



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

**Board Meeting Minutes for September 25, 2020  
First Floor Conference Room 1-B  
Davy Crockett Tower**

The Tennessee Board of Court Reporting met on September 25, 2020 via a WebEx Teleconference. The following business was transacted:

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

**BOARD MEMBERS ABSENT:** Briton Collins, Ken Mansfield

**STAFF MEMBERS PRESENT:** Glenn Kopchak, Hugh Cross, Carol McGlynn, and Angela Nelson

**CALL TO ORDER/ROLL CALL**

Director Kopchak called the meeting to order at 9:10 am. He took roll and established that a quorum was present.

**NOTICE OF MEETING**

Director Kopchak read the notice of meeting into the record as follows: "Notice of the September 25, 2020 meeting of the Court Reporter's Board was posted to the website on September 14, 2020."

**STATEMENT OF NECESSITY**

Mr. Cross read the statement of necessity for the record. Judge Rambo motioned to accept the statement of necessity. This was seconded by Mr. Pettes. The motion carried by unanimous roll call vote.

**AGENDA**

Ms. Morgan motioned to adopt the agenda. This was seconded by Judge Rambo. The motion carried by unanimous roll call vote.

**APRIL MINUTES**

Mr. Pettes motioned to adopt the April minutes as written. This was seconded by Ms. Branim. The motion carried by unanimous roll call vote.

## **RULEMAKING HEARING**

Mr. Cross called the rule making hearing to order at 9:15 am and relayed the purpose of the hearing for the record. Mr. Cross explained the rule change process and the legislative and executive actions that must occur before any of the changes would take effect. Mr. Cross then read the rule changes into the record. These rule changes include the addition of the Certification of Electronic Transcriber (CET) examination to the list of required examination standards, specifically as it pertains to the American Association of Electronic Reporters and Transcribers (AAERT) path to licensure, and the replacement of the word 'shorthand' with the word 'un-transcribed' to describe notes taken by a court reporter that must be preserved for a period of no less than five (5) years.

Mr. Cross opened the floor to comments from the public regarding the rule changes. Ms. Marsha Moody stated that she opposed the addition of the Certification of Electronic Transcriber (CET) examination to the requirements. Mr. Cross then shared written comments that he received. The first comment inquired if the additional examination rule would apply to current licensees and the answer was that it would apply to new initial licensees only once the rule is effective. The second comment asked if the hearing would be available via WebEx and the answer was that it would be.

Judge Rambo motioned to accept the rule changes as presented, as well as to adopt the "Regulatory Flexibility" statement as read by Mr. Cross. This was seconded by Mr. Pettes. The motion carried by unanimous roll call vote.

Judge Rambo motioned to adopt the "Impact on Local Government States" statement as read by Mr. Cross. This was seconded by Ms. Neal. The motion carried by unanimous roll call vote.

Mr. Pettes motioned to adopt the answers required by the "Joint Government Operations Committee" as read by Mr. Cross. This was seconded by Ms. Branim. The motion carried by unanimous roll call vote.

The rule making hearing concluded at 9:37 am. A formal transcript of the proceedings will be available at a future date.

## **DIRECTOR'S REPORT**

### ***Budget Report***

Director Kopchak gave a brief overview of the budget and reminded the Board that it is normal to see a surge of revenue immediately following a renewal cycle such as the one that just occurred.

### ***Board Meeting Dates***

Director Kopchak presented the scheduled 2021 meeting dates as March 26 and September 24. Judge Rambo motioned to accept these dates. This was seconded by Ms. Neal. The motion carried by unanimous roll call vote.

### ***MI and MS Reciprocity***

Director Kopchak presented the Board with a template for Reciprocity Agreements to review for future reciprocal agreements with other states. Ms. Morgan motioned to accept this template. This was seconded by Judge Rambo. The motion carried by unanimous roll call vote.

Director Kopchak presented the Board with the licensing requirements for court reporters in Michigan to review. Ms. Branim motioned to deny applicants since Michigan does not require a practical skills

examination as it pertains to transcription. This was seconded by Ms. Morgan. The motion carried by unanimous roll call vote.

Director Kopchak presented the Board with the licensing requirements for court reporters in Mississippi to review. Ms. Morgan motioned to accept applicants from Mississippi. This was seconded by Judge Rambo. The motion carried by unanimous roll call vote.

## **LEGAL REPORT**

### ***Legal Report***

The legal report was presented by Hugh Cross.

1. 2020057151

Respondent:

License Status: - ACTIVE

First Licensed: 7/1/2010

License Expiration: 6/30/2022

Disciplinary History: None

Summary:

This is a complaint by a former employee alleging that the Respondent engaged in improper professional conduct and made an ethical violation by intentionally using the Complainant's name for solicitation purposes after the Complainant no longer worked for the Respondent. Specifically, the Complainant states that the Respondent knowingly continued to use Complainant's name on letterhead and electronic correspondence to clients and others for almost a year. The Respondent admits that correspondence was sent to clients and others with the Complainant's name included, as well as the name of other former employees. However, the Respondent states that this was not intentional and was otherwise an honest mistake caused by confusion during a merger between the Respondent's firm and another firm. The Respondent also stated that the electronic correspondence was not a solicitation but was merely informational in nature. The Respondent also provided documentation showing that they contacted the Complainant to apologize and otherwise took action to remove the Complainant from the Respondent's letterhead, electronic correspondence, and website. Based on counsel's review of the Respondent's website, any mention of the Complainant has since been removed.

Recommendation: Close.

**BOARD DECISION:** The Board accepted counsel's recommendation.

### ***Agreed Citation Schedule***

Director Kopchak briefly recapped for the Board the discussion they had at the last meeting regarding an agreed citation schedule. This would allow administrative staff to handle those more common complaints detailed in the schedule, while more complex complaints not otherwise listed would still be handled by the Board. Director Kopchak presented the Board with the agreed citation schedule. Ms. Morgan motioned to accept the schedule as presented. This was seconded by Ms. Neal. The motion carried by unanimous roll call vote.

**ADJOURNMENT**

There being no other business, a motion was made by Judge Rambo and seconded by Ms. Neal to adjourn at 9:58 am. The motion carried by unanimous roll call vote.