



State of Nevada
Certified Court Reporters Board
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Board Members:

LORI JUDD – Chairperson

Court Reporter Member

PEGGY ELIAS – Vice Chairperson

Court Reporter Member

HEIDI KONSTEN – Board Member

Court Reporter Member

DAN WAITE, Esq. – Board Member

Attorney Member

VACANT

Public Member

Legislative Regulations Committee Members:

Dan Waite, Esq. – Chairman

Heidi Konsten – Vice Chairperson

Gloria Perry

Pauline May

William Laborde

LEGISLATIVE REGULATIONS COMMITTEE MEETING MINUTES

Date: Wednesday, September 30, 2020

Start Time: 5:42pm

End Time: 6:47pm

Location: No physical location due to COVID-19 quarantine.

Present Via Zoom Call:	Dan Waite	Heidi Konsten	Gloria Perry
	William LaBorde	Debbie Uehara	Josie Roper
	Marcia Ferrell	Allison Ash-Hoyman	April Chandler
	Cheryl Hall	Debra Morris	Patricia Ganci
	Michel Loomis	Don Fritsch	Diane Lewis
	Kit MacDonald		

ITEM #1: Meeting Called to Order:

Without motion, Dan Waite called the meeting to order at 5:42pm.

Legislative Committee Members:

Present: Dan Waite

Present: Heidi Konsten

Present: Gloria Perry

Not Present: Pauline May

Present: William LaBorde

ITEM #2: Public Comments: No public comments.

ITEM #3: Approval of the Agenda:

MOTION made by William LaBorde: That the Legislative Regulations Committee approves the agenda in its entirety. Motion seconded by Heidi Konsten, all in favor, motion moves forward.

ITEM #4: **Proposed Language Relating to the Provisions of Providing a Transcript:** Heidi Konsten presented amended language that provides clarification on the provisions of providing transcripts, specifically in NAC 656.370 and NAC 656.375. Ms. Konsten presented new language that expands the conditions to a suspended or revoked court reporter and firm. William LaBorde presented new language, specifically in NAC 656.370, that expands the conditions on services and products provided by the court reporter or firm to all parties. Mr. LaBorde presented new language relating to the provisions of providing transcripts to non-parties. A copy of the proposed language is attached and will be kept on file. No further comments.

MOTION Gloria Perry: That the Legislative Regulations Committee approve the proposed language in NAC 656.370 as submitted by Peggy Elias and William LaBorde with the amendment to change the word “deposition” to “proceeding”. NAC 656.375 will be deleted in its entirety and replaced with new language as submitted by Peggy Elias. William LaBorde’s new language is approved with the amendments to delete “or an audio” and to amend “30 days” to “60 days”. New language will be presented to the Board for their review and approval. Motion seconded by Heidi Konsten, all in favor, motion moves forward.

ITEM #5: **Proposed Language Regulating a Process for a Person with a Criminal History to Petition the Board:** Pursuant to Assembly Bill 319, now known as NRS 622.085, Gloria Perry and Pauline May were assigned to research and formulate language relating to a person with a criminal history. The proposed regulation would provide clarification for a person with a criminal history; to petition the Board to review his/her history to determine if the Board will preclude them from a certificate or license. A copy of the proposed language is attached and will be kept on file. No further comments.

MOTION by Heidi Konsten: That the Legislative Regulations Committee approves the proposed language that outlines the provisions for a person to petition the Board to review their criminal history. Amendment to change the word “regulatory body” to “Board” in sub-section 4(b) and 5. New language will be presented to the Board for their review and approval. Motion seconded by William LaBorde, all in favor, motion moves forward.

ITEM #6: **Administering Telephonic Oaths:** At the August 12, 2020 committee meeting, William LaBorde was assigned to perform an analysis and determine the need to formulate a regulation relating to court reporters administering telephonic oaths. Mr. LaBorde referred to the Attorney General’s Opinion dated April 26, 2007 that allows court reporters to administer oaths remotely. However, in May 2007, a new statute removed the requirement of a court reporter to become a notary public and granted the court reporter to administer oaths as stated in NRS 656.315 (see below). He suggested the opinion is no longer applicable to our current day situation. Mr. LaBorde would not like to see restrictions placed on a court reporter’s ability to administer oaths over the telephone or by remote means. Mr. LaBorde’s full report is attached and will be kept on file. No motion or action taken by the committee. No further comments.

NRS 656.315 Court reporters: Authority to administer oaths and affirmations without appointment as notary public. A certified court reporter may administer oaths and affirmations without being appointed as a notary public pursuant to [chapter 240](#) of NRS. (Added to NRS by [2007, 44](#); A [2017, 2225](#))

ITEM #7: **Amend NAC Chapter 656 Disciplinary Language to Include Aggravating and Mitigating Factors:** Dan Waite presented new language to be added to the disciplinary process, specifically in NAC Chapter 656. Mr. Waite introduced language adapted from Supreme Court Rule 102.5 regarding aggravating and mitigating factors. A copy of the proposed language is attached and will be kept on file. No further comments.

MOTION by William LaBorde: That the Legislative Regulations Committee approves the proposed language that outlines aggravating and mitigating factors when the Board is considering the degree of discipline to be imposed. Amendment to delete subsection 1(h) and correct the spelling of “rehabilitation” in subsection 2(i)(3). New language will be presented to the Board for their review and approval. Motion seconded by Heidi Konsten, all in favor, motion moves forward.

ITEM #8: **Next Legislative Regulations Committee Meeting and Agenda Items:** The next committee meeting date and agenda items will be determined at a later date.

ITEM #9: **Public Comments:** Marcia Ferrell asked for clarification on the requirements for party and deponent’s approval regarding the sale of unpublished transcripts. In response, Dan Waite stated Ms. Ferrell’s query may be addressed at a future meeting. No further comments.

MOTION by Gloria Perry: That the Legislative Regulations Committee adjourn the meeting at 6:47pm. Motion seconded by William LaBorde, all in favor, motion moves forward.