

MINUTES

**UTAH
CERTIFIED COURT REPORTERS LICENSING BOARD
MEETING**

October 29, 2009

**Room 475 – 4th Floor – 2:00 p.m.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 2:06 p.m.

ADJOURNED: 4:10 p.m.

Bureau Manager:

Clyde Ormond

Board Secretary:

Jacky Adams

Board Members Present:

Catherine Kennedy - Chairperson
Shelly Wadsworth
Joleen Van Bibber
Suzanne Warnick
Rossann Morgan

Board Members Absent:

Guests:

Debbie Dibble – Utah Court Reports Association,
President

DOPL Staff Present:

Ray Walker – Regulation and Compliance Officer

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Election of the 2009-2010 Board Chairperson

Ms. Warnick seconded by Ms Wadsworth made a motion to re-elect Ms. Kennedy as the Board Chairperson for the 2009-2010 fiscal year. The motion carried unanimously.

Approval of the October 23, 2008 Board Meeting Minutes

Ms. Wadsworth seconded by Ms. Morgan made a motion to approve the October 23, 2008, Board Meeting Minutes. The motion carried unanimously.

Open & Public Meeting Power Point

Mr. Ormond conducted the “Open and Public Meetings” PowerPoint presentation. No further action was taken.

Update of Emergency Contact Information

Completed, with no further action taken.

DISCUSSION ITEMS:

Gifts

Mr. Ormond explained that at the October 23, 2008 Board Meeting Ms. Wadsworth was requested to submit a letter regarding this issue. The letter was later submitted and reviewed by Mr. Stanley and Mr. Holman. It was determined to not send out the letter to the profession, due in part to the “backlash” from other professions when the Division has intervened in this manner in the past. It was determined that Division Investigators will view each appropriately submitted complaint, and take appropriate action. Mr. Stanley had also recommended for UCRA (Utah Court Reporters Association), to send out the letter.

During this meeting Mr. Walker reminded the Board that this is a complaint-driven agency. Adding that a complete detailed complaint must be submitted prior to an investigation being initiated. The Board expressed their concern on two complaints that were submitted and an investigation completed with no action taken.

The Board explained that the profession views UCRA as an educational outlet only. It was then added that the profession will ignore UCRA in this matter, whereas, upon Division request the profession will comply.

Copies were submitted of emails documenting that this is a Nationwide problem. It was explained that some Firms (Court Reporting Firms) offer products, money, or services, upon the scheduling of a Deposition. It was then added that the monetary value of the “gift” is increased if the Deposition is taken from another Firm. It was further added that in some cases, Firms and Reporters (Certified Court Reporters) are being forced to “Gift” to keep clients and in other cases the Firm is “Gifting” and the Reporter does not know.

It was determined that the Board may have misunderstood the Division’s intention at the October 23, 2008 Board Meeting. Mr. Ormond explained that the Divisions intention was for UCRA to educate the profession, and if the conduct continues the Division would enforce. The Board again disagreed, and they felt that the letter should be sent from the Division, due to the profession’s belief that UCRA has “no power”.

It was clarified that most Firms and Reporters give “appreciation gifts” around the Holidays, and during other times throughout the year. However Ms. Wadsworth strongly explained that an “appreciation gift” is a small thank you, whereas this type of “Gift” is a “kickback” and is larger in monetary value, and given

as a “reward” for giving the Firm business. It was further added that if the “State Bar” knew of this practice it could cause the Lawyer involved to lose his membership.

Mr. Walker explained that the Division is very cautious in situations similar to this. He added that the Division will take action on any appropriately submitted complaint; however, the Division does not want to become involved in a “turf” debate.

The Board was adamant that this is not a “turf” issue, and again requested that the letter be sent to all Utah licensed Reporters. Ms. Wadsworth and Ms. Kennedy both expressed their concern that if the Reporters are expected to “tattle” on other licensees then it will become a “turf” issue.

It was recommended to hold a Board Meeting and invite all Firm Owners. This recommendation was well received by the Board.

Mr. Ormond explained that Mr. Steinagel may be more sympathetic to this issue. He further added that whatever action the Division determines to take this Board will be notified.

The Board requested for Mr. Ormond to meet with Mr. Steinagel to discuss:

1. This issue in its entirety;
2. The issues related to Ms. Dibble’s emails;
3. The frustration of the Board regarding the past complaints, and the lack of communication with the Board; and
4. If the letter should be sent or if a Board Meeting should be scheduled.

The Board then requested that a meeting be scheduled with Ms. Kennedy, Mr. Ormond, Mr. Walker, and Mr. Steinagel.

Mr. Walker agreed with the recommendations. The Board was reminded that this Board governs the Reporter, not the Firm, if a letter is sent it will be sent to the Reporter not the Firm.

It was also recommended to amend the Statute to make “any conduct contrary to the recognized standards and ethics of the profession of a certified court reporter”, Unlawful conduct.

State Court Reporters

Ms. Dibble explained that all “Official Court Reporters” of the State of Utah were terminated due to budgetary issues, earlier this year. It was further explained that due to confusion in the Court system, reporters seem to be losing their neutrality.

Ms. Dibble then submitted a document from Oregon which ensures that the Court Reporter is the person of record, and that she remains neutral in all cases. Ms. Dibble recommended for a similar document to be used in Utah courts.

It was then determined that even though ensuring that the Court Reporter is a neutral party in each case, this is a Judicial issue and the Board and Division are unable to act at this time.

CORRESPONDENCE:

Executive Order - Ethics

Reviewed, with no further action taken.

ADJOURN:

4:10 p.m.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

April 28, 2011

(ss) Catherine Kennedy

Date Approved

Chairperson, Certified Court Reporters Licensing Board

April 28, 2011

(ss) Clyde Ormond

Date Approved

Bureau Manager, Division of Occupational & Professional Licensing