

MINUTES

STATE BOARD OF EXAMINERS OF SHORTHAND REPORTERS

DECEMBER 20, 2006

The State Board of Examiners of Shorthand Reporters convened December 20, 2006 at 8:55 a.m. in Room-126 of the State Office Building, 165 Capitol Avenue, Hartford, CT 06106.

Board Members Present: Susan K. Whitt, Chairperson, Shorthand Reporter
John C. Brandon, Shorthand Reporter
Robert Miller, Shorthand Reporter
Joseph N. Defilippo, Attorney
William Mangini, Public Member
Cheryl Stern, Public Member

Board Counsel Present: None

Board Vacancies: None

DCP Staff Present: Nelson Leon, Board Secretary
Vicky Bullock, DCP Attorney
Richard M. Hurlburt, Director

Public Present: Christopher Van DeHoef, TCORS
Tracy Grieder

Note: The administrative functions of this Board are carried out by the Department of Consumer Protection, Occupational and Professional Licensing Division. For information call Richard M. Hurlburt, Director, at (860) 713-6135.

Ms. Whitt suggested that the Board meet at least six times in 2007. Mr. Hurlburt said that the Board can vote to do special meetings at any time. Mr. Leon said he'd try to find us a room to meet in for April and June 2007.

Ms. Whitt asked what the Board does regarding any new legislation?

Ms. Bullock said the Board does nothing, unless the provisional licensure passes, and application for provisional licenses start to come in. Ms. Bullock said application forms for provisional licenses have to be created by DCP.

A vote was taken to have two additional meetings, one in April and one in June 2007. The vote passes unanimously.

Ms. Whitt said there are two pending license applications. Mr. Leon said they are being processed and will be done soon.

Ms. Bullock said three applicants have to produce more information regarding their continuing education, based on the random audit performed by DCP. Ms. Whitt asked if our Board wants to require all reporters renewing their license to produce continuing education documentation?

Mr. Hurlburt said an application can not have documents attached to it. Our licenses all expire as of 12/31/07.

Ms. Bullock said that 10 percent of all applications get audited for continuing education requirements. Ms. Whitt noted that the last audit took two years to complete, and some reporters worked for two years without proper continuing education. Ms. Bullock said it did not take two years. Ms. Whitt said the process was two years, or maybe one year. Ms. Bullock said a staff member at DCP did it expeditiously. Mr. Brandon asked that we put on the agenda for the next meeting the audit procedure for the 2007 expiration. Mr. Hurlburt said the department could do a 100 percent audit if we wanted that.

Discussion about the draft language on penalties. Mr. Mangini asked if we need definitions for "gross incompetence." Mr. Hurlburt said our Board does not have to prove a willful violation to assess a penalty. Ms. Whitt asked if we just need to make a finding that the violation took place? Mr. Hurlburt said that, based on evidence presented to our Board, the Board determines if a violation took place. Mr. DeFilippo asked if a reporter had their license suspended, would they have 90 days to re-apply? Mr. Hurlburt said the administrative law standards would apply. The Administrative Procedures Act may require 90 days. Ms. Bullock said that that is only a re-application; the Board can still deny it. Mr. Hurlburt said a reporter could be placed on probation, not suspended or revoked. Mr. Brandon said probation raises problems of monitoring performance, and that suspension or revocation may be better.

Mr. Brandon introduced Robert Miller as the next reporter member of the Board. Mr. Miller introduced himself, and said he got his letter from the governor appointing him to the Board. Ms. Bullock swore Mr. Miller in as a member of the Board.

Mr. DeFilippo asked how the Board interprets “timely manner” in the delivery of a transcript. Ms. Whitt said existing language governs that. She said the Board has discussed minimum page size, page layout, etc., in the past, but taken no action. Mr. Hurlburt said the Board has never had a case dealing with timeliness of delivery. Mr. DeFilippo said six weeks is not uncommon in his practice. Mr. Miller said the length of the job has to be considered. Some are over 1,000 pages. Mr. Brandon asked if our Board should address business practices. Mr. Miller asked Mr. DeFilippo if he complained about slow delivery. Mr. DeFilippo said he calls, and it gets delivered. Ms. Stern said timeliness is based on the client’s expectations. Mr. DeFilippo said, as a litigator, when he hires a reporter, it’s part of his job to see that the other side gets the transcript. Ms. Whitt asked if we should add page layout language to the current bill being considered? Mr. Van DeHoef said that can easily be done next year, and that we should focus on what we have on our plates now. Ms. Stern asked if we address quality and quantity of work in this bill? Mr. Hurlburt said we should leave that issue alone for now. Ms. Stern asked if there have been any complaints regarding timeliness? Ms. Whitt said not as of yet, that the most frequent issue is unlicensed reporters out working, and those come from within the ranks of reporters. Ms. Bullock said we did have one complaint about font size.

Discussion regarding the language of section two of penalties. Mr. DeFilippo asked if the fine will be \$1,000.00 per occurrence, like other Boards. Ms. Bullock said we can impose whatever fine we want. Mr. Mangini asked if the fines would apply to agencies, and not just individual reporters? Ms. Whitt said agency owners can’t be suspended, that agencies are not licensed. Mr. Hurlburt said the Board can fine agency owners under this proposed language. Ms. Whitt asked if that applied to someone out of state sending unlicensed reporters in to the state to work? Mr. Hurlburt said you can still have a hearing, fine them, and worry about collecting later.

Ms. Grieder asked if attorneys can use a transcript from an unlicensed reporter. Mr. Miller said yes, by agreement. Mr. DeFilippo said, in theory, attorneys can agree to anything. Ms. Whitt said most attorneys are not aware of our licensure. Mr. Hurlburt said after this bill passes, do an announcement in the Law Tribune, and we can also add language that the license number has to be displayed on all transcripts. Mr. Van DeHoef said he can add, to section , subpart B, number I, he will add language about displaying license number on business cards, stationery, transcripts. Mr. Hurlburt said attorneys can not agree to use an unlicensed reporter, but can agree to use their work product. Mr. Miller asked if the attorneys have to use a licensed reporter? Mr. Hurlburt said every profession has unlicensed individuals working and that a reported violation brings a hearing and possible fine, or other sanction.

Discussion regarding provisional licensure. Ms. Whitt reminded us that the proposed bill only gives our Board the power to amend the licensure at some future time. Mr. Van DeHoef said this bill would give the Board the authority to draft regulatory language later regarding provisional licensure. Ms. Grieder asked what “associated” means. Can one work for an attorney who is also a friend? Mr. Van DeHoef said that language refers to agencies. Mr. Hurlburt said that the provisional license application fee, license fee, duration of provisional license, all needs to be filled in. Mr. Van DeHoef said he will check with DCP for the language of other Boards. Mr. Hurlburt said the fiscal impact of the bill will be considered by the legislature. He said this has no fiscal impact, but a revenue gain. There will be an

application fee of \$50.00, and that the license fee for the provisional license will be the same as a full license. Ms. Whitt asked if we should discuss the regulations today. Ms. Bullock said no, to give her a copy of the proposed regulations and she would digest them for the next meeting. Mr. Brandon said he wanted to be the Chairperson going forward. Ms. Whitt said she wanted to continue as the Chairperson, and a secret vote was held. Mr. Brandon is the Chairperson as of the next meeting.

There being no further business, the meeting adjourned at 10:15 a.m.

Respectfully submitted,

Susan K. Whitt
Chairperson

The next meeting of this Board is scheduled for Wednesday, February 28, 2007 at 8:15 a.m.