



State of Nevada
Certified Court Reporters Board

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DAN WAITE, ESQ., - Chairman
LORI JUDD – Vice Chairperson
PEGGY ELIAS – Board Member
HEIDI KONSTEN – Board Member

OPEN MEETING MINUTES

Amended: 5/2/19

Date: Monday, March 18, 2019

Start Time: 9:08am

End Time: 3:31pm

Location: Lewis Roca Rothgerber Christie, LLP
3993 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169

Present: Dan Waite Peggy Elias Heidi Konsten Lori Judd
Asheesh Bhalla Sophia Long Debbie Uehara Peter Hellman
Jennifer Daly Sarah Winn-Boddie Michelle Ferreyra Mickey Marez
Kim Farkas Jennifer Foley

Present Via TelCon: Karen Jones Lisa Makowski Kelly Roemer
Diane Lusich Matthew Spievak Debbie Arnaud Clara Casey
Ben Walker Eve Barrett Jim Barrett Shanyelle King
Jeff Cobb William LaBorde Kevin Daniel Mary Cox Daniel
Debra Morris Alexander Nagle Debbie Hines

ITEM #1: Meeting Called to Order:

Without motion, Dan Waite called the meeting to order at 9:08am.

Board Members:

Present: Dan Waite

Present: Lori Judd

Present: Peggy Elias

Present: Heidi Konsten

ITEM #2: Public Comments: No public comments.

ITEM #3: Approval of the Agenda:

MOTION made by Lori Judd: That the Board approves the agenda in its entirety.
Motion seconded by Heidi Konsten, all in favor, motion moves forward.

ITEM #4: Approve Meeting Minutes:

MOTION made by Lori Judd: That the Board approve the February 22, 2019 open meeting minutes in its entirety. Motion seconded by Heidi Konsten, all in favor, motion moves forward.

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ITEM #5: Final Review of NVCRA's 2019 Continuing Education Program: At the February 22, 2019 open meeting, the Board requested each presenter on the subject of Nevada law, provide a letter of confirmation that they read NRS Chapter 656 and NAC Chapter 656 in its entirety prior to the 2019 convention. Both presenters, Justice Lidia Stiglich and Washoe County Chief Public Defender Mary Pusich submitted such letters. Copies of the letters are attached and will be kept on file. No further comments.

MOTION by Lori Judd: That the Board approve NVCRA's continuing education programs to earn Nevada law credits at their 2019 convention. Motion seconded by Dan Waite, Heidi Konsten recused herself, all others in favor, motion moves forward.

ITEM #6: Disciplinary Hearing for Peter J. Hellman, Case No. NV01-2019:

Peter J. Hellman appeared before the Board and was represented by counsel, Jennifer L. Foley for alleged violations regarding his conduct as an owner of a licensed court reporting firm(s) for non-payment to firms and his failure to cooperate and respond in a timely manner. Debbie Uehara, Executive Secretary served as a witness for the State of Nevada Certified Court Reporters Board and was represented by Deputy Attorney General Asheesh Bhalla from the Attorney General's Office. Deputy Attorney General Sophia Long represented the Board.

Break: 10:21am – 10:29am

By decision of the Board, charges were dismissed against Peter J. Hellman, Deposition Services, LLC, and Evolve Reporting and no discipline will be imposed. The hearing continued addressing the alleged violations against Nevada Court Reporting, Firm #086 (expired).

Break: 11:58am – 12:07pm

Based on testimony and exhibits admitted at the hearing, the Board made the following legal conclusions:

1. Nevada Court Reporting, LLC, a corporation that operated Nevada Court Reporting, Firm #086F (expired) is subject to discipline pursuant to NRS 656.250(6) for demonstrating unworthiness or incompetency to safeguard the interests of the public.
2. Nevada Court Reporting, LLC, a corporation that operated Nevada Court Reporting, Firm #086F (expired) is subject to discipline pursuant to NRS 656.250(10a) for failing to comply with the requirements of NAC 656.420(6) in a timely manner.

MOTION by Dan Waite: That Nevada Court Reporting, Firm #086F, currently in default is found in violation of the first and second claim for relief as stated in the complaint. Motion seconded by Peggy Elias, all in favor, motion moves forward.

MOTION by Dan Waite: That Peter J. Hellman and Deposition Services dba Evolve Reporting, Firm #078F was not found liable and did not violate the first claim for relief. Motion seconded by Peggy Elias, Lori Judd opposed, all others in favor, motion moves forward.

MOTION by Dan Waite: That Peter J. Hellman and Deposition Services dba Evolve Reporting, Firm #078F was not found liable and did not violate the second claim for relief. Motion seconded by Peggy Elias, Lori Judd opposed, all others in favor, motion moves forward.

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MOTION by Dan Waite: That the Board impose the following form of discipline against Nevada Court Reporting, LLC, a corporation that operated Nevada Court Reporting, Firm #086F (expired):

- A fine of \$5,000.00 for each violation, a total of \$10,000.00
- Nevada Court Reporting, LLC, a corporation that operated Nevada Court Reporting, Firm #086F (expired) is revoked immediately for a duration of not less than 5 years.
- Nevada Court Reporting, LLC, a corporation that operated Nevada Court Reporting, Firm #086F (expired) shall reimburse the Board for costs and fees associated with this proceeding in an amount not to exceed \$5,000.00.

Motion seconded by Peggy Elias, all in favor, motion moves forward.

Break: 1:30pm – 1:40pm

ITEM #7: **Proposal to Amend Certification Exam Format by Mickey Marez:** Mr. Marez presented his comments regarding the certification exam format and his passion for the court reporting profession. A copy of his remarks is attached and will be kept on file. No further comments.

ITEM #8: **2019 Legislative Report:** Lori Judd reported there were no updates to be shared regarding Senate Bill 38. No further comments.

ITEM #9: **Court Reporting Services Provided by Mobile Apps:** Heidi Konsten reported there are multiple companies promoting and coordinating court reporting services through phone apps in Nevada. A discussion ensued to determine if these phone apps fall under the definition of a court reporting firm pursuant to NRS 656.030(5). Each Board member expressed that any company receiving compensation for arranging court reporting services should be identified as a court reporting firm. Dan Waite stated the Board's position, in terms of the law, if a business entity receives compensation for arranging court reporting services, it is considered a licensable event. No further comments.

MOTION by Lori Judd: That the Board declares these mobile apps fall under the definition of NRS 656.030(5) because they provide court reporting services for compensation and is subject to the court reporting firm requirements of NRS Chapter 656 and NAC Chapter 656. Motion seconded by Peggy Elias, all in favor, motion moves forward.

ITEM #10: **Board Members Earning Continuing Education Credits:** Heidi Konsten opened a discussion to determine if Board members could earn continuing education credits while attending Board meetings and examinations. Pursuant to NAC 656.240(7), any program approved by NCRA is accepted by the Board, therefore, Board members should be able to earn credits in the same manner as any other certificate or license holder. No further comments.

MOTION by Dan Waite: That any member of the Certified Court Reporters Board can earn continuing education credits in the same manner as a certified court reporter while attending a designated Board meeting or examination to earn credits. Motion seconded by Heidi Konsten, all in favor, motion moves forward.

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- ITEM #11: Executive Secretary's Report:** Debbie Uehara presented the financial report dated March 8, 2019. A copy is attached and will be kept on file. Ms. Uehara shared a written request from Linda Shaw from Litigation Services requesting to be placed on an open meeting agenda to seek clarification on the prohibition of contracting laws. No further comments.
- ITEM #12: Next Scheduled Meeting and Requests for Agenda Items:** Debbie Uehara announced the next scheduled open meeting will take place after the April exams to ratify the test results; a date and agenda items will be determined at a later date. No further comments.
- ITEM #13: Public Comments:** Michelle Ferreyra shared her disappointment that she was not included on the Exam Committee. Ms. Ferreyra expressed she has many ideas to share that support the exam process and asked the Board to reconsider their position on her involvement with the committee. Mickey Marez asked the Board to accommodate all speakers at open meetings when there are disciplinary hearings taking place and the Board should welcome input from those taking the exam to improve the exam process. An unidentified caller asked for a summary for agenda item #9 because he was disconnected from the call. Dan Waite provided a summary for agenda items #9, #10, #11 and #12. Diane Lusich asked for clarification to earn continuing education credits by attending or calling into a Board meeting; she was directed to read her email for detailed instructions. Eve Barrett referred to agenda item #9 and reported she was planning on speaking with the Association and invites the Board to attend and listen due to their lack of information regarding her services. No further comments.

Adjournment:

Without motion, Dan Waite adjourned the meeting at 3:31pm.