



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

**Board Meeting Minutes for March 26, 2021
Davy Crockett Tower
WebEx**

The Tennessee Board of Court Reporting met on March 26, 2021 via a WebEx teleconference. The following business was transacted:

BOARD MEMBERS PRESENT: Judge John Rambo, Marilyn Morgan, Brandon Pettes, Briton Collins, and Stephanie Branim

BOARD MEMBERS ABSENT: Korian Neal, 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 9:05 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 March 26, 2021 meeting of the Court Reporter's Board including date, time and location has been noticed on the website since September 28, 2020; additionally this month's agenda has been posted on the website since March 12, 2021."

STATEMENT OF NECESSITY

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

AGENDA

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

SEPTEMBER MINUTES

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

DIRECTOR'S REPORT

Budget Report

Director Kopchak gave a brief overview of the budget and reminded the Board that it is normal to see an increase in revenue during the biennial renewal cycle and a deficit in the year following. Director Kopchak highlighted that a significant portion of credit card payments made in June did not actually post until July resulting in overstatement of reported revenue in July and subsequent reallocation in August to reflect actual revenue received. Director Kopchak concluded that the budget is trending as expected. Mr. Collins inquired if there were any large expenditures, especially related to technology, coming soon. Director Kopchak stated that there were not any slated at this time, and that any expenses related to occasional upgrades would be shared among all the boards.

Election of Officers

Judge Rambo nominated Ms. Morgan to continue serving as Chair. Mr. Collins nominated Judge Rambo to continue serving as Vice Chair and Ms. Neal to continue serving as Secretary. Mr. Collins motioned to accept these nominations. This was seconded by Mr. Pettes. The motion carried by unanimous roll call vote.

Rules Update

Before beginning the application review, Director Kopchak asked Mr. Cross to provide the rules update as it would pertain to the discussion about the reciprocal requirements. Mr. Cross informed the Board that the Attorney General's office would not push forward the rule change to require the AAERT Certified Electronic Transcriber (CET) exam because the statute only names the Certified Electronic Court Reporter (CER) exam. In addition, Mr. Cross stated that there was only one minor amendment made to Rule 0455-01-04--.01(1)(g) which replaced the word "shorthand" with "un-transcribed." Mr. Cross concluded by stating that he did not have an exact timeframe for when the new rules would go into effect as they still have a few more procedural steps to go through.

Application Reviews – Reciprocity

Director Kopchak presented the Board with the licensing requirements for court reporters in Michigan to review. Mr. Collins expressed concern that the requirements related to the Certified Electronic Court Reporter (CER) exam were not as robust as they are in Tennessee and asked if further clarification could be obtained to ensure that there is a transcription component. Director Kopchak stated that more information could be obtained from Michigan to clarify their exact requirements. Mr. Collins motioned to approve reciprocity from Michigan based on the Certified Stenographic Reporter (CSR) and Certified Stenomask Reporter (CSMR) exams only until more information is received about the Certified Electronic Court Reporter (CER). This was seconded by Judge Rambo. The motion carried by unanimous roll call vote with Ms. Morgan abstaining.

LEGAL REPORT

Legal Report

The legal report was presented by Hugh Cross.

NEW CASES

1. 2020074181

Respondent:

License Status: - ACTIVE
First Licensed: 7/1/2010
License Expiration: 6/30/2022
Disciplinary History: None

Summary: This complaint alleges that the Respondent would not provide audio of a criminal court hearing to the Complainant that the Respondent used in their transcription. Further, the Complainant stated that the Respondent did not include certain off the record comments made by the parties in the final transcript. The Complainant requested that the Respondent make changes to the final transcript. The Complainant was the defendant in the criminal trial. The Respondent denies the allegations and stated that the Complainant must get permission from the Court to receive a copy of the audio recording. Further, the Respondent stated that they certified the transcript as true and accurate to the best of their ability and would not be able to make changes they did not hear. The Respondent stated that the comments referred to were made by the parties while the judge was not sitting on the bench. The Respondent is only required to transcribe what was put on the record.

Recommendation: Close.

BOARD DECISION: The Board accepted counsel's recommendation.

2. 202008056

Respondent:
License Status: - ACTIVE
First Licensed: 7/1/2010
License Expiration: 6/30/2022
Disciplinary History: None

Summary: This complaint alleges the same facts as those alleged in Case No. 1—2020074181 with a different Respondent. The recommendation remains the same.

Recommendation: Close.

BOARD DECISION: The Board accepted counsel's recommendation.

3. 2020094601

Respondent:
License Status: - ACTIVE
First Licensed: 7/1/2010
License Expiration: 6/30/2022
Disciplinary History: None

Summary: This complaint alleges that the Respondent refuses to provide the transcripts for court reporting services rendered during a hearing. The complaint also alleges that a conflict of interest exists in that the Respondent should not have provided court reporting services during the hearings at issue because the Respondent was related to the Petitioner. For the allegation regarding refusal to provide transcripts, there is no documentation to support the notion that neither the Respondent, the court reporting agency involved, nor the individual court reporter involved has refused to provide transcripts. As for the allegation regarding a conflict of interest, based on the complaint, the Respondent is a

managing partner at a court reporting agency and related to the Petitioner at those hearings. However, the individual court reporter at the hearing who provided court reporting services was not related to the Petitioner. Therefore, no conflict of interest exists in this matter.

Recommendation: Close.

BOARD DECISION: The Board accepted counsel's recommendation.

4. 2021012781

Respondent:

License Status: - EXPIRED

First Licensed: 7/1/2010

License Expiration: 6/30/2018

Disciplinary History: None

Summary: This complaint alleges that the Respondent refuses to provide the transcripts for court reporting services rendered during a hearing. The complaint also alleges unlicensed activity. For the allegation regarding refusal to provide transcripts, the Respondent stated that the transcript has been provided to the Complainant. The Complainant confirmed the transcript has since been provided. As for the allegation regarding unlicensed activity, the Respondent's license is expired. The Respondent works as a court reporter that provides court reporting services in state criminal courts. Public Chapter 450 exempts from licensure court reporters providing services in state criminal courts, as a per diem court reporter, compensated by the Administrative Office of the Courts. Here, however, the Respondent admits to providing the services at issue during a civil trial because there was not enough work at the criminal court due to the pandemic. The Respondent's position is that no license was needed because they worked as a court reporter for the state criminal court. While it is true that the Respondent would be exempt from licensure had they been providing services in capacity of their work as a state criminal court reporter, the Respondent was required to renew their license to engage in court reporting in a civil matter such as the matter at issue here.

Recommendation: Authorize formal hearing. Issue \$250.00 civil penalty for unlicensed practice of court reporting—currently expired, suspended, or revoked in violation of Tenn. Code Ann. 20-9-603(a).

BOARD DECISION: The Board accepted counsel's recommendation.

NEW BUSINESS/ADJOURNMENT

There being no other business, a motion was made by Ms. Morgan and seconded by Ms. Branim to adjourn at 9:50 am. The motion carried by unanimous roll call vote.