

SHORTHAND REPORTING

March 24, 2006

FILED

Donna L. Tamaroff

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF SHORTHAND REPORTING

IN THE MATTER OF

DONNA McNEILL, C.S.R.
Certificate Number: 30XI000131000

TO PRACTICE SHORTHAND REPORTING
IN THE STATE OF NEW JERSEY

Administrative Action

FINAL ORDER
OF DISCIPLINE

This matter was opened to the New Jersey State Board of Shorthand Reporting (hereinafter the "Board") on information it received and on which the following findings are made:

FINDINGS OF FACT

1. On or about March 1, 1984, respondent Donna McNeill was issued a certificate from the Board authorizing her to practice shorthand reporting in the State of New Jersey. She remained a certificate holder of the Board until she permitted her certificate to lapse when she failed to renew it for the 1996-1998 biennial period. [See Exhibit "A"].
2. Respondent's certificate to practice shorthand expired on or about June 30, 1996, as a result of her failure to forward the appropriate renewal fees to the Board office. Her certificate remains expired from that date to the present. [See Exhibit "A"].

3. In a telephone conversation with the Board's administrative office on or about May 4, 2004, the respondent was advised by said office that her certificate had expired in 1996. [See Exhibit "A"].

4. In a correspondence dated May 6, 2004, the respondent requested that the Board permit her to reinstate her certificate. Her explanation for the lapsed certificate was as follows:

I did not realize it was expired. I spoke to a friend of mine who mentioned she received a renewal application, and it dawned on me that I had not. That's what prompted my calling the Board to find out why I hadn't received my renewal.

....

... The only thing I could think of is I moved in 1996 and that seems to be the beginning of it all. Also shortly after moving, I lost my job as an official court reporter in Morris County . . . Then shortly thereafter I became separated from my husband and I had moved. At present I have been taking care of my father who is terminal with cancer and congestive heart failure.

[See Exhibit "B"].

5. Further, in this correspondence, the respondent advised that she has continued to work as a certified shorthand reporter since 1996 when she allowed her certificate to lapse. Specifically, the respondent has worked for numerous agencies since her certificate lapsed, including Barry Fond, Rosenberg and Associates, Fitzsimmons Reporting and Lynann Dragone. [See Exhibit "B"].

6. Therefore, respondent Donna McNeill has admitted that she engaged in the unlicensed practice of shorthand reporting from on or about July 1996 to the present. [See Exhibit "B"].

CONCLUSIONS OF LAW

1. Respondent engaged in the unlicensed practice of shorthand reporting, during 1996 to the present, in violation of N.J.S.A. 45:1-7.1(c).

2. Respondent violated, as well as failed to comply, with the provisions of the Uniform Enforcement Act, codified at N.J.S.A. 45:1-14 et seq., specifically N.J.S.A. 45:1-7.1(c) which is administered by the Board, contrary to the provisions of N.J.S.A. 45:1-21(h). N.J.S.A. 45:1-25(c), as well as N.J.S.A. 45:1-7.1, authorizes disciplinary action against Ms. McNeill for engaging in the unlicensed practice of shorthand reporting.

DISCUSSION ON FINALIZATION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline, which concluded that the respondent had engaged in the unlicensed practice of shorthand reporting from 1996 to the present, was entered on October 14, 2004, and a copy was served on the respondent. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth (30th) business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefore.

On or about October 21, 2004, the respondent forwarded Treasurer's check number #46-03165, to the Board's administrative office, in the amount of \$1,175.00. This amount represented the total amount of monies preliminarily imposed by the Provisional Order for reinstatement fees, past renewal fees and a civil penalty of \$500.00.

The respondent's submission was reviewed by the Board at its March 21, 2005, meeting. The Board determined that further proceedings were not necessary and that no material discrepancies had been raised. Furthermore, the Board was not persuaded that the submitted materials merited further consideration as the respondent did not dispute the Findings of Fact or Conclusions of Law. Thereafter, the Board voted to finalize the Provisional Order without any modifications.

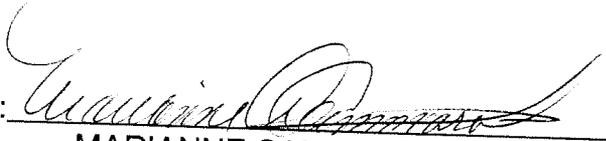
ACCORDINGLY, IT IS on this 11th day of **APRIL 2005,**

ORDERED that:

1. The respondent Donna McNeill is hereby formally reprimanded, pursuant to N.J.S.A. 45:1-22(a), for engaging in the unlicensed practice of shorthand reporting from 1996 until in or about October 21, 2004.
2. Respondent's certificate to practice shorthand reporting in the State of New Jersey is and shall be hereby reinstated effective April 1, 2005, with back fees paid to 1996. Respondent shall pay a reinstatement fee of **\$125.00** in addition to any and all renewal fees from 1996 to, and including the present renewal period, totaling **\$550.00**. Respondent's certificate shall be reinstated following payment of these fees in full. Said fees were paid in full on or about October 21, 2004.

3. The respondent Donna McNeill is hereby assessed a civil penalty in the amount of **\$500.00** for engaging in the unlicensed practice of shorthand reporting in violation of N.J.S.A. 45:1-7.1 and N.J.S.A. 45:1-21(h). Payment shall be made by certified check or money order made payable to the State of New Jersey. The payment shall be submitted to Dianne L. Tamaroglio, Executive Director of the State Board of Shorthand Reporting, at 124 Halsey Street, Sixth Floor, Post Office Box 45019, Newark, New Jersey 07101, within thirty (30) days of the entry date of this Order. Said penalty was paid in full on or about October 21, 2004.

NEW JERSEY STATE BOARD
OF SHORTHAND REPORTING

By: 
MARIANNE CAMMAROTA, C.S.R.
President