

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control _____ Department or Agency: Alabama Board of Court Reporting
Rule No.: 257-X-5-04
Rule Title: Investigation

_____ 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:

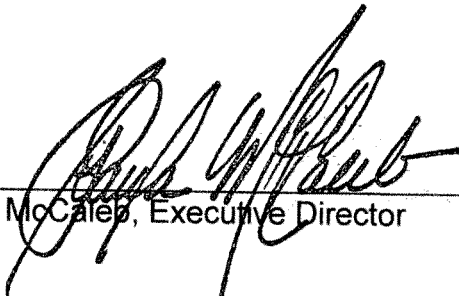
Written comments, views, or arguments will be received by the Alabama Board of Court Reporting until 4:30 p.m. on June 07, 2012. Comments should be directed to Paula McCaleb, Executive Director, at P.O. Box 240066, Montgomery, AL 36124, or via fax at 334.215.7231. A public hearing will be held at 9:00 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-.04 Investigation

- (1) Upon self-disclosure or receipt of a written complaint on an ABCR Consumer Complaint Form signed by the person making the complaint, alleging that a court reporter has violated a statute or rule by committing one or more of the actions specified as grounds for disciplinary action, the Executive Director shall perform a preliminary review to determine if there is merit and sufficient evidence to warrant formal proceedings. The Consumer Complaint Form must be complete before an investigation is launched. Complaints must be submitted to the Board within ~~ninety (90) days~~ sixty (60) days of the alleged occurrence.
- (2) (2) If a complaint is made regarding someone practicing court reporting without a valid license, it is the duty of Board counsel to investigate the complaint and to take or recommend appropriate action. This does not alter the other provisions concerning the filing of complaints, but affects only the licensing issue.
- (3) (3) When the Executive Director determines there may be merit and sufficient evidence exists to warrant proceedings, an investigative committee shall be formed consisting of one (1) Board member, one (1) Board counsel, and the Executive Director.
 - (a) Within five (5) days of self-disclosure or receipt of a written complaint being filed against a licensee or unlicensed court reporter, the Executive Director Board or its designee shall provide the court reporter, against whom the complaint was made, written notification of the complaint, allegation(s), and investigation process by certified mail. A postmark date to the last known address of the licensee or unlicensed court reporter, within thirty (30) days of the receipt of the complaint, shall meet this requirement of the rules and regulations. The court reporter may submit, to the Executive Director, a written response and any supporting documentation within fifteen (15) days of the receipt of the written notification. A court reporter, in addition to submitting a written response, may request to speak to the investigative committee in person in response to any complaint that has been filed. It is solely within the discretion of the investigative committee to grant or deny the request.
 - (b) The committee shall review the complaint and other information submitted to determine if further investigation is warranted.
 - ~~(i)~~ (1) If an further investigation is warranted, an investigator shall may be retained. The investigator shall work under the direction of the Executive Director to conduct further investigation;
 - ~~(ii)~~ (2) At the conclusion of the investigation, the investigator shall submit an investigation report to be reviewed by the investigative committee, ~~who~~ which has the authority to act on the report.
 - ~~(iii)~~ (3) The investigative committee shall send written notification to the complainant and the court reporter, against whom the complaint

was made, of any action it decides to take in response to the investigation report.

(c) If the committee determines that an investigation is not warranted, the Executive Director may close the investigative file, ~~provided that the matter may be reinvestigated at any time if circumstances so warrant.~~ The Executive Director shall notify the complainant and the court reporter, against whom the complaint was made that the investigation has been closed.

(3) When a preliminary review discloses that further investigation is not warranted, the Executive Director may close the investigative file ~~provided that the matter may be reinvestigated at any time if circumstances so warrant~~ without any further action.

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