. She only has 2 credits when she should have 4. The acceptance of the Order is separate from the Class C misdemeanor of practicing without a license. The Order only covers the Complaint and deciding whether you're going to renew her license. The understanding of Ms. O'Brien and the Disciplinary Counsel is that this is the end of this. That's what it's intended to be. There would be no further referral to the DA for criminal prosecution.

The only issue is if the license will be renewed in light of the action of the court reporter. The Board doesn't have the authority to renew the license without Ms. O'Brien finishing up her credits. She would need 4 credits and she only has 2 credits. She understands what the requirements are and she's acknowledged that in order to make a living, she chose to take on court reporting jobs not having that license. We would need to set this for a hearing.

Judge Martin recommended that the Board approve the Order as appropriate discipline for past violations with the understanding that Ms. O'Brien is notified that the Board does not authorize her in any fashion to continue to provide services until she becomes licensed and that any conduct in that regard be deemed violations of our Rules and Regulations. This would be appropriate discipline for past violations only. The Board does not in any way want this to be construed as authority for her to continue to provide services while she's unlicensed and that if she does so, it may very well result in charges for future violations. The motion was seconded.

Ken Mansfield recommended that there might be an amendment but not one at this time. Ken Mansfield recommended that she be sent a letter stating that she's prohibited from practicing until she has a license. David has stated that we could send a letter with the executed Order. The Order has Ken Mansfield's name on it but Jimmie Jane McConnell stated that she's been informed that she can sign it. Ken Mansfield stated that it would be appropriate for Jimmie Jane McConnell to sign the Order. Chair Jimmie Jane McConnell that the motion had been put on the floor that we notify the finer that we have approved the Agreed Order based on past violations only and does not grant her the authority to continue in the practice of court reporting with a cover letter. Motion was made by Judge Martin and seconded by Terry Beckham. Vote was passed unanimously.

Complaint #2 -- It was stated that Mr. O'Brien was notified that this would not be discussed today but to the extent you want me to discuss it, she would. He did not know that this was going to be put up for a

vote. He has executed the Order. He was mortified when he was notified and ceased and was very embarrassed about it. She did not think that he continues to court report nor has any intention of doing any court reporting. The Order itself is essentially identical to the one with Nancy the finding of fact that he did court report without a license, without complaints but was without a license and he knew or should have known that he needed one and then there's a \$500 fine and this Order would work as a reprimand available to the public.

Judge Martin moved that this Order be viewed under the same circumstances that the Board did for Ms. O'Brien that it is disciplinary action by the Board for past conduct, does not condone any future practice of court reporting without a license and advise him of the provisions of the code if he continued to do so. It was seconded by Ken Mansfield. Vote was passed unanimously.

Complaint #3 -- Next discussion was about a complaint filed by an individual against a court reporting firm that he had issues with.

The question is whether we want to refer this to Disciplinary Counsel or not. Chair Jimmie Jane McConnell stated that she may have seen it. She said that it kept referring to TCRA's code of ethics.

Judge Martin stated that it worried him because it was 7 months old. We don't need that kind of delay. Judge Martin moved that it be referred to Lynn Peterson for review and recommendations. The court reporters names are Brandon Hobbs and Carol Briggs.

It was seconded. Vote passed unanimously.

Request for Licensure -- There was a request for licensure by reciprocity by a reporter. The reporter submitted a certificate for review.

The Tennessee Code Annotated 20-9-610 authorizes the Board to hear any reciprocal agreements with any state, agency or other entity that licenses, certifies or registers court reporters.

Ken Mansfield stated that he contacted the surrounding states boards asking for reciprocity and was not given reciprocity by any of the boards.

The Chair Jimmie Jane McConnell stated that she had no problem with a temporary license but with the requirement that they still have to get their national certification.

The Chair Jimmie Jane McConnell made a motion that she be allowed to receive a temporary license. Ken Mansfield seconded the motion. Vote passed unanimously.

Further discussion regarding website design.

Judge Martin requested that someone make a call to the right person to find out who created the website for the Georgia court reporters and contact them to see if they would be willing to do the same thing for Tennessee and what it's going to cost. David is going to do it and if he can't do it then Judge Martin was going to do it.

The next agenda item was Rules and Regulations.

Ken Mansfield said that his schedule required him to get off the phone in the next few minutes.

Judge Martin requested that before Ken Mansfield had to get off the phone that everyone take a look at an Attorney General's Opinion that he found and sent to Chair Jimmie Jane McConnell on April 7. Judge Martin stated that it didn't merit any discussion but that it was worthy of everyone's reading. It is Opinion #14-40 dated March 31, 2014. Judge Martin suggested that all the Board members read it and at some point and time the Board might want to consider the implications of the Opinion for what the Board does.

Inactive Licensure Status.

Before Ken had to go he wanted to make a comment about the inactive status that the Board had been discussing and that Jimmie Jane McConnell had sent some great information regarding this issue. Ken Mansfield is really leaning towards the Georgia language.

Chair Jimmie Jane McConnell stated that David was going to take a look at the issue and come up with some language. Discussions continued by all the Board members on this topic.

The Board discussed language submitted by some court reporters and Judge Martin recommended language to add to the recommended language.

Chair Jimmie Jane McConnell suggested that if you had a recommendation that it should be submitted to the Board to discuss at the public meeting.

Discussion continued on other recommendations to be taken up at the public meeting. Judge Martin stated that he and Earl Houston needed to get back with Senator Kelsey.

Invitation from NVRA.

Chair Jimmie Jane McConnell stated that she got an invitation from NVRA.

Chair Jimmie Jane McConnell stated that she would attend if the Board wanted her to participate. Judge Martin moved that the Board approve it. Earl Houston seconded the motion. The Chair Jimmie Jane McConnell stated that when she last attended it took her 7 hours to drive down and 7 hours to drive back and involved 2 hotel rooms. The Chair Jimmie Jane McConnell wanted to know if that was a

problem. Judge Martin stated no and Earl Houston stated that he didn't see a problem. The motion carried.

There being no further business, the meeting was adjourned.