



STATE OF NEVADA CERTIFIED COURT REPORTERS BOARD

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Board Members:

PEGGY ELIAS – Chairperson

Court Reporter Member

HEIDI KONSTEN – Vice Chairperson

Court Reporter Member

WILLIAM LABORDE – Board Member

Court Reporter Member

LISA McGRANE – Board Member

Public Member

KEVIN DIAMOND – Board Member

Attorney Member

OPEN MEETING MINUTES

Date: Tuesday, January 24, 2023

Start Time: 5:30pm

End Time: 7:06pm

Location: Virtual Zoom Meeting via Zoom

Present Via Zoom:	Peggy Elias	Heidi Konsten	William LaBorde	Lisa McGrane
	Kevin Diamond	Debbie Uehara	Kristin DeCasas	Debbie Dibble
	Vicki Turner	Robin Ravize	Katie Langgle	Cindy Hudak
	Yolanda Henry	Kathy Jackson	Cheryl Gardner	Dianne Brumley
	Debra Morris	Judy Schonlau	Pamela Piehler	Jami Hetzel
	Shanyelle King	Barbara Montgomery	Robert Balian	Pauline May
	Margie Carlson	Sharon Bradley	Susan Naylor	Allison Ash Hoyman
	Rhonda Aquilina	Clara Casey	Carilee Dustin	Carolyn Harkins
	Jennifer Luu	Kele Smith	John Fahrenwald	Michelle Young
	Carrie Hewerdine	Erica Wofford	Kathy DiLorenzo	Matthew Spievak
	Rockie Dustin	Kim Waldie	Nicole Hansen	Helen Zamba
	Blanca Cano	Jennifer Church	Christy Joyce	Kim Farkas
	Lori Judd	Jocelyn Galvan	Debbie Hines	

ITEM #1: Meeting Called to Order:

Without motion, Peggy Elias called the meeting to order at 5:30pm.

Board Members:

Peggy Elias	Present
Heidi Konsten	Present
William LaBorde	Present
Lisa McGrane	Present
Kevin Diamond	Present

ITEM #2: Public Comments: No public comments.

ITEM #3: Approval of the Agenda:

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

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ITEM #4: Approval of Meeting Minutes:

MOTION by Heidi Konsten: That the Board approves the October 19, 2022 open meeting minutes in its entirety. Motion seconded by Lisa McGrane, all in favor, motion moves forward.

MOTION BY Heidi Konsten: That the Board approves the January 20, 2023 closed meeting minutes in its entirety. Motion seconded by Lisa McGrane, all in favor, motion moves forward.

ITEM #5: Closed Session: The Board conducted a closed session to review the certification exam application submitted by Kristin DeCasas pursuant to NRS 241.030.

ITEM #6: Open Session:

MOTION by Kevin Diamond: That the Board approves Kristin DeCasas' certification exam application and allow her to sit for the exam. Motion seconded by William LaBorde, all in favor, motion moves forward.

ITEM #7: Exam Committee Appointment:

MOTION by Heidi Konsten: That the Board appoint Lisa McGrane to the Exam Committee as the Vice Chairperson, pursuant to NRS 656.110(2). Motion seconded by William LaBorde, all in favor, motion moves forward.

ITEM #8: Legislative Regulations Committee Appointments:

MOTION by William LaBorde: That the Board appoint Board member, Kevin Diamond and certified court reporter, Lori Judd to the Legislative Regulations Committee, pursuant to NRS 656.110(2). Motion seconded by Heidi Konsten, Kevin Diamond abstained, all others in favor, motion moves forward.

ITEM #9: Ratify the Test Results from the January 20, 2023 Exams: Debbie Uehara reported 1 applicant registered and appeared for the firm exam and 3 applicants registered and appeared for the certification exam. Both exams were held in the State Bar's conference room. The applicants were very pleased with the new location and appreciated the spacious facility. After grading each exam at the January 20, 2023 closed meeting, the following was confirmed:

Firm Exam: 1 applicant passed the exam with 37 errors or less.
Certification Exam: 3 applicants passed the exam with 52 errors or less.

MOTION by Heidi Konsten: That the Board approve the test results from the January 20, 2023 firm and certification exams. Motion seconded by Kevin Diamond, all in favor, motion moves forward.

ITEM #10: Governor Lombardo's Executive Order 2023-003: Debbie Uehara presented Governor Lombardo's Executive Order 2023-003 and highlighted the action items. Ms. Uehara recommended sections 1 and 2 be referred to the Legislative Regulations Committee to prepare a proposal for Board review and approval. In regards to section 2, when asked to provide a list of not less than 10 regulations recommended for removal, she suggested to review repeat regulations that are set forth in NRS Chapter 656 for possible removal. A copy of the Executive Order is attached and will be kept on file. No further comments.

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MOTION by William LaBorde: That the Board assigns action items stated in Section 1 and 2 of Executive Order 2023-003 to the Legislative Regulations Committee. Motion seconded by Lisa McGrane, all in favor, motion moves forward.

ITEM #11: Governor Lombardo’s Executive Order 2023-004: Debbie Uehara presented Governor Lombardo’s Executive Order 2023-004 and pointed out the action items, specifically, sections 2, 3 and 4. Ms. Uehara suggested she will prepare a report for Board review and approval. Lisa McGrane proposed the Legislative Regulations Committee conduct research to consider online or virtual testing. Many professions are now offering this service, including the State Bar of Nevada. A copy of the Executive Order is attached and will be kept on file. No further comments.

MOTION by Kevin Diamond: That Debbie Uehara will prepare a letter in response to the Executive Order 2023-004 for Board review and approval. Motion seconded by Heidi Konsten, all in favor, motion moves forward.

ITEM #12: BDR 54-34 Report: Peggy Elias reported she had a meeting with LCB on January 17, 2023 to go over the rewrites of BDR 54-34; a bill draft request to regulate legal videographers and legal videographer firms. The meeting was productive and the Board will receive the final draft soon. Ms. Elias stated the Board has diligently worked on this matter for over 10 years and to ensure all efforts are attained, if needed, she would be happy to meet with the Governor or his staff to express the importance of this bill. No further comments.

ITEM #13: Review Amended LCB File No. 193-22: Due to Executive Orders 2023-003 and 2023-004, this matter will be moved to the next open meeting to provide additional time for Board members to review the language. At the next meeting, the Board will determine if this regulation fulfills the criteria to ask the Governor’s office for an exemption. No further comments.

MOTION by Kevin Diamond: That the Board move this matter to the next scheduled open meeting for consideration. Motion seconded by Heidi Konsten, all in favor, motion moves forward.

ITEM #14: Nevada Court Reporting Firms – R010-21: Peggy Elias presented R010-21 as a reminder to all court reporting firms. This regulation requires all firms to place their registered name and firm number on all correspondence; on all invoices, cover page of all transcripts, on all paid and unpaid advertisements. The firm’s registered name must be included in their email address and their firm number must be posted on their website. A reminder will be sent to each firm that remains noncompliant. A copy of R010-21 is attached and will be kept on file. No further comments.

ITEM #15: Amend the Certification Exam Application: Peggy Elias proposed to amend the disciplinary question included on the certification exam and court reporter’s applications. The current question asks the applicant if he/she has ever been arrested or convicted of any offenses other than a traffic violation. The word arrested is broad and the focus should be on the individual who has been convicted of any offenses other than a traffic violation. Due to the Governor’s Executive Orders to place a freeze on new regulations, the Board will place a hold on creating supporting regulations to this disciplinary question. No further comments.

The question will now read: Have you ever been convicted of any offenses other than a minor traffic violation?

MOTION by Kevin Diamond: That the Board amend the disciplinary question and remove the words “arrested or” on the certification exam and court reporter’s applications. Motion seconded by Heidi Konsten, all in favor, motion moves forward.

ITEM #16: Amend Application Deadlines Set Forth in NRS 656 and NAC 656: This matter is tabled until the freeze on introducing new regulations is lifted. No further comments.

ITEM #17: Providing Educational Information to Nevada Attorneys: Peggy Elias expressed the need to bring awareness to Nevada attorneys of fraudulent court reporting practices and invalid transcripts being produced by unlicensed individuals and businesses. Ms. Elias presented an advertisement the Board previously ran in Nevada Lawyer. Kevin Diamond suggested a stronger headline to capture the reader’s attention. He suggested the headline to read, “Ensure your transcript can be used at trial”. Ms. Elias also suggested to amend the wording attorney’s use when requesting court reporting services. Their notices state, ...”before a Notary Public”. This wording is obsolete and misleading; giving the impression a Notary Public has the ability to administer the oath, certify and produce transcripts. Kevin Diamond suggested holding a CLE class for attorneys or running an ad in Communique’, a less costly publication compared to Nevada Lawyer. Board member, Lisa McGrane serves as the Deputy Executive Director at the State Bar of Nevada and will distribute a message in their weekly newsletter outlining the laws of court reporting and share the information with a group comprised of legal administrators. No further comments.

MOTION by Kevin Diamond: That the Board will provide the language to Lisa McGrane to run our message in the State Bar’s weekly newsletter. Motion seconded by Heidi Konsten, all in favor, motion moves forward.

ITEM #18: Jurisdictional Oversight for Out-of-State Non-Registered Firms and Notaries: Peggy Elias presented the need to take action against out-of-state non-registered firms and notaries certifying transcripts on Nevada based cases. Ms. Elias underscored the Board’s duty of protecting the public. Lisa McGrane suggested filing a complaint with the out-of-state Board for their unlicensed practices. No further comments.

ITEM #19: Renew Judgement Against Former Executive Secretary Dawn Jackson: Debbie Uehara asked the Board to renew the judgement against former Executive Secretary, Dawn M. Jackson. Ms. Jackson was charged with 1 count category B felony of theft and 1 count category D felony of forgery of a public officer. She was sentenced on May 30, 2006 and ordered to pay restitution and has an outstanding balance of \$29,735.00 due to the Board. Ms. Uehara filed a claim with the State Controller’s office utilizing their debt collection service in 2010. To date, no results from their office. Kevin Diamond offered to oversee this matter and requested Ms. Jackson’s file be turned over to him for his review. No further comments.

MOTION by Kevin Diamond: That the Board renew the judgement against Dawn M. Jackson. Motion seconded by William LaBorde, all in favor, motion move forward.

ITEM #20: Amend Signatories with Nevada State Bank: Debbie Uehara reported Dan Waite’s term expired on October 31, 2022 and requested he be removed as a signatory on all Board accounts with Nevada State Bank. Ms. Uehara also requested newly appointed Board members, William LaBorde, Lisa McGrane and Kevin Diamond be added as signatories on all Board accounts with Nevada State Bank. No further comments.

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MOTION by Heidi Konsten: That the Board remove Dan Waite as a signatory and add William LaBorde, Lisa McGrane and Kevin Diamond as signatories to all Board financial accounts with Nevada State Bank. Motion seconded by William LaBorde, all in favor, motion moves forward.

ITEM #21: Merchant Services for Board Transactions: Debbie Uehara proposed to obtain Nevada State Bank's merchant services and provide electronic payments to their licensees. The Clover account is an entry level account for small businesses. There is no monthly service fee, equipment costs or set-up fee. Set-up within 48 hours. There is a 2.9% fee on debit and credit card transactions. Monies are deposited on the next business day. This service is to receive payments and refunds are made directly to the payee's debit or credit card. The Executive Secretary will not have the ability to access and disburse funds to other accounts. No further comments.

MOTION by Lisa McGrane: That the Board obtain Nevada State Bank's Clover account for electronic payments. Motion seconded by Kevin Diamond, all in favor, motion moves forward.

ITEM #22: Public Comments: No public comments.

ITEM #23: Next Open Meeting and Agenda Items: The next open meeting date will be determined at a later date. Peggy Elias requested the following items be added to the next meeting agenda:

1. Discussion to provide electronic renewal for licensees.
2. Review proposal from the Legislative Regulations in response to Executive Order 2023-003.
3. Review R193-22 to determine if it fulfills the criteria of asking for an exemption.

Adjournment:

Motion by Heidi Konsten to adjourn the meeting at 7:06pm.