

1 LOUISIANA BOARD OF EXAMINERS
2 OF CERTIFIED SHORTHAND REPORTERS

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9 BOARD MEETING FOR THE LOUISIANA BOARD OF
10 EXAMINERS OF CERTIFIED SHORTHAND REPORTERS, HELD AT THE
11 BENSON TOWER, SUITE 739, 1450 POYDRAS STREET, NEW
12 ORLEANS, LOUISIANA ON THE 23RD DAY OF FEBRUARY, 2018,
13 COMMENCING AT 2:05 P.M., BEFORE ELICIA H. WOODWORTH,
14 CERTIFIED COURT REPORTER IN AND FOR THE STATE OF
15 LOUISIANA.

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BOARD MEETING

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APPEARANCES:

John H. Andressen, CCR
Vincent P. Borrello, Jr., CCR, RPR
Milton Donegan, Jr., CCR
Kimya M. Holmes, Attorney
Suzette M. Magee, CCR
Elizabeth Methvin, CCR
Laura Putnam, Attorney
David Marcello, CSR Board Attorney
Nhung C. Nguyen, Administrator



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* * * *

MR. BORRELLO:

All right. We're going to go ahead and call the meeting to order now. Let's stand for the Pledge.

Laura, if you want to lead us in the Pledge.

(Whereupon the Pledge of Allegiance was conducted.)

MR. BORRELLO:

Mr. Nguyen, if you'll call the roll.

MS. NGUYEN:

Vincent Borrello.

MR. BORRELLO:

Present.

MS. NGUYEN:

Milton Donegan.

MR. DONEGAN:

Present.

MS. NGUYEN:

Laura Putnam.

MS. PUTNAM:

Here.

MS. NGUYEN:

Suzette Magee.



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MS. MAGEE:

Here.

MS. NGUYEN:

Kimya Holmes.

MS. HOLMES:

Here.

MS. NGUYEN:

John Andressen.

MR. ANDRESSEN:

Here.

MS. NGUYEN:

David Marcello.

MR. MARCELLO:

Here.

MS. NGUYEN:

And absent we have Elizabeth Methvin and
Judge Paul Bonin.

MR. BORRELLO:

All right. We'll go ahead, is there a
move for the approval of the minutes of the January 12th
meeting?

MR. ANDRESSEN:

Move.

MR. BORRELLO:

Is there a second?



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1 MS. HOLMES:

2 I second.

3 MR. BORRELLO:

4 All in favor?

5 (Several members respond "aye.")

6 MR. BORRELLO:

7 Motion passes without opposition.

8 We'll move on to the committees. Mr.
9 Anderson, if you want to go ahead and give us your
10 report in finance.

11 MR. ANDRESSEN:

12 The first two pages in your packet are
13 the balance sheets for December 2017 and January of
14 2018. At the end of January 2018, between both checking
15 accounts, we have a little over \$172,000 in both of the
16 checking accounts.

17 The next two pages are monthly operating
18 statements. As you can see, December and both January
19 are sizable net income, but, as everybody knows,
20 November, December and January are our
21 revenue-generating months there with the licensing fees
22 and stuff like that.

23 No extraordinary expenses. January is a
24 little higher, but it's a three-pay-day month, so it's a
25 little bit higher than normal.



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1 So I make an in globo motion that the
2 balance sheets and the operating statements for December
3 2017 and January 2018 be approved.

4 MR. BORRELLO:

5 Is there a second?

6 MS. PUTNAM:

7 Second.

8 MR. BORRELLO:

9 All in favor?

10 (Several members respond "aye.")

11 MR. BORRELLO:

12 Motion passes without opposition.

13 I'm sorry. Go ahead.

14 MR. ANDRESSEN:

15 I've just got one last thing.

16 The third item is the consultant
17 contract with the -- that Judge Bonin had asked Vickie
18 to put up here. I read it. I think most people have
19 read it, but I really don't -- oh, okay. I'm sorry.

20 MR. BORRELLO:

21 I'll go ahead. And I spoke with Judge
22 Bonin just before the motion -- excuse me -- before the
23 meeting, and I'm going to go ahead and make a motion to
24 approve that, John.

25 MR. ANDRESSEN:



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1 Okay.

2 MR. BORRELLO:

3 If there's a second.

4 MR. MARCELLO:

5 Let me interject, if I might. There are
6 some glitches in it that I'd like a chance to review.
7 Vickie, I think, has produced another version of it, but
8 I haven't seen it yet.

9 MR. BORRELLO:

10 Okay. You want to defer?

11 MR. MARCELLO:

12 If you want to approve it subject to the
13 review of the provision.

14 MR. BORRELLO:

15 Okay. I'll go ahead and amend that
16 motion subject to the approval of the language.

17 Is there a second?

18 MS. PUTNAM:

19 Second.

20 MR. BORRELLO:

21 All in favor?

22 (Several members respond "aye.")

23 MR. BORRELLO:

24 Motion passes without opposition.

25 MR. ANDRESSEN:



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1 That concludes my report.

2 MR. BORRELLO:

3 Ms. Magee, Licensing and Continued
4 Education.

5 MS. MAGEE:

6 We approved the Nuts & Bolts seminar for
7 10 CE credits, and we passed on the LCCCA seminar
8 because they did not attach an agenda.

9 And you want me to do these?

10 MR. BORRELLO:

11 We'll leave those till --

12 MS. MAGEE:

13 Okay. So that's the end of my report.

14 MR. BORRELLO:

15 Okay. And I think we needed
16 clarification on the NCRA. Is that what it was, a
17 description?

18 MS. MAGEE:

19 It's not on here.

20 MS. NGUYEN:

21 That's down on Number 4.

22 MR. BORRELLO:

23 It's what? I'm sorry.

24 MS. NGUYEN:

25 It's down to 4. So are we going -- it's



1 just for the CE seminar.

2 MR. BORRELLO:

3 I'm sorry.

4 MS. NGUYEN:

5 I'm going through the agenda. Are we
6 skipping down to --

7 MR. BORRELLO:

8 Oh, okay. I'm sorry. That's correct.
9 We took that out of order. I'm sorry, Ms. McGee. So
10 we'll just go ahead and just follow the agenda, just
11 Nuts & Bolts and LCCCA.

12 Does that conclude your report?

13 MS. MAGEE:

14 Yes.

15 MR. BORRELLO:

16 Is there a second to Ms. Magee's report?

17 MR. ANDRESSEN:

18 Second.

19 MR. BORRELLO:

20 All in favor?

21 (Several members respond "aye.")

22 MR. BORRELLO:

23 Motion passes without opposition.

24 Did Research and Planning meet today?

25 MR. DONEGAN:



1 Yeah. We went over some transcripts,
2 some court transcripts. Suzette's going to refine our
3 findings and present those to Vickie to have Vickie
4 contact the reporters for necessary changes that have to
5 be made.

6 That's it.

7 MR. BORRELLO:

8 Okay. All right. I don't think we'll
9 need a motion for that.

10 MS. MAGEE:

11 No.

12 MR. BORRELLO:

13 Okay. Moving on to the E-Signatures
14 Committee. Ms. Putnam.

15 MS. PUTNAM:

16 The committee met to discuss the
17 implementation of Act 268. A couple of -- there was
18 actually one motion made regarding getting some
19 expert -- someone with expertise here from Notarius and
20 possibly Adobe to speak to the full Board and answer any
21 Board questions with regard to that specific standards
22 that are required by the Adobe members of the Adobe
23 Trust List.

24 There's also going to be a move -- I
25 think Scott and Phil will refine the FAQs and turn it



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1 into a question-and-answer format and maybe come up with
2 any final unanswered questions that the committee
3 members might have or the Board has.

4 MR. KAISER:

5 We plan to have a draft of that
6 available for the next Board meeting for sure, and
7 sooner for committee review.

8 MS. PUTNAM:

9 So do we have to address the motion that
10 was made within the committee meeting to have --

11 MR. BORRELLO:

12 I believe so, yeah, for the full Board
13 to vote on that.

14 Is there a motion? I think, John, you
15 had made the motion earlier.

16 MR. ANDRESSEN:

17 Yeah.

18 MR. BORRELLO:

19 If you want to make that motion.

20 MR. ANDRESSEN:

21 Yeah. I move that we get a
22 representative from Notarius and possibly a
23 representative from Adobe to address the Board to
24 enlighten us and make us more knowledgeable in what
25 we're talking about. I just make that motion, and we



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1 can do it videoconferencing, you know.

2 MR. BORRELLO:

3 Okay.

4 MR. DONEGAN:

5 I'll second.

6 MR. BORRELLO:

7 All in favor?

8 (Several members respond "aye.")

9 MR. BORRELLO:

10 Okay. Now, is there a motion to -- I
11 don't know if, David, you want to address that.

12 Is there a motion now to move forward
13 with the rule implementing process?

14 MR. MARCELLO:

15 Yeah. I think we have a viable, working
16 draft that may need more detail based on the
17 technological understanding that we hope will come out
18 of the presentation by Real Legal, Notarius, Adobe and
19 any others that we feel we need to hear from. So the
20 text, I would hold at bay until we've had the benefit of
21 that further briefing, and then we can incorporate what
22 else we need to have in it and be ready to move forward.

23 MR. BORRELLO:

24 Okay. All right. Okay. Does that
25 complete your report?



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MS. PUTNAM:

That's the end of my report.

MR. BORRELLO:

Okay. And let me say this, maybe before the next Board meeting is scheduled, maybe if this committee or the Digital Signatures Committee can get together a couple of days before the next general Board meeting, that way we could get whatever findings also to the rest of the Board members to prepare them for the next Board meeting also.

MS. MAGEE:

Yes.

MR. BORRELLO:

Okay. All right. Thank you, Ms. Putnam.

Moving on to Licensing, CE Requests.

MS. MAGEE:

What about Contract Court Reporter?

MR. BORRELLO:

I'm sorry. We have the Contract Court Reporter. I think, actually -- did you handle that, John, the --

MR. ANDRESSEN:

Well, no. At last meeting we had approved the contract for Torres Court Reporting to



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1 provide court reporting services for the upcoming year.
2 I think it starting in March. When Vickie contacted
3 them, they said they were not going to renew the
4 contract with the Board. They're down on court
5 reporters and their demand for depositions is more, so
6 they won't have people that they could send. So I think
7 we need to advertise -- bid those services out again.

8 MR. BORRELLO:

9 Okay.

10 MR. ANDRESSEN:

11 I think David had talked to Vickie about
12 possibly putting it on our website where all court
13 reporters in the state, you know, have a chance to bid
14 on it and everything. So I think it's a good idea.

15 MR. BORRELLO:

16 Has that been done, Vickie, yet or no?

17 Okay. So we'll go ahead and prepare
18 that to be put on the Board's website and we'll follow
19 up, and hopefully by the time our next meeting comes
20 along, we'll have -- when does the contract with Torres
21 end, this contract.

22 MS. NGUYEN:

23 March 14th.

24 MR. BORRELLO:

25 Oh, it ends in March. Okay.



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1 All right. Moving on, Licensing, CE
2 Requests, Individual Requests. Ms. Magee.

3 MS. MAGEE:

4 Those three requests do not provide
5 enough information for us to make a determination as to
6 what they actually gleaned or learned from any of those
7 seminars, so we are going to -- Vickie's going to ask
8 them to send more detailed information. I see a bunch
9 of numbers of hours here, but the max they could get is
10 10.

11 MR. BORRELLO:

12 Correct.

13 MS. MAGEE:

14 So those are all deferred until the next
15 meeting.

16 MR. BORRELLO:

17 Okay.

18 MS. MAGEE:

19 We had one request under B for a
20 reciprocal license through AAERT that I make a motion
21 that we grant.

22 MR. BORRELLO:

23 Is there a second?

24 MR. ANDRESSEN:

25 Second.



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MR. BORRELLO:

All in favor.

(Several members respond "aye.")

MR. BORRELLO:

Motion passes without opposition.

MS. MAGEE:

There were three people that requested to go inactive. The paperwork was all in order, so I would make a motion that -- if one is needed, that we accept those three inactive requests.

MR. ANDRESSEN:

Second.

MR. BORRELLO:

All in favor?

(Several members respond "aye.")

MR. BORRELLO:

Motion passes without opposition.

Retirement Requests.

MS. MAGEE:

There were six people -- well, Ella Savoie is deceased, but the others are retired. I don't know that we need to do anything.

MR. BORRELLO:

Nothing. Just by way of information.

MS. MAGEE:



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Yes.

MR. ANDRESSEN:

Suzette, that Ella Savoie, was that the one where that particular JDC asked for a refund?

MS. MAGEE:

Yes. That's our JDC.

MR. ANDRESSEN:

Okay.

MS. MAGEE:

Ella passed away on January 4th and we would like our money back.

MR. ANDRESSEN:

I make a motion -- I mean, you're talking about just a couple days into the year. I make the motion.

MS. MAGEE:

In fact, she hadn't reported, so...

MR. BORRELLO:

Is there a second?

MS. HOLMES:

I second.

MR. BORRELLO:

All in favor?

(Several members respond "aye.")

MR. BORRELLO:



1 Motion passes without opposition.

2 Discontinued CDR List.

3 MS. MAGEE:

4 So there are 10 on that list. They have
5 left their employment, so their license is no longer
6 valid, by way of information.

7 MR. BORRELLO:

8 Okay. Moving on. I guess this is by
9 way of information. Ms. Nguyen, we have 830 CCR
10 renewals and 346 CDR renewals; is that correct?

11 MS. NGUYEN:

12 Correct.

13 MR. BORRELLO:

14 Okay. All right.

15 MS. MAGEE:

16 If we could maybe in the future give a
17 comparison to the previous year, I would appreciate that
18 information.

19 MS. NGUYEN:

20 Okay.

21 MR. BORRELLO:

22 Okay. We'll now move on to the
23 Suspended CCR and CDR list. What I'd like to do, I know
24 we have -- I think someone here is represented by
25 counsel, so we'll go ahead and take that matter first.



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1 If you can identify yourself so we --
2 yes, ma'am.

3 MS. HEBERT:

4 Kathleen Hebert.

5 MS. DUPLANTIS:

6 And I'm Heather Duplantis. I'm here
7 for...

8 MR. BORRELLO:

9 All right. Thank you.

10 MS. NGUYEN:

11 We don't have any paperwork on these.

12 MR. BORRELLO:

13 Okay. Oh, we don't? Okay. On Ms.
14 Hebert.

15 MS. NGUYEN:

16 I have their files.

17 MR. BORRELLO:

18 Okay.

19 MS. NGUYEN:

20 Ms. Hebert renewed her license on
21 February --

22 MR. BORRELLO:

23 One moment. Ms. Nguyen, since we are
24 going to need information from you on all of these, I'm
25 going to go ahead and swear you in and you will remain



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1 under oath throughout the entirety of those proceedings.

2 (Whereupon Ms. Nguyen was sworn.)

3 MR. BORRELLO:

4 Before we do that, also -- let's see.

5 Mr. Kaufman and Ms. Kay, if y'all could either push back
6 one, and, ma'am, you-all can come and sit right here.

7 Actually, if this first row of seats, if y'all can push
8 into the audience, we'd appreciate it.

9 And, once again, for the record,
10 Counsel, if you could identify yourself.

11 MS. DUPLANTIS:

12 Heather Duplantis on behalf of Kathleen
13 Hebert.

14 MR. BORRELLO:

15 Okay. Ms. Hebert, if you'd raise your
16 right hand also.

17 (Whereupon Ms. Duplantis and Ms. Hebert were
18 sworn.)

19 MR. BORRELLO:

20 Ms. Nguyen, by way of information, you
21 can -- so this is here -- Ms. Hebert, is here for
22 suspension of license due to nonpayment?

23 MS. NGUYEN:

24 Correct.

25 MR. BORRELLO:



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1 Okay. What records do you indicate --
2 has payment been made as of yet?

3 MS. NGUYEN:

4 Yes, payment has been made as of
5 February the 2nd, 2018, so her license is active since
6 February 2nd.

7 MR. BORRELLO:

8 Okay.

9 MR. MARCELLO:

10 And just to establish, the lack of
11 payment on December 31 is reflected in our records?

12 MS. NGUYEN:

13 Yes.

14 MR. MARCELLO:

15 Presumably, I mean, this -- she's listed
16 on those who had not paid -- I mean, I guess the fact of
17 payment since December 31st is an acknowledgement that
18 it hadn't been paid in accordance with that statutory
19 deadline; correct?

20 MS. NGUYEN:

21 Correct.

22 MR. MARCELLO:

23 And the notice that went out was sent
24 certified?

25 MS. NGUYEN:



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1 It was sent certified January the 26th,
2 2013 and it was delivered to her on February 1st and it
3 was signed that day.

4 MR. MARCELLO:

5 Okay.

6 MR. BORRELLO:

7 And you received payment on February --

8 MS. NGUYEN:

9 2nd.

10 MR. BORRELLO:

11 -- 2nd?

12 MS. NGUYEN:

13 So she did it right away.

14 MR. BORRELLO:

15 Ms. Hebert, the question of this Board
16 is have you practiced court reporting previous to
17 reinstatement, or, I should say, payment of your license
18 from January 1st to February 2nd?

19 MS. HEBERT:

20 The first I found out that my license
21 was suspended was the certified letter that I received,
22 and I immediately called -- well, actually, before I
23 even got to the post office, because I couldn't make it
24 to the post office in time, I called the office. I did
25 not receive an answer. First thing the next morning, as



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1 soon as I could, I got to the post office. I received
2 the letter and I immediately called Ms. Nguyen and
3 probably three other people in this room and one that's
4 not here.

5 MR. BORRELLO:

6 Okay. But, again --

7 MS. DUPLANTIS:

8 She didn't even realize she had
9 forgotten to pay her dues inadvertently.

10 MR. BORRELLO:

11 Okay. How long have you been a
12 reporter?

13 MR. HEBERT:

14 Thirty-five years.

15 MR. BORRELLO:

16 Okay. And --

17 MS. HEBERT:

18 It will be 35 years at this job in
19 October, and I freelanced for two years before that.

20 MR. BORRELLO:

21 But as a licensed reporter in Louisiana,
22 you are aware that your license, you know, we get our
23 license renewal in October, that it needs to be paid by
24 December 31st.

25 MS. HEBERT:



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1 I am now.

2 MR. BORRELLO:

3 I mean, you've being a reporter for 35
4 years. You're aware --

5 MS. DUPLANTIS:

6 She's never missed her payment before.
7 It was inadvertent; it was unintentional. As soon as
8 she learned that it hasn't been paid, believe me, she
9 was on her way to New Orleans to try to deliver the
10 check in person and couldn't make it in time.

11 MS. HEBERT:

12 And couldn't make it here in time and
13 called her again and tried to work something out over
14 the phone with her. This was -- if you knew me, you
15 would know that this was never intentional. It was a
16 complete oversight, and I'm just kind of a little bit
17 surprised that all of this has come to this point
18 because none of this was intentional.

19 MR. BORRELLO:

20 We're not saying it was. When did
21 you -- to your knowledge, you're saying, when did you
22 find out that you were suspended, what was the date?

23 MS. NGUYEN:

24 February 1st at 12:56 p.m.

25 MR. BORRELLO:



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1 February 1st.

2 MS. HEBERT:

3 And she probably got a phone call before
4 1 o'clock. If I found out at 12:56, she got a phone
5 call before 1.

6 MR. BORRELLO:

7 Again, I need to ask you this for the
8 record, have you been practicing court reporting for the
9 month?

10 Ma'am, I know. We just need to know
11 this for the record.

12 MS. HEBERT:

13 Yes. I didn't know I was suspended,
14 though. I didn't know I was suspended until 12:56, made
15 a phone call within three minutes.

16 MR. BORRELLO:

17 Okay. And any questions by any of the
18 Board members?

19 MR. DONEGAN:

20 Do you freelance or --

21 MS. HEBERT:

22 I'm an official court reporter.

23 MR. DONEGAN:

24 Where, may I ask?

25 MS. HEBERT:



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1 16th JDC.

2 MR. DONEGAN:

3 Never before had you had any problem
4 paying your fees?

5 MS. HEBERT:

6 Never ever ever before.

7 MR. BORRELLO:

8 And I take it 16th JDC doesn't pay the
9 fees for you-all?

10 MS. HEBERT:

11 They do not, but that's something that
12 will come up really soon.

13 MR. BORRELLO:

14 Any further questions by any of the
15 Board members?

16 MR. DONEGAN:

17 The first you knew about your suspension
18 was when?

19 MS. HEBERT:

20 12:56 when I received the letter from
21 the post office.

22 MR. DONEGAN:

23 February 1st?

24 MR. ANDRESSEN:

25 February the 1st.



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1 MS. HEBERT:

2 I have the certified letter with me.

3 MS. DUPLANTIS:

4 And we overnighted. We did a certified
5 mail overnight, and before it was even sent, we had
6 pictures that were taken to e-mail to Ms. Nguyen so she
7 can see that it was in route. We were told -- and I'm
8 not sure who she spoke with, but they said if you could
9 just have a it overnighted, that that would be
10 sufficient, she didn't have to come in person, which she
11 was trying to do, but she wasn't sure was going to make
12 it on time.

13 When I tell you she made every effort above
14 and beyond to get this done as quickly as possible and
15 that she was completely beside herself for having
16 learned through the mail that she had been suspended, I
17 can attest to that personally.

18 MR. BORRELLO:

19 Anything further?

20 MR. DONEGAN:

21 I think the only problem the Board would
22 have is that she practiced without a license. You know,
23 and I understand --

24 MS. HEBERT:

25 Sir, had I known that I was practicing



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1 without a license, I can assure you it never would have
2 happened. That's -- that's as honest as I can be.

3 MR. DONEGAN:

4 And I understand that. You and I
5 talked. I was one of the people you called.

6 MS. HEBERT:

7 Okay. I don't know --

8 MR. DONEGAN:

9 You know, so I understand where you're
10 coming from.

11 MS. HEBERT:

12 Well, you heard me and the state I was
13 in when I made the phone call.

14 MR. DONEGAN:

15 But you realize it's not this Board's
16 responsibility?

17 MS. HEBERT:

18 I do realize that, and I hope you
19 realize it was inadvertent. It was not intentional. It
20 never would have happened. It was completely
21 inadvertent.

22 MR. BORRELLO:

23 Any further questions?

24 (No response.)

25 MR. BORRELLO:



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1 Is there a motion before the Board?

2 MR. ANDRESSEN:

3 Move that we reinstate Ms. Hebert.

4 After listening to her, I think she's very sincere. I
5 would ask of Ms. Hebert -- or not ask -- that if you
6 ever come before the Board under these circumstances
7 again, that there will be a fine. I understand it was
8 inadvertent. I believe you. I think you're very
9 sincere. So I move that we reinstate her.

10 MS. MAGEE:

11 Second.

12 MR. BORRELLO:

13 All in favor.

14 (Several members respond "aye.")

15 MR. BORRELLO:

16 Motion passes without opposition.

17 MS. DUPLANTIS:

18 Thank you.

19 MR. BORRELLO:

20 All right. Moving on.

21 David, I know we spoke, but what's the
22 best way -- I guess we should call the -- let's see
23 who's present, then we will call -- there's no one else
24 here who is present with counsel for their license;
25 correct?



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1 (No response.)

2 MR. BORRELLO:

3 Okay. So what we'll do is, before we
4 call others for the hearings, we will take up those who
5 are not here. I think that will go much more quickly,
6 but if you could, let us know who's in the audience.

7 Ma'am, your name?

8 MS. DEROCHE:

9 LeeAnne Vinson Madeline Deroche.

10 MR. BORRELLO:

11 I'm sorry. The last name again.

12 MS. DEROCHE:

13 Deroche, D-e-r-o-c-h-e.

14 MS. NGUYEN:

15 These names are not going to be on the
16 list. The list are people who did not renew at all.
17 The people that paid are here.

18 MR. BORRELLO:

19 Okay. So this list is people who did
20 not -- you sent -- okay.

21 MS. NGUYEN:

22 Sent letters.

23 MR. BORRELLO:

24 Okay. Let's move on to this list and
25 take care of this list first.



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1 Okay. This is the 2018 CCR Suspended
2 List. Okay.

3 Ms. Nguyen, again, you're still under
4 oath. I'm going to ask you a question.

5 I guess, and, David, let me know if I
6 need to do these individually or if I can do it in
7 globo. Can Ms. Nguyen attest to the fact --

8 MR. MARCELLO:

9 Why don't we read out the names
10 individually, and then if they're all in the same
11 category, we can act in globo.

12 MR. BORRELLO:

13 All right. But these names are all in
14 the same category; correct, the suspended list?

15 MS. NGUYEN:

16 Yes.

17 MR. BORRELLO:

18 So should we read these into the record?

19 MR. MARCELLO:

20 I guess we can introduce it into the
21 written record as an adequate substitute for reading.

22 MR. BORRELLO:

23 Okay. All right. I'll go ahead and
24 introduce this into the record, and we'll label it as
25 Exhibit A, the 2018 CCR Suspended List.



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1 Ms. Nguyen, did you contact all of these
2 people on this list, the 2018 CCR Suspended List,
3 through certified mail?

4 MS. NGUYEN:

5 I did.

6 MR. BORRELLO:

7 Okay. When did you do this?

8 MS. NGUYEN:

9 There are two batches. One was sent out
10 on January 26th and one was sent out on January 29th.

11 MR. BORRELLO:

12 Okay. Did you receive the certified
13 mail receipt back on confirmation?

14 MS. NGUYEN:

15 Almost every one of them. I have a list
16 of who did not receive it and it's being returned.

17 MR. BORRELLO:

18 Okay.

19 MS. NGUYEN:

20 Do you want me to --

21 MR. BORRELLO:

22 Yeah. We need to know who we did not
23 have confirmation on.

24 MS. NGUYEN:

25 Donna Brandt, Loretta Davis, Leiah



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1 Findlay, Michele Freese, Linda Harnic --

2 MR. BORRELLO:

3 I'm sorry. Wait. Linda?

4 MS. NGUYEN:

5 Harnic.

6 Rebecca Lemoine, Kathryn McAlpine,
7 Bridget Ortis, Leita Seaborn.

8 MR. BORRELLO:

9 Okay. David, proper procedure, what
10 would you suggest for this? Wait until we get the
11 confirmation back on the receipt before we act on this
12 or...

13 MS. NGUYEN:

14 It's been returned, so...

15 MR. MARCELLO:

16 We have no way of knowing whether the
17 notices were received.

18 MS. NGUYEN:

19 They're being unclaimed or returned from
20 the USPS, so they're coming back to me.

21 MR. MARCELLO:

22 I think on those that we've got a
23 confirmed receipt --

24 MR. BORRELLO:

25 Right.



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1 MR. MARCELLO:
2 -- you would be in a position to take
3 action today.

4 MR. BORRELLO:
5 Right.

6 MR. MARCELLO:
7 Those on whom we've made an attempt to
8 serve notice may, from a legal standpoint, have been
9 adequately notified, but if the Board wants to make
10 extra efforts -- presumably these notices went to the
11 addresses that we have on file --

12 MS. NGUYEN:
13 Correct.

14 MR. MARCELLO:
15 -- from the various court reporters?
16 But for whatever reasons, it doesn't
17 seem to have been delivery. It's a question for the
18 Board as to whether you might take them up separately.
19 I mean, why don't you do the ones that's definitely been
20 received.

21 MR. BORRELLO:
22 Okay. Let's take up Ms. Brandt. We'll
23 take each of those up separately. Is there a motion to
24 try to make a second attempt to notify Ms. Brandt --

25 MR. MARCELLO:



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1 When I said "separately," I meant the
2 categories.

3 MR. BORRELLO:

4 The two categories.

5 Okay. As far as the list of names that
6 Ms. Nguyen just read out, is there a motion to make a
7 second attempt to contact these people?

8 (No response.)

9 MR. BORRELLO:

10 Okay. Hearing no motion, we'll move on.

11 Is there a motion to now revoke in globo
12 the list of reporters that Ms. Nguyen had just read out?

13 MR. DONEGAN:

14 I so move.

15 MR. BORRELLO:

16 Is there a second?

17 MS. HOLMES:

18 I second.

19 MR. BORRELLO:

20 All in favor?

21 (Several members respond "aye.")

22 MR. BORRELLO:

23 Motion passes without opposition.

24 All right. Now to the list that we --

25 do we need to call out these names also or we don't need



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1 to since they've been served, the remaining of this 2018
2 list of suspended --

3 MR. MARCELLO:

4 I thought that --

5 MR. BORRELLO:

6 No. That -- what we called out just now
7 were those who did not receive -- did not receive
8 confirmation. The remaining have received confirmation.

9 MR. MARCELLO:

10 Okay. Well, I think the same action. I
11 thought you might have done the whole list.

12 MR. BORRELLO:

13 All right. Same action. All right.

14 MR. DONEGAN:

15 The first one is, I'll speak for Mr.
16 Borrello, Charles Borrello, he has already sent a
17 letter, we just have not received it yet, that he's
18 retired.

19 MR. BORRELLO.

20 Okay. All right. Is there a motion?

21 MR. DONEGAN:

22 I mean...

23 MR. BORRELLO:

24 Well, yeah. He's --

25 MR. DONEGAN:



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1 He's retired.

2 MR. BORRELLO:

3 I know Charlie retired from Criminal
4 District Court in December of last year. I don't think
5 any action has to be taken since it's a retired. Okay.
6 So we'll go ahead by way of information.

7 Okay. Moving on to -- I'll read these
8 names out, and we'll take action, appropriate action.

9 MS. NGUYEN:

10 Before you do that, I have two that are
11 retiring or requesting inactive because of medical
12 reasons, and I spoke to them on the phone yesterday.

13 MR. BORRELLO:

14 Okay.

15 MS. NGUYEN:

16 That's Teresa Procell, she's retiring
17 because of medical reasons.

18 MR. BORRELLO:

19 Okay.

20 MS. NGUYEN:

21 Jacqueline Willie is requesting medical
22 reasons as well.

23 MR. BORRELLO:

24 Okay. Did you receive the inform- --
25 you have not received --



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1 MS. NGUYEN:

2 No. I have those files on the side
3 waiting.

4 MR. BORRELLO:

5 Again, I don't think there's a motion
6 that needs to be made if they're requesting retirement.
7 So they will be placed on the retirement list.

8 All right. Moving on, Richard Brooks,
9 Debra Brooks, Darlene Descant, Carol Jenkins, Daniel
10 Martin, Kathryn McAlpine, Dorothy Moorefield --

11 MS. HOLMES:

12 I think McAlpine was on the previous
13 list.

14 MR. BORRELLO:

15 I'm sorry.

16 Dorothy Moorefield, Teresa Procell --

17 MS. NGUYEN:

18 She's retiring.

19 MR. ANDRESSEN:

20 Before you go on, since there was no
21 motion to try to recontact the ones that came back, can
22 we just make an in globo motion?

23 MR. BORRELLO:

24 That's what I'm going to do after I read
25 out their names. I want to make sure they aren't here



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1 for the record.

2 MR. ANDRESSEN:

3 Oh, okay.

4 MR. BORRELLO:

5 Christen Rodriguez, Lindsey Scrantz,
6 Elizabeth Simpson, Tamatha Spencer, Shelly Stephenson,
7 Tricia Williams, Jacqueline Willie, Joann Wright, Melody
8 Yoes.

9 Anyone else?

10 MR. DONEGAN:

11 I thought Willie retired.

12 MR. BORRELLO:

13 Willie, Jacqueline Willie.

14 MS. NGUYEN:

15 And Stephenson sent in payment
16 yesterday. I'm sorry. I didn't give you an updated
17 list.

18 MS. MAGEE:

19 Stephenson sent payment?

20 MS. NGUYEN:

21 Yes.

22 MR. BORRELLO:

23 But he's not here? You said he --

24 MS. MAGEE:

25 She.



1 MR. BORRELLO:

2 Oh. She.

3 I mean, the question still needs to be
4 asked whether or not they've practiced court reporting.

5 Okay. So any members present which was
6 just read?

7 (No response.)

8 MR. BORRELLO:

9 Obviously with no notation, is there a
10 motion before the Board?

11 MR. DONEGAN:

12 There's nobody present?

13 MR. BORRELLO:

14 Nobody present.

15 MR. DONEGAN:

16 I so move they their license be revoked.

17 MR. BORRELLO:

18 Is there a second?

19 MS. MAGEE:

20 Second.

21 MR. BORRELLO:

22 All in favor?

23 (Several members respond "aye.")

24 MR. BORRELLO:

25 Motion passes without opposition.



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1 MR. DONEGAN:
2 With the one --
3 MR. ANDRESSEN:
4 What about Ms. Stephenson, should she --
5 MR. BORRELLO:
6 Ms. Stephenson, what was the
7 conversation that took place with Ms. Stephenson? I
8 mean, did you advise her about having to appear before
9 the Board or not?
10 MS. NGUYEN:
11 I just received payment since yesterday,
12 so...
13 MR. BORRELLO:
14 Okay. I make a motion that a letter
15 goes out to Ms. Stephenson advising her to appear before
16 the next Board meeting in this same fashion.
17 MR. DONEGAN:
18 You just received her payment yesterday,
19 Vickie?
20 MS. NGUYEN:
21 I believe so. I don't have the file
22 right here. Those are the ones on my desk.
23 MR. BORRELLO:
24 All right. The Renewal List. Okay.
25 That's just by way of information.



1 CDR Nonrenewal List for 2018. Ms.
2 Nguyen, have these reporters handed in their
3 certificates to the Board?

4 MS. NGUYEN:

5 I contacted all of the courts, and the
6 courts were sending in a letter and if they have any
7 certificates, they're sending in the seals.

8 There is two that I got just today,
9 Karen Rayon and Shannon Merritt, a letter from the
10 clerk, Tim Leger, that they're date of unemployment
11 there was, for Karen Rayon, it was March 19th, 2017, and
12 for Shannon Marritt was 7/14/2017. Both of these
13 reporters were tested, so they weren't grandfathered in.

14 MR. BORRELLO:

15 Okay. So their certificates remain with
16 them? They were tested CDRs?

17 MS. NGUYEN:

18 They will remain what?

19 MR. BORRELLO:

20 They do not have -- correct me if I'm
21 wrong, David, they do not have to forfeit their
22 certificates if they were tested, only if they were
23 grandfathered in? Those certificates have to come back
24 before the Board; am I correct?

25 MR. ANDRESSEN:



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1 If they're tested, it's only good for
2 that district.

3 MR. MARCELLO:

4 I thought we collected anything and
5 everything.

6 MR. BORRELLO:

7 For the CDR, whether they're
8 grandfathered or --

9 MR. MARCELLO:

10 When someone is revoked.

11 MR. BORRELLO:

12 -- or tested?

13 No. This is -- is this for revoked?
14 They're being revoked?

15 MS. NGUYEN:

16 They didn't pay renewal.

17 MR. BORRELLO:

18 Oh, I thought they did pay their
19 renewal, it was just late.

20 MS. NGUYEN:

21 They did. I get a letter from the court
22 stating that they're not employed there anymore.

23 MR. BORRELLO:

24 Okay. I'm sorry. Okay. All right.

25 Then, yes, they'll have to -- so the court advised you



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1 they'll be returning all of their documents of their
2 licensing and things of that nature?

3 MS. NGUYEN:

4 The court doesn't have possession of
5 those two because they were tested. The ones that are
6 tested, their license is in their possession. They can
7 transfer to another court if they wanted. The
8 grandfathering one --

9 MR. BORRELLO:

10 Well, I'd ask you to follow up with
11 those two reporters advising them to please return their
12 certificates to the Board's office.

13 Is there any further add-ons to this
14 list?

15 MS. NGUYEN:

16 No.

17 MR. BORRELLO:

18 All right. I guess we'll move on to
19 those now who are present. Is that -- do you have that
20 on a list or no, for those who are present?

21 MS. NGUYEN:

22 No.

23 MR. BORRELLO:

24 Okay. Ma'am, if you would come forward
25 to the pod- -- well, not the podium, but the desk.



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MS. NGUYEN:

This is Ms. Deroche.

MR. BORRELLO:

Okay. And, ma'am, if you could state your name for the record.

MS. DEROCHE

LeeAnne Madeline Deroche.

MR. BORRELLO:

Okay. Ma'am, would you raise your right hand.

(Whereupon Ms. Deroche was sworn.)

MR. BORRELLO:

Okay. Ms. Nguyen, when was Ms. -- I'm sorry.

MS. DEROCHE:

Deroche.

MR. BORRELLO:

When was Ms. Deroche notified of suspension?

MS. NGUYEN:

The letter was sent out January 26th. She accepted notice on January 29th at 2:32 p.m. It was delivered. She renewed her license on January 30.

MR. BORRELLO:

Okay. Has there been any previous



1 violations in Ms. Deroche's file for any kind of delay
2 in license or suspensions in the past?

3 MS. NGUYEN:

4 She just was certified this year -- I
5 mean last year.

6 MR. BORRELLO:

7 Okay.

8 MS. NGUYEN:

9 So this is her first --

10 MS. DEROCHE:

11 And last.

12 MR. BORRELLO:

13 I'm sorry?

14 MS. DEROCHE:

15 And last.

16 MR. BORRELLO:

17 And last.

18 Ms. Deroche, are you an official or
19 freelance?

20 MS. DEROCHE:

21 No. I was freelancing in 2017, but I
22 haven't, fortunately and unfortunately, been hired
23 anywhere as of now.

24 MR. BORRELLO:

25 Okay. And what is your reason for not



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1 paying your renewal on time?

2 MS. DEROCHE:

3 I honestly thought when I paid -- and
4 this is my own oversight, to be honest with you. I
5 thought when I paid my dues in 2017, in October, when I
6 first started, I thought it was good for 12 complete
7 months. I was not aware that I had to renew again
8 before the end of the year, and that's my own oversight.

9 When I called Vickie, I was freaking
10 out. So she informs me that that's the way that
11 everything goes. And it will not happen again.

12 MR. BORRELLO:

13 Again, same question that we have to
14 ask, have you been practicing court reporting since
15 January 1st?

16 MS. DEROCHE:

17 I took a Board of Realty meeting
18 minutes, and I did not know that I was suspended. That
19 was long before. That was at the beginning of January.
20 I had no idea.

21 MR. BORRELLO:

22 Okay.

23 MR. DONEGAN:

24 When were you first licensed?

25 MS. DEROCHE:



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In October of 2017.

MR. DONEGAN:
Okay.

MR. BORRELLO:
Any questions by the Board?

MR. ANDRESSEN:
I move that we reinstate her.

MR. BORRELLO:
Is there a second?

MR. ANDRESSEN:
And that she pay more attention next
year.

MS. DEROCHE:
I will.

MR. ANDRESSEN:
Okay.

MR. BORRELLO:
You know, and, David, correct me if I'm
wrong, but she was licensed -- you were licensed just in
October of last year. Doesn't that -- isn't there
something that says within six months --

MS. MAGEE:
Because we get our renewals in October.

MS. NGUYEN:
There's an initial when they get tested.



1 MR. ANDRESSEN:

2 She might have been caught -- did you
3 get a notice that your license was up for renewal in
4 October?

5 MS. DEROUCHE:

6 I didn't, but that --

7 MR. ANDRESSEN:

8 She might have got caught between
9 getting certified and the postcards going out. She
10 might not have gotten one in October.

11 MS. NGUYEN:

12 I sent a postcard with all of the new
13 licenses after.

14 MR. BORRELLO:

15 So I guess my question is did she have
16 to pay a license for 2017, and then two months later,
17 pay a license for 2018?

18 MS. NGUYEN:

19 Yes. Initially you pay a license fee,
20 and then you pay renewal fees.

21 MR. BORRELLO:

22 I thought there was some kind of lapse.

23 MS. NGUYEN:

24 It's not in the Board --

25 MR. BORRELLO:



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1 Okay, ma'am, you're free to go. Thank
2 you.

3 MS. DEROCHE:

4 Thank you.

5 MR. ANDRESSEN:

6 Do we have a vote on the motion?

7 MR. BORRELLO:

8 Oh, I'm sorry. I thought we voted on
9 the motion.

10 MS. DEROCHE:

11 Do I need to sit back down?

12 MR. BORRELLO:

13 Mr. Andressen made a motion and Suzette
14 seconded.

15 All in favor?

16 (Several members respond "aye.")

17 MR. BORRELLO:

18 Motion passes without opposition.

19 Thank you, ma'am. Now you can leave or
20 you can stay.

21 MS. DEROCHE:

22 I'll go. Thank you.

23 MR. BORRELLO:

24 Ma'am, next. Oh, okay. I don't know.

25 I don't know who's here or what. Don't take offense.



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1 Is that it?

2 MS. NGUYEN:

3 No. We have Norma Hardman and also
4 Ricky Marshall.

5 MR. BORRELLO:

6 Okay. Mr. Marshall -- I'm sorry, ma'am.
7 Go ahead.

8 MS. NGUYEN:

9 She is pretty much in the same
10 situation.

11 MR. BORRELLO:

12 Okay. Let me swear -- I'm sorry. Your
13 name, your last name?

14 MS. HARDMAN:

15 Norma Hardman.

16 (Whereupon Ms. Hardman was sworn.)

17 MR. BORRELLO:

18 Okay. Ms. Nguyen, again, you're under
19 oath.

20 Did Ms. -- I'm sorry -- Hardman, when
21 did she receive notice of being suspended?

22 MS. NGUYEN:

23 She received it on February 1st at 12:54
24 p.m. It was sent out on January 26th. She was in the
25 same situation as Ms. Deroche. She was certified



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1 September 30th as well and did not renew timely.

2 MR. BORRELLO:

3 Okay. So just --

4 MS. HARDMAN:

5 Simple oversight.

6 MR. BORRELLO:

7 Same facts and circumstances as the

8 last. Okay.

9 Is there a motion by the Board?

10 MR. ANDRESSEN:

11 Move to instate.

12 MR. DONEGAN:

13 Second.

14 MR. BORRELLO:

15 All in favor?

16 (Several members respond "aye.")

17 MR. BORRELLO:

18 Motion passes without opposition. Thank

19 you, ma'am.

20 MS. HARDMAN:

21 Thank you.

22 MR. BORRELLO:

23 Okay. Mr. Marshall, raise your right

24 hand, please.

25 (Whereupon Mr. Marshall was sworn.)



1 MR. BORRELLO:
2 Ms. Nguyen, again, you're under oath.
3 When did Mr. Marshall receive?

4 MS. NGUYEN:
5 Mr. Marshall received it on February --
6 the letter, the certified letter on February 6th at
7 12:37 p.m. It was sent out on January 29th, but it was
8 returned to the Board's office on February 2nd. I
9 believe Mr. Marshall called, and I e-mailed him the
10 letter that was sent to him. So he sent in payment on
11 February 19th.

12 MR. BORRELLO:
13 Okay. For the record, how long have you
14 been a court reporter, Mr. Marshall?

15 MR. MARSHALL:
16 Over 35 years.

17 MR. BORRELLO:
18 Is there any previous violations from
19 Mr. Marshall?

20 MS. NGUYEN:
21 It's quite a few.

22 MR. ANDRESSEN:
23 Yeah. I believe Mr. Marshall, we took
24 him up in Baton Rouge a few years ago.

25 MR. MARSHALL:



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1 Right.

2 MR. BORRELLO:

3 License suspension, for license
4 suspension?

5 MR. MARSHALL:

6 For CLs, CLEs.

7 MS. NGUYEN:

8 There's a lot of --

9 MR. BORRELLO:

10 And, for the record, I mean, how many
11 violations do we have on Mr. Marshall's file?

12 MS. NGUYEN:

13 I can read this. It was revoked in
14 October 5th, 2007, reinstated October 15th, 2008.

15 MR. BORRELLO:

16 For what reason? It doesn't say?

17 MS. NGUYEN:

18 I'd have to go through all of this
19 stuff.

20 MR. BORRELLO:

21 Oh, okay. That's the file?

22 MR. MARSHALL:

23 I can tell you what it was.

24 MR. BORRELLO:

25 Okay.



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1 MR. MARSHALL:
2 CELs and then the Board was changing and
3 I also had to wait for almost a year for y'all to
4 reconvene.

5 MR. BORRELLO:
6 So every violation was for continuing
7 education?

8 MR. MARSHALL:
9 Any violation I had would be for that.

10 MR. BORRELLO:
11 I'm sorry?

12 MR. MARSHALL:
13 Yes.

14 MR. BORRELLO:
15 What about for nonpayment?

16 MR. MARSHALL:
17 I think we already -- I'm not really
18 sure because it's been a long time, but I think I've
19 always kept it up. I just overlooked this one.

20 MS. NGUYEN:
21 2008, 2010, 2012 and then now, 2018.

22 MR. BORRELLO:
23 Okay. 2012, does it -- do you recall
24 what the violation was in 2012? Any indication
25 whatsoever in the file, Ms. Nguyen?



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1 MS. NGUYEN:
2 I'm looking.
3 Pay annual fee.
4 MR. BORRELLO:
5 So it was for fees?
6 MS. NGUYEN:
7 Yes.
8 MR. BORRELLO:
9 Okay. And the violation before that was
10 in?
11 MS. MAGEE:
12 '10.
13 MR. BORRELLO:
14 2010. If you could see --
15 MS. NGUYEN:
16 2010.
17 MR. BORRELLO:
18 -- 2010.
19 MS. NGUYEN:
20 For no payment.
21 MR. BORRELLO:
22 For no payment again.
23 MS. HOLMES:
24 And then 2008, I think you said?
25 MS. MAGEE:



1 CE.

2 MS. NGUYEN:

3 2008, payment.

4 MR. BORRELLO:

5 All right. Mr. Marshall, have you been
6 practicing court reporting since January 1st?

7 MR. MARSHALL:

8 I haven't worked since December, like
9 mid month of December.

10 MR. BORRELLO:

11 So under oath you're saying --

12 MR. MARSHALL:

13 I haven't been feeling well. I was
14 planning on going back in February, and I've actually
15 just started feeling good about two weeks ago, but I
16 haven't done anything.

17 MR. BORRELLO:

18 Okay. You know, Mr. Marshall, you're no
19 stranger to this Board.

20 MR. MARSHALL:

21 I know. Believe me, this was
22 overlooked. I did not want to see you guys again under
23 this circumstance.

24 MR. BORRELLO:

25 When was payment made?



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1 MS. NGUYEN:

2 On February 19th.

3 MR. BORRELLO:

4 February 19th. And when was
5 Mr. Marshall notified?

6 MS. NGUYEN:

7 January 29th, and it was returned on
8 February 2nd.

9 MS. HOLMES:

10 Then he called in when?

11 MS. NGUYEN:

12 He called in -- I don't have --

13 MR. DONEGAN:

14 I think it was the 6th.

15 MS. MAGEE:

16 The 6th is when he made --

17 MR. ANDRESSEN:

18 How did you find out, Mr. Marshall, that
19 your license was suspended?

20 MR. MARSHALL:

21 I found out by e-mail, actually, and
22 when I found out by e-mail, I called in. We had moved,
23 and for some reason, I didn't notify the Board. I
24 didn't think I had to refile the --

25 MR. BORRELLO:



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1 But, Mr. Marshall, all due respect,
2 particularly since you've had these violations numerous
3 in the past, you know by the end of year you need to
4 renew your license.

5 MR. MARSHALL:

6 I know. I actually thought it was taken
7 care of. I was told -- I was actually shocked that it
8 wasn't.

9 MR. BORRELLO:

10 Any questions by the Board?

11 MS. HOLMES:

12 I do have a question.

13 You said you were notified by e-mail?

14 MR. MARSHALL:

15 Yes, ma'am.

16 MS. HOLMES:

17 By whom?

18 MS. NGUYEN:

19 Actually, my assistant sent out -- when
20 we got the return, my assistant sent an e-mail to him on
21 February 6th. He got an e-mail saying he needs to
22 update his address and then he called after, and that's
23 when I sent him a scanned copy of the certified letter.

24 MR. BORRELLO:

25 Okay. And you're a freelance reporter,



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1 Mr. Marshall?

2 MR. MARSHALL:

3 Yes.

4 MR. BORRELLO:

5 Any further questions or comments by the
6 Board?

7 (No response.)

8 MR. BORRELLO:

9 Is there a motion?

10 MR. ANDRESSEN:

11 I move we reinstate him.

12 Mr. Marshall, please don't come back
13 before this Board again.

14 MR. MARSHALL:

15 I sure hope not. I appreciate it.

16 MR. ANDRESSEN:

17 Let's not hope not. Let's please don't
18 come back before this Board again.

19 MR. BORRELLO:

20 All in favor?

21 (Several members respond "aye.")

22 MR. BORRELLO:

23 Motion passes without opposition.

24 Mr. Marshall, don't come back here with
25 a violation again.



1 MR. MARSHALL:

2 I won't. Thank you, sir.

3 MR. BORRELLO:

4 Is there anything further we need to
5 address on --

6 MS. NGUYEN:

7 One more. She's new, too.

8 MR. BORRELLO:

9 No, no, no. She's spectating.

10 MS. NGUYEN:

11 Oh, okay.

12 MR. BORRELLO:

13 She's a court reporter. She's just
14 here.

15 MS. MAGEE:

16 There is this Kaitlyn Kinchen. She was
17 on the suspended list. She sent her check in on January
18 18th. She received the letter that she needed to
19 appear, but she called -- or she wrote this letter
20 saying that she -- well, her court administrator sent a
21 letter saying that she's unable to attend.

22 MR. BORRELLO:

23 And that's -- I'm sorry. This is...

24 MR. ANDRESSEN:

25 Is that the one that's got to be in



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1 court today?

2 MS. MAGEE:

3 So she's practicing.

4 MR. BORRELLO:

5 Is this the one who sent the affidavit
6 or -- what is this? This is Ms. Kaitlyn Kinchen, so she
7 is...

8 MR. ANDRESSEN:

9 Is that for nonpayment?

10 MS. NGUYEN:

11 Yes. They've paid.

12 MS. MAGEE:

13 She's paid now, but she paid late.

14 MR. BORRELLO:

15 I'm trying -- this isn't Ms. Kinchen --
16 there were two people. This isn't the lady where they
17 paid her CDR license, but forgot to pay the --

18 MS. NGUYEN:

19 No.

20 MR. BORRELLO:

21 Okay. So this isn't that. Okay.

22 Well, I think we need -- Mr. Marcello,
23 maybe you should weigh in on this.

24 MR. DONEGAN:

25 Who's the check from?



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1 MS. MAGEE:

2 Her individually.

3 MR. BORRELLO:

4 The check's from her individually.

5 And she just advises that she can't make
6 it because she's got to work, suspended.

7 MS. ANDRESSEN:

8 But she has paid?

9 MR. BORRELLO:

10 She's suspended.

11 MR. ANDRESSEN:

12 When did she pay?

13 MS. NGUYEN:

14 She paid on January 26th.

15 MR. BORRELLO:

16 January 26th, and I'm sure court's been
17 going on the month of January. I mean, that's just my
18 assumption.

19 I think you need -- well, I think we can
20 act on this, you know.

21 Is there a motion before the Board?

22 MR. ANDRESSEN:

23 Well, being as we reinstated Ms. Hebert
24 without any sanctions or anything, I make the motion
25 that we reinstate Ms. Kinchen.



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1 MS. MAGEE:
2 Well, she came.
3 MR. DONEGAN:
4 Vinny, who's the letter from?
5 MR. ANDRESSEN:
6 From the court reporter.
7 MR. BORRELLO:
8 The letter is from the judicial
9 administrator.
10 MR. ANDRESSEN:
11 Oh, okay.
12 MR. DONEGAN:
13 Can we write a letter to the judicial
14 administrator admonishing her for not paying her fees
15 and bring to light that she's in violation?
16 MS. PUTNAM:
17 Or finding out that the court's been
18 going on?
19 MR. DONEGAN:
20 Any transcripts she may have done.
21 MR. BORRELLO:
22 Does Ms. Kinchen have any previous
23 violations, Vickie?
24 MS. NGUYEN:
25 Her record doesn't look like it. She



1 was certified in 2011, and I believe she tested in...

2 MR. BORRELLO:

3 I mean, the people who came before the
4 Board today gave a reason. There's no reason that Ms.
5 Kinchen even says why she -- or is it all in here why
6 she was late paying the fee?

7 MR. DONEGAN:

8 I don't think we've seen the letter.

9 MS. NGUYEN:

10 That was just faxed in today. The time
11 stamp should be on top. I spoke to the clerk this
12 morning at 8 something.

13 MS. MAGEE:

14 Can we fine them if they don't appear?

15 MR. BORRELLO:

16 We can fine them for practicing. We
17 know she's been practicing.

18 MR. MARCELLO:

19 We don't have any evidence of having
20 worked, although Mr. Borrello suggests it is a
21 reasonable likelihood of that. So there are a number of
22 legal realities. She's still suspended until the Board
23 votes to reinstate. There could be a request for an
24 affidavit. It would be the equivalent of the testimony
25 we've heard from people today who said that they had



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1 worked during that month, and who were, nonetheless,
2 reinstated, but it would at least put on the record that
3 she doesn't have a valid license and that the work was
4 done during the time when it had been suspended by
5 operation of law.

6 So there seems to be a lack of good
7 understanding among some court reporters and those who
8 work in courts among the administrators of those courts.

9 MR. BORRELLO:

10 And Ms. Kinchen herself didn't notify
11 the Board to say she was working or if she could be
12 excused.

13 MS. PUTNAM:

14 She had somebody else do it.

15 MR. BORRELLO:

16 This was done by somebody else, the
17 judicial --

18 MR. DONEGAN:

19 Vinny, I would suggest that we request
20 an affidavit from her as to why her late fees, her late
21 dues and also as to the reason and if she's been working
22 since January 1st.

23 MR. BORRELLO:

24 Well, and I'm just -- I think Ms.
25 Kinchen needs to come before the Board. I mean, I don't



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1 know why she should get a pass and nobody else, you
2 know.

3 MR. DONEGAN:

4 Well, let's put either/or. She can send
5 an affidavit or she can appear before the Board as to
6 whether she's practiced.

7 MR. ANDRESSEN:

8 According to Ms. Brumfield, the
9 administrator, "Upon getting ready to go back to court
10 in January, Kaitlyn realized she had not paid for her
11 license renewal fee."

12 MS. MAGEE:

13 That's an admission right there.

14 MR. ANDRESSEN:

15 Yeah, but I think in the same case with
16 Ms. Hebert, when she got the letter from Ms. Nguyen, she
17 realized she didn't pay for -- she realized she didn't
18 renew her license.

19 MS. MAGEE:

20 But then -- when did she pay it? The
21 18th or the 26th?

22 MR. DONEGAN:

23 The 18th.

24 MR. ANDRESSEN:

25 She called the Board office and spoke



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1 with Vickie and sent her a check that day, January 18th,
2 2018, according to this letter from the judicial
3 administrator.

4 MR. DONEGAN:

5 And keep in mind we give them a 10-day
6 grace period till January 10th. So you're talking about
7 eight days. And maybe with the weekend in there, you're
8 talking about five days, six days.

9 MR. BORRELLO:

10 Okay.

11 MR. ANDRESSEN:

12 I mean, she's had no prior -- she's had
13 no prior offenses. She's been a court reporter in good
14 standing. It slipped her mind. She had the judicial
15 administrator write her a letter.

16 I make the motion to reinstate her.

17 MR. BORRELLO:

18 Is there a second?

19 (No response.)

20 MR. BORRELLO:

21 No second.

22 All right. Is there a supplemental
23 motion to --

24 MR. DONEGAN:

25 I make the motion we reinstate her with



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1 the Board writing her a letter asking her if she had
2 been working or not working in the month of January just
3 for informational purposes.

4 MR. BORRELLO:

5 Is there a second to that motion?

6 MR. ANDRESSEN:

7 Well, before we vote on that, I think
8 taking the judicial administrator's letter on its face,
9 she has been working, you know.

10 MR. DONEGAN:

11 But my point is I want her to know that
12 the Board is looking at her.

13 MR. ANDRESSEN:

14 That's fine.

15 MR. DONEGAN:

16 To make a point. That's the only reason
17 for mine.

18 MR. ANDRESSEN:

19 All right.

20 MR. BORRELLO:

21 Is there a second?

22 MS. MAGEE:

23 Second.

24 MR. BORRELLO:

25 All in favor?



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1 (Several members respond "aye.")
2 MR. BORRELLO:
3 All right. I think we are going to have
4 to take a vote individually.
5 Mr. Donegan, your vote? Well --
6 MR. DONEGAN:
7 Yes.
8 MR. BORRELLO:
9 -- it was your motion.
10 MR. DONEGAN:
11 Yes.
12 MR. BORRELLO:
13 Ms. Putnam?
14 MS. PUTNAM:
15 Yes.
16 MR. BORRELLO:
17 Ms. Magee?
18 MS. MAGEE:
19 Yes.
20 MR. BORRELLO:
21 Ms. Holmes.
22 MS. HOLMES:
23 Say the motion one more time because it
24 seems like we're asking her to admit to something that
25 could get a little dicy if --



1 MR. DONEGAN:

2 I just -- well, yeah, and it very well
3 may. And I just wanted to make a motion that you
4 reinstate her with the understanding that we send a
5 letter to her asking her if she had worked in the month
6 of January.

7 MS. MAGEE:

8 And if she has?

9 MS. HOLMES:

10 Right. Like if she has, what --

11 MR. DONEGAN:

12 You're coming back to the Board and we
13 take it up at that time. Which at that time, I would
14 tell you, I would vote to reinstate her as is. I just
15 want to make a point to the judicial administrator and
16 to the reporter that the responsibility is theirs to pay
17 their fees on time. That's the whole purpose of my
18 motion.

19 MS. HOLMES:

20 Aye.

21 MR. BORRELLO:

22 Mr. Anderson.

23 MR. ANDRESSEN:

24 I oppose. I mean, I think she made the
25 necessary steps.



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1 MR. BORRELLO:
2 All right. Well, the motion passes by a
3 vote of 4 to 1.

4 All right. Okay. Moving on to -- why
5 don't we take, before going into executive -- go ahead,
6 Ms. Nguyen. There's more?

7 MS. NGUYEN:

8 Yes.

9 MR. BORRELLO:

10 Oh, okay. What else we got?

11 MS. NGUYEN:

12 Okay. So these are all of the ones that
13 have paid after January 10th and was supposed to appear
14 according to the notice that we agreed on from the
15 January 12th meeting.

16 MR. BORRELLO:

17 Okay.

18 MS. NGUYEN:

19 And they're not here.

20 MS. MAGEE:

21 They didn't send letters?

22 MS. NGUYEN:

23 They did not send letters. Do you want
24 me to call --

25 MR. BORRELLO:



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1 We need to take that up individually.

2 MR. DONEGAN:

3 Can you say that again, Vickie? What
4 are they now?

5 MS. NGUYEN:

6 They paid after the grace period and was
7 supposed to appear, have not sent any letters.

8 MS. MAGEE:

9 Saying they're working.

10 MR. BORRELLO:

11 Okay. So all they -- they sent in their
12 renewal, but have not showed up?

13 MS. NGUYEN:

14 Yes.

15 MR. BORRELLO:

16 As per the request of the Board's
17 letter?

18 MS. NGUYEN:

19 Correct.

20 MR. BORRELLO:

21 All right. For the record, Carly
22 Barton, Lorraine Brazil, Angie Heening, Renee McDowell,
23 Paige Robinson, Marlene Rodriguez, Kathryn Searight,
24 Tapestry Smith, Kathy Stewart, Mark Stoffels, Brittany
25 Tantillo, Amanda Wildey.



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1 Okay. Again, Ms. Nguyen, you're under
2 oath.

3 The reporters that were read out, please
4 advise the Board as to the current situation.

5 MS. NGUYEN:

6 These reporters were sent a certified
7 letter on either January 26th or 29th to appear in front
8 of the Board as well as pay their fees. They have paid
9 their fees, but are not present.

10 MS. MAGEE:

11 And didn't call or write?

12 MS. NGUYEN:

13 And didn't call or write.

14 MR. DONEGAN:

15 So, David, what are our options?

16 MR. MARCELLO:

17 Well, if we want to be evenhanded, it
18 seems to me the mood today has been to reinstate those
19 who have said that they did work during the time period
20 when the licenses were suspended. So even if we assume
21 that these folks had done work, the evenhanded principle
22 would be to the reinstate them.

23 MR. DONEGAN:

24 Not having them appear before the Board?

25 MR. MARCELLO:



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1 However, in the case we considered just
2 prior to this, you offered a motion that was approved
3 that followed reinstatement with notice to the reporter
4 that they had been conducting business with a suspended
5 license inappropriately. That could be another response
6 in this case as well.

7 MR. BORRELLO:

8 All right. Is there a motion?

9 (No response.)

10 MR. BORRELLO:

11 No motion before the Board?

12 MR. ANDRESSEN:

13 I move we reinstate, send them a letter
14 saying how rude they were not to appear to their court
15 reporter Board meeting.

16 No. I mean, before I make my motion,
17 the last one, Ms. Kinchen, at least she made some
18 effort. She paid her dues. She made an effort. She
19 had a judicial administrator contact the Board to say,
20 I'm sorry, Kaitlyn came into work one day. The day she
21 realized it, she sent her check. I'm sorry. An effort
22 was made.

23 MR. DONEGAN:

24 I don't think she said she was sorry.

25 MS. MAGEE:



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1 No.

2 MR. DONEGAN:

3 I don't think that's what that letter
4 said.

5 MR. ANDRESSEN:

6 It was implied.

7 MR. DONEGAN:

8 It wasn't even from her. That's my
9 problem. She's responsible for the dues.

10 MR. ANDRESSEN:

11 Well, I think she felt coming from the
12 administrator, it would carry more weight, you know.

13 MR. DONEGAN:

14 Not to me. She's the individual
15 reporter that's licensed, not the judicial
16 administrator.

17 MR. ANDRESSEN:

18 Okay. Back to my motion. They're
19 reinstated. We've got the money, and -- with a
20 letter -- or maybe they should have to appear before the
21 next Board meeting, you know, to kind of give this to
22 the Board, kind of, "I sent my money and everything" --

23 MR. BORRELLO:

24 Let me ask this before you -- David, can
25 we issue a fine based on nonappearance? I mean, even an



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1 additional fine? I mean, could we fine these people
2 because they...

3 MS. MAGEE:

4 They just snubbed us.

5 MR. BORRELLO:

6 You know, well, not because they snubbed
7 us, but, I mean, you know, we took our time to have
8 hearings and let them come in and, you know, offer an
9 explanation. They were served, and they just ignored
10 the request to come in.

11 MR. MARCELLO:

12 The penalty for not having renewed on a
13 timely basis is to pay the renewal fee late and a
14 delinquency fee of \$25.

15 MR. BORRELLO:

16 \$25, right, right.

17 MR. MARCELLO:

18 There is no violation in the rules that
19 I can think of. We didn't subpoena them to appear
20 today. We gave them notice of their right to appear
21 today, and so a fine in these circumstances I think
22 might not be appropriate.

23 The Board does have the option, it
24 warned in the notice letter, of taking a suspended
25 license and put it into the state of revocation, but



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1 that kind of flies in the face of the principle of
2 leniency that we've demonstrated earlier.

3 MR. BORRELLO:

4 Right, exactly. I just -- and this is
5 my opinion. I just don't think -- you know, something
6 has to be done about people who just don't pay their
7 renewal fee and think they can pay it whenever they want
8 and just automatically their license gets reinstated and
9 there's no consequence.

10 MR. DONEGAN:

11 To go along with what John said about
12 the people who paid their fees late, at least they made
13 an effort either in writing or in person --

14 MR. BORRELLO:

15 Right.

16 MR. DONEGAN:

17 -- you know, to come before us and
18 explain to us why. These people, they just ignored the
19 Board. I mean...

20 MR. MARCELLO:

21 Well, the Board has discussed a protocol
22 that might be appropriately announced in the future, and
23 that is that people who have done no work and are
24 prepared to attest to that with an affidavit can be
25 reinstated without making a personal appearance. Those



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1 who cannot execute such an affidavit, we've instructed
2 should come in. If they don't, they are on notice that
3 severe penalties, not including a fine specifically, but
4 rather revocation, could be imposed.

5 MR. DONEGAN:

6 Would it be appropriate to request of
7 all of these people a signed affidavit that they have
8 not worked until their fees were paid?

9 MR. MARCELLO:

10 Well, the problem there I think is that
11 the --

12 MR. ANDRESSEN:

13 To be consistent.

14 MR. MARCELLO:

15 -- principle across the Board today is
16 even if you have worked and submitted an affidavit to
17 that effect, you would have been reinstated, to treat
18 people on an evenhanded basis.

19 MR. ANDRESSEN:

20 This might be a good place or a good
21 point to address something me and Vickie were talking
22 about earlier today. Sending those cards out is
23 expensive and it takes a lot of time, and I think Vickie
24 wants to maybe not send those cards out next year, send
25 an e-mail out.



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1 And, you know, I think we've set the
2 stage, and to be consistent, we reinstate everybody, but
3 going forward --

4 MR. DONEGAN:

5 But, John, we have reinstated them with
6 the caveat that they either appear before or us send an
7 affidavit.

8 MR. ANDRESSEN:

9 Right.

10 MR. DONEGAN:

11 We don't know whether these people have
12 worked.

13 MR. ANDRESSEN:

14 Oh, I'm sure they have. I'm sure all of
15 them have. You know, just like the ones that did
16 appear, "Yes, I did work," and we were forgiving, you
17 know.

18 MS. MAGEE:

19 Except this last guy. He didn't work.

20 MR. ANDRESSEN:

21 To be consistent, we have to be
22 forgiving. But I've think going forward, what Vickie
23 wants to do, it costs \$600 to mail out those postcards.
24 That's \$600 we can certainly use.

25 MR. BORRELLO:



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1 And I'm sure it costs a few dollars to
2 send out certified letters to all of these people and
3 her time.

4 MR. ANDRESSEN:

5 But I think what Vickie wants to do
6 going forward is to do a mass e-mail in October,
7 "License due by" -- I mean, "Your renewal is due by
8 December 31st." I think if we come up with some strong
9 language, "January 1st 12:01 a.m., your license is
10 suspended." No ifs, ands or buts, don't care if you
11 forgot or anything.

12 MR. BORRELLO:

13 But I think that is currently the case.

14 MR. DONEGAN:

15 Right. That's the whole point.

16 MR. BORRELLO:

17 Your license is suspended January 1st,
18 you know. I mean --

19 MR. DONEGAN:

20 We have this discussion year after year.

21 MR. ANDRESSEN:

22 I know, but that little postcard doesn't
23 say a whole lot.

24 MR. DONEGAN:

25 Well, when you go to seminars and every



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1 seminar addresses it that you have to pay your fees and
2 everybody has to go to seminars and --

3 MR. MARCELLO:

4 Haven't we posted on the website in the
5 past, maybe multiple times, that the suspension is
6 automatic by operation of law and that people have to
7 take it seriously?

8 MR. DONEGAN:

9 And as an individual Board member, I
10 give more weight to the people that show up here or send
11 something in writing, an affidavit or something, than
12 someone who doesn't show up or pays any attention to it.

13 MS. MAGEE:

14 Do we have e-mail addresses for every
15 court reporter?

16 MS. NGUYEN:

17 Not every.

18 MS. MAGEE:

19 Because I know that there is one in my
20 jurisdiction that does not have e-mail.

21 MR. ANDRESSEN:

22 And the postcard is just a courtesy. I
23 mean, everybody knows that you have to pay your license.
24 It's a courtesy, you know, that Tonya started years ago
25 and Vickie just continued, you know.



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1 MR. BORRELLO:

2 Well, I just take issue with the fact
3 that they just ignored the whole operation.

4 MR. ANDRESSEN:

5 Right.

6 MR. BORRELLO:

7 You know, these people came in with an
8 explanation and the Board heard their explanation, and
9 based on their explanation said, "Okay. That's fine."

10 MR. DONEGAN:

11 I think we have to do it on an
12 individual basis.

13 MR. BORRELLO:

14 These people didn't give an explanation.
15 They just decided to ignore, you know...

16 MR. DONEGAN:

17 When you talk about leniency, I agree,
18 but I think it's got to be on a case-by-case basis.

19 MR. ANDRESSEN:

20 How about we do this. I mean, I hate to
21 see anybody's license revoked, especially if they're a
22 steno writer, you know. I don't think -- when we revoke
23 and then get it reinstated, do they have to test again?
24 It's revoked?

25 MR. MARCELLO:



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1 No. The Board can reinstate with a vote
2 of the majority of those present and attending.

3 MR. DONEGAN:

4 But then on what basis would you revoke
5 their license, this stack right here? On what basis
6 would you revoke their license?

7 MR. MARCELLO:

8 Well, I believe that the letters of
9 notice that went out said that --

10 MS. MAGEE:

11 Appear.

12 MR. MARCELLO:

13 -- in order to be reinstated, you have
14 to do three things, pay your delinquent fee, pay the
15 penalty -- pay your renewal fee, pay the delinquency fee
16 and appear at the Board meeting.

17 MS. MAGEE:

18 Did anybody pay a delinquent fee?

19 MS. NGUYEN:

20 All of them did.

21 MS. MAGEE:

22 Did?

23 MS. NGUYEN:

24 Did.

25 MR. DONEGAN:



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1 But you think that's a rule where they
2 have to appear before the Board?

3 MR. MARCELLO:

4 No, it's not a rule. It was an
5 instruction in the notice of what the consequences could
6 be.

7 MR. BORRELLO:

8 So we can't assess a fee on this?

9 MR. ANDRESSEN:

10 We've assessed the late fee already.

11 MR. BORRELLO:

12 Right. So there's nothing -- but, in
13 other words, if they appear before us, if we thought on
14 a case-by-case basis we could assess a fee, if they were
15 here and reported, said they --

16 MR. MARCELLO:

17 If people worked during the time period
18 when they were suspended, then they have violated CSR
19 Board rules.

20 MR. BORRELLO:

21 Right.

22 MR. MARCELLO:

23 The principle of leniency that was
24 established today is that we're not as a Board --
25 you-all are not, as a Board, imposing a fine for that



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1 conduct.

2 MR. DONEGAN:

3 But I think that was on an individual
4 basis. We had two reporters who were just licensed in
5 the last part of '17.

6 MR. ANDRESSEN:

7 Right. And I don't think they got a
8 postcard --

9 MR. DONEGAN:

10 The last guy, Marshall, didn't even
11 work, so we couldn't do anything to him. He didn't work
12 in 2018. He just paid his fees late.

13 MR. ANDRESSEN:

14 Right.

15 MR. DONEGAN:

16 So what were the other people --

17 MR. ANDRESSEN:

18 Ms. Hebert worked in court.

19 MR. DONEGAN:

20 Right. And I can tell you, that lady
21 called me hysterical, and Vickie and I --

22 MR. ANDRESSEN:

23 Yeah. And I think she was very sincere.
24 It was an oversight.

25 MR. DONEGAN:



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1 Right. That's why I think it's an
2 individual basis.

3 MR. ANDRESSEN:

4 And I think these --

5 MR. DONEGAN:

6 But I want to hear from them.

7 MR. BORRELLO:

8 I would like to know if these --

9 MR. ANDRESSEN:

10 That's fine. Let me make my motion that
11 I vote we reinstate them and they have to appear before
12 the next Board -- a strongly-worded letter, "You failed
13 to appear at the February 23rd meeting. You were
14 instructed to" -- "you are now instructed to" whatever
15 date the meeting is -- a temporary reinstatement.

16 MR. BORRELLO:

17 But that letter holds no water; correct?

18 MR. DONEGAN:

19 You can't --

20 MR. BORRELLO:

21 They don't have to appear no mater how
22 many letters we send them.

23 MR. DONEGAN:

24 There's not much after that that you can
25 do to them. You can't revoke their license because they



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1 don't appear.

2 MR. ANDRESSEN:

3 Then I make a motion that they're all
4 reinstated.

5 Come on, man. We don't want to --

6 MR. BORRELLO:

7 I agree with you. I think it's harsh to
8 revoke them, but I think there should be some
9 consequence or fine. Absolutely. I wouldn't plan on
10 revoking any of these people. That's not my intent. I
11 don't think that's anybody's intent, but, you know, to
12 just blatantly disregard -- I mean, you know, if you've
13 been a reporter for a little while, in any professional
14 organization, whether an attorney or reporter or
15 engineer, you know every year you have to pay a
16 licensing fee and you know when the license is due.

17 MR. ANDRESSEN:

18 Yeah. And I think -- and I'm not
19 speaking for these people. I put my extra \$25 in there,
20 I'm good. You know, the 18 or so that we voted to
21 revoke didn't care, haven't heard from them, didn't get
22 a check. You know, "It's a government agency. They
23 just want their money." We got our money. We got \$25.
24 I'm good.

25 MR. DONEGAN:



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1 Vickie, just ballpark, do you have an
2 idea when these people paid? I mean, was it --

3 MS. NGUYEN:

4 Between February -- I mean, the end of
5 January and today.

6 MR. BORRELLO:

7 From the time she sent out the letter
8 and today.

9 MR. ANDRESSEN:

10 So all of these received their letter?

11 MS. NGUYEN:

12 Yes. Just about. If not, then there's
13 an "X" on there where they contacted the Board just to
14 check to see if their license is up-to-date.

15 MR. BORRELLO:

16 Anyway, there's a motion --

17 MR. ANDRESSEN:

18 I find it very irresponsible. Listen, I
19 don't even practice anymore. I thought I was late this
20 year, but I got it in before January 10th.

21 I remember when I was first reporting,
22 it was my livelihood, and we were still on -- where was
23 the office?

24 MR. BORRELLO:

25 In the Supreme Court?



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1 MR. ANDRESSEN:

2 Yeah, the Supreme Court building, I used
3 to hand carry it, you know. It's like, "This is my
4 license and everything." So I find it irresponsible
5 that these court reporters, you know, don't renew, but I
6 make the motion we reinstate. There's no -- even if we
7 send them another letter and tell them to come, if it
8 doesn't carry anything, if they snub their nose at us
9 again, it's nothing we can do. It's unfortunate. The
10 18 that we did revoke don't care. These at least took
11 the --

12 MR. DONEGAN:

13 Were these ever put on the website as
14 they're suspended?

15 MS. NGUYEN:

16 No.

17 MR. DONEGAN:

18 Why can't we put them on the website
19 suspended and reinstatement date the same, you know,
20 today's date?

21 MR. BORRELLO:

22 Well, I think a suspended letter goes
23 out to the courts. I mean, they're not suspended
24 anymore, so there's nothing to put them on.

25 MR. ANDRESSEN:



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1 They're not suspended anymore, but say
2 they took depositions, say they took court hearings and
3 they were under suspension, say they took a murder
4 trial; okay, and the guy got convicted, you were a
5 practicing reporter on a suspended license.

6 MR. DONEGAN:

7 A good defense attorney would use that
8 against them, you know.

9 MR. ANDRESSEN:

10 Yeah. So...

11 MR. DONEGAN:

12 But what's to prevent these people year
13 after year from doing the same thing?

14 MR. ANDRESSEN:

15 Well, I think Vickie documents it,
16 though. I mean, it will be documented. The last one we
17 did, Ms. Kinchen, since 2011, you know, never didn't
18 pay.

19 MR. DONEGAN:

20 Right.

21 MR. ANDRESSEN:

22 You know, so I make the motion,
23 reinstate them, reinstate them back to January 1st so no
24 defense attorney can come in --

25 MR. DONEGAN:



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1 I don't think you can reinstate them
2 January 1st.

3 MR. BORRELLO:

4 I don't think we can do that. I don't
5 think we can write it retro.

6 MR. ANDRESSEN:

7 Fine. Then we reinstate them.

8 MR. BORRELLO:

9 All right. There's a motion before the
10 Board for reinstatement.

11 Is there a second?

12 MS. MAGEE:

13 Second.

14 MR. BORRELLO:

15 All in favor?

16 (Several members respond "aye.")

17 MR. DONEGAN:

18 Nay.

19 MR. BORRELLO:

20 All right. So we have one, two, three,
21 four votes to one.

22 Okay. All right. I'm going to make a
23 motion right now that the Licensing Committee look to,
24 at its next committee meeting, to determine -- and this
25 would have to be, I'm guessing, through the rulemaking



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1 process, David, that the late fee of \$25 be reassessed.

2 MR. DONEGAN:

3 That's going to be through legislature.

4 MR. BORRELLO:

5 Is that through legislature or
6 rulemaking?

7 MR. MARCELLO:

8 If we're at the maximum statutory
9 amount, it would require further legislative authority.

10 MR. DONEGAN:

11 That's the problem.

12 MR. ANDRESSEN:

13 David --

14 MR. DONEGAN:

15 Same thing with the licensing fees.

16 MR. BORRELLO:

17 Right. David, that might be something
18 that we discuss when, you know, licensing fees, that we
19 lump that all into one, you know.

20 All right. Next stack of folders.

21 MS. NGUYEN:

22 These are people that renewed after the
23 grace period and have a letter to request the waiver of
24 appearance. So they sent in an affidavit or, you know,
25 of some sort. So they have documentation. That's why



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1 they're not here.

2 MR. DONEGAN:

3 I move that we reinstate in globo.

4 MR. BORRELLO:

5 All right. David, do you think, for
6 completeness and consistency, should we read these names
7 into the record, these things into the record?

8 MR. MARCELLO:

9 Yes.

10 MR. BORRELLO:

11 I think we probably should.

12 MS. NGUYEN:

13 Jennifer Bolden, Hope Bridger, Tonya
14 Jackson, Pamela James, Michael Johnson, Pamela Lipscomb,
15 Tiffany Pate, Valerie Rachal, Shelly Stephenson,
16 Christina Wallace, Cindy Waller, Cindy Fontenot, Brenda
17 Grafton, Hope Lafleur, Katherine Rogillio, Kristin M.
18 Strother, and Natashia Tellis.

19 MR. BORRELLO:

20 Okay. Is there an in globo motion
21 before the Board?

22 MR. DONEGAN:

23 I so move.

24 MS. PUTNAM:

25 Second.



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1 MR. BORRELLO:

2 All in favor?

3 (Several members respond "aye.")

4 MR. BORRELLO:

5 Motion passes without opposition.

6 Is that it, Ms. Nguyen? No more stacks?

7 MS. NGUYEN:

8 I have one that mistakenly sent in --

9 Ms. Brenda LeBlanc mistakenly sent in her renewal to
10 LCRA and got it reimbursed and then sent in a check to
11 renew, but sent in the wrong amount. She sent in 145,
12 which is LCRA's amount, I believe.

13 MR. BORRELLO:

14 She must have sent that in for -- you
15 know what I'm thinking, that's for CEs, yeah, because
16 the --

17 MR. ANDRESSEN:

18 Seminar.

19 MR. BORRELLO:

20 Yeah, that must be for a seminar because
21 there is no -- membership isn't \$140 or whatever it is
22 for LCRA.

23 MS. NGUYEN:

24 She sent it on December 29th thinking
25 that she sent it to the Board, but she sent it to the



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1 association.

2 MR. ANDRESSEN:

3 And then got reimbursed?

4 MS. NGUYEN:

5 And then got the letter from us.

6 MR. ANDRESSEN:

7 And she sent the check for 145?

8 MS. NGUYEN:

9 And the check after she was reimbursed

10 by LCRA.

11 MR. DONEGAN:

12 See, that's why take it on an

13 individual, case-by-case.

14 MR. ANDRESSEN:

15 I move that we reinstate her and refund

16 her her \$20.

17 MR. DONEGAN:

18 I second.

19 MR. BORRELLO:

20 All in favor?

21 (Several members respond "aye.")

22 MR. BORRELLO:

23 Motion passes without opposition.

24 Anymore, Ms. Nguyen?

25 MS. NGUYEN:



1 That is all that I can think of right
2 now.

3 MR. BORRELLO:

4 All right. Why don't we handle, just so
5 we aren't keeping the audience, there are two people
6 that are remaining here, if we pass on Executive Session
7 and move to New Business, that way people aren't hanging
8 around for us to come back.

9 MR. ANDRESSEN:

10 And the court reporter won't have to
11 hang around.

12 MR. BORRELLO:

13 Right.

14 So is there any new business that anyone
15 wants to bring up before the Board? Any new discussion?

16 MR. MARCELLO:

17 There is the Military Reciprocal
18 Certification Rule, and here's a copy of the draft.

19 We brought this up at an earlier meeting
20 three years or more ago, and there were comments at that
21 time about changes that could be made to it. So it's
22 been adapted modestly in response to some of those
23 comments. Since this is the first time that the Board
24 is seeing it after having it off the radar screen for
25 the last couple or three years, this might simply be a



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1 matter of informational interests that would allow you
2 to look at it and come back together a month from now or
3 whenever we next convene and take action to begin the
4 rulemaking process.

5 MR. DONEGAN:

6 I think that's a good idea.

7 MR. MARCELLO:

8 But, I mean, it occurs to me that the
9 Board should take up, by way of anonymous motion, under
10 New Business, this particular item of business since it
11 is not listed specifically on the agenda. So you might
12 want to take that motion.

13 MR. BORRELLO:

14 Is there a motion to add this matter to
15 the agenda, "Discussion: Draft Military" --

16 MS. MAGEE:

17 So moved.

18 MS. PUTNAM:

19 Second.

20 MR. BORRELLO:

21 It was moved by Ms. Magee and seconded
22 by Ms. Putnam.

23 All in favor?

24 (Several members respond "aye.")

25 MR. BORRELLO:



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1 Motion passes without opposition.

2 Mr. Marcello.

3 MR. MARCELLO:

4 Okay. So I would simply commend to the
5 Board's attention the draft of the Military Reciprocal
6 Certification Rule. It tracks very closely the language
7 of the state legislation authorizing -- or actually
8 directing us to implement such a rule.

9 We should make sure that a copy goes to
10 Ms. Methvin and Judge Bonin so that when the Board next
11 convenes for its meeting, everybody will have had the
12 time to review it. And if there are any revisions to be
13 made, it probably ought to put it on the committee
14 agenda before our next meeting, and we can deal with it
15 at that point.

16 MR. BORRELLO:

17 Okay. All right. Any questions of
18 David on this before moving on?

19 (No response.)

20 MR. BORRELLO:

21 Okay. We'll take this up at the next
22 committee agenda.

23 What would this fall under?

24 MR. MARCELLO:

25 Probably Licensing.



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1 MR. BORRELLO:
2 Licensing, yeah.
3 So, Ms. Magee, that will fall under your
4 committee the next go-around.

5 MR. MARCELLO:
6 And then one other item of business
7 that, again, we might add, if the Board doesn't mind,
8 the discussion would be the question of legislative
9 authorization to increase fees for various services
10 rendered by the Board.

11 MR. BORRELLO:
12 Okay. Is there a motion to add that
13 matter to the agenda?

14 MR. DONEGAN:
15 So moved.

16 MS. HOLMES:
17 Second.

18 MR. BORRELLO:
19 All in favor?

20 (Several members respond "aye.")

21 MR. BORRELLO:
22 Motion passes without opposition.
23 Mr. Marcello.

24 MR. MARCELLO:
25 I think as people understand from prior



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1 discussions, the statutory authorized limits of fees,
2 for renewal, for reinstatement, delinquency fees, have
3 reached their cap. The constitution requires that
4 before the Board can enhance its fees, it needs to get
5 authority from the legislature to increase the amount of
6 caps that are statutorily authorized.

7 So if the Board wanted to take that up
8 in the session that begins on March 12th, I think it is,
9 this might be an appropriate time to discuss what the
10 fees ought to be.

11 MR. ANDRESSEN:

12 What's the process, David? I mean, say
13 we just came up with a number today, what's the process?

14 MR. MARCELLO:

15 The legislation would we offered to say,
16 "With regard to the Board's fees, a renewal fee will
17 be" -- "authorization for the renewal fee will be
18 increased to" whatever number you-all decide on. And
19 then the actual implementation of that authority would
20 require a rulemaking.

21 MR. DONEGAN:

22 Do we suggest a number or do we just
23 give a range or...

24 MR. MARCELLO:

25 I think it would probably be most useful



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1 if the Board discussed amongst themselves today what the
2 increases they think would be justifiable. It's been a
3 while since these statutory caps were fixed.

4 MR. DONEGAN:

5 But it would be a cap; right?

6 MR. DONEGAN:

7 It's to raise the authority up to a
8 certain level, yes.

9 MR. DONEGAN:

10 Not that we would implement that higher
11 number immediately, that would just -- what we could,
12 but it would just give us some leeway over the years.

13 MR. MARCELLO:

14 Right.

15 MR. ANDRESSEN:

16 And the rulemaking is the 90-day thing?
17 It's a process?

18 MR. MARCELLO:

19 Right.

20 MR. BORRELLO:

21 Which would take place after the
22 legislative session obviously for that bill to pass.

23 MR. MARCELLO:

24 Right. So the likelihood, I guess,
25 would be that the next round of renewals will probably



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1 be pursuant to the existing statutory limits.

2 MR. ANDRESSEN:

3 Okay.

4 MR. MARCELLO:

5 It would be conceivably doable to put it
6 into play by rule. You might publish it by December the
7 20th, but given that we usually invite people to start
8 sending in their renewals a couple of months ahead --

9 MR. ANDRESSEN:

10 Right. So there's no -- even if we
11 started today, there's no chance that we can get it
12 passed by legislature implemented for 2019?

13 MR. MARCELLO:

14 I wouldn't say there's no chance, but I
15 think given the fact that people start paying these
16 renewal fees in October, November and early December,
17 the likelihood would be that if you increased the fee,
18 you would be getting it increased after some people have
19 already paid based on their understanding of the current
20 fee level. So probably the increased fee would not come
21 into play until the 2019, end of 2019 --

22 MR. ANDRESSEN:

23 2020.

24 MR. MARCELLO:

25 -- for the 2020 renewal.



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1 MR. BORRELLO:

2 Okay. Any comments on possibly what a
3 renewal fee...

4 The last time, I think -- it's been
5 quite a few years, I think, since we've had a fee
6 increase.

7 MR. DONEGAN:

8 I mean, would \$1,000 be out of line?

9 MR. MARCELLO:

10 I'm happy to say that policy judgement,
11 that resides in the discretion of the Board.

12 MR. DONEGAN:

13 I'm just looking -- I mean, this may not
14 happen for another 10 years that you get an opportunity,
15 you know, to raise it.

16 MR. MARCELLO:

17 There may be --

18 MR. DONEGAN:

19 What is legal -- what is the fee for
20 attorneys?

21 MS. HOLMES:

22 Not that much.

23 MR. MARCELLO:

24 I can't tell you.

25 MS. HOLMES:



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1 I think it's a total of 435 that goes
2 between --

3 MR. ANDRESSEN:
4 That's assessment.

5 MS. HOLMES:
6 That's for the disciplinary board and
7 the bar association. It's like a total of 435.

8 MS. PUTNAM:
9 I think it's 450.

10 MR. DONEGAN:
11 That's what happens when you have a
12 bunch of lawyers making the laws in Baton Rouge, they
13 get all cheap.

14 MR. BORRELLO:
15 I mean, I would suggest having the
16 ability to double the fee. Not saying that it would be
17 doubled, but having that ability to assess --

18 MR. DONEGAN:
19 But you're only talking about \$270.
20 It's 135 now; right?

21 MS. MAGEE:
22 No. It's 125.

23 MR. DONEGAN:
24 So you're only talking about 250.

25 MR. BORRELLO:



1 I know, but you want 1,000.

2 MR. DONEGAN:

3 I'll split the difference with you, 500.

4 I mean, and like you said, it's been 10 years.

5 MS. MAGEE:

6 That would be the end of the 15th JDC
7 paying ours.

8 MR. DONEGAN:

9 Well, hey, I can't help that. I pay my
10 own.

11 MS. MAGEE:

12 And you're retiring.

13 MR. DONEGAN:

14 That's right.

15 MR. BORRELLO:

16 I mean, I don't think it should be the
17 same as an attorney.

18 MS. MAGEE:

19 No.

20 MR. DONEGAN:

21 It should be more.

22 MR. BORRELLO:

23 It should be more?

24 And I'm saying it should be less.

25 I mean, it's open to discussion.



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1 MR. DONEGAN:

2 Make it 300. I can live with 300. I
3 won't be paying it much longer.

4 MR. BORRELLO:

5 Okay. Why don't we do that where we
6 have the ability over time, over whatever, you know, at
7 least have the ability to where the renewal, not to say
8 that it will be 300, but let's put it up to \$300 as a
9 cap.

10 MR. ANDRESSEN:

11 Can I say something?

12 We've got a lot on David's plate right
13 now. Can we possibly push this aside right now?

14 MS. MAGEE:

15 No. We need that money.

16 MR. DONEGAN:

17 No. You can't -- you don't want to push
18 it too far back.

19 MR. ANDRESSEN:

20 That's why I asked if we proceeded right
21 now, would we be able to collect in 2019, and the answer
22 was more than likely not because the process would have
23 started. We've got David doing a lot of stuff for us
24 right now.

25 MR. BORRELLO:



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1 Right.

2 MR. DONEGAN:

3 But the problem is you want to get it
4 into this legislative session.

5 MR. ANDRESSEN:

6 Yeah, I understand that.

7 MR. DONEGAN:

8 If not, you'll be waiting until the next
9 legislation session, then it's going to be too late
10 again in '19 to get it done. I don't know.

11 It's fiscal year only; right, fiscal
12 year only, this session?

13 MR. MARCELLO:

14 Next year is fiscal year only, yes.

15 MR. DONEGAN:

16 What is this session, non-fiscal?

17 MR. MARCELLO:

18 This year we needed a special session in
19 order to deal with that --

20 MR. DONEGAN:

21 So we can't even have it done this year.

22 MR. MARCELLO:

23 This is just in general.

24 MR. DONEGAN:

25 So you're talking about another year



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1 before you can even --

2 MR. MARCELLO:

3 Well, the amount of increase depends on
4 the will of the legislature and ultimately the mood of
5 the court reporters that they represent. The idea might
6 be adjudged at the starting gate given that the
7 legislature is going to be grappling with a lot of money
8 issues this time around, both in the special session and
9 in the general, when they're allocating limited dollars.
10 So it might not be a long-and-winding road. It might be
11 an inquiry that gets a definite no or a hopeful yes, and
12 then you'd know better, but you won't know without some
13 realistic putting of the question.

14 MR. DONEGAN:

15 Wouldn't this fall under the category of
16 the -- we just signed -- we signed a new contract with
17 what's her name?

18 MR. MARCELLO:

19 Carla Smith.

20 MR. BORRELLO:

21 Ms. Smith.

22 MR. DONEGAN:

23 Yeah, Ms. Smith. Wouldn't that be her
24 bailiwick?

25 MR. MARCELLO:



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1 It would be. Would be; could be.

2 Another way to approach this would be in
3 concert with other autonomous boards and commissions,
4 perhaps not every one of them, but other boards that
5 find themselves in a similar situation where fees have
6 not increased for a long period of time and are a bit
7 behind the curve in terms of what the market might
8 expect. That could be the subject of a bit of inquiry
9 between now and the time of our next Board meeting.
10 Depends on when we next meet whether we could still do
11 anything in the immediate future or not.

12 MR. BORRELLO:

13 And one thing I think I should say, I
14 would actually -- I think it needs to be done, but being
15 that I'm just sitting in place of Judge Bonin and I'm
16 not the actual chair of the Board, I would rather defer
17 this and let Judge Bonin talk to David about this and
18 really, you know.

19 MR. ANDRESSEN:

20 Right. I think that makes a lot of
21 sense, yeah. And I know we would want to increase it
22 substantially, but Vickie just told me it was \$90 in
23 2010, and then in 2011, we increased it to 125. I think
24 if we went to the legislature and said we want to double
25 it, I think they would laugh at us.



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1 MR. MARCELLO:

2 You don't know until you ask.

3 MS. MAGEE:

4 But we don't want to double the fee. We
5 just want to have the ability to increase it.

6 MR. ANDRESSEN:

7 Right.

8 MR. BORRELLO:

9 But, I mean, my personal opinion, I
10 don't think \$250 dollars for your professional
11 license -- I mean, we're all professionals. I don't
12 think that's outrageous. I mean, I think my RPR license
13 is 325. I think that's what I pay for national.

14 MS. MAGEE:

15 My national license is 200.

16 MR. BORRELLO:

17 I mean, but, anyway, that's -- I
18 think -- now, does that have to -- is that something you
19 and Judge Bonin can discuss or does it have to come
20 before the Board again for a decision to do that? I
21 mean, do we need --

22 MR. MARCELLO:

23 Well, you could, perhaps, authorize the
24 chair, in consultation with counsel, to explore the
25 opportunity, and if it appears to be one that might --



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1 MR. BORRELLO:

2 To act on --

3 MR. MARCELLO:

4 -- elicit a positive response, to go
5 ahead and initiate a legislative --

6 MR. BORRELLO:

7 My motion is to have Mr. Marcello and
8 Judge Bonin -- Mr. Marcello contact Judge Bonin to
9 discuss possibly the renewal fee along with delinquent
10 penalties for renewing your license late, increasing
11 that rate also.

12 MS. PUTNAM:

13 Second.

14 MR. BORRELLO:

15 All in favor?

16 (Several members respond "aye.")

17 MR. BORRELLO:

18 Motion passes without opposition.

19 Anything further to add to the agenda?

20 (No response.)

21 MR. BORRELLO:

22 Okay. We'll move on to Scheduling of
23 the Next Board Meeting. Once again, I'm going to defer
24 that and ask Ms. Nguyen to contact Judge Bonin and see
25 if there's -- I don't know if you spoke with him yet --



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1 and see what time.

2 MS. NGUYEN:

3 I have not.

4 MR. BORRELLO:

5 Any comments from the public?

6 (No response.)

7 MR. BORRELLO:

8 All right. Okay. At this time, I'll
9 make a motion to go into Executive Session.

10 MS. MAGEE:

11 Second.

12 MR. BORRELLO:

13 All in favor?

14 (Several members respond "aye.")

15 MR. BORRELLO:

16 Motion passes without opposition.

17 MR. ANDRESSEN:

18 And, Vinny, maybe we should put this on
19 the record since we don't want to hold everybody up, we
20 took everything else, and the court reporter --

21 MR. BORRELLO:

22 Yes. Everything has been -- the motion
23 just for the -- the agenda has been concluded and the
24 Board is going into Executive Session to discuss the
25 pending litigation that it has. You-all are welcome to



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remain or you-all can leave. Whatever you wish.
(Whereupon Board enters into Executive
Session.)
(Meeting concludes at 3:33 p.m.)



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1 REPORTER'S CERTIFICATE:

2

3 I, ELICIA H. WOODWORTH, Certified Court

4 Reporter in and for the State of Louisiana, as the

5 officer before whom this meeting of the Louisiana Board

6 of Examiners of Certified Shorthand Reporters do hereby

7 certify that this Board meeting was reported by me in

8 the stenotype reporting method, was prepared and

9 transcribed by me or under my personal direction and

10 supervision, and is a true and correct transcript to the

11 best of my ability and understanding;

12 That the transcript has been prepared in

13 compliance with transcript format required by statute or

14 by rules of the board, that I have acted in compliance

15 with the prohibition on contractual relationships, as

16 defined by Louisiana Code of Civil Procedure Article

17 1434 and in rules and advisory opinions of the board;

18 That I am not related to counsel or to the

19 parties herein, nor am I otherwise interested in the

20 outcome of this matter.

21

22 Dated this 26th day of March, 2018.

23

24

ELICIA H. WOODWORTH, CCR

25

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