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SHORTHAND REPORTING

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FILED

June 8, 2009

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

IN THE MATTER OF

ROSEMARY LOCKLEAR C.C.R.
License No: 30XI00171000

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 Court Reporting (hereinafter the "Board") following a random audit of its certificate holder, Rosemary Locklear, C.C.R., to determine compliance with the continuing education requirements of N.J.S.A 45:15B-3.1. The Board has reviewed the relevant documents on which the following findings of facts and conclusions of law are made:

FINDING OF FACTS

1. Respondent, Rosemary Locklear, C.C.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 August 10, 2006, the Board conducted an audit of its certificate holders in order to determine compliance with its continuing education requirements. Respondent, who was randomly selected to participate in the audit, was requested to furnish the Board with proof that she had completed the requisite fifteen (15) credits of continuing education in order to renew her certificate for the 2006-2008 licensure period.

3. In correspondence received by the Board on August 22, 2006, the respondent provided proof that she had completed only 3.5 of the required 15 credits.

4. In a letter dated November 20, 2006, the Board advised the respondent that she had been granted an extension of time, until June 30, 2007, to acquire the outstanding 11.5 continuing education credits needed for the 2006-2008 biennial renewal period.

5. In correspondence dated May 11, 2007, the Board reminded respondent that an extension of time had been granted to her to complete the outstanding continuing education credits and that failure to comply with the continuing education requirements by the specified date may result in disciplinary action.

4. To date, the respondent has not submitted proof to the Board that she 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, 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 for the 2006-2008 renewal period and is therefore subject to sanction pursuant to N.J.S.A. 45:1-21(h), namely, the failure to comply with the provision 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 shorthand reporting as well as grounds for additional sanctions pursuant to N.J.S.A. 45:1-25.

2. Respondent has failed to cooperate with the Board's November 29, 2006 and May 11, 2007 directives to furnish it with proof that she 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 sanctions pursuant to N.J.S.A. 45:1-25.

DISCUSSION ON FINALIZATION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline, which, among other sanctions, provisionally suspended respondent's certificate to practice court reporting in the State of New Jersey until such time as the respondent completed the required continuing education, was entered on March 25, 2009, 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 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.

In response to the Provisional Order, Ms. Locklear provided to the Board correspondence dated March 27, 2009. In this letter, she enclosed documentation detailing her successful completion of the required continuing education credits from September 30, 2006 to April 28, 2008. Via these records, Ms. Locklear provided proof that she had completed nineteen (19) credits between September 30, 2006 to April 28, 2008. Additionally, the respondent provided proof of successful completion of twenty (20) continuing education credits from the period of September 15, 2007 to October 19, 2008.

In her March 27th letter, Ms. Locklear admits that she received all of the correspondences from the Board, beginning in 2006, seeking information relative to her compliance with the continuing education requirements. However, she advises that she did not furnish the Board with any proof of her satisfaction of these requirements until after service of the Board's Provisional Order because

There was never a directive from the Board to submit proof nor was an address or means of contact provided to do the same.

The Board reviewed the respondent's submission at its May 2009 meeting. Following its review of this matter, 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 Ms. Locklear had met her continuing education obligations timely, in that she had completed the requisite continuing education credits for the 2006-2008 licensure period as well as those credits necessary for the current renewal period of 2008-2010.

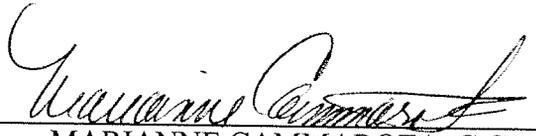
Thereafter, the Board concluded to finalize the Provisional Order with modifications. Specifically, the Board voted to rescind the proposed suspension of the respondent's certificate and the proposed civil penalty totaling \$500.00. However, the Board affirmed its determination to reprimand Ms. Locklear for her failure to cooperate with the Board's requests. The Board found her explanation that there was no directive on its part for her to submit proof of her compliance with the Board's regulations implausible and without merit. The Board noted that its regulation clearly detail the audit process and provides certificate holders with ample notice that the burden is on the holder to provide proof to the Board of compliance with the continuing education requirements.

ACCORDINGLY, IT IS on this 5th day of

JUNE 2009 ORDERED that:

1. The certificate to practice court reporting in the State of New Jersey of the respondent, Rosemary Locklear, C.C.R., shall remain active since she has, to date, completed all the required continuing education credits timely.
2. The provisionally imposed civil penalty assessed against the respondent is hereby rescinded also due to her timely compliance with the continuing education requirements.
3. Ms. Locklear is hereby formally reprimanded for failing to cooperate with the Board's written request timely, in violation of N.J.S.A. 45:1-21(h) and N.J.A.C. 13:45C-1.3, to submit proof of her successful completion of the required continuing education requirements..

STATE BOARD OF COURT REPORTING

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