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LOUISIANA BOARD OF EXAMINERS  
OF CERTIFIED SHORTHAND REPORTERS

BOARD MEETING FOR THE LOUISIANA BOARD OF  
EXAMINERS OF CERTIFIED SHORTHAND REPORTERS, HELD  
AT THE BENSON TOWER, SUITE 739, 1450 POYDRAS  
STREET, NEW ORLEANS, LOUISIANA 70130 ON THE 10TH  
DAY OF APRIL, 2017, COMMENCING AT 1:05 P.M.

REPORTED BY:

RACHEL Y. TORRES, CCR, RPR  
CERTIFIED COURT REPORTER



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BOARD MEETING

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**APPEARANCES:**  
  
Milton Donegan, Jr., CCR  
May F. Dunn, CCR  
Kimya M. Holmes, Attorney  
Laura Putnam, Attorney  
Nhung C. "Vickie" Nguyen, Administrator  
Elizabeth C. Methvin, CCR  
David Marcello, CSR Board Attorney  
Christian Helmke, CSR Board Investigative Counsel



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MR. DONEGAN:  
Call the meeting to order. 1:05.  
Pledge of Allegiance, please.  
(Whereupon the Pledge of  
Allegiance was conducted.)  
MR. DONEGAN:  
Roll call, please.  
MS. NGUYEN:  
Milton Donegan.  
MR. DONEGAN:  
Present.  
MS. NGUYEN:  
Laura Putnam.  
MS. PUTNAM:  
Here.  
MS. NGUYEN:  
Elizabeth Methvin.  
MS. METHVIN:  
Here.  
MS. HOLMES:  
Here.  
MS. NGUYEN:  
David Marcello.  
MR. MARCELLO:  
Here.



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MS. NGUYEN:  
And Christian Helmke.  
MR. HELMKE:  
Present.  
MR. DONEGAN:  
We have a motion to approve  
the transcript of the November  
18th meeting.  
MS. DUNN:  
Make a motion.  
MS. PUTNAM:  
Second.  
MR. DONEGAN:  
I approve.  
Finance and Operations,  
Vickie.  
MS. NGUYEN:  
May.  
MR. DONEGAN:  
Oh, I am sorry. I was  
looking at John.  
MS. DUNN:  
Okay. So, this morning we had a Finance  
Committee meeting, which did not happen because  
there was not a quorum, so everything will have



1 to go before the full Board right now for  
2 approval, and we have a balance sheet as of  
3 November 30, 2016 with total checking and savings  
4 of \$171,000 approximately. As of December we had  
5 \$196,206.05. As of January we had a total  
6 checking and savings, \$203,928.70. As of  
7 February, \$177,406.07. And as of March,  
8 \$170,791.40. So that was balance sheet -- this  
9 is operating statement. Do you want me to just  
10 go through November to March or just give you-all  
11 March? Would that be easier?

12 MR. DONEGAN:

13 March is fine.

14 MS. DUNN:

15 March is great. Okay. We're going  
16 straight to March. Okay. The total income in  
17 March was \$2,667, which was mostly renewal fees.  
18 The total expense -- I'm sorry?

19 MS. NGUYEN:

20 Examination piece.

21 MS. DUNN:

22 Examination piece. Total expense  
23 was \$9,453 for that. So that's our balance sheet  
24 and monthly operating statements.

25 The next one was the Webmaster



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1 Contract-Ratification because we lost our  
2 Webmaster and it was about time for the new  
3 contract anyway, so we now have a new Webmaster,  
4 the hosting service fees, \$85 per month for a max  
5 of \$6,000 per year. It used to be \$65 and went  
6 to \$85. Then we have the lease amended contract,  
7 which is only a difference of about \$14 or \$17  
8 difference provided for in the previous contract.

9 So the court reporter contract is  
10 the same. We thank you. No rate increase. And  
11 the grader contract, and the stenomask contracts  
12 are \$2,000 for the stenotype, and \$1,500 for the  
13 stenomask grader services. Then we have the  
14 Board attorney amended contract. Vickie.

15 MS. NGUYEN:

16 It was approved by the AG.

17 MS. DUNN:

18 It was approved by the Attorney  
19 General's Office, and that's it.

20 MR. DONEGAN:

21 I have a motion to accept the Finance  
22 and Operations meeting minutes.

23 MS. PUTNAM:

24 So move.

25 MR. DONEGAN:



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Second.  
MS. HOLMES:  
Second.  
MR. DONEGAN:  
All those in favor.  
ALL BOARD MEMBERS:  
Aye.  
MR. DONEGAN:  
The next item is the continuing  
education committee seminar approval. We have  
five seminars that have been approved by the  
committee and asking the Board to approve all of  
the seminars. Any motion?  
MS. DUNN:  
I make a motion that we accept them all.  
MR. DONEGAN:  
Second?  
MS. METHVIN:  
I second.  
MR. DONEGAN:  
All in favor?  
ALL BOARD MEMBERS:  
Aye.  
MR. DONEGAN:  
Continuing Education



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1 Approvals. Which one is that,  
2 Vickie?

3 MS. DUNN:

4 CE approval, Vickie.

5 MS. NGUYEN:

6 The list of the CE request, we are going  
7 to jump back on that in a few --

8 MR. DONEGAN:

9 Okay. That's what I thought. Okay. We  
10 will go to the Qualifying Examination.

11 MS. NGUYEN:

12 The qualifying, there was only one  
13 applicant, and she passed, and she is going to be  
14 taking the certification exam in April, at the  
15 end of this month here, and the CDR Examination,  
16 we had one that was in the 15th JDC. There was  
17 originally eight applicants, which four only was  
18 able to complete. The other had to be --  
19 actually, only three complete and the other five  
20 had to reschedule, and the one is the written  
21 knowledge because their equipment was not  
22 repaired. They didn't have all of the software  
23 onto their system. The next scheduled one we are  
24 going to have on June 23, 2017, and I spoke to  
25 the Chairman, Suzette Magee, on that date.



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1 MR. DONEGAN:

2 I don't think we need approval of that.  
3 Compliance and Discipline. Kimya.

4 MS. HOLMES:

5 Yes. We had a meeting this morning,  
6 actually, and we had three pending complaints.  
7 The first being two complaints filed by Gilbert  
8 and Lori Hendrickson (ph), and we dismissed both  
9 of those as unfounded, and the third complaint  
10 being Mr. Frederick Minors versus Lilly Bird  
11 (ph), and we have referred that to counsel to  
12 investigate.

13 MR. DONEGAN:

14 Motion to approve.

15 MS. DUNN:

16 I make a motion to approve.

17 MR. DONEGAN:

18 Second.

19 MS. METHVIN:

20 Second.

21 MR. DONEGAN:

22 All in favor.

23 ALL BOARD MEMBERS:

24 Aye.

25 MR. DONEGAN:



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1           No. 3, Discussion & Action; Online CE  
2 credit for Ethics and Rules and Regulations. We  
3 briefly talked about this checking into it. I  
4 think the attorneys are allowed four hours of  
5 online credits. I'm not sure if anybody on the  
6 Board is in favor of online credit for ethics and  
7 rules and regulations. You know, that's up for  
8 discussion. I think we remanded back to the  
9 Committee again to look at it.

10                   MS. DUNN:

11           I think it would be better if the full  
12 Board were here. We're missing a few members.

13                   MR. DONEGAN:

14           Right. The one question we had was when  
15 we asked David was is it strictly prohibited by  
16 rules and regulations now where we need to do a  
17 rule change, so I think we still have to look at  
18 that also, huh, David?

19                   MR. MARCELLO:

20           I think we need a rule change.

21                   MR. DONEGAN:

22           Okay. B is Inactive and Retirement  
23 Status. I think we had a number of retirees that  
24 we just -- I don't even know we need approval  
25 because they are retired, you know.



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1 Inactive, I think we have five  
2 requests. Two have been approved and three needs  
3 Affidavits to meet that criteria to go inactive.  
4 I think Vickie is going to send letters to them  
5 telling them we need an Affidavit as to the  
6 reasons why. There's one of three reasons.

7 Application Requirements to Obtain  
8 Court Reporter Seals. Christian.

9 MR. HELMKE:

10 Okay. At the last Board meeting there  
11 was a discussion brought up regarding the  
12 issuance of seals by different vendors and kind  
13 of what their process may have been or what, if  
14 anything, they did to try to confirm the request  
15 that the person was licensed and could properly  
16 receive a court reporting seal. The Board  
17 requested that we issue correspondence to the  
18 three main vendors, who were Quick Stamps and  
19 Signs in Lafayette; Ed Smith Stencil Works in New  
20 Orleans; and Rebel Graphics in Baton Rouge. And  
21 what I can pass out to the members now will be  
22 some letters that were received back by our firm  
23 kind of from each entity detailing what, if  
24 anything, they did.

25 Basically what you will see is



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1 there was no set requirement by any vendor but  
2 they all seem to try to verify the idea of the  
3 individual reporter through the use of their  
4 presentation of their ID card or things like  
5 that. The interesting letter, which we'll show  
6 you kind of how they change it is Rebel Graphics.  
7 Rebel Graphics, actually, in response to our  
8 letter; although, our letter was purely just  
9 asking for information. We didn't say there is  
10 any investigation. We just trying to find out  
11 what the process was. They interpreted that  
12 letter to be, oh, well, this may have been  
13 obviously some fraud may have happened so they've  
14 already changed some of their procedures to kind  
15 of streamline this a little bit. So the main  
16 question presented by this, which would be up to  
17 the Board, I guess, through the committee or  
18 through a future meeting is if they want to adopt  
19 specific regulations that maybe they want to try  
20 to have vendors follow. There's been some  
21 discussion about uniformity amongst vendors  
22 outside of the three on the website. I think the  
23 Board talked about that at the last meeting was  
24 -- I think it was Office Depo or Staples or some  
25 of the other companies that people may try to get

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1 seals through that the Board may not know about.

2 Basically all of the responses  
3 seem to say that they tend to ask for a card, you  
4 know, the ID card. Ed Smith that they kind of  
5 requested information more to verify the spelling  
6 and the name of the reporter than it is to verify  
7 continued licensure with the state. Rebel  
8 Graphics seems to kind of verify their licensure  
9 a little bit more and maintain things on file, so  
10 they can kind of see whose licensed and who  
11 isn't, so basically that's kind of the response,  
12 but I would say there is no set procedure but  
13 they all ask for licensure parts to try to verify  
14 names. Past that, there is not much uniformity  
15 amongst the vendors.

16 MS. DUNN:

17 So Vickie has no way of knowing who has  
18 requested seals or not.

19 MR. HELMKE:

20 As far as I know, no. The court  
21 reporters try to get their seals on their own  
22 accord as they are licensed and then they  
23 maintain them, and I don't know that there is an  
24 easy procedure for a vendor to verify information  
25 being online search or anything else to make sure



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1 on the specific date of the request of the  
2 issuance of the seal that the person requesting  
3 is, in fact, licensed, in good standing at that  
4 time.

5 MS. DUNN:

6 Well, would it be proper just to send  
7 the names of every single person that has  
8 requested the seal from them to Vickie in January  
9 or February so that she'll know and then she can  
10 compare that against the ones who haven't gotten  
11 a seal.

12 MR. HELMKE:

13 And I guess that's the kind of thing  
14 that would be up for to the Board for discussion,  
15 I would think, as far as the process and  
16 procedure that could be tried to be followed.

17 MS. METHVIN:

18 Like Office Depot. They are not going  
19 to -- that's a place you can go and get one.  
20 OfficeMax, Office Depot.

21 MS. DUNN:

22 Right now you can.

23 MS. METHVIN:

24 Yes. Yes.

25 MS. ESCUDE:



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1                   They don't ask for anything.

2                   MR. HELMKE:

3                   You have the letters. Ed Smith wasn't  
4 quite as detailed but I had a long phone  
5 conversation with her, and it was the same, look,  
6 we try to get their cards, and we'll try to  
7 verify as best as we can and make sure that, you  
8 know, we don't have the same person walking in  
9 with two or three different cards or trying to  
10 get seals under different names or that kind of  
11 thing, but as far as a set mandated procedure or  
12 something set that they follow, there really  
13 isn't one. Quick Stamp and Signs, you will see  
14 on their letter, they are a little bit more  
15 detailed regarding the way that their employees  
16 have to fill out specific check boxes to verify  
17 things and they maintain files on things.

18                  MR. DONEGAN:

19                  Over the years, if I'm not mistaken, I  
20 think we had limited it to two seals at one time  
21 that a person can have.

22                  MS. METHVIN:

23                  That's where the board was sending the  
24 stamps --

25                  MR. DONEGAN:



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1 Right. Out.

2 MS. METHVIN:

3 -- Out. But we've discussed, I think, at  
4 the last meeting, I thought, that that's kind of  
5 a hassle of that for Vickie to have to go through  
6 and mailing them out. Like you said, if we go  
7 back and give it back to the Licensing Committee.

8 MR. DONEGAN:

9 Yeah. We will refer that back to the  
10 Licensing Committee.

11 MS. METHVIN:

12 Facilitate getting them to everyone.

13 MR. HELMKE:

14 The letters you have before you should  
15 outline kind of what they are doing and some  
16 ideas and some things to look at.

17 MS. DUNN:

18 Thank you.

19 MR. DONEGAN:

20 D is Legislation. Mr. Marcello.

21 MR. MARCELLO:

22 I think several of you have a copy of  
23 the bill that's been introduced. I have a few  
24 extras here that I can hand around.

25 House Bill 227, Representative



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1 Shadoin is going to be up for consideration in  
2 the session. It's assigned to the House  
3 Committee on civil law and procedure. So this is  
4 a bill that we've been in dialog with Kevin Hayes  
5 about over some period of time. We didn't play a  
6 role in the drafting of it, but he has kept us  
7 informed at every step of the way and is  
8 certainly open to receiving feedback from the  
9 Board about the contents of this proposed  
10 legislation. Essentially what it would do is to  
11 create an explicit legislative authorization for  
12 the CSR Board to establish procedures whereby  
13 secure electronic signature could be sufficient  
14 to certify a deposition by the court reporter.  
15 There are a couple of language changes that I  
16 might suggest. A few of these are really very  
17 technical and not substantive, so I will start  
18 with two of those. One would be on page 1 to  
19 relocate the subparagraph A, the small A that you  
20 see listed there, to the end of that first full  
21 sentence, so I would move that small A down to  
22 line 13 just before the language, in existing  
23 law, he shall then securely seal the deposition,  
24 so on and so forth. That would set up an  
25 organizational structure where A1 would have to

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1 do with the officer and with the court reporter  
2 certifying on the deposition that the witness was  
3 duly sworn and that the deposition is a true  
4 record of testimony given by the witness.

5 A, sub-division A, would then be  
6 the existing procedure that contemplates sealing  
7 deposition in an envelope and sending it by U.S.  
8 Mail to the party at whose request the deposition  
9 was taken, who shall then become the custodian of  
10 that deposition.

11 Then subparagraph B, which begins  
12 at line 3 on page 2, would be exclusively about  
13 the new procedure being authorized for secure  
14 electronic certification procedures. So that's  
15 a, you know, essentially organizational or  
16 structural change, certainly not substantive, but  
17 I think it does make the provision read a little  
18 more clearly. The other technical change would  
19 be at the beginning of line 5 on page 2. We need  
20 a "proposition of" between Board and Examiners  
21 where the Board of Examiners are certified  
22 shorthand reporters.

23 So with those two kind of  
24 technical suggestions out of the way, let me  
25 propose a few other more substantive language



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1 changes for you to consider. On line 4 of page  
2 2, I would suggest that we consider inserting  
3 language that would read, "to seal a deposition  
4 electronically by secure electronic means  
5 approved by rule promulgated by the Board of  
6 Examiners and Certified Shorthand Reporters," so  
7 insert "by rule promulgated by the Board of  
8 Examiners." And then on the next line, five,  
9 seems to me we need a "shall" between "and" and  
10 "deliver." The verb for the prior part of that  
11 sentence is "may seal the deposition  
12 electronically." That's up in line 3. Here I  
13 think there's no ambiguity. We need to say that  
14 it shall -- the reporter shall deliver the  
15 deposition electronically to a party at whose  
16 request the deposition was taken who shall then  
17 become the custodian of the deposition. And we  
18 might add at the very end of that provision, "and  
19 to all other appropriate recipients at the same  
20 time," so the language be added at the very end  
21 of line 7 is, "and to all other appropriate  
22 recipients at the same time."

23 Just giving the explicit  
24 instruction to the effect that we currently have  
25 in our ethics rules that you distribute the



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1 deposition to all parties who are entitled to  
2 receive a copy of it at the same time.

3 Those were several thoughts that  
4 occurred to me on reviewing the draft. I haven't  
5 spoken with Kevin Hayes about the substance of it  
6 because I need guidance from the Board, and we  
7 can really only obtain that at an open public  
8 meeting of the type that we have today, so my  
9 thoughts for your consideration.

10 MS. PUTNAM:

11 The only thing that jumps out at me that  
12 didn't occur to me earlier was now that last  
13 sentence on page 1 of, "failure or lack of filing  
14 such original and the record shall not affect the  
15 use or admissibility." Does that same sentence  
16 need to go in subsection little B now that A and  
17 B are separate?

18 MR. MARCELLO:

19 Maybe it should be C, subdivision C.  
20 Perhaps insert B in between, but it's a good  
21 point. I think it would work, actually, if we  
22 inserted what is currently subparagraph B at the  
23 -- at line 17 after "deposition" and before the  
24 next sentence begins and if we inserted a  
25 subparagraph C there. All of these changes



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1 obviously will need to be reviewed but dealing  
2 with Kevin Hayes and his clients, but I don't  
3 think we're proposing anything that distorts the  
4 substance of what was originally presented.

5 MR. DONEGAN:

6 David, can you make all of  
7 the additions and send them to  
8 all of the Board members since  
9 we're lacking three or four of  
10 them today.

11 MR. MARCELLO:

12 Yes.

13 MR. DONEGAN:

14 I mean, they haven't seen it. And then  
15 once that's done and you talk to Mr. Hayes, can  
16 you set up a meeting with Mr. Hayes.

17 MR. MARCELLO:

18 I think those are all good suggestions,  
19 and I'm sure they'll be responsive to the request  
20 for a meeting. We should have discussion and  
21 decision today among the five who are present  
22 about any proposed changes we want to make, and  
23 it might be appropriate to authorize action by  
24 some sort of subgroup of the Board so that if we  
25 need quick decisions made in the legislative



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1 process, you know, we can authorize the judge and  
2 make those decisions or whatever.

3 MR. DONEGAN:

4 I would like to see the changes in black  
5 and white and see all nine members have input  
6 once they see the changes and then send it to the  
7 judge and let the judge do what he wants at that  
8 point.

9 MR. MARCELLO:

10 Okay.

11 MR. DONEGAN:

12 Decide who he wants to --

13 MR. MARCELLO:

14 I will convert what we've discussed  
15 today into a hard copy representation that  
16 reflects what we've discussed and share it with  
17 everyone. And -- but we won't be asking, in  
18 doing that, for people to respond to anything  
19 that looks like a proxy vote. We are going to  
20 make the action today that would authorize the  
21 judge then to represent the Board in further  
22 discussions.

23 MS. METHVIN:

24 It says electronic means rules  
25 promulgated by the Board, so we will decide



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1 whether that's RealLegal or how they are allowed  
2 to -- or what company or company they are allowed  
3 to use because I think several of the Eclipse and  
4 different -- Min-U-Script and different  
5 software's now provide that ability.

6 MR. MARCELLO:

7 Yes. I think --

8 MS. METHVIN:

9 Specific software that the reporter  
10 would have to purchase and have access to that we  
11 decide what that is?

12 MR. MARCELLO:

13 I think the Board will have to shoulder  
14 some responsibility to evaluate the existing  
15 technology and presumably stay up-to-date as the  
16 technology evolves so that we can give clear  
17 instruction to the Board's licensees about which  
18 technology is acceptable for the secure  
19 electronic sealing and which is not.

20 MR. DONEGAN:

21 I would think that the reporter or the  
22 firm would come to us and say, I want to use this  
23 software and we need the Board to approve it and  
24 then the Board would have to look at it and see  
25 if it's secure and give its approval. I think



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1 that's where the rule promulgated by the Board  
2 kind of covers the whole gamut of things. Am I  
3 right, David?

4 MR. MARCELLO:

5 Yes. And, so, from a practical  
6 standpoint there is clearly going to be a ramp up  
7 period. This is not going to be implemented  
8 immediately. The law will presumably become  
9 effective on August 1 of 2017, but the rule  
10 promulgation probably needs to be preceded by  
11 some evaluation of technology so that when we are  
12 proposing the rule that lists the ones that are  
13 acceptable and then, of course, the promulgation  
14 rule takes a period of time, so probably talking  
15 about an effective date sometime in 2018, just  
16 roughly.

17 MR. DONEGAN:

18 Let me ask you question that may muddy  
19 the waters. We don't not need approval from the  
20 Supreme Court since we're dealing with court  
21 system?

22 MR. MARCELLO:

23 We had contemplated at various times  
24 whether we would respond appropriately to  
25 legislation; whether we should invite the Supreme



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1 Court to speak to the matter. The legislature  
2 appears to have, you know, taken it in hand and  
3 started it rolling, and I'm unaware of any  
4 objection from the court, so I would think that  
5 if this bill were to become law, we would be  
6 statutorily authorized to act as it contemplates.

7 MR. DONEGAN:

8 We are assuming that the Supreme Court  
9 is aware of this legislation.

10 MR. MARCELLO:

11 Well, I wouldn't assume that. I'm aware  
12 of it because Kevin Hayes alerted me to it to its  
13 introduction pre-filed.

14 MR. DONEGAN:

15 Should we seek the Supreme Court's  
16 input? I'm just asking. I don't know.

17 MR. MARCELLO:

18 Strikes me as a wise approach since it  
19 will obviously have an impact in court  
20 proceedings.

21 MR. DONEGAN:

22 I don't know how we would do that. I'm  
23 not a lawyer, so I don't deal with the Supreme  
24 Court.

25 MR. MARCELLO:



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1           Maybe have the judge write a letter on  
2           our behalf.

3                       MR. DONEGAN:

4           I think that would be a wise move with  
5           the approval of the judge. The judge may think  
6           we don't need it, I don't know. I haven't spoken  
7           to him, so -- anything else?

8                       MR. MARCELLO:

9           So you want to move to --

10                      MR. DONEGAN:

11           Well, I don't think we need a motion. I  
12           just, you know, you think we need a motion?

13                      MR. MARCELLO:

14           Well, when decisions are called for in  
15           the heat of the legislative process, I think it  
16           would be helpful if the judge knew that the Board  
17           had gone on record as explicitly authorizing it  
18           in making those judgments and report back.

19                      MR. DONEGAN:

20           Any motion?

21                      MS. PUTNAM:

22           Motion, like the judge sends a letter?

23                      MR. DONEGAN:

24           Motion about the legislation, the  
25           letter, the approval and give the judge the



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1 authority.

2 MS. PUTNAM:

3 Ask the judge to write a letter on  
4 behalf of the Court, the Supreme Court to give  
5 instruction --

6 MR. MARCELLO:

7 Uh-huh (affirmative response)

8 MR. DONEGAN:

9 Also giving him the authority to act on  
10 behalf of --

11 MS. PUTNAM:

12 And authority -- the authority to on  
13 behalf of the Board.

14 MS. HOLMES:

15 Second.

16 MR. DONEGAN:

17 All in favor?

18 ALL BOARD MEMBERS:

19 Aye.

20 MS. PUTNAM:

21 Does the legislation need to go to the  
22 one of committees for further --

23 MR. MARCELLO:

24 Does the --the proposed language need to  
25 go? I think it would -- the legislature convenes



1 today. We don't know when the civil law and  
2 procedures period will take --

3 MS. PUTNAM:

4 No. I meant one of our committee, the  
5 next round.

6 MR. DONEGAN:

7 I don't think we are going to have time.  
8 By the time the next Board meeting rolls around,  
9 there is going to be session.

10 MS. METHVIN:

11 Let the judge look at it.

12 MR. DONEGAN:

13 I think that's what we need to do is  
14 give authority to the judge.

15 Number IV, Licensing.

16 Request-Individuals. These were, my  
17 understanding, all have the ethics credits and  
18 they submitted their general credits late, so I  
19 would ask that we in-globo approve 1 through 10,  
20 1 through 9, and scratch out Kelly Manuel and  
21 state they were late.

22 MS. NGUYEN:

23 They are not late.

24 MR. DONEGAN:

25 No. With the request. I'm talking about



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1 the general credit they sent in the paperwork.

2 MS. NGUYEN:

3 They sent it in by December 31st.

4 MR. DONEGAN:

5 Oh, okay. Okay.

6 MS. NGUYEN:

7 We didn't have a meeting  
8 before.

9 MR. DONEGAN:

10 Okay. We just need approval to accept  
11 the paperwork.

12 MS. NGUYEN:

13 Right.

14 MR. DONEGAN:

15 All those in favor.

16 ALL BOARD MEMBERS:

17 Aye.

18 MR. DONEGAN:

19 The request for retirement status. They  
20 are retired, so we don't have to take any action  
21 on that.

22 I see Ms. Langston is here. She is  
23 F, Reinstatement Request. Can we take her out of  
24 order? Anybody have any problem taking her out  
25 of order? Ms. Langston.



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1 MS. LANGSTON:

2 Yes.

3 MR. DONEGAN:

4 The floor is yours.

5 MS. LANGSTON:

6 What would you like to know?

7 MR. DONEGAN:

8 Well, I mean, you are here asking for  
9 reinstatement.

10 MS. LANGSTON:

11 Right. The last time I paid my dues, I  
12 brought a check to the office and the secretary  
13 at the time called me about a week later and said  
14 she didn't receive it before the Board meeting.  
15 I think she went straight to the meeting the next  
16 morning instead of going to the office, so my  
17 license was suspended for not paying my dues, and  
18 I haven't worked since then so it didn't bother  
19 me that it was suspended because I have been  
20 closed captioning for about three years

21 MR. DONEGAN:

22 So, how many years has your license been  
23 suspended for?

24 MS. LANGSTON:

25 Since 2015, I think.



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1 MR. DONEGAN:

2 You don't have any CEs, continuing  
3 education?

4 MS. LANGSTON:

5 No. I have them through NCRA, but I  
6 don't believe that the ones I have will be  
7 accepted by the state because they are not  
8 directly related to court reporting. I think  
9 they were caption related.

10 MR. DONEGAN:

11 That may have qualified if you would  
12 have turned them in.

13 MS. LANGSTON:

14 I was told that it didn't.

15 MR. DONEGAN:

16 I don't know by who, but --

17 MS. LANGSTON:

18 The Board, at the last meeting that I  
19 was at.

20 MR. DONEGAN:

21 Okay. Okay. So she's F; under F in  
22 your book. So basically you are asking us to  
23 reinstate you for three years backpay and 12 CEs

24 MS. LANGSTON:

25 Or I'm happy to attend the next seminar,



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1 which I believe is in May and get CEs. That's  
2 not a problem. You can make it contingent on the  
3 CEs in May if you want.

4 MR. DONEGAN:

5 I will. So, Vickie, what's the total  
6 that Ms. Langston will owe?

7 MS. NGUYEN:

8 \$575.

9 MR. DONEGAN:

10 \$575. Plus 12 CEs at the May seminar.  
11 Like I said, if you don't attend the May  
12 seminar --

13 MS. LANGSTON:

14 I understand.

15 MR. DONEGAN:

16 Okay. Anybody have any questions? All  
17 those in favor?

18 ALL BOARD MEMBERS:

19 Aye.

20 MR. DONEGAN:

21 Okay. No problem.

22 MS. LANGSTON:

23 Thank you.

24 MR. DONEGAN:

25 Request for Inactive Status. I think we



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1 covered that already, didn't we? Five of them.  
2 But some lack the Affidavit, right, Vickie

3 MS. NGUYEN:

4 Just one.

5 MR. DONEGAN:

6 Just one. Okay. Can you take care of  
7 that.

8 MS. NGUYEN:

9 Yes.

10 MR. DONEGAN:

11 Okay. D, Reciprocal Request. I think  
12 all of the paperwork was in order. All national  
13 certified, so that's automatically approved.

14 Discontinued CDR's. How do we go  
15 about getting -- on what motion for what, Vickie?

16 MS. NGUYEN:

17 All of them.

18 MS. PUTNAM:

19 Can I make a motion to request the  
20 inactive status list and the reciprocal request  
21 list in-globo?

22 MR. DONEGAN:

23 No. Because some of the inactive don't  
24 have the criteria to go active.

25 MS. NGUYEN:



1 Number 4.

2 MR. DONEGAN:

3 I know. I don't think Ms. Hassinger  
4 has, either.

5 MS. NGUYEN:

6 She did.

7 MR. DONEGAN:

8 I want to make sure. I looked at it and  
9 I thought. All she says, I'm requesting my  
10 license be placed in inactive status. They have  
11 to have an Affidavit with one of the three  
12 criteria to go inactive.

13 MS. METHVIN:

14 So there's three of the five?

15 MR. DONEGAN:

16 Ms. Hassinger needs an Affidavit.

17 MS. METHVIN:

18 We could go one by one of which one and  
19 move them off the list. Make a motion for that,  
20 is that what you are saying?

21 MR. DONEGAN:

22 Yeah. You are going to have to do

23 MS. METHVIN:

24 Make a motion to request inactive status  
25 of Jennifer Ibach.



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1 MS. PUTNAM:

2 Second.

3 MR. DONEGAN:

4 She doesn't meet the criteria.

5 MS. METHVIN:

6 Jennifer Ibach does not.

7 MR. DONEGAN:

8 One of the three. Hassinger does not.

9 Ibach does not.

10 MS. METHVIN:

11 Keyes.

12 MR. DONEGAN:

13 Keyes does. She is living in Maryland.

14 Ms. Rushing has, but she is now living in

15 Washington.

16 MS. METHVIN:

17 So those could. You can make a motion

18 and move them off the list.

19 MR. DONEGAN:

20 Right.

21 MS. METHVIN:

22 So we make a motion to request for

23 inactive status of Bettye Keyes and Pamela

24 Rushing.

25 MR. DONEGAN:



1                   Correct. I didn't see Ms. Rabalais.  
2 Did anybody see Ms. Rabalais?

3                   MS. HOLMES:

4                   It's before Rushing. It's one of the  
5 e-mail of Pontiff and then on the back, Pontiff  
6 Rabalais.

7                   MR. DONEGAN:

8                   Oh, okay. Yeah, she meets the criteria  
9 and haven't worked in six years.

10                  So I have a motion to grant  
11 inactive status to Ms. Ibach, Ms. Rabalais and  
12 Ms. Rushing

13                  MS. HOLMES:

14                  I thought it was Keyes. Not Ibach. He  
15 said Ibach.

16                  MS. METHVIN:

17                  Keyes, Rabalais and Rushing.

18                  MR. DONEGAN:

19                  Right. Okay. Yeah. Those three  
20 granted inactive status. Any motion?

21                  MS. METHVIN:

22                  I will make a motion.

23                  MR. DONEGAN:

24                  Second?

25                  MS. HOLMES:



1 I'll second.

2 MR. DONEGAN:

3 All those in favor?

4 ALL BOARD MEMBERS:

5 Aye.

6 MR. DONEGAN:

7 Vickie, on the other two, when you send  
8 a letter to them, ask them to provide more  
9 information. The request that it's automatic when  
10 they file the paperwork.

11 Discontinued CDR's. Do we get  
12 their licenses back, Vickie, some of them?

13 MS. NGUYEN:

14 Seal. License, whatever they have. They  
15 only have certificates, so they don't have  
16 anything to turn in except a letter stating they  
17 are no longer employed there.

18 MR. DONEGAN:

19 So do we need to approve this because  
20 they automatically -- have a motion to accept the  
21 discontinued CDR list?

22 MS. PUTNAM:

23 I so move.

24 MR. DONEGAN:

25 Second.



1 MS. DUNN:

2 Second.

3 MR. DONEGAN:

4 All in favor.

5 ALL BOARD MEMBERS:

6 Aye.

7 MR. DONEGAN:

8 Reinstatement Requests. Ms. Langston we  
9 dealt with. Debra Dorsey was a lady that  
10 appeared with her judge at the 19th JDC at the  
11 committee meeting. She been an employee for 30  
12 years. There was a mixup on the mailing address  
13 or e-mails being lost. The judge --

14 MS. DUNN:

15 We received her check.

16 MR. DONEGAN:

17 The judge gave us a check that day, so  
18 we need ratification to reinstate her. Any  
19 motion?

20 MS. DUNN:

21 Make a motion.

22 MS. PUTNAM:

23 Second.

24 MR. DONEGAN:

25 All those in favor.



1 ALL BOARD MEMBERS:

2 Aye.

3 MR. DONEGAN:

4 G. Carly Barton, actually, Carly Smith,  
5 I don't know whether she changed her name or  
6 maiden name or what. This is a lady who lives in  
7 Texas, works in Texas, renewed her Texas license.  
8 She forget to send in her renewal fee and  
9 credits. She only got licensed in Louisiana in  
10 2015. She wants to keep her license, and I  
11 gather she is going to work mostly in Texas. She  
12 would need for 2015 six credits; two ethics and  
13 four general, and then she would need 12 hours  
14 for '17 and '18. It's up to you guys. Any  
15 motion?

16 MS. DUNN:

17 I make a motion that we  
18 accept that.

19 MR. DONEGAN:

20 Second?

21 MS. DUNN:

22 Laura seconded it.

23 MR. DONEGAN:

24 All in favor?

25 ALL BOARD MEMBERS:



1                   Aye.

2                   MR. DONEGAN:

3                   Next is Ms. Teri Daigle. She initially  
4 asked to be inactive and she withdrew that  
5 request. She needs only CEs is what she needs,  
6 so I would make it continued that she gets her  
7 CEs at the May 20th seminar before she could be  
8 reinstated.

9                   MS. NGUYEN:

10                  She needs a renewal.

11                  MR. DONEGAN:

12                  And a renewal. Okay. Any  
13 motion?

14                  MS. DUNN:

15                  I make a motion that we  
16 accept that.

17                  MR. DONEGAN:

18                  That she needs the CEs in May  
19 plus her renewal fees.

20                  MS. DUNN:

21                  Plus her renewal fees.

22                  MR. DONEGAN:

23                  All those in favor?

24                  ALL BOARD MEMBERS:

25                  Aye.



1 MR. DONEGAN:  
2 Drop down to Burnie Ratliff, Number 4.  
3 He thought -- he attended the Marksville seminar.  
4 He thought it was in the fall of 2015 but was  
5 actually 2014. He is up-to-date on his renewal  
6 fee, I think, huh, Vickie?

7 MS. NGUYEN:  
8 Yes. No. The renewal, they just need  
9 continuing education.

10 MR. DONEGAN:  
11 Yeah. He needs his four hours, so any  
12 motion until he gets his four hours at the May  
13 seminar.

14 MS. PUTNAM:  
15 So move.

16 MS. DUNN:  
17 I'll second.

18 MR. DONEGAN:  
19 All in favor?

20 ALL BOARD MEMBERS:  
21 Aye.

22 MR. DONEGAN:  
23 Kelly Manuel. Fill me in because I  
24 can't find it.

25 MS. NGUYEN:



1           Ratliff needs 12. I'm sorry. I'm  
2       sorry. Can we go back to Ratliff.

3                   MR. DONEGAN:

4           He doesn't have any CEs? We have a  
5       substitute motion that he obtain his 12 credits  
6       on May 20th.

7                   MS. PUTNAM:

8           I make a motion.

9                   MS. DUNN:

10          Second.

11                   MR. DONEGAN:

12          All in favor.

13                   ALL BOARD MEMBERS:

14          Aye.

15                   MR. DONEGAN:

16          Kelly Manuel.

17                   MS. NGUYEN:

18           Kelly Manuel only needs four ethics.  
19       She submitted in the -- under subsection -- under  
20       the licensing A, her other general credits from  
21       ESP network of the 15 hours, so she gets 30  
22       credits from that and NCRA 25 and a half hours.  
23       She has more then enough general credits so we  
24       have to approve her general credits and also give  
25       the approval on if she can get her four CEs prior



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1 to May.

2 MR. DONEGAN:

3 What was the general credits in?

4 MS. NGUYEN:

5 ESP network and NCRA.

6 MR. DONEGAN:

7 How much does she have from NCRA?

8 MS. NGUYEN:

9 25 and a half hours.

10 MR. DONEGAN:

11 So we need a motion to accept the  
12 general credits providing that she gets her four  
13 ethics May 20th and be reinstated.

14 MS. PUTNAM:

15 So move.

16 MS. DUNN:

17 I will second.

18 MR. DONEGAN:

19 All in favor?

20 ALL BOARD MEMBERS:

21 Aye.

22 MR. DONEGAN:

23 Vickie, I will have you report on the  
24 CDR Renewals.

25 MS. NGUYEN:



1                   There is 825 CCR's that renewed for  
2                   2017, and 358 have renewed for CDR's. On  
3                   suspension we have a list that is under I.  
4                   There's 38 CCR's and 22 CDR's. We have to accept  
5                   it before I could post it on the website.

6                   MS. PUTNAM:

7                   Motion that we accept the  
8                   list -- accept the list that's  
9                   suspended.

10                  MS. DUNN:

11                  Okay. I will second.

12                  MR. DONEGAN:

13                  All in favor.

14                  ALL BOARD MEMBERS:

15                  Aye.

16                  MR. DONEGAN:

17                  So that includes the CCR's  
18                  and CDR's, Vickie?

19                  MS. NGUYEN:

20                  Yes.

21                  MR. DONEGAN:

22                  H and I?

23                  MS. NGUYEN:

24                  Yes.

25                  MR. DONEGAN:



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1           On the same line, we had talked about --  
2 refer to David -- these people that are paying  
3 their renewal fees late. They have a ten day  
4 grace period. Some of them are not paying 65 to  
5 75 days late. The problem that I have with it is  
6 that within that time span they are continuing to  
7 work with the -- without a license, so I think  
8 the Board should take some action. I'm open to  
9 suggestion. A letter sending them, you know,  
10 asking them if they have worked, you know, and  
11 there is a possibility of a fine up to \$1,000,  
12 but, you know, that's up to the Board.

13           MS. DUNN:

14           I think it's appropriate. I mean, we  
15 don't know what they have been doing for 60 or 75  
16 days that they haven't paid.

17           MR. DONEGAN:

18           Well, that's my concern is that this  
19 list keeps growing every year, and they continue  
20 to work from January 20th, January 15th all of  
21 the way until they pay, you know, and David  
22 pointed out that he thinks they still have to  
23 come before the Board and the Board has to give  
24 approval.

25           MS. DUNN:



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1 I think they should come before the  
2 Board. I think that we should ask them a few  
3 questions as to whether or not they have been  
4 practicing. It's easy to send a letter back in  
5 saying, no, I haven't, but I think it would be  
6 appropriate for them to appear; however, that's a  
7 lot of people.

8 MR. MARCELLO:

9 Let me say, if I might, what I think the  
10 law is and then the question of what the policy  
11 should be is obviously the Board's decision, but  
12 under the statute, by operation of law, a  
13 reporter who fails to pay the renewal fee in  
14 advance, which means before midnight on December  
15 31st is suspended. That's a reporter without a  
16 license. That's a reporter who is taking the  
17 deposition is acting in violation of the general  
18 regulatory regime that is enforced by the CSR  
19 Board.

20 There has been a policy,  
21 nevertheless, I think, embodied in the rule that  
22 if the payment was received within ten days after  
23 December 31, the Board would regard that as  
24 acceptable. Strictly speaking, however, if you  
25 made your renewal payment on January 10th and you



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1 took a deposition on January the 8th, you would  
2 be operating without a license. It would be in  
3 violation of the regulatory regime.

4 There's been some suggestion of  
5 formalizing this grace period, maybe making it a  
6 period of 20 days which would enable time for  
7 staff to send out notice that effective midnight  
8 on December 31st your license was suspended by  
9 operation of law. If you attempt to take a  
10 deposition without first getting reinstated, you  
11 may be in violation of the regulatory  
12 requirements and subject to a fine.

13 We could embody that policy in a  
14 rule would be the best way to do it, and we've  
15 got a number of rulemaking initiatives to just --  
16 effectively been concluded. A number of others  
17 that we may well be taking up, so it might be one  
18 more useful rule for the Board to initiate  
19 rulemaking process.

20 MS. NGUYEN:

21 All of the people that renewed after the  
22 10th have received letters, certified letters  
23 from the Board that their license is suspended.

24 MR. DONEGAN:

25 As of the 10th.



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1 MS. NGUYEN:

2 As of December 31st for not renewing. I  
3 didn't send a letter out right after.

4 MR. MARCELLO:

5 Certainly reporters have been amply put  
6 on notice in the past that the renewal deadline  
7 is statutorily sacred and that the failure to  
8 observe it results in a loss of a license. The  
9 Board has told them that explicitly in advisory  
10 notices. They heard it at ethics presentations.  
11 Nonetheless, it is always useful to remind people  
12 in proximity to a deadline date of the  
13 consequences of failing to meet the deadline, and  
14 fair, so I will happily work with Vickie at some  
15 end of the year message that puts people on  
16 notice and what the consequences will be.

17 Meanwhile, in the run up to next  
18 year, the Board has to decide whether it will  
19 take a stern or benevolent view of people who may  
20 have been taking depositions without having  
21 taking steps to get their licenses reinstated.

22 MS. METHVIN:

23 You sent letters to the 38 and the 22  
24 people, right?

25 MS. NGUYEN:



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1 Yes.

2 MS. METHVIN:

3 That are -- right?

4 MS. NGUYEN:

5 Yes.

6 MS. METHVIN:

7 That are suspended. And none of them  
8 have contacted you and said, I'm sick, I'm not  
9 working or --

10 MS. NGUYEN:

11 Some have, but a lot of them have been  
12 returned mail or certified as returned, so I  
13 don't know where they are. They don't have an  
14 updated address.

15 MR. DONEGAN:

16 We really have no idea if they are  
17 working or not unless we know them personally.

18 MS. METHVIN:

19 Right.

20 MS. NGUYEN:

21 Some that needs only CE's, and I think  
22 requested more time like Carly Barton, Kelly  
23 Manuel.

24 MR. DONEGAN:

25 Would it be appropriate to send them to



1 the Compliance and Discipline Committee? Kimya.

2 MS. HOLMES:

3 I don't have a problem with sending it  
4 to them.

5 MS. DUNN:

6 I am sorry. What was your response?

7 MS. HOLMES:

8 If you want me to look into it, I will  
9 look into it.

10 MR. DONEGAN:

11 In the meantime, we can get David with  
12 Vickie to formalize something for next year and  
13 then we'll do two, twofold. One of you guys and  
14 then Kimya's committee will look at the one  
15 existing now.

16 MS. DUNN:

17 I have a question, Vickie. When we sent  
18 out the renewal card in August/September, how do  
19 we know that each card has gotten to the  
20 recipient?

21 MS. NGUYEN:

22 If it doesn't come returned to me. Some  
23 of them come returned.

24 MS. DUNN:

25 Oh, they do come returned?



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MS. NGUYEN:

Oh, they do come back returned?

MS. NGUYEN:

Uh-huh (affirmative response)

MS. DUNN:

Do you mark that?

MS. NGUYEN:

It's in the database that the  
card was returned.

MS. DUNN:

Kind of hard to take action against  
somebody that we don't know that if they are ill,  
they've ceased living

MS. METHVIN:

Did any of those that came back to you  
in the fall match to these names or you are not  
sure?

MS. NGUYEN:

I would have to go back and look

MS. METHVIN:

It would be the same address, probably,  
so they probably would use the same address in  
the database. Do you they have phone numbers?

MS. NGUYEN:

They do. Some of them are out. I tried



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1 calling. Last year I called everybody that was on  
2 the list. I personally called everybody.

3 MS. DUNN:

4 Did you get in touch with everybody? I  
5 mean, it's one thing to call them but --

6 MS. NGUYEN:

7 Majority of them and they send in  
8 payment. Some do and some don't.

9 MS. DUNN:

10 Okay.

11 MR. DONEGAN:

12 The other thing that I'm going to ask  
13 the two associations that maybe at the seminar  
14 toward the end of the cycle period that they put  
15 something in their brochures, remember to pay  
16 your renewal fee by December 31st under penalty  
17 of possible fine up to \$1,000.

18 MR. GILBERTI:

19 Excuse me. Peter Gilberti on behalf of  
20 the Louisiana Court Reporters Association. If  
21 you are seeking public input at this time, as  
22 this young lady who was just here before, Ms.  
23 Langston, seeking reinstatement, having been  
24 around this forum and various forums of this  
25 nature for too many years to say, she used the



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1 word "dues."

2 MR. DONEGAN:

3 Right.

4 MR. GILBERTI:

5 And that's a big misunderstanding that  
6 reporters, I don't know how long they have been  
7 practicing, feel like they belong to an  
8 association as opposed to a mandated licensing  
9 fee to maintain their license to practice as  
10 certified court reporters in the State of  
11 Louisiana. That should be addressed, I would  
12 feel, by this statutorily created Board to  
13 indicate that. We would be more than happy to  
14 include that, you know, in our notices for  
15 seminars.

16 MR. DONEGAN:

17 And I think speakers could also address  
18 it, too, Peter, at the seminar, you know.

19 MR. GILBERTI:

20 It could be part of the rules and regs  
21 ethics. And while we're on that subject, if I  
22 can backtrack this part about online ethics  
23 training, do you guys approve that today?

24 MR. DONEGAN:

25 No. No.



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1 MR. GILBERTI:

2 Okay. I am just curious because at the  
3 last meeting that I attended here, I indicated to  
4 Judge Bonin that Louisiana Court Reporters  
5 Association has always been poised and ready to  
6 put on just simply ethics and rules and regs  
7 credits. We've always offered that, and it  
8 continues to be offered. And I just want to know  
9 if I need to go back to my fellow Board of  
10 Directors and say we're going to scrap that idea  
11 because the CSR Board was going to handle that on  
12 their own.

13 MR. DONEGAN:

14 No. The way the rules are written right  
15 now, we prohibit online courses.

16 MR. GILBERTI:

17 I understand.

18 MR. DONEGAN:

19 Until that rule gets changed, if it gets  
20 changed, and it may not -- if it ever gets  
21 changed, it may not address ethics online. It  
22 may address general courses, online courses.

23 MR. GILBERTI:

24 On your House Bill that you are  
25 referencing, and I know David is aware of this,



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1 most bills dealing with the court system and/or  
2 proponents of the court system usually seek  
3 judicial counsel blessing before they are filed.  
4 Having been familiar with legislation, and I know  
5 David as well, you see bills sometimes that  
6 indicate at the end of the bill if it received  
7 judicial counsel approval then the whole thing  
8 will wrap into going into effect.

9 MR. DONEGAN:

10 That's why I was asking about the  
11 Supreme Court

12 MR. GILBERTI:

13 Now, this is a whole new can of worms  
14 you guys are opening via -- or that bill, I  
15 should say, is opening. I walked in on the  
16 tail-end of Mr. Helmke's comments about seals,  
17 and how would that go hand-in-hand with an  
18 electronic signature. You can't wrap the noose  
19 around the seals, right, and seeing who is  
20 getting -- when I got my seal from Ed Stencil,  
21 they didn't ask me for anything; my name. And I  
22 got a couple of peoples. To be honest with you,  
23 I did. Hey, man, can you get mine. I did. And  
24 they had us on file for previous years that it's  
25 been done that way. Thanks for the opportunity.



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1 MR. DONEGAN:

2 Thank you. We are going to refer that  
3 to Kimya's committee, and then David and Vickie  
4 get on the letter for future.

5 MR. MARCELLO:

6 And where do we stand with the regard to  
7 an idea of a rule, is this something that you  
8 want to look at a draft of or discuss further?

9 MR. DONEGAN:

10 I would like the rule -- you are talking  
11 about where the CE's expire on December 31st and  
12 your license is automatically suspended as with  
13 renewals? I would like them to go hand-in-hand.

14 MR. MARCELLO:

15 The rule, if we are going to proceed  
16 with one, would probably identify the, quote,  
17 unquote, "grace period." Would identify  
18 procedure for notice to be sent by staff if you  
19 fail to meet the December 31 deadline so that  
20 they were aware that they are no longer  
21 authorized to practice, and would deal with  
22 proceedings after the 20th, which presumably  
23 require coming before the Board and getting  
24 reinstated.

25 MR. DONEGAN:



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1 My question is you are talking just  
2 about the renewal fee right now or are you  
3 talking about renewal and lack of CE credits?

4 MR. MARCELLO:

5 No. I am just talking about the renewal  
6 fee.

7 MR. DONEGAN:

8 Why can't we do them both together?  
9 That way at December 31st, you know, we don't  
10 have one renewal or one CE's and Vickie has got  
11 to go through this and that.

12 MR. MARCELLO:

13 They can definitely be addressed in the  
14 same rulemaking process. The procedures might  
15 well be a bit different. I mean, statutorily  
16 it's quite plain that if you have not paid your  
17 renewal fee you are suspended. It's not quite so  
18 clear with regard to CE credit. You have up  
19 until December 31 of every other year to submit  
20 enough credits to prove that you have met your  
21 required number of hours. You know, the payment  
22 of a fee is not susceptible of a lot of mistakes.  
23 The submission of CE credit, on the other hand,  
24 is a little less definite. If a person took CE  
25 and was relying on the provider to send in notice



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1 of it and that didn't happen or if the notice was  
2 sent and miscarried or received and not properly  
3 registered on our part, these are all things that  
4 wouldn't invite disciplinary action. It could be  
5 very quickly clarified as soon as the person who  
6 is out of compliance is put on notice.

7 So rather than try to adopt a rule  
8 and says, if we haven't gotten all of your  
9 required CE credits by December 31, you are  
10 automatically suspended, I would think the wiser  
11 course might be to say if we haven't received  
12 them within a certain period of time after that  
13 date; five days, ten days, 15 days, notice will  
14 go out that the licensee is apparently on the  
15 record deficient in CE credits and that that  
16 would be the subject of a disciplinary hearing at  
17 an appropriate time. Then if the person says,  
18 I'm going to fix that by getting CE or I've  
19 already done the required CE, it just wasn't  
20 submitted and submitted late, some of those types  
21 of problems could be dealt with, so the  
22 procedure, I think, would probably be a little  
23 bit different, but they can certainly both be  
24 addressed.

25 MR. DONEGAN:



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1           The problem that I have and the problem  
2 Vinny has is we both talked about this numerous  
3 times. You have two years. It's not our problem  
4 that they wait until 30 days before the two years  
5 expire and then it creates a problem for Vickie  
6 in the office and all of this paperwork and  
7 things like that. Trying to look somewhere to  
8 streamline it and say, it's in black and white,  
9 and if you don't have it, you don't have it.

10                   MR. MARCELLO:

11           One way would be to say that if we  
12 haven't received your full number of credits by  
13 December 1 of the year in which this expires then  
14 you are going to be terminated by rule effective  
15 the end of December 31. That might, however, put  
16 a little bit of pressure on the trade  
17 associations that provide training in December  
18 specifically because folks who haven't gotten  
19 them earlier are beginning to get anxious about  
20 the onrushing deadline, and, again, it might be  
21 practical problems with, well, I took the CE on  
22 December 23rd but Christmas and New Years slowed  
23 down getting it to you.

24                   MR. DONEGAN:

25           Okay.



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1 MR. MARCELLO:

2 But, I think the best way to address  
3 this is probably with a written document in front  
4 of everyone so that we can move.

5 MR. DONEGAN:

6 We basically have a year and a half  
7 before the end of the year cycle.

8 MR. MARCELLO:

9 We do. Or a year before the next  
10 renewal date on licensing fees.

11 MR. DONEGAN:

12 I am talking about CE's doesn't end  
13 until '18, the end of '18.

14 MR. MARCELLO:

15 If we wanted to deal with both of them  
16 in a single rulemaking proceeding, we could bring  
17 it from start to finish by the end of this year,  
18 calendar year.

19 MR. DONEGAN:

20 So we will just keep it open for  
21 discussion, then, and defer it.

22 MR. MARCELLO:

23 You know, if you need me to do a draft,  
24 I can do that, and that's something I can get  
25 told by Judge Bonin subsequently depending on



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1 what the view of it is, so I will hold off in  
2 doing an actual draft until I get word to the  
3 contrary.

4 MR. DONEGAN:

5 Number 5, Rules and Rule-Making, Update:  
6 Regarding CDR Examination Rule.

7 MR. MARCELLO:

8 The CDR Exam Rule is going to be  
9 published -- Vickie has dealt with the details on  
10 that -- in the April 20th Louisiana Register.  
11 The final rule will be fully adopted April 20th.

12 MR. DONEGAN:

13 Okay. The rule authorizes CE credits  
14 for pro bono transcripts, David?

15 MR. MARCELLO:

16 Yes. It's a subject that I think Judge  
17 Bonin originally provoked some discussion about,  
18 and the idea here would be that the CSR Board,  
19 like the Louisiana State Bar Association, might  
20 allow reporters to satisfy some number of hours  
21 of continuing education credit by doing pro bono  
22 work. The concept, as it's been implemented by  
23 the LSBA, is that for every hour -- every five  
24 hours of pro bono work by a licensed member of  
25 the Bar will get one hour of CE credit, so



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1 there's been a draft floating around in the hands  
2 of Board members at various times that uses that  
3 same format. It contemplates that the court  
4 reporter who provides eligible pro bono services  
5 will receive one hour of CE credit for each five  
6 hours of pro bono court reporting services  
7 rendered up to a maximum of three hours of credit  
8 for each two year reporting cycle, and it  
9 requires that to receive that credit the reporter  
10 would have to submit a completed form, an  
11 application for continuing education credit for  
12 pro bono services.

13 There are a couple of questions  
14 about how you get eligible to do pro bono service  
15 and what organizations are eligible to receive  
16 that pro bono benefit. So, one requirement might  
17 be that the CE credit must be earned by providing  
18 uncompensated pro bono court reporting services  
19 to an indigent or near indigent client. Order  
20 501C3 non-profit organization engaged in the  
21 delivery of services to traditionally  
22 underrepresented clients. The further provision  
23 might be a kind of gateway mechanism. To be  
24 eligible for credit, the work must have been  
25 assigned to the court reporter by a court, by the



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1 Louisiana State Bar Association or by a legal  
2 services or pro bono organization that has as its  
3 primary purpose of furnishing pro bono legal or  
4 other services to indigent or near indigent  
5 clients. The legal services or pro bono  
6 organization must file a statement with the CE  
7 committee that provides information and tests to  
8 the primary purpose of furnishing pro bono, legal  
9 and other services.

10 So this contemplates a sort of  
11 three step process. The first of which is that  
12 you recognize CE credit for uncompensated pro  
13 bono services to indigent or near indigent  
14 clients or 501C3 non-profit. Secondly, creates a  
15 gateway mechanism that says you've got to have  
16 been assigned that work by a court, by a  
17 Louisiana State Bar Association or by a legal  
18 services or pro bono organization. And then,  
19 thirdly, identifies the ratio of five hours pro  
20 bono service for one hour of CE credit up to a  
21 maximum of three hours of credit. It does not  
22 say whether that credit can be used to satisfy  
23 the ethics requirements. That's another possible  
24 issue.

25 MR. DONEGAN:



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1 David, why don't we do this. This is  
2 the judge's baby. Can we just defer until next  
3 meeting when the judge is present. It's he and  
4 John addressing that, really, and were engaged in  
5 this particular topic, so --

6 MR. MARCELLO:

7 Okay.

8 MR. DONEGAN:

9 You know, we can refer to him.  
10 Executive Session. David.

11 MR. MARCELLO:

12 I don't really know that the Board needs  
13 an Executive Session. There's not a whole lot to  
14 discuss or describe. The litigation was  
15 submitted on motions to dismiss to Judge Lemelle  
16 effective January 4th. We are awaiting his  
17 pleasure with regard to those motions, and we  
18 can't predict when we will learn more, but as  
19 soon as we do, you will all be notified by me and  
20 others, I'm sure. So I really don't think we  
21 need an Executive Session.

22 MR. DONEGAN:

23 Okay. Any new business? Hearing none.  
24 Scheduling of the next Board meeting. Leave that  
25 to Ms. Vickie.



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MS. NGUYEN:

Depends on y'all's schedule.

MR. DONEGAN:

I think we got to resolve around the  
judge.

MS. NGUYEN:

I will e-mail all of you-all and we'll  
pick dates.

MR. DONEGAN:

Sounds good. Any public comments? The  
meeting is adjourned.

(Whereupon the meeting was adjourned at 2:10  
p.m.)



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I, RACHEL Y. TORRES, Certified Court Reporter in and for the State of Louisiana, as the officer before whom this meeting was taken, do hereby certify that this testimony was reported by me in the stenotype reporting method, was prepared and transcribed by me or under my personal direction and supervision, and is a true and correct transcript to the best of my ability and understanding;

That the transcript has been prepared in compliance with transcript format guidelines required by statute or by rules of the board, and that I am informed about the complete arrangement, financial or otherwise, with the person or entity making arrangements for deposition services;

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3 matter nor is there any such relationship between  
4 myself and a party litigant in this matter. I am  
5 not related to counsel or to the parties herein,  
6 nor am I otherwise interested in the outcome of  
7 this matter.

8

9 Dated this 31st day of May, 2017.

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RACHEL Y. TORRES, CCR, RPR  
CERTIFIED COURT REPORTER

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