

MINUTES

STATE BOARD OF EXAMINERS OF SHORTHAND REPORTERS

JULY 23, 2008

The State Board of Examiners of Shorthand Reporters convened at 8:25 a.m. in Room-117 of the State Office Building, 165 Capitol Avenue, Hartford, CT 06106.

Board Members Present: John Brandon, Shorthand Reporter, Chairperson
Patricia Masi, Shorthand Reporter
Walter Rochow, Shorthand Reporter
William Mangini, Public Member
Cheryl Stern, Public Member

Board Members Absent: Joseph N. DeFilippo, Attorney

Board Counsel Present: None

DCP Staff Present: Nelson Leon, Board Secretary
Vicky Bullock, Administrative Hearings Attorney
Kelsey Loomis, Intern

Public Present: None

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

Agency Web Site: www.ct.gov/dcp

Chairperson Brandon called the meeting to order at 8:25 a.m. The minutes from the April 23, 2008 meeting were reviewed. Mr. Brandon asked that paragraph-4 on page-2 be amended to reflect that Mr. Rochow asked if there exists any standardized reading and signing procedures being used for transcripts, pointed out that every agency seems to have their own style when handling, reading and signing of transcripts, and that he felt there must be a way to have a standardized procedure to comply with the Practice Book; and that paragraph-5 on page-2 be amended to reflect that John had a concern that modifying the Practice Book is probably too drastic at this stage. Mr. Brandon made a motion to accept the minutes with the modifications, Ms. Stern seconded, and all were in favor.

Mr. Brandon then thanked the members of the Board for their commitment and for giving their time to attend the meetings. He recognizes that we are all busy and appreciates the time we give to the Board.

Chairperson Brandon then mentioned the actions our Board may take regarding Attorney Joseph DeFilippo. Attorney DeFilippo has been on the Board for a few years, but has been absent for the past 4 meetings (April 2008, January 2008, November 2007, and August 2007). Attorney Bullock believes that a Board member who is absent for three consecutive meetings can be removed from the Board, but it is up to the Board to make that determination. Nelson offered to contact Atty. DeFilippo and get his intentions as to his status on the Board. Attorney Bullock said if he wishes to resign, he should do so in writing.

A discussion then ensued regarding the Practice Book. Mr. Rochow felt that “in theory” when the Practice Book was originally written it was practical, but over time it has become outdated. Ms. Masi produced pages from the State of Connecticut, Judicial Branch’s web site that gave the address of the Rules Committee, and perhaps our Board could write and make suggestions to update the Practice Book. Ms. Masi felt that “very few” entities are in compliance with the Practice Book, and it should be updated. Mr. Brandon offered to send a letter to the Rules Committee detailing some recommendations, but Ms. Masi cautioned that the recommendations should be in compliance. Mr. Brandon agreed, and asked if the three shorthand reporters on the Board (Brandon, Masi, Rochow) communicate via email and produce a draft letter that can be presented to the entire Board at the October 2008 meeting. All consented. Attorney Bullock suggested the letter outline the current practices in the industry, and choose wording that details why we would like to see changes, and not simply because we do not want to comply.

Attorney Bullock asked if the Board wanted Substitute Senate Bill 272 on the web site, and Mr. Brandon felt that it should be. Nelson will obtain the body of the bill from Mr. Seligson to avoid re-typing the document.

Mr. Brandon then spoke of the new application received from Ann Preston. Ms. Preston resides in Massachusetts, and was licensed in Connecticut (by virtue of being grandfathered in) until 2001. She has been working in Massachusetts since then, and is now interested in working in Connecticut. She contacted the Connecticut Court Reporters Association who advised her to take the test and apply as a new licensee. After successfully passing all legs of the test, completed the application and submitted it along with the fee. Ms. Preston was told she had to pay back dues from 2001.

One concern shared by Board members was that reporters could leave after their license expires to avoid paying dues and meeting their required continuing education unit obligations. Ms. Masi pointed out that sometimes there are situations that arise that prevent people from working in Connecticut, and felt this was a case in point. Mr. Brandon feels that the Board should review applications such as this on a case-by-case basis, and felt it would be unfair to make this applicant pay back dues and get seven years worth of CEUs, particularly when she took and passed the state test. Mr. Rochow was troubled by the fact that this applicant missed two cycles, but after discussing the situation agreed she should be granted the license.

Nelson pointed out that other trades make their people re-test if they have been inactive for one year, and has seen situations where people have tried to avoid paying dues. Mr. Brandon feels that each case will be unique, and our Board should have the authority to use our discretion on a case-by-case basis. Mr. Brandon made a motion to grant Ms. Preston a license, Ms. Masi seconded, all were in favor.

Mr. Brandon asked Mr. Rochow if he has ever been asked to certify a portion of a transcript. Mr. Rochow replied that “maybe once in the many years” he has been reporting. Mr. Brandon explained that his agency receives perhaps twelve such requests a year, and it seems to be coming more and more popular. Mr. Brandon explained that some judges want to see a specific page (detailing a certain discussion) certified as well as having the entire document certified. Mr. Brandon told the group that his agency now has a form in place to address these requests. Ms. Masi said she has a booklet from the National Court Reporters Association that outlines procedures for certifying transcripts, and will check to see if the certifying of a portion of a transcript is detailed in the publication.

A brief discussion then took place regarding agencies offering “gifts” to clients for the opportunity to take depositions. Mr. Rochow shared with the group an article in a national magazine outlining the practice of giving gift certificates, perfume, etc. to clients in return for deposition work. The article pointed out that gifts received are deemed taxable by the Internal Revenue Service. Mr. Brandon knows of large, out-of-state companies that look for big cases where there will be many depositions and offer iPods, I-Phones, etc. for giving them the assignment. The feeling of the reporters on the Board is that the industry, once run by “mom and pop” organizations, now has many private, non-working reporters running agencies. They run their operations like a business, and may offer these “gifts” to attract business. Ms. Stern asked if there was a way to stop this, but Mr. Brandon felt strongly that there is not. Mr. Rochow pointed out that, if one tried, it would take years to have this practice stopped due to the legal proceedings that would take place.

Chairperson Brandon asked if there was any more business to be conducted and, there being none, adjourned the meeting.

There being no further business, the meeting adjourned at 9:20 a.m.

Respectfully submitted,

John C. Brandon
Chairperson

The next meeting of this Board is scheduled for Wednesday, October 22, 2008 at 8:15 a.m. in Room-117