

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control _____ Department or Agency: Alabama Board of Court Reporting
Rule No.: 257-X-5-.03
Rule Title: Grounds for Discipline of a Licensee or Denial of Renewal or Reinstatement

_____ New Amend _____ Repeal _____ Adopt by Reference

Would the absence of the proposed rule significantly Harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's Police power and the protection of the public health, Safety, or welfare? Yes

Is there another, less restrictive method of regulation Available that could adequately protect the public? No

Does the proposed rule have the effect of directly or Indirectly increasing the costs of any goods or services Involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public Than the harm that might result from the absence of The proposed rule? No

Are all facets of the rulemaking process designed solely For the purpose of, and so they have, as their primary Effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama, 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer 
Paula McCaleb, Executive Director 334.215.7233

Date: March 23, 2012

(DATE FILED)
(STAMP)

Alabama Board of Court Reporting

NOTICE OF INTENDED ACTION

AGENCY NAME:

Alabama Board of Court Reporting

RULE NO. & TITLE:

257-X-1-.01	Meetings of the Board
257-X-1-.02	Duties of the Officers of the Board
257-X-1-.03	Board Member Compensation
257-X-1-.04	Employment of Personnel
257-X-1-.05	Use of Forms
257-X-1-.06	Maintenance & Inspection of Board Records
257-X-1-.07	Rules and Regulations
257-X-2-.01	Change of Name or Address
257-X-2-.02	Lost License
257-X-2-.03	Verification of Alabama License
257-X-2-.04	Fees
257-X-2-.05	Inactive Status
257-X-2-.06	Restoration
257-X-2-.07	Review Process
257-X-3-.01	Grandfathering by Work Experience
257-X-3-.02	Grandfathering by Credential
257-X-3-.03	Temporary License
257-X-3-.04	Traditional Application for Licensure
257-X-3-.05	Examination
257-X-3-.06	Renewal
257-X-4-.01	Standards of Professional Conduct
257-X-5-.01	Definitions
257-X-5-.02	Grounds for Denial of a License
257-X-5-.03	Grounds for Discipline of a Licensee or Denial of Renewal or Reinstatement
257-X-5-.04	Investigation
257-X-5-.05	Board Action Following Investigation
257-X-5-.06	Administrative Procedure Act
257-X-5-.07	Formal Disposition of Contested Cases
257-X-5-.08	Informal Disposition of Contested Cases
257-X-5-.09	Decisions of the Board
257-X-5-.10	Application Following Denial of Licensure
257-X-5-.11	Reinstatement of a Revoked License
257-X-6-.01	Continuing Education Requirements
257-X-6-.02	How to Acquire CE Credit
257-X-6-.03	CE Sponsors and Programs
257-X-6-.04	Activities Not Qualifying for CE Credit
257-X-6-.05	Certification of Compliance with CE Requirements
257-X-6-.06	Waiver of CE Requirements

Appendix I 257-X-7 Fees
Appendix II 257-X-8 Forms List

APA-2
11/96

INTENDED ACTION:

To amend Rules and Regulations

SUBSTANCE OF PROPOSED ACTION:

To be in compliance with our Law.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

Written comments, views, or arguments will be received by the Alabama Board of Court Reporting until 4:30 p.m. on June 07, 2012. Comments should be directed to Paula McCaleb, Executive Director, at P.O. Box 240066, Montgomery, AL 36124, or via fax at 334.215.7231. A public hearing will be held at 9:00 a.m. on June 8, 2012 at 2011 Berry Chase Place Montgomery, AL 36117.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

June 8, 2012

CONTACT PERSON AT AGENCY:

Brandy L. Isenhour
334-215-7233



Paula McCaleb, Executive Director

257-X-5-.03 Grounds for Discipline of a Licensee or Denial of Renewal or Reinstatement

The Board may fine, suspend, revoke, or otherwise discipline any court reporter upon proof that the person:

- (1) Is guilty of fraud or deceit in procuring or attempting to procure a license by:
 - (a) Filing false, forged, or altered documents or credentials, including required continuing education documentation;
 - (b) Misrepresenting or falsifying facts in applying for original licensure, renewal, reactivation, or reinstatement of license;
 - (c) Having another person appear for a licensing or certification examination.
- (2) Has been convicted of, or has entered a plea of guilt, regardless of court disposition, to a charged criminal act that would tend to bring reproach upon the court reporter profession. Such criminal acts include, but are not limited to, offenses involving drugs, theft, lewdness, sexual misconduct, abuse, violence, fraud, or any other conduct deemed detrimental to the public's health, safety, or welfare.
- (3) Is impaired due to the use of alcohol, or is addicted to the use of habit-forming drugs to such an extent as to render the court reporter unsafe or unreliable, which includes, but is not limited to:
 - (a) Testing positive for alcohol and/or unauthorized drugs;
 - (b) A pattern of abuse or misuse of habit-forming and/or mood-altering drugs or alcohol;
 - (c) Impairment while on duty due to the use of drugs or alcohol;
 - (d) The use of alcohol or habit-forming or mood-altering drugs to the extent that medical or psychiatric treatment, rehabilitation, or counseling is medically determined or otherwise recommended by a legally authorized practitioner.
- ~~(4) Has been convicted of any violation of a federal or state law, including misdemeanor and felony offenses.~~
- (4) (4) Has been convicted of any felony offense or has been convicted of any misdemeanor which would relate to the disqualifications contained elsewhere in Section 257-X-5-.03. In the event that a plea or finding of guilt is for a lesser or different offense, the Board shall have the authority to review the factual circumstances of the initial charge, any amended charge, and/or the conviction in determining what action, if any, is appropriate.
- (5) Is guilty of unprofessional conduct of a character likely to deceive, defraud, or injure the public in matters of court reporting, which includes, but is not limited to:

- (a) Failure to comply with the Alabama Court Reporting Act and Rules and Regulations as well as federal, state, or local laws, rules, or regulations applicable to the area of court reporting practice;
 - (b) Failure to practice court reporting in accordance with the standards of practice adopted by the Board;
 - (c) Practice beyond the scope of practice as determined by, but not limited to, educational preparation; license status; state and federal statutes and regulations; state and national standards appropriate to the type of practice; and court reporting experience;
 - (d) Gross negligence in the practice of court reporting;
 - (e) Falsification of credentials;
 - (f) Falsification of employment records;
 - (g) Representing oneself as a court reporter without a license;
 - (h) Having a license denied, conditionally issued, reprimanded, placed on probation, suspended, revoked, or voluntarily surrendered in another state, territory, or country, or having been court-martialed or administratively discharged by a branch of the United States Armed Forces for any act or conduct which would constitute grounds for disciplinary action in this state. A certified copy of the record of the agency that took such action shall be conclusive evidence of the grounds for discipline.
- (6) Has failed to respond to official Board correspondence, including, but not limited to, requests for information, subpoenas, or notices.
- (7) Has willfully or repeatedly violated any of the provisions of a statute or rule that includes but is not limited to:
- (a) Practicing or seeking to practice court reporting without a current license;
 - (b) Impersonating an applicant for licensure or another licensed practitioner or permitting or allowing another person to use the court reporter license;
 - (c) Continued violation of statute or rule after notice by the Board;
 - (d) Failure to comply with any stipulated terms and conditions of any Board order or contract.
- (8) Failed to comply with continuing education requirements.
- (9) Submitted payment of any fees or fines to the Board with a worthless check, invalid credit card, or by any other method that is not honored by the financial institution.
- (10) Authorizing Court Reporter License number to be used on any transcript not produced through his or her personal effort or supervision, or both.
- (11) Poses a risk to public safety for any other reasons stated by law.

Author: ~~Paula McCaleb~~Alabama Board of Court Reporting

Statutory Authority: Code of Alabama, 1975. § 34-8B-1 thru § 34-8B-18

Effective Date: June 11, 2012