



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

**Board Meeting Minutes for March 24, 2017  
First Floor Conference Room 1-B  
Davy Crockett Tower**

The Tennessee Board of Court Reporting met on March 24, 2017 in the first floor conference room 1-B of Davy Crockett Tower in Nashville, Tennessee. The following business was transacted:

**BOARD MEMBERS PRESENT:** Briton S. Collins, Ken Gibson, Earl W. Houston, II

**BOARD MEMBERS PRESENT BY TELECONFERENCE:** Ken Mansfield, John Rambo

**STAFF MEMBERS PRESENT:** Dennis O'Brien, Ashley Thomas, Lindsey Shepard, Shilina Brown

**ROLL CALL/NOTICE OF MEETING**

Mr. Collins, ranking member present, called the meeting to order at 9:05 am. The Board's legal counsel Ms. Ashley Thomas took roll in the absence of Executive Director Gumucio, with two members participating via teleconference. In the absence of physical quorum, Mr. Collins read the Statement of Necessity into the record.

**AGENDA**

Mr. Collins motioned to adopt the day's agenda as written. This was seconded by Mr. Houston. The motion carried by unanimous roll call vote.

**MINUTES**

The Board reviewed the minutes from its December meeting. Mr. Mansfield made a motion to adopt the minutes as written, which was seconded by Judge Rambo. The motion passed by unanimous roll call vote.

**LEGAL REPORT**



**STATE OF TENNESSEE  
DEPARTMENT OF COMMERCE AND INSURANCE  
OFFICE OF LEGAL COUNSEL  
500 JAMES ROBERTSON PARKWAY  
DAVY CROCKETT TOWER  
NASHVILLE, TENNESSEE 37243  
TELEPHONE (615) 741-3072 FACSIMILE (615) 532-4750**

---

**TO: Tennessee Board of Court Reporting**

**FROM: Shilina Brown, Assistant General Counsel, Regulatory Boards  
Lindsey Shepard, Assistant General Counsel, Regulatory Boards**

**DATE: March 24, 2017**

**SUBJECT: Tennessee Board of Court Reporters' Legal Report**

---

**NEW CASES**

**1. 2016-02**

**Respondent: Court Reporter**  
**Original License Date: 7/1/2010**  
**Expires: 06/30/2018**

Complainant filed a complaint against the Respondent Court Reporter after paying the Respondent to record and certify hearing transcripts for Knox County Juvenile proceeding on April 12, 2016. The Complainant states that there are discrepancies in what was said and the transcript and he contacted the Respondent and the Respondent refused to let the Complainant review the audio based on the Respondent's claim that the audio tape is work product. The Complainant also alleges that there may have been possible audio tampering. The Respondent provided a response and stated Respondent was willing to review all parts of the transcript where the Complainant complained of the discrepancies, but the Complainant demanded the audio recording because it was paid. A few months later, the funds for payment of the transcript were deducted from her account because the credit company stated that "services were not rendered or merchandise was not received." The Respondent incurred bank charges for this stop payment. The Respondent claims there is federal and Florida state case law that clearly states that the audio recording of a court reporter is work product.

**Recommendation: Close**

**Board Decision: Approved**

**2. 2016-03**

**Respondent: Court Reporter**  
**Original License Date: 9/10/2010**  
**Expires: 06/30/2016**

Complainant filed a complaint against the Respondent Court Reporter for practicing under an expired license. The Respondent contacted the Complainant in May 2016 to find out what was required to transfer a Tennessee Court Reporter license to another state. The Respondent's license expires on June 30, 2016. In September 2016, the Complainant was advised by the Hamilton County Circuit Court staff that the Respondent performed court reporting services earlier in the month, although the Complainant was under the impression that the Respondent had relocated to another state. The Complainant checked the online license verification system and found the Respondent's Tennessee court report license to be expired. The Complainant also confirmed this with the board office of the Tennessee Board of Court Reporters. The Complainant contacted the Respondent concerning the expired license and the Respondent did not bring the license to current status. Pursuant to the rules and regulations of the Tennessee Board of Court Reporter's, the Complainant believed there is a duty to report unauthorized court reporting. Tennessee Code Annotated § 20-9-603(a) states [n]o person, except as otherwise provided by law, shall practice or attempt to practice court reporting in this state or hold the person out as a court reporter unless the person is a licensed court reporter.

**Recommendation: Authorize formal hearing and send a consent order for informal settlement with a civil penalty in the amount of \$250 for violations of Tenn. Code Ann. § 20-9-603(a) and Tenn. Comp. R. & Regs. 0455-01-05-.03(1)(f) (willfully practicing or seeking to practice court reporting without a current license).**

**Board Decision: Authorize formal hearing and send a consent order for informal settlement with a civil penalty in the amount of \$500 for violations of Tenn. Code Ann. § 20-9-603(a) and Tenn. Comp. R. & Regs. 0455-01-05-.03(1)(f) (willfully practicing or seeking to practice court reporting without a current license).**

3. **2017-02**

**Respondent #1: Court Reporter**  
**Original License Date: 3/18/2010**  
**Expired: 6/30/2016**

4. **2017-01**

**Respondent #2: Court Reporter**  
**Original License Date: 10/29/2010**  
**Expires: 06/30/2018**  
**History: 2016-01 – Open – Failed to provide a complete accurate transcript.**

These cases arise out of a consumer complaint alleging Respondent 1's substitute, Respondent 2, did not return overpaid fees. Complainant hired Respondent 1 to serve as a court reporter for a pro se hearing on January 18, 2017. They agreed on \$200.00 for a half day of court reporting services. Respondent 1 realized she had another client who needed her that same day, so she asked a Respondent 2, another licensed court reporter, to substitute for her. Respondent 2 is not Respondent 1's employee. Respondent 2 was just someone Respondent 1 asked to cover the trial. Respondent 2 provided the requested services to Complainant. Complainant paid \$200.00 to Respondent 2. Complainant then found out that opposing counsel had already paid \$100.00 to Respondent 2.

Complainant then contacted Respondent 1 for a \$100.00 refund. Respondent 1 alleges Complainant “screamed” at her, and that she told Complainant to contact Respondent 2 directly to ask for a refund. Respondent 1’s license expired more than six (6) months before Complainant’s hearing.

Complainant then contacted Respondent 2 asking for \$100.00 refund. Complainant alleges Respondent 2 said he would send a receipt and return the \$100.00 overpayment. Complainant filed a complaint against Respondent 2 after waiting a week and still not receiving the refund or receipt. Respondent 2 received a copy of the complaint via certified mail, but he did not provide a response. We do not have proof that Complainant’s opposing counsel ever actually paid Respondent 2.

**Recommendation:**

- 2017-02 (Respondent #1): \$250 civil penalty for violation of Rule 0455-01-05-.03(1)(f) (willfully practicing or seeking to practice court reporting without a current license.)
- 2017-01 (Respondent #2): \$250 civil penalty for violation of Rule 0455-01-05-.03(1)(e) (failure to respond to Board correspondence)

**Board Decision:**

- 2017-02 (Respondent #1): \$500 civil penalty for violation of Rule 0455-01-05-.03(1)(f) (willfully practicing or seeking to practice court reporting without a current license.)
- 2017-01 (Respondent #2): \$500 civil penalty for violation of Rule 0455-01-05-.03(1)(e) (failure to respond to Board correspondence)

**NEW BUSINESS**

Because the meeting was the first of the new calendar year, an election of officers was held. Mr. Mansfield, the current chair, remarked on the job Mr. Collins leading the past two meetings while Mr. Mansfield had been unable to attend in person. Mr. Mansfield nominated Mr. Collins as the new chair for 2017. This nomination was seconded by Mr. Gibson. Mr. Collins abstained from the vote, which otherwise passed unanimously. The Board then turned its attention to the position of vice chair. Mr. Houston removed himself from consideration on the grounds that his term of service was over. Mr. Collins nominated Mr. Gibson, and Judge Rambo offered a second. The motion passed by unanimous roll call vote. Because Mr. Gibson was now the acting vice chair, his previous position as the Board’s secretary was now open. Mr. Mansfield nominated Judge Rambo to fill the position, with Mr. Gibson offering a second. Judge Rambo abstained from the vote, which otherwise passed unanimously.

There being no other new business, Mr. Collins entertained a motion to conclude the meeting. Mr. Mansfield offered one, with a second provided by Mr. Houston. The motion passed by unanimous roll call vote, and Mr. Collins adjourned the meeting at 9:42 AM.