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Denise Phipps, Chairwoman
State of Nevada Certified Court Reporters Board
500 North Rainbow Boulevard, Suite 300
Las Vegas, NV 89107

Via Email

Re: US Nuclear Regulatory Commission (NRC) Written Request

Dear Denise:

I was filing the last opinion on the above-referenced topic with my notes from the meeting I had with Pauline and I noted at our meeting that Pauline felt that NAC 656.320 would resolve the question pending regarding NRC. In performing my research, it became apparent that NAC 656.320 was inapplicable. However, I feel remiss in not addressing the inapplicability in writing to the Board.

Specifically, subsection 2 of NAC 656.320 provides as follows:

NAC 656.320 Acceptance of work from firm; service in foreign jurisdiction. (NRS 656.130, 656.250)

2. A court reporter may provide service as a court reporter in any litigation that is commenced or maintained in a foreign jurisdiction if the court reporter complies with the requirements of the regulatory body that governs the practice of court reporting in the foreign jurisdiction.

As a threshold matter, NAC 656.320 is only applicable to court reporters and not court reporting firms. Moreover, subsection 2 of 656.320 attempts to address the concept of litigations initiated in a "foreign jurisdiction." The simplest example of this concept would be a litigation initiated in California and thus, apply subsection 2 of 656.320 would require the court reporter to be licensed in the State of California to perform work on that litigation initiated in California. In the context of the question asked by the NRC, it was an administrative action initiated with the federal agency regarding property located in Nevada to be adjudicated in Nevada. Thus, I did not see the applicability of NAC 656.320 to the request at hand since there is no regulatory bodies that licence court reporters to practice in administrative federal actions. Without addressing the

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apparent deficiency in the rule, it simply appeared that NAC 656.320 would not be applicable to address the question asked. A big hurdle applying 656.320(2) to the question asked is that it would seem to prohibit any court reporter from performing work for NRC since no regulatory body governs the practice of court reporting in federal administrative action. That simply did not appear to be a reasonable administration of the NVCCR Board's authority as implemented in its regulation.

Secondly and more importantly, NAC 656.320(2) does not address court reporting firms. NAC 656.320(2) is only applicable to court reporters. In fact, a strict reading of NAC 656.320(1) would prohibit the Nevada based court reporter from performing services for the Maryland based court reporting firm. Accordingly, my recommendation to the Board in respect to NRS 656.340 appeared to be set forth a reasonable process to address this type of enquiry regarding out-of-state court reporting firms.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Norman J. Azevedo', with a long horizontal line extending to the right.

NORMAN J. AZEVEDO, ESQ.

NJA/jm

cc: Debbie Uehara, Executive Secretary, NVCCRB