

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control _____ Department or Agency: Alabama Board of Court Reporting
Rule No.: 257-X-5-.07
Rule Title: Formal Disposition of Contested Cases

_____ New X 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:

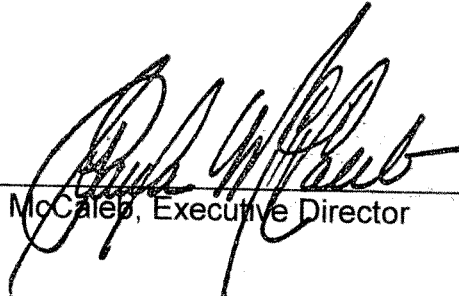
Written comments, views, or arguments will be received by the Alabama Board of Court Reporting until 4:30 p.m. on June 07, 2012. Comments should be directed to Paula McCaleb, Executive Director, at P.O. Box 240066, Montgomery, AL 36124, or via fax at 334.215.7231. A public hearing will be held at 9:00 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-5-07 Formal Disposition of Contested Cases

- (1) At least ~~twenty-one days~~ thirty (30) days prior to the administrative hearing, a notice of hearing and a copy of the charges shall be served on the applicant or court reporter personally or by registered or certified mail to the last known address shown on ~~the records of the Board~~ file with the Board.
- (2) The Board's complaint may be amended prior to the hearing, but no amendment shall be permitted which is not relevant germane to the charge or charges or which materially alters the nature of any offense charged. ~~The Board shall have the right to determine the sufficiency of the complaint.~~
- (3) A complainant may withdraw a complaint, filed with the ~~Board~~, up to ten (10) days after the complaint is filed with the Board. ~~A motion for withdrawal of the complaint may be filed with the Board's designee. The circumstances surrounding the attempt to withdraw the complaint may be explained by the person who is attempting to withdraw the complaint and the explanation shall be considered. No complaint that is well founded will be dismissed solely upon the motion of the original complainant.~~
- (4) Pleadings relating to disciplinary proceedings pending before the Board shall be filed with the Board's designee. Pleadings shall be deemed filed upon actual receipt.
- (5) Requests for subpoenas shall be filed with the Board at least fifteen (15) ten days prior to the hearing along with the appropriate subpoena-processing fee. Any expense for service by a sheriff, process server, or other entity shall be the responsibility of the party requesting the subpoena. Any expenses incurred relative to subpoenas requested by a respondent, either for witnesses or related to production of documents, are the responsibility of the party requesting the issuance of said subpoena.
- (6) The hearing shall be conducted by the Board or by a hearing officer appointed by the Board. All testimony shall be under oath and shall be transcribed by a court reporter scheduled by the Board. ~~Telephonic or other realtime electronic testimony is admissible at the discretion of the hearing officer.~~
- (7) A continuance may be granted by the Board or its designee upon the filing of a written motion and affidavit detailing the reasons for the continuance. No motion for continuance shall be granted unless filed at least five (5) days prior to the hearing. This provision may be waived upon showing, by a filed affidavit, the existence of an emergency.

Author: Paula McCalebAlabama Board of Court Reporting

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

Effective Date: June 11, 2012