



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

**Board Meeting Minutes for April 30, 2020
First Floor Conference Room 1-B
Davy Crockett Tower**

The Tennessee Board of Court Reporting met on April 30, 2020 via a WebEx Teleconference. The following business was transacted:

BOARD MEMBERS PRESENT: Judge John Rambo, Ken Mansfield, Marilyn Morgan, Brandon Pettes, Korian Neal, and Stephanie Branim

BOARD MEMBERS ABSENT: Briton Collins

STAFF MEMBERS PRESENT: Glenn Kopchak, Roxana Gumucio, Hugh Cross, Dennis Gregory, Carol McGlynn, Katie Long, and Angela Nelson

ROLL CALL

Director Kopchak called the meeting to order at 2:04 pm. He took roll and established that a quorum was present.

STATEMENT OF NECESSITY

Director Kopchak read the statement of necessity for the record. Mr. Mansfield motioned to accept the statement of necessity. This was seconded by Ms. Morgan. The motion carried by unanimous roll call vote.

NOTICE OF MEETING

Director Kopchak read the notice of meeting into the record as follows: "Notice of the April 30, 2020 meeting of the Court Reporter's Board was posted to the website on April 14, 2020."

ASSISTANT COMMISSIONER ADDRESS

Toby Compton, Assistant Commissioner, addressed the board. He gave a brief overview of what the Department of Commerce and Insurance has been doing to continue operating as effectively as possible during the COVID-19 pandemic. He also praised the Board and the Board staff for their quickness in adapting to the work-from-home environment.

AGENDA

Prior the review of the agenda, Director Kopchak took a moment to introduce the new Board staff attorney, Mr. Hugh Cross.

Mr. Mansfield motioned to adopt the agenda. This was seconded by Mr. Pettes. The motion carried by unanimous roll call vote.

SEPTEMBER MINUTES

Ms. Morgan motioned to adopt the September minutes as written. This was seconded by Mr. Mansfield. The motion carried by unanimous roll call vote.

MARCH 2019 MINUTES

Ms. Sheila Wilson requested that the section of the March 2019 minutes that reference her as “a representative of the Tennessee Court Reporters Association (TCRA)” be removed. Ms. Morgan motioned to remove this section of the March 2019 minutes as requested. This was seconded by Ms. Branim. The motion carried by unanimous roll call vote.

DIRECTOR'S REPORT

Budget Report

Director Kopchak gave a brief overview of the budget and reminded the Board that it is not unusual to have a deficit prior to the beginning of a renewal cycle. He concluded that the budget is healthy and trending normally.

Renewal Cycle Update

Director Kopchak informed the Board that there will be 482 active court reporters who will need to renew by June 30, 2020. He stated that those licensees will receive renewal notices via email beginning in May, and that these were slightly delayed as it needed to be determined if the recent COVID-19 situation would have any impact on their renewals. Director Kopchak informed the Board that Executive Order 15 would have an impact on 14 of those reporters due for renewal. These 14 reporters were licensed around the one (1) year mark or less prior to the renewal period and therefore an additional fee and CE requirement so soon after initial licensing would be burdensome in the COVID-19 environment. As a result, they would be exempted from the additional fees. Director Kopchak stated that this situation highlighted the opportunity for a revision of TCA 20-9-611. The revised statute would remove the language regarding prorated fees as that cannot be done within the current CORE environment, while also adding that those licensees holding a license for less than one (1) year would have the CE requirement waived and the renewal fee reduced to half. The revision would be requested via a departmental bill and it would have to go through a thorough review before being carried, so at this time the current statute still stands.

Election of Officers

Mr. Mansfield made a motion to elect Ms. Morgan as Chair, Judge Rambo as Vice Chair, and Ms. Neal as Secretary. This was seconded by Ms. Branim. The motion carried by unanimous roll call vote.

Reciprocal Agreement: TX and CA

Director Kopchak read TCA 20-9-610 which grants the Board the ability to enter into reciprocal agreements with other states to all for licensing of their court reporters if that's state's requirements “has substantially the same or more stringent requirements.” Director Kopchak expressed that there is

interest in creating an agreement with Texas and California, but it would be up to the Board to determine if those states' requirements met or exceeded those of Tennessee. Director Kopchak read the requirements for Tennessee, as well as for Texas and California for comparison purposes.

Ms. Morgan requested that Max Curry, President of the National Court Reporters Association, be allowed to speak on the matter. Mr. Curry explained that the purpose of the reciprocal portion of the law, was to create a minimum standard of proficiency for those seeking a court reporter license in Tennessee, without creating a barrier to enter the profession. In addition, the idea was to be able to create agreements which benefit those with a Tennessee license who are seeking licensure in another state. Mr. Curry stated that Texas and California far exceed the standards due to their more difficult tests. Mr. Curry concluded that the National Courts Reporters Association support reciprocal agreements due to the increasing number of applicants from out of state.

Ms. Morgan inquired if the reciprocal agreement was the only way to approve license applications for those coming from Texas and California. Director Kopchak stated while the agreement would be the goal, it is not a requirement should the Board make the determination that their standards met or exceed those of Tennessee.

Judge Rambo made a motion to approve applicants from Texas and California based on their standards and to pursue a reciprocal agreement with those states. This was seconded by Mr. Pettes. The motion carried by unanimous roll call vote.

LEGAL REPORT

Legal Report

The legal report was presented by Dennis Gregory.

1. 2020012891

Respondent:

License Status: - EXPIRED

First Licensed: 7/01/2010

License Expiration: 6/30/2012

Disciplinary History: None

Summary:

The Complainant alleges that the Respondent (and the Respondent in complaint #2 below) were engaged in court reporting without a license. The Complainant, however, provides no phone number or a good email address. There are also only sketchy details about what types of services the Respondent provides. As best counsel can tell, the Complainant claims the Respondent is allowing other individuals to transcribe hearings and depositions without her doing the work.

The Respondent has not engaged in court reporting for several years. He owns a trucking company and, apparently, makes more money doing that.

Recommendation: Close.

BOARD DECISION: The Board accepted counsel's recommendation.

2. 2020012901

Respondent:

License Status: - ACTIVE

First Licensed: 7/1/2010

License Expiration: 6/30/2020

Disciplinary History: None

Summary:

The Complainant alleges that the Respondent (and the Respondent in complaint #1 below) were engaged in court reporting without a license. The Complainant, however, provides no phone number or a good email address. There are also only sketchy details about what types of services the Respondent provides. As best counsel can tell, the Complainant claims the Respondent is allowing other individuals to transcribe hearings and depositions without her doing the work.

The Respondent has been a licensed court reporter since 2010. There is no evidence to support the Complainant's allegations even though this Respondent is otherwise engaged in the practice of court reporting. As best can be discerned from the investigation conducted, the Respondent is fully licensed and does engage in court reporting services. The Respondent has no employees or independent contractors.

Recommendation: Close.

BOARD DECISION: The Board accepted counsel's recommendation.

Agreed Citation Schedule

Director Kopchak stated that due to the fact the Board only meets twice a year, many complaints could fall outside of that 180-day window and are not heard for months. Director Kopchak suggested that utilizing an agreed citation schedule for some complaints could alleviate that problem. The Board could delegate authority to the administrative staff to handle those more common and straight forward complaints through use of the agreed citation schedule, while the more complex complaints would still be handled by the Board. Director Kopchak presented to the Board the agreed citation guidelines and opened the floor for discussion. The Board agreed that the first time a person is reported to the Board with an offense that falls under the agreed citation schedule, it would constitute the first offense although up to three (3) occurrences may have been reported at the time. Anything not listed on the schedule in the progression detailed will result in an automatic referral to the Board. Director Kopchak inquired if the Board preferred the agreed citation schedule with general guidelines or with categories and the Board preferred the schedule with categories.

NEW BUSINESS

Ms. Morgan inquired about the generation of photo identification cards for licensed court reporters. Director Gumucio responded that the issue of photo ID cards could be brought to the attention of Executive Management again. Director Gumucio also highlighted that in the event a court reporter needs a new license, they would be able to print themselves a duplicate at no cost. Director Kopchak also reminded the Board that they had voted in favor of exploring the issuance of photo IDs previously in 2018, therefore they would not have to take any additional action to have the issue reviewed again.

ADJOURNMENT

There being no other business, a motion was made by Mr. Mansfield and seconded by Judge Rambo to adjourn at 3:11 p.m. The motion carried by unanimous roll call vote.