

# BOARD OF CERTIFIED REPORTERS

## Meeting Agenda - Tuesday, February 9, 2010

Arizona Supreme Court - 1501 West Washington Street  
Phoenix, Arizona 85007 - 1:00 p.m. – 4:00 p.m. – Conference Room 109  
General Inquiries Call: (602) 452-3378 (Division Line)  
Members of the Public May Attend Meeting in Person

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For any item listed on the agenda, the Board may vote to go into Executive Session for advice of counsel and/or to discuss records and information exempt by law or rule from public inspection, pursuant to the Arizona Code of Judicial Administration, Code Section 1-202(C).

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**CALL TO ORDER** ..... *G. Allen Sonntag, Chair*

**1) REVIEW AND APPROVAL OF MINUTES** ..... *G. Allen Sonntag, Chair*

*1-A: Review and approval of Regular Minutes for the meeting of January 12, 2010.*

**2) PENDING COMPLAINTS**.....*Division Staff*

*2-A: Review, discussion and possible action regarding certificate holder complaint number 09-C005 involving certified reporter Bethany Campbell.*

**3) ADMINISTRATIVE ISSUES** .....*Division Staff*

*3-A: Discussion regarding Board Member training.*

*3-B: Discussion regarding Certified Reporter Program budget and the every other year renewal application fee.*

*3-C: Discussion regarding Arizona Code of Judicial Administration § 7-206(J)(1)(g).*

*3-D: Update regarding status of Certified Reporter Program sunset review.*

*3-E: Update regarding pending legislation.*

**4) CERTIFICATION AND ELIGIBILITY** .....*Division Staff*

*4-A: Review, discussion and possible action regarding pending applications for renewal of certification:*

Theresa Aguilar  
Jean Albright  
Jacquelyn Allen  
Ernie Ambort  
Lisa Anderson  
Heidi Anderson  
Kathryn Andrew  
Susan Auletta  
Cindy Bachman  
Laureen Badar  
Mary Jo Bair  
Rossana Baker  
Deanna Bakurza  
Michele Balmer  
Sheryl Barker  
Lora Barnett  
Patricia Barron  
Marilou Barry  
Crystal Bartlowe  
Mark Bartunek  
Wanda Bauer  
Becky Baumert  
Kate Baumgarth  
Mary Beatty  
Christine Bemiss  
Cindy Benner  
Mary Bernal  
Monica Berry  
Patricia Bischoff-McCarthy  
Linda Blackmon  
Nancy Bledsoe  
Linda Bock  
Lynn Bolen  
Karen Bolton  
Rita Borboa  
Doreen Borgmann  
Dawna Boswell  
James Bouley  
John Bouley  
Michael Bouley  
Martin Bouley  
Deborah Boyette  
Lisa Bradley  
Sharon Bradley  
Kathleen Braley  
Barbara Brodrick  
Cecelia Brookman

Kristen Brown  
Barbara Buesing  
Melanie Builder  
Marianne Burton  
Eve Burton  
Susan Byrum  
Patricia Calabro  
Linda Cantrell  
Christine Chamberlain  
Vicki Champion  
Wendell Chapman  
Bernadette Chari  
Linda Christensen  
David Christy  
Deborah Cleary  
Christine Coaly  
Gerard Coash  
Meri Coash  
Leslie Collins-House  
Ellen Colonna  
James Colville  
Treva Colwell  
Scott Coniam  
Deborah Corradini  
John Cozza  
Deborah Croci  
Lynn Cronin  
Marjorie Crosby  
Tamlyn Crosse  
Elva Cruz-Lauer  
Tina Cummings  
John Dalsin  
Kelley Dalton  
Michaela Davis  
Donna DeLavina  
Norma DeLong  
Jeanne Depenbrok  
Sabre Deterding  
Helene Diehl  
Michael Dippel  
Donna Dobson  
Diane Donoho  
Talia Douglas  
Jane Doyle  
Holly Draper  
Lawrence Driver  
Howard Dropkin

Diane Dzwonkoski  
Linda Eakin  
Mary Edgar  
Kimberly Empey  
Lydia Estrada-Gray  
Glinda Fabok  
Kimberly Faehn  
Sharon Fain  
Terri Faust  
Diane Fayette  
Gail Ferguson  
Kathleen Fink-Gehrke  
George Finn  
Leslie Foldy  
Lori Fraley  
Luz Franco  
Randi Friedman  
Angela Fritts  
Janice Fuller  
Amy Fuller  
Adam Gage  
Darlene Gall  
Debra Galvin  
Anthony Garcia  
Guillermina Garcia-Hunt  
Vanessa Gartner  
Maria Geare  
Patricia Gerson  
Pamela Giffin  
Laurinda Ginsberg  
Lisa Glennie  
James Glover  
Melissa Gonsalves  
Ana Goodenough  
Autumn Grant  
Pamela Griffin  
Judith Griffin  
Jodie Guhr  
Stephanie Gustave  
Syndie Hagardt  
Steve Haight  
Deborah Hanlon  
Jennifer Hanssen  
Margaret Harcarik  
Christine Harrington  
Melissa Hart  
Kelly Hartwig

Janet Hauck  
Terese Heisig  
Sheryl Henke  
Debra Henson  
Charles Herder  
Karen Heutzenroeder  
Gary Hill  
Monica Hill-Morrisette  
Claudia Hilton  
Van Honeman  
Joyce Howard  
Zella Howard  
Teresa Hudson  
Bonnie Humm  
April Hunt  
Barbara Jackson  
Andrea Tracy Jamieson  
Robin Jasper  
Holly Johnson  
Robin Johnson  
Wayne Johnson  
Kathleen Johnston  
Tracy Johnston  
Karen Kahle  
Shirley Kenyon  
Karen Kessler  
Scott Kindle  
Rene King  
Robert King  
Doug Kirkpatrick  
Denice Klassen  
Jeffrey Klein  
Julie Knowlton  
Shirley Koch-Smith  
Kellie Konicke  
Karen Kovacs  
Tara Kramer  
Anita Landeros  
Paul Landsman  
Christina Larsen  
Jody Lenschow  
Roberta Liberato  
Bonnie Lindsey  
Cynthia Lineburg  
Eileen Livingston  
Doreen Loboek  
Kathryn Lorenz

Catherena Lott  
Judy Love-Hosler  
Elizabeth Lumia  
Cynthia Mahoney  
Ashlee Mangum  
Mary Manning  
Barbara Manning  
Lorena Marin-Garcia  
Sandra Markham  
Jill Marnell  
Sandra Marruffo  
Karla Martin  
JoAnn Mason  
Dawn Maxfield  
Pamela Mayer  
Carol McCue  
Cynthia McDevitt  
Laura McDole  
Ann McInnis  
William McNutt  
Amy Merrifield  
Mary Meyer  
Catherine Miccolis  
Laura Miller  
Lorraine Milligan  
David Minder  
Debora Mitchell  
Susan Mitchell  
Renee Mobley  
Donald Moll  
Lilia Monarrez  
Marisa Montini  
Linda Moore  
Debora Moore  
Karine Moore-Deysie  
Sandalee Moring  
Cynthia Morris-Crowe  
Sandra Munter  
Deirdre Muzall  
Teresa Nesselroad  
Dawn Oaks  
Kathleen O'Donnell  
Melody O'Donnell  
Rebecca Ogle  
Kelly Oglesby  
Sandy Ong-Wolf  
Robin Osterode

Julie Ottmar  
Kelly Palmer  
Stacey Palmer  
Nancy Papietro  
LeAnn Pappas  
Florence Pasteur  
Helene Paustian  
Jacqueline Perkins  
Katherine Pitotti  
Shelley PlateKimberly Portik  
Wendy Pullium  
Dianne Quigley  
Dotty Reaume  
Clarice Reed  
Tracy Reinke  
Marta Rice  
Janet Rice  
Gene Richards  
Nancy Richmond  
Margaret Riley  
Phyllis Rissky  
Lory Rivera  
Lerryn Roberds  
Bonita Robertson  
Julianne Roesly  
Josie Roper  
Barbara Rosado  
Janell Rose  
Colette Ross  
Daunice Rottas  
Nancy Rowland  
Kim Rupiper  
Holly Sack  
Sharon Sandomire  
Deanna Sandor  
S. Annette Satterlee  
Nicole Schaffner  
Kenneth Schippers  
Gail Schlanger  
Jennifer Schuck  
Dorothy Schulte  
MaryJo Schumacher  
Kaylene Scotson  
Rosina Seymour  
Michelle Seymour  
Cindy Shearman  
Barbara Short

Marta Silva  
George-Ann Silverman  
Suzanne Simms  
Robert Sipos  
Carrie Smalanskas  
Alisa Smith  
Barbara Smith  
George Sonntag  
Diane Sonntag  
Vivian Spencer  
Carolyn Stallworth  
Shannon Stevenson  
Traci Stutsman  
Carolyn Sullivan  
Catherine Tapia  
Roxanne Tarn  
Donna Terrell  
Carol Trejo  
Deborah Tucker  
Denise Vaishville  
Kristine Valdez  
Juliette Vidaurri  
Mary Vincelette  
Lisa Vitoff  
Sandra Waldo  
Laura Walker  
Judith Warmuth  
Denise Warren  
Mildred Waterman  
Wilma Weinreich  
Traci Wheeler  
Cheryl Wilder  
Stephanie Winters  
Kristin Woodall  
Kelly Woods  
Thomas Woppert  
Kimberly Workman  
Kristen Wunsch  
Laurie Yazwa  
Lori Yeager  
Christeen Zavala  
Kathryn Blackwelder

Heidi Callahan  
Courtney Vanderwalker  
Catherine Taylor  
Elizabeth Howard  
Marylynn LeMoine  
Michael Haley  
Mary Davis  
Angela Miller  
John Lopez  
Julie Jarrett  
Jo Ann Kramer  
Colleen Kelly  
Mark Miller  
Cathy Hoff  
Sandra Riley  
David Lee  
Jennifer Smith  
Patricia Stewart  
Rachelle Young  
Susan Grenz  
Kristi Spires  
Yvonne Whitefield  
Steven King  
Thomas Ritter  
Miguel Benitez  
Dana Smith  
Michelle Wellner  
Wanda Curry  
Carlton Dawson  
Gayle Thomson  
Joanne Williams  
Brenda Brown  
Laurel Dunn  
Linda Lopez  
Leopold Mankiewicz  
Christopher White  
Cheryl Austin  
Hilda Lopez  
Pamela Remus  
Jovanna Roman  
Gail Vinson  
Hilary Zive

4-B: *Review, discussion and possible action regarding applicants for Standard certification:*

*Shayna R. Montgomery*

*Susan L. Reynolds  
Nicola S. Bauman*

- 4-C: Review, discussion, and possible action regarding request for extension of continuing education requirements for certificate holder Laura G. Dunn.*
- 4-D: Review, discussion, and possible action regarding request for extension of continuing education requirements for certificate holder Judy Gibbons.*
- 4-E: Review, discussion, and possible action regarding request for placement on Inactive Status received from certified reporter Barby L. Ashian, certification number 50316.*
- 4-F: Review, discussion, and possible action regarding request for placement on Inactive Status received from certified reporter Lisa Andreasen, certification number 50371.*

**CALL TO THE PUBLIC ..... G. Allen Sonntag, Chair**

**ADJOURNMENT ..... G. Allen Sonntag, Chair**

**BOARD OF CERTIFIED REPORTERS**  
**Agenda Summary - Tuesday, February 9, 2010**

**1) REVIEW AND APPROVAL OF MINUTES**

*1-A: Review and approval of Regular Minutes for the meeting of January 12, 2010.*

Attached for the Board's review are the Regular Session Minutes for the Board meeting of January 12, 2010.



## Board of Certified Reporters

Arizona State Courts Building  
1501 West Washington Street  
Phoenix, Arizona 85007-3222

Conference Room 109

Date: January 12, 2010

Time: 1:00 p.m.

### Draft Regular Meeting Minutes

#### MEMBER ATTENDANCE:

##### Present:

G. Allen Sonntag  
Patricia Calabro  
Hon. Peter Swann

##### Telephonically Present:

Patricia Seguin  
Terri Faust  
Cheryl Austin  
Kathleen R. Montalvo

##### Absent:

J. Tyrell Taber  
Hon. Ed Bassett

#### OTHER ATTENDEES

##### AOC Staff:

Linda Grau  
Kimberly Siddall  
Jennifer Greene  
Tony Posante  
Deborah MacDougall  
Alex Navarro  
Karla Clanton  
Deann Barker

Addressing the Board: Linda Grau

Discussion: Introduction of new staff, Deborah MacDougall

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#### CALL TO ORDER

*Called to Order By:*

G. Allen Sonntag

*Time:*

1:07 p.m.

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**1) REVIEW AND APPROVAL OF MINUTES**

**1-A: Review and discuss approval of the Regular Session Minutes for the meeting held on November 3, 2009.**

**Individual Addressing the Board: G. Allen Sonntag**

**Discussion:** None

**Motion:** To approve the Regular Session minutes of November 3, 2009

**Motion Proposals:** First Patricia Calabro  
Second Terri Faust

**Motion Results:** Pass **BCCR-10-01**

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**Pending delay in the arrival of Division Director Nancy Swetnam, Agenda items 2-A and 2-B were postponed to be discussed later in the meeting.**

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**3) CERTIFICATION AND ELIGIBILITY**

**3-A: Review, discussion and possible action regarding pending applications for Initial Standard Certification**

**Individual Addressing the Board: Kimberly Siddall**

**Discussion:** The following applicant submitted an application for standard certification. The application is complete and no information has been presented during the background check which is contrary to certification being granted. The applicant demonstrated she meets the minimum eligibility requirements for certification. Ms. Siddall recommended standard certification be granted to:

Brook A. Berryhill

**Motion:** Motion to grant certification to Brook Berryhill.

**Motion Proposals:** First Terri Faust  
Second Patricia Calabro

**Motion Results:** Pass **BCCR-10-02**

**Discussion:** The following applications remain incomplete pending receipt of fingerprint information, background investigation, and/or additional

information. Ms. Siddall recommended consideration of these applications be deferred to the February 6, 2010 meeting:

Shayna Montgomery  
Susan L. Reynolds

Patricia Calabro addressed wanting clarification of reason for deferrals and process of fingerprint reviews. The Board and staff discussed the fingerprinting processing.

**Motion:** To defer consideration of the applications to the February 6, 2010 meeting.

**Motion Proposals:** First Patricia Calabro  
Second Patricia Seguin  
**Motion Results:** Pass **BCCR-10-03**

**Discussion:** The following applicant submitted an application for standard certification. The application is complete and no information has been presented during the background check which is contrary to certification being granted. The applicant demonstrated she meets the minimum eligibility requirements for certification. Ms. Siddall recommended standard certification be granted to:

Barbara A. Manning

**Motion:** Motion to grant certification to Barbara A. Manning.

**Motion Proposals:** First Patricia Calabro  
Second Patricia Seguin  
**Motion Results:** Pass **BCCR-10-04**

**3-B: Review, discussion, and possible action regarding request for extension of continuing education requirements for certificate holder Amy Richardson.**

**Individuals Addressing the Board:** Kimberly Siddall, G. Allen Sonntag

**Discussion:** Ms. Richardson is requesting a 90-day extension to complete her continuing education. Ms. Siddall recommended the Board determine whether Ms. Richardson's request should be considered a special circumstance pursuant to ACJA § 7-206(L)(9)(c)(2)(d) and determine if the request supports an extension or waiver of the continuing education requirement.

The Board discussed the cost and types of continuing education credits

available, whether Ms. Richardson's request was submitted voluntarily or upon her being asked for documentation of completion of the required hours, and the number of hours Ms. Richardson needs in order to fulfill the requirement. At 1:26 p.m., the discussion was tabled in order to permit Ms. Siddall an opportunity to review Ms. Richardson's file.

At 1:56 p.m., Ms. Siddall reported Ms. Richardson's request was of her own volition and not the result of her having been asked to submit supporting documentation she completed the required hours. Ms. Siddall reported it could not be determined how many hours Ms. Richardson has yet to complete in order to meet the requirement.

**Motion:** To grant an extension for 45 days from the date of today's meeting.

**Motion Proposals:** First Patricia Calabro  
Second Cheryl Austin

**Motion Results:** Pass BCCR-10-07

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## 2) PENDING COMPLAINTS

**2-A:** *Review, discussion and possible action regarding complaint number 09-C008 involving certificate holder Yvonne De La Torres.*

**Individual Addressing the Board:** Linda Grau

**Discussion:** On December 21, 2009, Probable Cause Evaluator Mike Baumstark entered a finding probable cause exists as to Allegations 1, 2 and 3. Staff recommended the Board enter a finding grounds for formal disciplinary action exists pursuant to Arizona Code of Judicial Administration ("ACJA") § 7-201(H)(6)(a) and (H)(6)(k)(2) for acts of misconduct involving ACJA § 7-201(F)(1), (F)(6) and § 7-206(F)(1), (J)(4)(c), and (J)(6)(a). Further, should the Board ultimately enter a finding this violation has occurred, the Board impose the following sanctions pursuant to ACJA § 7-201(H)(24)(a)(6):

- a) Issue a Censure to De La Torre, pursuant to ACJA § 7-201(H)(24)(a)(6)(b);
- b) Place De La Torre on probation for a period of not less than 1 year pursuant to ACJA § 7-201(H)(24)(a)(6)(e) with the following conditions:
  - (1) During the period of probation, De La Torre shall comply with all court orders regarding transcript deadlines and appearance at hearings. If De La Torre is unable to meet an ordered transcript production deadline, she shall request an extension in advance of the established deadline;
  - (2) Within 30 days of the Board's Final Order, and every 30 days thereafter through conclusion of the term of probation, De La Torre shall submit a list to the Board that contains the following information:
    - (i) All pending transcripts, identified by court and case number;
    - (ii) The due date for submission;

- (iii) The name of the scopist utilized to assist in the preparation of the transcripts;
  - (iv) The status of each transcript as to whether it is pending or has been filed;
  - (v) Any requests for extensions filed by De La Torre; and
  - (vi) Any court orders for production of transcripts, requests for extensions, or appearance at hearing and De La Torre's compliance.
- c) Assess costs associated with the investigation and related disciplinary proceedings to be remitted no later than 60 days following entry of the Board's Final Order, pursuant to ACJA § 7-201 (H)(24)(a)(6)(j).

It was further recommended the Board request Division staff contact De La Torre in advance of filing the Notice of Formal Statement of Charges to determine if De La Torre is willing to enter a Consent Agreement to the proposed sanctions to resolve the matter. If De La Torre agrees, it is recommended the Board request Division staff prepare and deliver a draft Consent Agreement to De La Torre with a date certain deadline to provide the Division with the signed Consent Agreement or report she declines the opportunity to resolve the matter by Consent Agreement. If De La Torre agrees and submit the signed Consent Agreement, the document will be returned to the Board for review and consideration at the next regularly scheduled Board meeting. If De La Torre declines the alternative resolution of the matter or fails to submit the signed Consent Agreement by the established deadline, Division staff shall proceed with the preparation, filing, and service of the Notice of Formal Statement of Charges.

The Board discussion the investigation, alleged misconduct, and Division Director Swetnam's sanction recommendation. Noting Ms. De La Torre's lack of cooperativeness with the Court of Appeals, the existence of multiple late transcripts, and Ms. De La Torre's years of experience a certified reporter, the Board discussed the process for resolving the matter by consent agreement or moving forward with the filing of formal charges.

***Motion:*** Move to accept the recommendation of the Division Director regarding acceptance of the finding of the Probable Cause Evaluator and entry of findings for formal disciplinary action. Move to amended the recommended sanction to include revocation, issuance of a cease and desist order during the period of the revocation, and the assessment of costs for the investigation and any related proceedings.

***Motion  
Proposals:***

First: Hon. Peter Swann  
Second : Patricia Seguin

***Motion  
Results:*** Pass                      **BCCR-10-05**

**2-B: Review, discussion and possible action regarding certificate holder complaint number 09-C009 involving Kitty Lovejoy.**

**Individuals Addressing the Board:** Linda Grau

**Discussion:** Staff recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding grounds for formal disciplinary action exists pursuant to ACJA § 7-201 (H)(6)(a), (H)(6)(k)(2) and (H)(6)(k)(3) for acts of misconduct involving Arizona Revised Statutes § 32-4005, ACJA § 7-201(F)(1) and § 7-206(F)(1), (J)(1)(a), (J)(4)(c), (J)(4)(e), (J)(4)(f) and (J)(6)(a).

Staff reported in the initiation of the complaint, Lovejoy has accepted responsibility for the ordered transcripts not being timely filed as ordered by the Court of Appeals and has submitted a request to voluntarily surrender her certification. It is further recommended the Board enter a finding the violations occurred and offer Lovejoy a Consent Agreement resolution of this complaint pursuant to ACJA § 7-201(H)(24)(a)(6)(c) containing the following provisions:

- 1) Ms. Lovejoy acknowledges and accepts responsibility for the misconduct;
- 2) The Board issues a Censure to Lovejoy, pursuant to ACJA § 7-201 (H)(24)(a)(6)(b);
- 3) The Board accepts Lovejoy's pending request for voluntary surrender under discipline pursuant to ACJA § 7-201(H)(7)(b); and,
- 4) Lovejoy will be assessed costs associated with the investigation and related disciplinary proceedings to be remitted no later than 60 days following entry of the Board's Final Order, pursuant to ACJA § 7-201 (H)(24)(a)(6)(j).

Staff further recommended Ms. Lovejoy be given a date certain to accept the proposed consent agreement resolution of the complaint and with the provision if Ms. Lovejoy does not enter the proposed Consent Agreement within the stated time frame, Notice of Formal Statement of Charges will file without further action of the Board.

Patricia Calabro noted for the record she has been socially associated to Ms. Lovejoy in the past and does not feel it will influence her objective consideration of this matter and will not recuse herself.

**Motion:** Motion to adopt the recommendation of the Division Director.

<b>Motion Proposals:</b>	First	Terri Faust
	Second	Hon. Peter Swann
	Recusal	None
<b>Motion Results:</b>	Pass	<b>BCCR-10-06</b>