

MINUTES

STATE BOARD OF EXAMINERS OF SHORTHAND REPORTERS

NOVEMBER 24, 2004

The State Board of Examiners of Shorthand Reporters convened November 24, 2005 at 8:35 a.m. in Room 117 of the State Office Building, 165 Capitol Avenue, Hartford, CT 06106.

Board Members Present: Susan K. Whitt, Chairperson, Shorthand Reporter
Donald E. Hubbard, Shorthand Reporter
John C. Brandon, Shorthand Reporter
Joseph N. DeFilippo, Attorney
William Mangini, Public Member

Board Counsel Present: Jose Rene Martinez, AAG

Board Vacancies: One Public Member

DCP Staff Present: Nelson Leon, Board Secretary
Vicky Bullock, DCP Attorney
Richard M. Hurlburt, Director

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.

SWEARING-IN OF NEW BOARD MEMBER APPOINTMENT

Joseph N. DeFilippo, Esquire – Appointed by the Honorable Governor John G. Rowland to the State Board of Examiners of Shorthand Reporters, as an attorney, to serve a term ending January 29, 2006 or until a successor is appointed and has qualified, whichever is longer, in succession to Elizabeth Garrett, who resigned.

Attorney DeFilippo was sworn-in by DCP Attorney Vicky Bullock.

BOARD MEMBER RE-APPOINTMENT

John C. Brandon – Re-appointment by the Honorable Governor M. Jodi Rell to the State Board of Examiners of Shorthand Reporters, as a Shorthand Reporter, to serve for a term ending October 30, 2007 or until a successor is appointed and has qualified, whichever is longer.

MINUTES OF PREVIOUS MEETINGS

The Board voted unanimously to approve minutes of the May 24, 2004 Shorthand Reporters meeting.

APPLICATIONS

Jean Dunne, Gougemont, NC – Approved

Martha C. Marshall, Oxford, CT. – Approved

Shirley A. Riga, Amherst, MA – Approved

Christine L. Smugle, New Market, MD – Approved

Marge Teilhaber, Fort Lee, NJ – Approved

DCP LICENSURE RENEWAL AND AUDIT POLICY

Ms. Whitt inquired about the Shorthand Reporters license renewal policy of DCP. Mr. Leon informed Ms. Whitt that the Shorthand Reporter license renewals are computer generated forty-five days prior to the license expiration date of 12/31, and that the initial applications are processed by the accounting department.

Ms. Whitt asked if someone audits the continuing education points. Mr. Leon advised that the Board ask Director Richard Hurlburt about that process. Mr. Leon said that according to DCP policy, ten percent of the renewal applications will get audited. Ms. Whitt said that any reporter with their RPR or RDR is automatically renewed and not audited, and those designations are administered by the NCRA, so the expiration dates will not correspond.

FUTURE LEGISLATION ON PAGE FORMATTING

Mr. Brandon initiated a discussion of Michael Harrison and the possibility of a new regulation in Connecticut Regarding page formatting. Mr. Brandon mentioned that U.S. District Court has guidelines for transcript page layout, and said he would bring those to the next meeting. Ms. Whitt said the NCRA has guidelines governing the maximum size of characters on the page.

COMPLAINTS

Status of compliant investigation regarding Davis S. Williams, Esquire, of Brown Jacobson, and Cunningham Group, relating to a complaint about page format and COD to in-state.

Mr. Carver said he sent correspondence to Michael Harrison and got no response. He did have a verbal conversation with Mr. Harrison in which Mr. Harrison said there is no merit to the complaint regarding page layout, and the job was produced in accordance with his usual custom and practice.

Mr. Carver said he worked on this issue in May and June, went to Westport, and Mr. Harrison's business location there was closed. He then got an address from the landlord at that building, which address was a private residence. Mr. Carver said Mr. Harrison called him and threatened to sue him.

Mr. Defilippo asked what options Consumer Protection would have in this case. Mr. Carver said perhaps unfair trade practices were committed by Mr. Harrison – but what is usually required to prove that is a pattern and practice of deceptive acts – and it's better to have several complaints before Consumer Protection acts.

Mr. Hubbard asked if the New London attorney's letter constituted a formal complaint? Mr. Carver said he believes it does. Ms. Whitt asked Mr. Carver to determine if the following could be determined: The caption of the case, with appearances; did Braxton change the page layout and page count without the court reporter who did the job knowing about it; how many pages did the reporter send in versus how many got billed; did the reporter ever see the final product produced by Braxton; did the reporter know how Braxton's process worked?

MISCELLANEOUS

Ms. Whitt said we need to hire a new lobbyist to come to our meetings. We want to explore requiring freelance firms to be licensed so whoever sends reporters to jobs has some responsibility and liability for what happens thereafter. Mr. Leon said we need to run that past Vicky Bullock to determine if we need new regulations or a statutory change, and that we need to put it in writing.

Mr. Defilippo said we can look to other professions for language. Ms. Whitt said that we were turned down by the Chief Judge of the Superior Court regarding a rules change requiring attorneys to hire licensed reporters. Ms. Whitt asked why we never got a reason why we were turned down. We need to inquire as to why we denied that remedy.

Ms. Whitt asked Mr. Brandon to follow-up with the Superior Court as to why we were turned down. Ms. Whitt said perhaps our state association could put an ad in the Law Tribune about using licensed reporters.

Mr. Mangini asked Ms. Whitt if she could call Cynthia Garafalo about her letter advocating provisional licensure. Ms. Whitt said we corrected a wrong several years ago when we had no licensure and unqualified reporters taking depositions, and that provisional licenses are not on the table at this point.

Mr. Defilippo said he would not want a provisional reporter at depositions. Ms. Whitt said she would call Ms. Garafalo and speak with her about the issue. Mr. Defilippo said he would send a list of lobbying firms to us so we can choose one.

There being no further business, the meeting adjourned at 10:15 a.m.

Respectfully submitted,

Susan K. Whitt
Chairperson

The next meeting of this Board is scheduled for Wednesday, January 26, 2005 at 8:15 a.m.