

SHORT REPORTING

10/18/2011

FILED

James L. Tamburri

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

IN THE MATTER OF	:	
	:	
	:	<u>Administrative Action</u>
ROSE TAMBURRI, C.C.R.	:	
Certificate No: 30XI00189500	:	
	:	
	:	FINAL ORDER
TO PRACTICE COURT REPORTING	:	OF DISCIPLINE
IN THE STATE OF NEW JERSEY	:	
	:	

This matter was opened to the New Jersey State Board of Court Reporting (hereinafter the "Board") upon its review of information that the respondent Rose Tamburri, C.C.R., had failed to complete a minimum of fifteen (15) credits of continuing court reporting education courses, during the time period of July 1, 2006 to June 30, 2008, required for 2008-2010 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 not completed any of the requisite continuing education credits during the allotted time period of July 1, 2006 to June 30, 2008. Rather, the information provided by the respondent revealed that, while she had attended continuing education courses, these courses were not taken within the requisite time period of July 1, 2006 to June 30, 2008. Additionally, the Board concluded, at its January and March 2009

meetings, that other Internet courses that the respondent had completed during the allotted time period, were in areas unrelated to the practice court reporting and thereafter denied credit for these courses, as permitted by N.J.A.C. 13:43-7.2.

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. He/She has now submitted documentation that demonstrates that he/she has satisfied the requirement but not within the time period required by law.

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 \$1,500.00, was entered on January 29, 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 \$1,500.00 civil penalty in a letter dated February 10, 2010. In support of her request, Ms. Tamburri advised that she had submitted her National Court Reporters Association Continuing Education Transcript Report which evidenced her successful completion of continuing education credits beginning in 1981 to September 2009. She asserted that this document indicated that

she had accumulated approximately 26.0 credits during the requisite time period and therefore had not only complied with, but had exceeded, the number of credits required. Moreover, the respondent maintained that she had already completed the credits necessary for renewal for the 2010 to 2012 licensure period. Hence, Ms. Tamburri requested that the Board rescind its intended civil penalty due to her contention that she had complied with the requirements. She further requested a formal hearing if the Board did not grant her request for a rescission of the Provisional Order.

The Board reviewed the respondent's submission at its March 15, 2010 meeting. Following its review of this matter, the Board determined that further proceedings, including that of a formal hearing, were not necessary and that no material discrepancies had been raised. The Board considered the documents submitted by Ms. Tamburri. Thereafter, the Board denied credit for the courses taken by the respondent between the period of July 1, 2006 to June 30, 2008 because the courses failed to satisfy the requirements of N.J.A.C. 13:43-7.2(a) in that the courses neither involved areas related to court reporting nor contributed to the maintenance of the certificate holder's professional competence as required by the regulation.

Specifically, the Board's review of the documents submitted by the respondent indicated that she had taken the following courses during July 1, 2006 and June 30, 2008:

The Power of Feeling Your Best
and the accompanying examination;

Exercise Your Fountain of Youth
and the accompanying examination;

Heal Your Body with Healthy Fats
and the accompanying examination

Ms. Tamburri maintained that these courses should have been accepted by the Board for a total of nine (9) credits. The Board however found that these courses were not eligible for approval because they did not fall into the core areas related to court reporting, such as speed/accuracy, grammar, ethics and business practices, as required by N.J.A.C. 13:43-7.2(a)(1). Additionally, the Board concluded that Ms. Tamburri failed to demonstrate that these courses contributed to the maintenance of her professional competence, as required by N.J.A.C. 13:43-7.2(a)(2). Hence, the Board denied credit to the respondent for her completion of these courses.

However, the Board determined that the respondent was permitted to carry over a total of five (5) continuing education credits from the prior licensure period for courses she completed on or about April 29, 2006 as authorized by N.J.A.C. 13:43-7.2(b). Thus, the Board concluded that the respondent had

demonstrated that she had completed five (5) of the required fifteen (15) continuing education credits for the requisite time period.

However, the Board further found that Ms. Tamburri had failed to complete the remaining ten continuing education credits for the 2008-2010 licensure period and that this conduct was a basis for disciplinary action. The Board however 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 Rose Tamburri, 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).

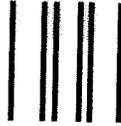
2. Ms. Tamburri is hereby assessed a civil penalty in the amount of **\$1,000.00**, which shall be stayed in its entirety, for failing to complete the required number of continuing education credits during the preceding biennial period, in

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

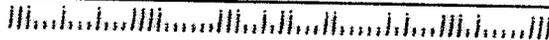
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