

SHORTHAND REPORTING

Nov 14, 2008

FILED

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

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

MICHAEL PELLECHIO, C.S.R.

TO PRACTICE COURT REPORTING
IN THE STATE OF NEW JERSEY

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: Administrative Action
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: FINAL ORDER
: OF DISCIPLINE
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This matter was opened to the New Jersey State Board of Court Reporting (hereinafter the "Board") upon its review of the 2006-2008 biennial renewal application of respondent Michael Pellechio, C.S.R. A review of this document revealed that the respondent answered "no" to the question in the renewal application inquiring as to whether he had satisfied the continuing education requirements mandatory for the renewal of his court reporting certificate. The Board has reviewed the renewal application, and other relevant documents on which the following findings of facts and conclusions of law are made:

FINDINGS OF FACTS

1. Respondent Michael Pellechio, C.S.R., is a certified court reporter in the State of New Jersey and has been licensed at all times relevant hereto.

2. On or about May 26, 2006, the Board office reviewed the respondent's renewal application and noted that he advised that he had not completed the required continuing education courses for renewal of his certificate for the 2006-2008 licensure period.

3. In a letter issued in August 2006, the Board directed that the respondent provide a narrative explaining his failure to comply with the licensing renewal requirement of completing fifteen (15) continuing education credits.

4. Mr. Pellechio, in a correspondence dated September 6, 2006, advised the Board that he did not see the necessity of attending any continuing education courses since he was planning to retire to California in the near future. However, he indicated that he would consider attending the required seminars provided he did not retire.

5. In a letter dated September 22, 2006, the Board directed Mr. Pellechio to comply with the applicable statute and regulations governing the practice of court reporting and granted him a six (6) month extension, until March 31, 2007, to fulfill the requirement for the completion of fifteen (15) continuing education credits. In this correspondence, Mr. Pellechio was advised that failure to complete the required continuing education credits could subject him to disciplinary action.

6. To date, the respondent has neither responded to the Board's September 22nd letter nor demonstrated to the Board that he has satisfied the continuing education requirements for the 2006-2008 biennial renewal period.

CONCLUSIONS OF LAW

1. Respondent has not satisfied the requirements of N.J.S.A. 45:15B-3.1 and N.J.A.C. 13:43-7.1 and 7.2 with regard to the completion of the appropriate number of approved continuing education credits and is therefore subject to sanctions pursuant to N.J.S.A. 45:1-21(h), namely, the failure to comply with the provisions of an act or regulation administered by the Board. The Board finds that this conduct constitutes grounds for the suspension or revocation of a certificate to practice court reporting as well as grounds for sanction pursuant to N.J.S.A. 45:1-25.

2. Respondent has failed to cooperate with the Board's September 2006 directives to furnish it with proof that he has met and completed the continuing education requirements for the biennial renewal period of 2006-2008 in violation of N.J.A.C. 13:43-7.1, N.J.A.C. 13:43-7.2 and N.J.A.C. 13:45C-1.3.

3. Respondent is subject to sanctions pursuant to N.J.S.A. 45:1-21(h), failure to comply with the provisions of an act or regulation administered by the Board, which constitutes

grounds for suspension or revocation of any certificate, registration or license, and grounds for sanction pursuant to N.J.S.A. 45:1-25.

DISCUSSION ON FINALIZATION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline, provisionally suspending respondent's license to practice court reporting in the State of New Jersey, was entered on June 27, 2007, and a copy served on respondent. The Provisional Order was subject to finalization by the Committee at 5:00 p.m. on the 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 therefor.

Respondent submitted a written response for the Board's consideration. In this response, the respondent advised that he had retired from the practice of court reporting and hence had not taken the required continuing education courses. Additionally, he advised that he had inadvertently failed to notify the Board of his decision. Finally, Mr. Pellechio

requested that the Board place his certificate in inactive status as authorized by N.J.S.A. 45:1-7.3.

Respondent's submission was reviewed by the Board at its July 16, 2007, meeting. Based upon the reviewed submissions, the Board determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was persuaded that the submitted materials indicated that since Mr. Pellechio was retired and no longer practicing court reporting, he was not required to comply with the continuing education requirements. Thereafter, the Board voted to rescind the Provisional Order in its entirety and to grant the respondent's request that his court reporting certificate be placed on inactive status.

ACCORDINGLY, IT IS on this 30th day
of SEPTEMBER 2008 ORDERED that:

1. The Provisional Order of Discipline entered against the respondent, Michael Pellechio, C.S.R., on June 27, 2007, is hereby rescinded.

2. The respondent's certificate to practice court reporting in the State of New Jersey is hereby placed on inactive status, pursuant to N.J.S.A. 45:1-7.3(b), effective on the entry of this Final Order.

NEW JERSEY STATE BOARD
OF COURT REPORTING

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