

MINUTES

**UTAH
Certified Court Reporter Board Meeting
MEETING**

October 27, 2011

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

CONVENED: 2:11 p.m.

ADJOURNED: 3:23 p.m.

Bureau Manager:

Clyde Ormond

Board Secretary:

Yvonne King

Board Members Present:

Catherine Kennedy
Joleen Van Bibber
Rossann Morgan

Board Member Absent:

Suzanne Warnick
Diane Flanagan

Visitors

Jennifer Russell

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Approval of the April 28, 2011 Board Meeting Minutes

Ms. Van Bibber seconded by Ms. Morgan made a motion to approve the April 28, 2011 Board Meeting Minutes as written. The motion carried unanimously.

TOPICS FOR DISCUSSION

Updates to NCRA Advisory Opinions (Gifting)

Mr. Ormond reviewed the National Court Reporters Association, (NCRA) advisory opinion (46) on gift giving in conjunction with amending the date from July 1997 to 2011 in R156-74-502 to reflect the change.

Ms. Morgan, seconded by Ms. Van Bibber, made a motion to amend the date in R156-74-502 to reflect

the date of the NCRA advisory opinion on gifting from July 1997 to 2011. The motion carried unanimously.

Mr. Ormond then stated that the Board would probably not need a formal hearing on the issue.

Legislative Issues

Ms. Kennedy stated that she appeared before a hearing with the legislature concerning a proposal to repeal the Court Reporter Licensing Act. Ms. Kennedy stated that she met with Mike Morley, who was considering forming a work group to study the issue before submitting a bill.

Mr. Ormond stated that the Board remains neutral when representing the Division.

Swearing in Guidelines for Witnesses

Ms. Kennedy was contacted by a licensee about swearing in witnesses over the phone. Ms. Kennedy then noted that she interpreted the NCRA guidelines to mean it was not permissible. Ms. Kennedy stated that judges and officers of the court instruct court reporters to swear in witnesses over the phone on numerous occasions.

Ms. Russell, a visitor to the Board stated that there was more detailed information with certification and training on the NCRA website on oath and affirmations. Ms. Russell also noted that when a witness is across state lines they must abide by the laws in that respective state.

Ms. Kennedy stated that the NCRA guidelines appeared to be too ambiguous, however the Board concluded that they must abide by the NCRA Code of Ethics advisory opinion (36) which states; "It is not permissible to swear witnesses in over the phone".

Mr. Ormond suggested that the Board obtain a legal opinion from the Utah Court Reporters Association, (UCRA) on the issue.

Violation of Ethics

Ms. Russell asked the Board on how to educate licensees who violate ethics of court reporting. Ms. Kennedy stated that that would be with the UCRA.

Ms. Russell also asked if the Board could communicate an opinion to the UCRA. It was suggested that UCRA could read the minutes which are posted on line.

Adjourned

3:23

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.

October 18, 2012

(ss) Catherine Kennedy

Date Approved

Chairperson, Certified Court Reporter's Board

October 18, 2012

(ss) April Ellis

Date Approved

Bureau Manager, Division of Occupational & Professional Licensing