

Texas Court Reporters Certification Board

MINUTES OF THE MEETING

September 27, 2013

Austin, Texas

OPENING

Pursuant to official notification, the Texas Court Reporters Certification Board (hereinafter Board) held meeting in the John H. Reagan, 105 W. 15th St., Room 140, Austin, Texas, on Friday, September 27, 2013.

ATTENDANCE

The following board members were present:

Judge Lee Hamilton
Adam Poncio (attended by phone)
Charles Noteboom (attended by phone)
Velma Arellano
Paula Frederick
Judy Hobart
Donna Collins
Amy Cummings
Krista Saeger
Richard Neely
Julie Hopkins

Not Present:

Donald Riley
Esther Kelly

Staff members present:

Michele Henricks, Director – CRCB
Katie Bond, Board Attorney - OCA
Tyees Holcombe, Judicial Regulatory Assistant – CRCB
Veena Mohan, Assistant Attorney General - OAG
Ellen Sameth, Assistant Attorney General – OAG
Helen Kelley, Law Clerk - OAG

CALL TO ORDER

The Chair determined that a quorum was present and called the meeting to order at approximately 9:00 a.m.

WELCOME

APPROVAL OF PRIOR MEETING MINUTES

The February 8, 2013 Board meeting minutes were approved pending following changes on page 9: "Ms. Gaines ~~claims~~ states that she did not receive notice of insufficiencies..."

The May 3, 2013 Board meeting minutes were approved pending following changes on page 5: "At ~~4:00 p.m.~~ 11:00 a.m., the Board is back in open session."

DOCKET CALL

FORMAL DISCIPLINARY HEARINGS

In the Matter of Cindy Huggins, Cause No. 13-2739-21 (continued from May 3, 2013)

Respondent Cindy Huggins was present with counsel, Clay Steadman. Complainants Cirilo and Lucina Prado were present and complainant Arturo Prado attended by phone. OCA staff member Marco Hanson provided Spanish interpretation services on behalf of the complainants. Judge Stephen Ables and Judge N. Keith Williams appeared by phone as witnesses on behalf of Ms. Huggins.

Veena Mohan, Assistant Attorney General, presented the case. The complaint alleges that Cindy Huggins failed to timely produce a transcript and failed to notify the complainants of the status of their request for a transcript or inform them of delays. Payment for the transcript in the amount of \$2,100 was received in September 2012. The transcript was delivered in February 2013, after approximately 156 days. The deadline to produce a transcript once a request is made and payment received is 120 days pursuant to Section 52.047(a) in statute. Arturo Prado sent a number of letters from 2007 to 2011 inquiring about the status of his transcript and Ms. Huggins sent three letters in response, failing to respond within a reasonable time. Ms. Huggins failed to ask the Prados for

exact information needed to prepare the transcript. Ms. Huggins was privately reprimanded by the Board in 2012, therefore, the Review Panel recommends that the Board impose a public reprimand and assess an administrative penalty not to exceed \$3,000 per violation for a second offense pursuant to Rule XIII(c)(2).

Attorney Clay Steadman stated that Ms. Huggins does not dispute that the transcript fee was paid and that she missed the 120 day deadline to provide the record. However, the communications received from the complainant and multiple family members was confusing and incorrect at times, resulting in a disconnect on what was being requested.

Following testimony of the parties and witnesses and discussion by the Board, the Board finds that the conduct of Respondent Cindy Huggins, violated Rule X(a)(8)(A); Code of Professional Conduct sections 4, 6, 7, and 9; and Texas Government Code section 52.047(a).

Upon proper motion and second, the Board issued a public reprimand with five in favor and four opposed.

In the Matter of **Leslie Bates**, Cause No. 13-6346-18

Respondent Leslie Bates was present with counsel, John Mercy. Complainant Robert Clark appeared by phone with his brother, Ronald Clark. Judge Ralph Burgess appeared as a witness on behalf of Ms. Bates.

Veena Mohan, Assistant Attorney General, presented the case. An agreement was reached whereby Ms. Bates stipulates to the violations. The Complainant waited twenty months for a transcript and was not kept updated on the status of the transcript. The recommendation of the Review Panel is a public reprimand.

Leslie Bates testified that she was employed by the Fifth District Court around 2006 or 2007. She was told when the transcript was requested that it was for an evidentiary hearing. However, no other information was provided by the defendant's brother, Ronald Clark, who contacted her on behalf of his brother, Robert Clark. Eventually she produced the record. Ms. Bates informed the Board that she is training on computer aided software and is still typing by hand. Ms. Bates is requesting a private reprimand instead of a public reprimand.

Attorney John Mercy argued against the public reprimand since there was no harm done to Mr. Clark because he had no more appellate remedies. Since Ms. Bates did not receive information as to why the record was being produced, she was unable to prioritize the case making it very difficult on her given the pressure

from the Court of Appeals to produce records. Ms. Bates and Judge Burgess are working to put procedures in place to speed up the production of records.

Following testimony of the parties and witnesses and discussion by the Board, the Board finds that the conduct of Respondent, Leslie Bates, violated Rule X(a)(8)(a) and the Code of Professional Conduct Sections 4, 6, 7, and 9.

Upon proper motion and second, the Board issued a private reprimand and ordered Leslie Bates to complete 10 hours of education on computer aided transcript software.

In the Matter of **Jan Dugger**, Cause No. 13-2575-26

Respondent Jan Dugger and Complainant Wendi Black were present. Justin Johnson, Assistant District Attorney in Collin County, Pamela Lakatos, Defense Attorney and appellate record lawyer, and Judge John Roach, Jr. appeared by phone as witnesses on behalf of Ms. Dugger.

Veena Mohan presented the case. The complaint alleges that Jan Dugger failed to timely file the reporters record by the deadline set forth in an order from the Eighth District Court of Appeals, a violation of the Code of Professional Conduct, Sections 6, 7, and 9. The Review Panel recommends a private reprimand.

Jan Dugger testified that she has worked for the 296th District Court, since June 2000 and currently works for Judge John Roach, Jr. The case in question was a capital murder case, not seeking the death penalty. The reporter's record was massive and staff worked long days. The record was due on June 26, 2013 and filed on July 15-16, 2013. Ms. Dugger expressed that she takes her job very seriously and understands that the person on trial and the victim involved are someone's family members. The court is busy with ongoing appeals and trials. She works in realtime all day every day. Due to work and personal obligations, she filed for extensions and hired another court reporter to assist her in getting the record out. It was one of those years where there was trial after trial after trial and she is working hard to get caught up. Ms. Dugger respectfully requests that the Board take no disciplinary action.

Following testimony of the parties and witnesses and discussion by the Board, upon proper motion and second, the Board voted to dismiss the complaint.

In the Matter of **Debra Smith**, Cause No. 13-3912-22

Respondent Debra Smith and Complainant John Lovell, attorney for the appellant, were present.

Veena Mohan, Assistant Attorney General, presented the case. An agreement was reached whereby Ms. Smith stipulates to the violations regarding failure to comply with the Uniform Format Manual. The Review Panel recommends that Ms. Smith receive a public reprimand.

Debra Smith testified that she now files the record in compliance with the Uniform Format Manual. Ms. Smith apologized to the Board stating that she learned a valuable lesson and requested a private reprimand.

Following testimony of the parties and discussion by the Board, the Board finds that the conduct of Respondent, Debra Smith violated Rule X(a)(8)(N); Code of Professional Conduct Section 6; and UFM Sections 2, 3, and 6.

Upon proper motion and second, the Board voted to issue a public reprimand.

In the Matter of **Linda Stevens**, Cause No. 13-1819-28

Linda Stevens was not present.

Helen Kelley, a Law Clerk at the Office of the Attorney General and recent graduate of the University of Texas School of Law practicing under the supervision of Assistant Attorney General Veena Mohan, presented the case. The complaint alleges that after requesting and remitting payment of \$600 to Linda Stevens for a record, the complainant never received a transcript from Ms. Stevens. Payment for the record was recovered from the U.S. Postal Service by the complainant. Ms. Kelley established that Ms. Stevens received notice of the September proceedings and sufficient information has been provided to establish a default judgment. The Review Panel recommends that the Board impose a public reprimand and assess an administrative penalty in the amount of \$500.

Director Michele Henricks testified as to identification of documents entered into evidence and the complaint history.

In her emailed response, Ms. Stevens informed the Board that at the time she retired in June 2013, she moved all of her files from work to her home before she started traveling. After searching her files, she was unable to find the record requested.

Director Michele Henricks informed the Board that Ms. Stevens emailed a notice on August 15, 2013 that she was surrendering her certification that expires on December 31, 2014. Her certification card was requested by staff, however the card has not been received. As cards are sometimes lost and Ms. Stevens sent her notice in writing, staff changed Ms. Stevens to a "surrender" certification status in the database and she was taken off the active list on the website.

Ellen Sameth, Assistant Attorney General, advised the Board that since Ms. Stevens was certified at the time the violations were committed, she is subject to administrative penalties and sanctions as determined by the Board.

Following discussion by the Board, the Board finds that the conduct of Respondent, Linda Stevens violated Texas Government Code section 52.046(a)(4); Rule X(a)(8)(A); and Code of Professional Conduct Sections 4, 6, and 7. Upon proper motion and second, the Board voted to issue a public reprimand and assessed an administrative penalty in the amount of \$500 to be paid within 30 days.

In the Matter of **Mary Lou Taylor**, Cause No. 13-2215-30

Mary Lou Taylor was present with counsel, Chuck Grigson.

Helen Kelley presented the case. An agreement was reached whereby Ms. Taylor stipulates to the violation. The complaint arises from an incident concerning a matter before the court where Ms. Taylor was the court reporter on duty. The matter concerned the sale of a residence owned by the complainant and his ex-wife. Ms. Taylor interjected herself into the case by talking to the ex-wife's attorney about the sale of the property on behalf of her father who had expressed an interest in purchasing an investment property in Austin. The Review Panel recommended a private reprimand.

Attorney Chuck Grigson addressed the Board and stated that although Ms. Taylor agreed to accept the private reprimand, she is asking the Board to consider dismissing the complaint. She realized that she made a mistake by talking to the parties involved in the proceeding and backed off when a realtor became involved. However, the complainant who was one of the litigants, decided to file a complaint.

Ms. Taylor testified that the hearing concerned the ex-wife's request for an extension of time to refinance their house in order for her and the children to stay in the house which the judge denied. Seeing that the house was going to be sold, she asked the Judge first and then talked to the ex-wife's attorney about Ms. Taylor's father possibly buying the house as an investment property and

renting the house to the ex-wife, a win-win for everyone involved. Ms. Taylor stated that she spoke loud enough for the ex-husband to hear so there was no perception of prejudice. She never predicted that the ex-husband would file a complaint. She now realizes that she needs to refrain from talking to parties in an effort to help someone out.

Following discussion by the Board, the Board finds that the conduct of the Respondent, Mary Lou Taylor, violated the Code of Professional Conduct Section 5. Upon proper motion and second, the Board voted to issue a private reprimand.

COMPLAINTS, RECOMMENDATION TO DISMISS – REVIEW PANEL COMMITTEE

In the Matter of Vicki Brown, Cause No. 13-1264-24

Michele Henricks advised the Board of new information received from the complainant, including exhibit photos and pages from the transcript provided as a handout for the Board's review. Since the information was received yesterday from the complainant, it was not included in materials considered by the Review Panel on July 25, 2013.

Upon proper motion and second, the Board voted to defer the matter back to the Review Panel to consider at their next regularly scheduled meeting on December 5, 2013.

The following matters were considered by the Board and upon proper motion and second, are dismissed:

- In the Matter of **Debra Smith**, Cause No. 13-3912-23
- In the Matter of **D. Keith Johnson**, Cause No. 13-3781-25
- In the Matter of **Shantel Beheler**, Cause No. 13-3031-27
- In the Matter of **Vikki Ogden**, Cause No. 13-6309-29
- In the Matter of **Deanna Drennan**, Cause No. 13-4565-31

POSTPONED COMPLAINTS – REVIEW PANEL COMMITTEE

In the Matter of Lettie Witter, Cause No. 13-6772-32

Michele Henricks advised the Board that the Review Panel requested that the matter be postponed pending receipt of additional information on courtroom

procedures from Ms. Witter's judge. The matter is scheduled for the next meeting of the Review Panel on December 5, 2013.

Upon proper motion and second, the Board voted to approve the Review Panel's request to postpone the matter.

ADMINISTRATIVE DISMISSALS (Report to the Board)

In the Matter of Elizabeth Murphy, Cause No. 13-4832-37

Director Michele Henricks gave a report. The complaint alleges that the record is inaccurate and that Ms. Murphy did not act alone in altering the record. Ms. Murphy denies the allegations and affidavits were submitted from the presiding judge and attorneys at the trial in support of Ms. Murphy. The complaint was administratively dismissed pursuant to Section 3(a)(2), Administrative Dismissal of Complaints Policy, that states the remedy for allegations concerning the accuracy of the record is through the courts and is not within the Board's jurisdiction.

CLOSED SESSION

At 4:20 p.m., the Board convened in closed session to address pending litigation items IX.A. Sarah J. Gaines vs. Court Reporters Certification Board pursuant to section 7(a)(2) of the Board's Public Meetings Policy.

OPEN SESSION

At 4:29 p.m., the Board is back in open session. No action, decision, or vote was taken with regard to the items covered in closed session.

PENDING LITIGATION (CLOSED SESSION)

- Sarah J. Gaines vs. Court Reporter's Certification Board

No action taken.

RESOLVED LITIGATION

- Michael Kiser vs. Michele Henricks

Michele Henricks gave a report. Mr. Kiser filed a lawsuit following dismissal of his complaint that alleged testimony was omitted from the record. The Board approved the Review Panel's recommendation for dismissal on February 8, 2013. On May 8, 2013 the court dismissed the matter based on a determination that the lawsuit was frivolous.

NONCOMPLIANCE WITH FINAL ORDER

In the Matter of Katherine Chagaris, Cause No. 12-8526-35

Michele Henricks gave a report.

A formal hearing was held on February 8, 2013, to consider a complaint alleging that Ms. Chagaris failed to provide a record after payment was received. Per the Final Order, the Board issued a public reprimand and assessed a \$500 administrative penalty. Ms. Chagaris was also ordered to issue a refund of \$819 to the complainant's law firm and provide a copy of the record that was never received to the complainant. On May 3, 2013, Ms. Chagaris appeared before the Board with her attorney, Jeffrey Bickham, and requested an extension of time to meet her financial obligations that were due by March 27, 2013. The Board extended the deadline to May 31, 2013.

As of September 19, 2013, the complainant has not received the \$819 refund or a copy of the record. Additionally, the Board has not received the \$500 administrative penalty. Per procedures, the matter of the administrative penalty was turned over to the Attorney General for collection after 90 days.

Ms. Chagaris has not responded to phone calls, letters, or emails from staff. Two other complaints have been filed against Ms. Chagaris that are before the Review Panel on December 5, 2014 and responses have not been filed.

Veena Mohan, Assistant Attorney General, recommended that the Board file a complaint against Katherine Chagaris for violation of the Code of Professional Conduct, Section 9, MISCONDUCT, that states, "A [CSR] shall be considered to have engaged in misconduct upon violation of a Board order or negotiated settlement issued as a result of a complaint against the [CSR], unless the Board order or negotiated settlement has been lawfully stayed."

Upon proper motion and second, the Board voted to file a Board initiated complaint against Katherine Chagaris to be set for a formal hearing at the next regularly scheduled meeting of the Board on February 7, 2014.

REPORTING REQUIREMENTS – FINAL ORDERS

In the Matter of Kimberly Rice-Lobello, Cause No. 11-3273-38

A formal hearing was held on May 11, 2012, to consider a complaint filed by the Clerk from the 4th Court of Appeals concerning late records. A Final Order was issued on July 3, 2012, imposing a one-year probated suspension and ordering Ms. Rice-Lobello to complete 10 hours of continuing education in rules and ethics within one year. At her request, the deadline to complete continuing education was extended to 2 years or by December 31, 2014. Ms. Rice-Lobello was also required to file records and extensions timely and submit monthly reports to the court with copies to the Board for a one-year period ending July 3, 2013.

Ms. Rice-Lobello submitted reports for April, May, June, July, August, and September and has therefore complied with all reporting requirements.

In the Matter of Helen Wooten, Cause No. 12-5447-43

Ms. Wooten's formal hearing was held on May 3, 2013 regarding a complaint filed by the Clerk from the 12th Court of Appeals concerning late records. Ms. Wooten was not in attendance due to personal matters. A Final Order was issued on May 22, 2013 imposing a one-year probated suspension and assessing an administrative penalty in the amount of \$2,000. The sanction is contingent on timely filing of records and extensions, and filing monthly reports with the appellate courts with copies sent to the Board along with printouts of case records from the Courts' websites. Reports for May, June, July, August, and September are in the Board's materials. Ms. Wooten reported that she is current on her records with the Court of Appeals. On September 25, 2013, Ms. Wooten called the Board office to inform staff that she was overnighting the September correspondence, an installment payment in the amount of \$400, and printouts of case records from the appellate courts' websites as this information was not included previously with her monthly reports. This information is provided as a handout to the Board.

This is the second disciplinary action for Ms. Wooten. In November 2011, she was issued a private reprimand for late records.

COMITTEE REPORTS AND/OR AGENDA ITEMS

Review Panel Committee

Future Meeting Dates: December 5, 2013, March 7, 2014, and July 25, 2014

Appointment of Review Panel Committee Members – FY 2014: In accordance with the Supreme Court's directive as pertains to Board member appointments, current members will continue to serve through August 31, 2014. Once the JBCC starts operations on September 1, 2014, an advisory board will assume the Review Panel's duties relating to review of complaints.

ADMINISTRATIVE ITEMS

S.B. 966 & Judicial Branch Certification Commission

Current action items include appointments to the commission and the advisory boards. Proposed commission rules have been drafted by the Board's attorney, Katie Bond, and a JBCC Rules Task Force has been created to review the proposed draft rules. The task force is comprised of three members representing each profession in addition to staff members. CRCB members serving on the task force are Judge Lee Hamilton, Velma Arellano, and Judy Hobart. The first meeting was held on September 13, 2013 with additional meetings scheduled on October 4, 2013 and October 18, 2013.

Katie Bond advised that notice will be sent out when the rules are posted for public comment in November. Following a review of public comments and any subsequent revisions to the rules, the Supreme Court should receive a draft in January 2014.

Judicial Branch Certification Commission Members and Court Reporters Advisory Board Members – Appointments

Names of parties who have expressed an interest in serving have been forwarded to the Supreme Court for consideration to include Board members Velma Arellano, Richard Neely, Amy Cummings, and Paula Frederick.

Board Member Terms Expiring December 31, 2013

The Supreme Court expressed its desire for members to continue to serve until the JBCC starts operations on September 1, 2014. Terms for Board members Adam Poncio, attorney member, and Esther Kelly, public member, expire on December 31, 2013. Ms. Kelly advised that she will continue to serve through August 31, 2014. Mr. Poncio is resigning after today's Board meeting leaving one vacant position on the Board going forward.

Court Reporters Exam – Bid Awarded

The contract to administer the court reporters' exam was again awarded to the Texas Court Reporters Association (TCRA) on August 15, 2013 with an effective date of September 1, 2013. The contract is for 2 years ending August 31, 2015 with an option to renew for one two-year term ending August 31, 2017. TCRA representatives Glenda Fuller and Beth Faulk, TCRA Executive Director, met with OCA staff members Judy Speer, Lesley Ondrechen, and Michele Henricks during the negotiations process.

Highlights of agreements reached during the process include increased security measures for transporting and maintaining exams and including new court reporters, OCA staff, and non-court reporters who are knowledgeable about managing a business, in the test development process. Additionally, TCRA is to provide copies of tests previously administered and future tests to the Board. First class mail and secure electronic mail were clarified as the methods used by the vendor to notify the Board of exam results.

REPORT FROM DIRECTOR

83rd Legislative Session (2013) – Other Bills Passed

H.B. 86 relating to the criteria for review by the Sunset Advisory Commission of an agency that licenses an occupation

The Legislature has expressed concerns about Texas over-regulating professions and whether regulatory programs provide the least restrictive form of regulation. This bill tasks the Sunset Advisory Commission, as part of the Sunset Review process, to consider whether a regulatory program may achieve its objective through private or industry certification in lieu of state certification. A new occupational licensing program may also be created.

S.B. 677 relating to the electronic recording of proceedings in a statutory probate court in Collin County

The bill authorizes electronic recordings to take down the record.

S.B. 1620 relating to certified Communication Access Realtime Translation providers

The bill authorizes the courts to appoint certified CART providers for the hearing impaired or licensed court interpreters to translate to the English language.

CART providers may be certified by TCRA or another certification association selected by the department.

Texas Court Reporters Reporters Association – June 2013 Annual Conference

OCA Administrative Director David Slayton co-presented with Jimmy Evans, TCRA lobbyist, on S.B. 966 relating to the creation of the Judicial Branch Certification Commission.

SCHEDULING BOARD MEETING

The next meeting is scheduled at the Reagan Building on **Friday, February 7, 2014**.

FUTURE AGENDA ITEMS

Standing agenda items include status reports from staff on S.B. 966 and any pending litigation.

PUBLIC COMMENT

REPORT FROM CHAIR

Judge Hamilton recognized the Board's Review Panel for their hard work involving review of complaints and making recommendations to the Board.

ADJOURNMENT

Adjourned at 5:01 p.m.



Judge Lee Hamilton, Chair



Date

Texas Court Reporters Certification Board

MINUTES OF THE MEETING

May 9, 2014

Austin, Texas

OPENING

Pursuant to official notification, the Texas Court Reporters Certification Board (hereinafter Board) held meeting in the John H. Reagan, 105 W. 15th St., Rm 140, Austin, Texas, on Friday, May 9, 2014.

ATTENDANCE

The following board members were present:

Judge Lee Hamilton
Velma Arellano
Paula Frederick
Judy Hobart (attended by phone)
Don Riley
Donna Collins (attended by phone)
Amy Cummings
Richard Neely
Esther Kelly
Julie Hopkins

Not Present:
Charles Noteboom
Krista Saeger

Staff members present:

Michele Henricks, Director – CRCB
Jeff Rinard, Director – OCA Certification Division
Katie Bond, OCA Board Attorney
Tyees Holcombe, Judicial Regulatory Assistant – CRCB
Veena Mohan, Assistant Attorney General - OAG
Adrienne Butcher, Assistant Attorney General – OAG

CALL TO ORDER

The Chair determined that a quorum was present and called the meeting to order at approximately 9:00 a.m.

WELCOME

Judge Hamilton introduced Jeff Rinard, the new director of the OCA certification division, who gave the following update on the Judicial Branch Certification Commission.

ADMINISTRATIVE ITEMS

S.B. 966 – JBCC Update: The Judicial Branch Certification Commission was established under Senate Bill 966, to begin operations on September 1, 2014. A nine member Commission will oversee OCA's regulatory programs; court reporters and court reporting firms, process servers, guardians, and licensed court interpreters who are currently under the Texas Department of Licensing and Regulation. Current projects include proposed rules that were published for one round of public comment and sent to the Supreme Court for consideration and another round of public comment in the near future. Additionally, members are to be appointed to the Commission and Advisory Boards.

The certification division is being aligned by function into a licensing section and a compliance section rather than the current structure where staff supports specific Boards. Michele Henricks is assigned as the manager of the compliance section overseeing complaints and Lesley Ondrechen will serve as the licensing manager.

Pedro Villarreal, the new compliance investigator, formerly with the Texas Department of Licensing and Regulation, has experience in conducting investigations for multiple programs.

Mr. Rinard explained the complaint process that now includes formal investigations and the transition of the licensed court interpreters from TDLR to OCA and the JBCC. Digital fingerprints will be required for all four professions to conduct background checks, however this will not be a change for court reporters who are already fingerprinted. Additional information was provided about the JBCC and OCA websites, wallet certification cards for all professions that are similar to cards issued for court reporters, new applications with no changes for the online renewal application for court reporters, and other agency related tasks to include retention schedules and performance measures.

APPROVAL OF PRIOR MEETING MINUTES

The September 27, 2013 Board meeting minutes were approved.

FORMAL DISCIPLINARY HEARINGS

In the Matter of Akilah Welborn, Cause No. 14-8490-08

Respondent Akilah Welborn attended by phone.

Veena Mohan, Assistant Attorney General, presented the case. An agreement was reached whereby Ms. Welborn stipulated to the underlying facts of the case and agreed that she's in violation of the rules and the Professional Code of Conduct sections as set out in the materials. Ms. Welborn is arguing for a different sanction in this case. The Review Panel's recommendation is to impose a public reprimand and assess an administrative penalty of \$150 due and payable 60 days from the date of the Final Order. In addition, Ms. Welborn is to complete two and one-half hours of continuing education in rules and ethics by December 31, 2014, in addition to the 10 hours of continuing education required for renewal of certification.

The Complainant, Frederick Reporting, alleges that Ms. Welborn accepted a court reporting assignment on September 19, 2013. However, she failed to provide a transcript and eventually stopped communicating with the firm on the status of the transcript. The complainant ended up having to produce the transcript from the videotape and sent the completed transcript to Ms. Welborn for proofing, approval, and execution.

Ms. Welborn testified about the traumatic events that occurred in her personal life concerning the death of her father on March 22, 2013 in Seattle, Washington, and how she voluntarily took time off because she was not ready emotionally to do her job. She is just now applying for renewal of her certification that expired on December 31, 2013, as she now has closure and can return to her career. She has been providing real-time services for hearing impaired college students in Dallas County which does not require a CSR certification. She proofed and certified the transcript that was produced by the Complainant so the transcript has been completed. Ms. Welborn requested that the Board impose a private reprimand.

Upon proper motion and second, the Board voted to issue a private reprimand and require Ms. Welborn to complete two and one-half hours of continuing education in rules and ethics by her next renewal deadline, December 31, 2015, in addition to the 10 hours of continuing education required for renewal.

In the Matter of Katherine Chagaris, Cause Nos. 14-8526-04, 13-8526-35, and 13-8526-36

Respondent Katherine Chagaris was not present. Nora Rodriguez and Tammy Braun testified by phone as witnesses on behalf of Fox Reporting, the Complainant in Cause No. 13-8526-35.

In the matters concerning Katherine Chagaris, Judge Hamilton advised that any sanction will be discussed after the cases are presented by Assistant Attorney General Veena Mohan. Ms. Mohan established that Ms. Chagaris received notice of the proceedings and sufficient information has been provided to establish grounds for a default judgment in all three cases.

Upon proper motion and second, the Board voted to grant a default judgment for all three cases.

The recommendation from the Review Panel for Cause Nos. 13-8526-35 and 13-8526-36 is that the Board suspend Ms. Chagaris' certification, CSR 8526, for a period not to exceed 12 months, and assess an administrative penalty in the amount of \$1,000. In addition, Ms. Chagaris's certification that expires on December 31, 2014 will not be renewed until she satisfies the following terms and conditions; 1) that she appears before the JBCC in person, 2) that she completes two and one-half hours of continuing education in rules and ethics in addition to ten hours of continuing education required for renewal of certification, 3) that she presents an action plan to the Board that sets out how Ms. Chagaris intends to maintain compliance with the standards and rules for court reporters and comply with all Final Orders relating to complaints filed against her.

In the Matter of Katherine Chagaris, Cause No. 14-8526-04

The matter concerns a Board initiated complaint filed in November 2013 concerning noncompliance with the Final Order, a violation of Section 9 – Misconduct in the Code of Professional Conduct. A formal hearing was conducted in February 2013 as a result of a complaint filed against Katherine Chagaris by attorney David Curcio. The complaint alleged that a transcript was never provided to Mr. Curcio after he paid Ms. Chagaris \$819 for the transcript. Following the hearing, the Board assessed a \$500 administrative penalty to be paid within 15 days of the Final Order and ordered Ms. Chagaris to issue a refund to Mr. Curcio and provide copies of the transcript to Mr. Curcio and the Court of Appeals. At the May 2013 Board meeting, Ms. Chagaris appeared with her attorney to request an extension of time to meet her financial obligations that were due in March 2013. The Board granted her request and gave her until May 31, 2013 to meet her obligations. Ms. Chagaris clarified that a transcript was never due to the Court of Appeals so that requirement was dropped in the

amended Final Order. To date, the complainant David Curcio has advised staff that Ms. Chagaris has not acted on anything she was ordered to do in the Final Order. The matter was again before the Board in September 2013 and the Board voted to initiate a Board complaint for noncompliance with the Final Order. The last communication from Ms. Chagaris was in May 2013 when she appeared at the Board meeting. Staff's attempts to contact her have been unsuccessful.

Regarding the \$500 administrative penalty that was turned over to the Office of the Attorney General for collection, Director Michele Henricks advised the Board that in November 2013, staff was notified that due to the minimal amount and the fact that the Office of the Attorney General was unable to contact Ms. Chagaris, there would be no further action taken to collect the administrative penalty.

In the Matter of **Katherine Chagaris**, Cause No. 13-8526-35

In the complaint filed by Fox Reporting, Director Michele Henricks testified as to identification of documents entered into evidence and the basis of the complaint. The complaint concerns two depositions that were accepted by Ms. Chagaris in May 2013 where transcripts were never produced. After promising numerous times to produce the transcripts, Ms. Chagaris stopped communicating with Fox Reporting. As a result, the attorneys had to retake the deposition in one case, requiring the firm to provide a free plane ticket and a free court reporter. Additionally, the firm lost a client.

Tammy Braun, a CSR and partner at Fox Reporting, testified that she physically went to Ms. Chagaris's apartment and heard someone inside, but no one answered the door. Other firms have had the same experiences with Ms. Chagaris.

Nora Rodriguez, office manager and scheduler for Fox Reporting, testified that Ms. Chagaris had initially contacted Fox Reporting and other firms requesting work.

In the Matter of **Katherine Chagaris**, Cause No. 13-8526-36

In the complaint filed by U.S. Legal Support, Director Michele Henricks testified as to identification of documents entered into evidence and the basis of the complaint. The complaint concerns a deposition that Ms. Chagaris took on May 15, 2013 and failed to produce.

Upon proper motion and second, the Board voted to REVOKE the certification of Katherine Chagaris, CSR No. 8526, and assess an administrative penalty in the amount of \$10,000 due one year from the date of the Final Order. Additionally,

Ms. Chagaris is required to personally appear before the Judicial Branch Certification Commission if she should ever apply for a new certification.

**COMPLAINTS, RECOMMENDATION TO DISMISS – REVIEW PANEL
COMMITTEE (considered on 12/5/2013 & 3/6/2014)**

The following matters were considered by the Board and upon proper motion and second, are dismissed:

- In the Matter of **Vicki Brown**, Cause No. 13-1264-24
- In the Matter of **Lettie Witter**, Cause No. 13-6772-32
- In the Matter of **Summer Tanner**, Cause No. 13-8208-33
- In the Matter of **Debora Lee**, Cause No. 13-1979-38
- In the Matter of **Antionette Reagor**, Cause No. 14-6416-01
- In the Matter of **Francheska Duffey**, Cause No.14-8241-02
- In the Matter of **Bonnie Rodriguez**, Cause No.14-5495-03
- In the Matter of **Kimberly Lee**, Cause No. 14-4332-05
- In the Matter of **Kelly Bryant**, Cause No. 14-5772-06
- In the Matter of **Rhonda Barchak**, Cause No.14-2290-07
- In the Matter of **Stephanie Larsen**, Cause No.14-6921-10
- In the Matter of **Ann Record**, Cause No.14-4747-12
- In the Matter of **Candace Parke**, Cause No.14-1699-14

WITHDRAWN COMPLAINTS

- In the Matter of **Sarai Moore**, Cause No. 13-5863-34
- In the Matter of **Misty McAdams**, Cause No.14-5682-13

ADMINISTRATIVE DISMISSALS

- In the Matter of **Edwin Stephens**, Cause No. 14-2175-09
- In the Matter of **Janalyn Elkins**, Cause No.14-3631-11
- In the Matter of **Mary Snider**, Cause No.14-0888-15
- In the Matter of **Laura Wells**, Cause No.14-1371-16
- In the Matter of **Brenda Hein**, Cause No.14-2077-17
- In the Matter of **Carrie S. Logan**, Cause No.14-3150-18
- In the Matter of **Richard Roberts**, Cause No.14-5411-19
- In the Matter of **Jana Bravo**, Cause No.14-1565-21
- In the Matter of **Susan Maienschein**, Cause No. 14-4452-24
- In the Matter of **Janette Bills**, Cause No.14-2594-23

REQUEST TO BOARD FOR RECONSIDERATION – ADMINISTRATIVE DISMISSALS

- In the Matter of **Laura Wells**, Cause No. 14-1371-16
- In the Matter of **Brenda Hein**, Cause No.14-2077-17
- In the Matter of **Carrie S. Logan**, Cause No.14-3150-18
- In the Matter of **Jana Bravo**, Cause No.14-1565-21

REPORTING REQUIREMENTS & NONCOMPLIANCE WITH FINAL ORDER

In the Matter of **Helen Wooten**, Cause No. 12-5447-43
Board Member Paula Frederick recused herself.

Assistant Attorney General Veena Mohan gave a report. Ms. Wooten has failed to comply with the terms and conditions of her Final Order issued on May 22, 2013, regarding monthly reporting requirements for the appellate courts and timely filing of reporter's records and requests for extensions before record due dates. Duties to the Board include a requirement to provide copies of monthly reports submitted to the appellate courts along with copies of case records printed from the courts' websites for each matter listed on the websites to track whether Ms. Wooten is in compliance with filing deadlines. Instead of providing reports monthly, as stipulated in the Final Order, Ms. Wooten has established a pattern of providing monthly reports in a batch before each Board meeting. It appears that she has filed reports through April 2014. In summary, Ms. Wooten is not filing reports monthly as required in the Final Order and has not timely filed all the reporter's records. Late notices were issued in a number of cases. This is a violation of the Code of Professional Conduct, Section 9, Misconduct, which states that a CSR shall be considered to have engaged in misconduct upon violation of a Board order or negotiated settlement issued as a result of a complaint against the CSR, unless the Board order or negotiated settlement has been lawfully stayed. Based on information provided by the OCA Board Attorney Katie Bond, Ms. Mohan recommended that a hearing be scheduled pursuant to Section 52.029(d), Texas Government Code, that states on its own motion, the Board may conduct a hearing to inquire into a suspension.

Director Michele Henricks advised the Board that on May 8, 2014, Ms. Wooten hand-delivered two \$500 money orders towards her \$2000 fine in addition to \$400 paid in September 2013 leaving a balance due of \$600 that Ms. Wooten said she would pay by the deadline on May 22, 2014. If the balance due is paid timely, the issues at hand will concern records and reporting requirements.

Upon proper motion and second, the Board voted to schedule a hearing to consider noncompliance with the Final Order in the matter of Helen Wooten, Cause No. 12-5447-43, before the Judicial Branch Certification Commission.

MATTERS CONCERNING SARAH GAINES

Sarah J. Gaines vs. Court Reporters Certification Board

In the Matter of Sarah J. Gaines – Motion for Rehearing and Notice of Appeal

Director Michele Henricks addressed the Board concerning the lawsuit filed by Sarah Gaines styled Sarah J. Gaines vs. Court Reporters Certification Board, and a motion filed by Ms. Gaines for rehearing and notice of appeal. The matters concern Ms. Gaine's request for a retroactive reinstatement of her certification that expired on December 31, 2010. The Board did not grant the request at the Board meeting on February 8, 2013. Following the meeting, Ms. Gaines filed an appeal of the Board's decision and subsequent to the appeal, filed a lawsuit. At the Board meeting on May 3, 2013, the appeal was not considered due to pending litigation as a result of the lawsuit filed by Ms. Gaines. Following the September 2013 Board meeting, the lawsuit was nonsuited as Ms. Gaines had decided to retire and drop the matter. However, the motion for rehearing and notice of appeal is still pending and requires an action by the Board to close the matter. The Board made a finding that the matter is now moot and upon proper motion and second, voted to take no further action with regard to the appeal in the Sarah Gaines matter.

COMITTEE REPORTS AND/OR AGENDA ITEMS

Review Panel Committee: The last meeting of the Review Panel is July 17, 2014.

REPORT FROM DIRECTOR

Director Michele Henricks expressed that it has been a privilege to serve as the Board's Director and advised that resolutions will be mailed to members following the Board meeting.

PUBLIC COMMENT

Glenda Fuller, a court reporter and prior Board member, thanked past and current Board members for their tremendous service to the court reporting profession in the State of Texas.

REPORT FROM CHAIR

Judge Hamilton thanked the Board members for their service to the citizens of Texas and acknowledged the fine service and professionalism of Director Michele Henricks and her staff and Katie Bond, OCA Board Attorney. Judge Hamilton also thanked Assistant Attorney General Ellen Sameth, Assistant Attorney General Adrienne Butcher, and Assistant Attorney General Veena Mohan for her work in prosecuting complaints.

In closing, Judge Lee Hamilton, District Judge of the 104th District Court, issued the following proclamation:

“Whereas, the Court Reporters Certification Board has certified and monitored the performance of court reporters in Texas for approximately 40 years;

Whereas, the services provided by the Court Reporters Certification Board has greatly enhanced court reporting services in Texas at great benefit to parties, litigants, judges and the general public;

Whereas, through its educational requirements, its handling of complaints against court reporters, and its thorough processing of applications for certification and renewals, the work of the Court Reporters Certification Board has duly aided individual court reporters and greatly enhanced the court reporting profession as a whole, which ultimately has had a significant enduring impact on the legal system in Texas,

Now, therefore, by the authority vested in me by the constitution and laws of the great State of Texas, I hereby declare May 9, 2014 as Court Reporters Certification Board Day in Texas.”

ADJOURNMENT

Adjourned at 12:00 p.m.



Judge Lee Hamilton, Chair

8-15-14

Date

Texas Court Reporters Certification Board

MINUTES OF THE MEETING

August 15, 2014

Austin, Texas

NOTE: These minutes were recognized by the Judicial Branch Certification Commission, but were not officially approved by the entity that held the meeting.

OPENING

Pursuant to official notification, the Texas Court Reporters Certification Board (hereinafter Board) held a meeting in the Office of Court Administration, 205 W. 14th St., Rm 605, Austin, Texas, on Friday, August 15, 2014.

ATTENDANCE

The following board members were present:

Judge Lee Hamilton, Chair

The following board members attended by phone:

Charles Noteboom
Velma Arellano
Judy Hobart
Don Riley
Donna Collins
Richard Neely
Esther Kelly

Not Present:

Paula Frederick
Amy Cummings
Krista Saeger
Julie Hopkins

Staff members present:

Michele Henricks, Director – CRCB

Jeff Rinard, Director – OCA Certification Division
Katie Bond, OCA Board Attorney
Pedro Villarreal, Compliance Investigator - OCA Certification Division
Tyees Holcombe, Judicial Regulatory Assistant – CRCB
Veena Mohan, Assistant Attorney General - OAG
Andrew Lutostanski, Assistant Attorney General – OAG

CALL TO ORDER

The Chair determined that a quorum was present and called the meeting to order at approximately 9:00 a.m.

WELCOME

ADMINISTRATIVE ITEMS

JBCC Update: Jeff Rinard, Certification Division Director, recognized Pedro Villarreal, the new compliance investigator, for his work on investigating the court reporter complaints before the Board. Mr. Rinard gave an update on staff projects for the transition to the JBCC and congratulated Board members Judge Lee Hamilton and Velma Arellano on their appointments to the JBCC with Judge Hamilton serving as Chair and Ms. Arellano as the public member representing the court reporting profession. Advisory Board members for the four professions are to be appointed by September 1st. Orientation for new JBCC members is scheduled on September 4, 2014 and the first JBCC meeting is scheduled on September 5, 2014.

APPROVAL OF PRIOR MEETING MINUTES

The May 9, 2014 Board meeting minutes were approved.

COMPLAINTS, RECOMMENDATION TO DISMISS – REVIEW PANEL COMMITTEE (considered on 7/17/2014)

The following matters were considered by the Board and upon proper motion and second, are dismissed:

- In the Matter of **Linda Wells**, Cause No. 14-1496-22
- In the Matter of **Ginger Herrmann**, Cause No. 14-0360-25

- In the Matter of **Daniel Skur**, Cause No. 14-2433-26
- In the Matter of **TSG Reporting**, Cause No. 14-F615-01
- In the Matter of **Patricia Phelps**, Cause No. 14-5159-28
- In the Matter of **Lilly Court Reporting Services**, Cause No.14-F516-02
- In the Matter of **Ladelle Abilez**, Cause No.14-2054-30

ADMINISTRATIVE DISMISSALS

Upon proper motion and second, the Board voted to ratify the following administrative dismissals:

- In the Matter of **Melisa Duncan**, Cause No. 14-6135-27
- In the Matter of **Javier Leal**, Cause No.14-7521-32

REQUEST TO BOARD FOR RECONSIDERATION – ADMINISTRATIVE DISMISSALS

Upon proper motion and second, the Board voted to take no further action on the following administrative dismissal reported at the May 9, 2014 Board meeting:

- In the Matter of **Janette Bills**, Cause No.14-2594-23

PUBLIC COMMENT

None.

REPORT FROM CHAIR

Judge Hamilton commended Jeff Rinard and staff on their work in transitioning to the JBCC.

ADJOURNMENT

Adjourned at 9:53 a.m.

Judge Lee Hamilton, Chair

Date