SHORTHAND REPORTING

10/18/2011

FILED

Diane L. Tenaglia

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

IN THE MATTER OF **ELICE BATES, C.C.R.** Certificate No: 30XI00195900 TO PRACTICE COURT 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") upon its review of information that the respondent Elice Bates, C.C.R., had failed to complete a minimum of fifteen (15) credits of continuing court reporting education courses during the period of July 1, 2006 to June 30, 2008 required for biennial license renewal pursuant to N.J.S.A. 45:15B-3.1 and N.J.A.C. 13:43-7.1 and 7.2. The Board has reviewed relevant documents on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a certified court reporter in the State of New Jersey and has been a certificate holder at all times relevant hereto.

2. N.J.S.A. 45:15B-3.1 and N.J.A.C. 13:43-7.1(a) require that certificate holders complete fifteen (15) continuing education credits for biennial certification renewal. N.J.A.C. 13:43-7.1(a) specifically requires that the certificate holder complete the required credits during the preceding biennial period. Therefore, for the biennial renewal period of 2008-2010, certificate holders were required to complete fifteen (15) continuing education credits during the period of July 1, 2006 to June 30, 2008.

3. In or about January 2009, the Board initiated a random audit of renewal applications for the 2008-2010 period, asking those randomly selected certificate holders to submit proof with regard to the satisfaction of continuing education requirements for the biennial renewal period, i.e., fifteen (15) credits of continuing education.

4. Respondent submitted information which indicated that she had completed a total of eight (8), of the required fifteen (15), continuing education credits during the allotted time period of July 1, 2006 to June 30, 2008.

5. The Board, at its January 2009, granted the respondent a six (6) month extension to fulfill the requirement of the completion of fifteen (15) continuing education credits. To date, respondent has failed to demonstrated to the Board that

she has satisfied the continuing education requirements for the 2008-2010 biennial renewal period.

CONCLUSIONS OF LAW

1. Respondent failed to satisfy the requirements of N.J.S.A. 45:15B-3.1 and N.J.A.C. 13:43-7.1(a) with regard to the timely completion of the required number of continuing education credits for the 2008-2010 renewal period 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 sanction pursuant to N.J.S.A. 45:1-25.

2. 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 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, which provisionally imposed a formal reprimand and a civil penalty totaling $700.00, was entered on September 20, 2010, 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, the respondent requested a modification or dismissal of said findings and conclusions, and alternatively requested elimination or reduction of the $700.00 civil penalty in a letter dated October 20, 2010. In support of her request, Ms. Bates advised that she had successfully completed the outstanding seven (7) credits during the six month extension provided by the Board. Therefore, the respondent asserted that she had complied with the Board's directives and that this matter had been resolved.

The Board reviewed the respondent's submission at its November 15, 2010 meeting. Following its review of this matter, the Board determined that further proceedings were not necessary and that no material discrepancies had been raised. While the Board noted that credits for continuing education must be obtained biennially by each holder of an active certificate during the period preceding the established certificate renewal date as required by N.J.S.A. 45:15B-3.1 and 3.2, it further found

that the respondent had completed the delinquent credits within the Board authorized extension period. The Board concluded that there were sufficient mitigating circumstances, including the current economic difficulties and the requirements of Executive Order #2 issued by Governor Chris Christie on January 20, 2010, to alter its intended sanctions and stay the imposed civil penalty. Thereafter, the Board voted to finalize the Provisional Order with modifications.

ACCORDINGLY, IT IS on this 17th **day of** October **OCTOBER 2011 ORDERED that:**

1. Respondent, Elice Bates, C.C.R., is hereby formally reprimanded for failing to timely complete the required number of continuing education credits, in violation of N.J.S.A. 45:1-21(h), N.J.S.A. 45:15B-3.1 and N.J.A.C. 13:43-7.1(a).

2. Respondent is hereby assessed a civil penalty in the amount of **$700.00**, which shall be stayed in its entirety, for failing to complete the required number of continuing education credits during the preceding biennial period, in violation of N.J.S.A. 45:1-21(h), N.J.S.A. 45:15B-3.1 and N.J.A.C. 13:43-7.1.

NEW JERSEY STATE BOARD
OF COURT REPORTING

By: Marianne Cammarota

MARIANNE CAMMAROTA, C.C.R.
President

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