

STATE BOARD OF COURT REPORTING

PUBLIC SESSION MINUTES

MAY 17, 2010

Due to a lack of quorum the Board met in Committee

A regular meeting of the State Board of Court Reporting was held at 124 Halsey Street, Newark, N.J. on the sixth floor, on Monday, May 17, 2010. The meeting was convened in accordance with the schedule filed with the Secretary of State and was conducted in accordance with the provisions of the Open Public Meeting Act. Chapter 321, P.L. Notice of the meeting was prepared in the office of the Board and mailed out to the Secretary of State, the Attorney General, the Star Ledger, the Record, the Press of Atlantic City, the Asbury Park Press and the Trenton Times. The meeting was called to order at 9:45 A.M. A roll call was taken and the following attendance of Board members was recorded for these minutes:

Marianne Cammarota	Present
Jean Dolan	Present
Richard McCormack	Absent
Susan Scardilli	Absent

Also in attendance were: Dianne L. Tamaroglio, Executive Director, State Board of Court Reporting, Deputy Attorney General Olga Bradford, and Lyann Hope, Board Secretary.

I. APPROVAL OF PUBLIC SESSION MEETING MINUTES OF MARCH 15, 2010

A motion was made by Jean Dolan and seconded by Marianne Cammarota to recommend to the full Board that the Public Session Meeting Minutes of March 15, 2010 be approved as corrected. The Committee voted to approve this recommendation.

II. APPEARANCE REGULATORY ANALYST DEBORAH SHANE-HELD 10:00 AM

**Re: Executive Order #2
NJAC 13:43-5.4, Prohibited Practices
Comments**

As per Governor Christie's Executive Order #2, all State agencies are required to: "...identify those regulations and processes that impede responsible economic development as a result of: i) providing insufficient or contradictory guidance (inter and intra-agency) to applicants for permits, thus leading to a delay or denial of the permit applications; or ii) exceed legislative intent or federal standards without well-documented cause, thus placing the state at a competitive disadvantage in attracting investments and jobs." DAG Olga Bradford & Executive Director Dianne L. Tamaroglio previously met with Regulatory Analyst Deborah Shane-Held to review the Board's regulations and to recommend to the Board what if any provisions of its regulations would fall under the Executive Order #2 criteria. Ms. Shane-Held met with the Committee of the Board today to review the following recommendations:

Amend the following rules:

NJCA 13:43-2.2 Eligibility for registration as a temporary registered reporter; disclosure forms; penalties

*(h) The temporary registered reporter shall maintain a log of all proceedings, which shall include the date, time, place, caption and appearance sheet and all disclosure forms referred to in (d) above and those forms referred to in (e) above. The log shall be retained for a period of no less than [five] **three** years.*

Reason:

The Division feels that the five year log retention requirement is too restrictive. Temporary Registered Reporters can only be registered for three years so it would make more sense to require that the log record be retained for three years.

The Committee of the Board made the recommendation to change the time frame to three years.

NJCA 13:43-5.6 Note and transcript retention policy

*(a) All certified court reporters and all temporary registered reporters shall retain all notes in civil matters for no less than [five] **two** years unless a full transcript has been prepared of the matter, in which case the electronic notes and the transcript shall be retained for at least [five] **two** years, but the paper notes may be discarded after two years.*

Reason

The Division feels that the five year retention requirement for notes and transcripts is too restrictive on the profession.

The Committee of the Board recommended that the regulation remain as is.

*Ms. Shane-Held reviewed with the Committee of the Board 3 comments received to the proposed amendment to **NJAC 13:43-5.4, Prohibited Practices**. One commenter was concerned that the amendment will place an undue burden on court reporters by requiring them to offer comparable serves "at the same time" to all other parties to the litigation and also that this would prohibit court reporters from dealing directly with "a party in interest". The Committee of Board contends that this will not place an undue burden on court reporters nor require that they "immediately" contact all parties to the litigation to make the same offer for service. The intent of this amendment was to create fairness and impartiality within the profession by eliminating any confusion with respect to quality and price of services. The second commenter contends that this amendment fails to address any economic impact on the clients who, without the ability to contract with a court reporter, would incur additional expenses. The Committee of the Board advises that the intent behind the amendments is to create fairness and impartiality with all parties to the litigation. The third commenter claims that the regulations would prohibit certain practices of court reports related to incentives and rewards and contracting. The Committee of the Board advised that the purpose of the court reporter is to remain a neutral third party court officer and at the same time protect the record. Ms. Shane-Held will prepare responses for the commenters.*

III. EXECUTIVE DIRECTORS REMARKS

There was no report today.

IV. BOARD PRESIDENT REMARKS

Board President Marianne Cammarota advised the Committee that the April 17, 2010 Certified Realtime Court Reporter's Examination was given on time and without incident. Ten candidates applied for the examination and ten were in attendance. The results of the exam are as follows:

<i>Maureen McCarthy</i>	<i>passed</i>
<i>Nancy Lee Curtis</i>	<i>failed</i>
<i>Laura Carrucci</i>	<i>failed</i>
<i>Anna Gleason</i>	<i>failed</i>
<i>Margaret Goodman</i>	<i>failed</i>
<i>Ellen Hamer</i>	<i>failed</i>
<i>Cherilyn McCollum</i>	<i>failed</i>
<i>Christina Sarisky</i>	<i>failed</i>
<i>Jacqueline Wahler</i>	<i>failed</i>
<i>Mary Wainwright</i>	<i>failed</i>

V. OLD BUSINESS

**A. Correspondence from Cheryl A. Martin, CCR 30XI00092500
Re: POD and Continuing Education credits**

On September 28, 2009, a Provisional Order of Discipline was issued to Cheryl A. Martin for failure to complete the required 15 Continuing Education credits for the 2002-2004 & 2004-2006 biennial renewals. At the November 16, 2009 Board meeting, the Board reviewed a letter from Ms. Martin wherein she explained the severe hardships she has gone through over the past year that caused her to not complete any CE credits. The Board voted at that meeting to authorize DAG Olga Bradford to issue a Final Order of Discipline rescinding the Provisional Order and waiving the outstanding Continuing Education credits. Ms. Martin has since provided the Board with proof of completion of Continuing Education courses demonstrating that she has met the CE requirements for the 2002-2004 & 2004-2006 biennial renewals. Upon review and discussion, as Ms. Martin's CE requirements have now been met, a motion was made by Marianne Cammarota and seconded by Jean Dolan to recommend to the full Board that a Final Order of Discipline be issued to Ms. Martin finalizing the Provisional Order of Discipline with modifications. The Committee approved this recommendation.

**B. I/M/O Quigley vs Esquire Deposition Services, LLC
Appellate Docket Number: A-0011254-09T3**

Joseph Quigley is petitioning the U.S. Supreme Court to hear this matter and the Attorney General's office has been asked to weigh in. DAG Olga Bradford previously advised Executive Director Dianne L. Tamaroglio and Board President Marianne Cammarota that she has been asked to prepare a brief for the Court. Board President Cammarota gave her approval for preparation of the brief. The Committee of the Board will recommend to the full Board that Ms. Cammarota's approval be ratified.

VI. NEW BUSINESS

- A. Correspondence from Robert J. Conrad 30XI00111900**
Re: Requesting an extension for completion of Continuing Education credits for 2010-2012 renewal

Robert J. Conrad, CCR has written to the Board advising that he has completed only 8 Continuing Education credits for the 2010-2012 biennial renewal due to medical and financial reasons and is requesting an extension of time for the completion of the remaining 7 credits. A motion was made by Jean Dolan and seconded by Marianne Cammarota to recommend to the full Board that Mr. Conrad be given an extension until the end of year to complete the remaining 7 credits. The Committee of the Board approved the recommendation.

- B. Correspondence from Christy McGee, CCR 30XI00223000**
Re: Requesting an extension for completion of Continuing Education credits for the 2010-2012 renewal

Christy McGee, CCR has written to the Board advising that she has completed only 7 Continuing Education credits for the 2010-2012 biennial renewal and is requesting an extension of time for the completion of her remaining 8 credits. A motion was made by Jean Dolan and seconded by Marianne Cammarota to recommend to the full Board that Ms. McGee be granted an extension until the end of the year for the completion of her 8 remaining credits. The Committee of the Board approved the recommendation.

- C. Request for Continuing Education Approval**
Re: CCR Seminars, LLC
September 11, 2010 Court Reporting Seminar

F. Todd Allievie, CCR, RPR, RMR has submitted to the Board an outline for his Court Reporting Seminar to be given on September 11, 2010. The Seminar will be available live in person and via live Webinar over the internet. Upon review, a motion was made by Jean Dolan and seconded by Marianne Cammarota to recommend to the full Board that the following courses and credits be approved:

Construction & Engineering Terminology	1.5 credits
Back-Up & Security Technology	1.5 credits
Tax & Financial Planning for Court Reporters	1 credit
So you want to be a Cart provider	1 credit
Technological Gadgets & Equipment for Court Reporters	1.5 credits
Issues Affecting Court Reporters Today & in the future	1.5 credits

The Committee of the Board approved the recommendation.

Board President Marianne Cammarota brought up the concern of security during Webinars. Ms. Cammarota will check with the National Court Reporters Association to see what kind of safeguards they have in place for security for Webinars.

VII. DISCIPLINARY ACTION

A motion was made by Marianne Cammarota and seconded by Jean Dolan to adjourn Public Session at 11:00 P.M. and move into Executive Session at 11:10 P.M. The Committee of the Board approved the motion. The Committee of the Board moved into Executive Session to discuss confidential matters.

Respectfully Submitted,

*Dianne L. Tamaroglio
Executive Director*

