

ALABAMA BOARD OF COURT REPORTING
ADMINISTRATIVE CODECHAPTER 257-X-5
DISCIPLINARY ACTION

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257-X-5-.01 Definitions.

(1) Fine: A monetary penalty up to \$1,000 imposed by the Board.

(2) Probation: The monitored practice of court reporting which permits the court reporter to continue to practice pursuant to specified conditions as set forth by the Board.

(3) Suspension: The temporary withdrawal of the license by Board action.

(4) Revocation: The withdrawal of the license by Board action.

(5) Voluntary Surrender: The voluntary relinquishment of a license that has the force and effect of revocation.

Author: Alabama Board of Court Reporting

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

History: New Rule: Filed April 19, 2007; effective May 24, 2007.

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257-X-5-.02 Grounds For Denial Of A License.

The following may be grounds for denial of a license:

- (1) Failure to meet any requirement or standard established by law or by rules and regulations adopted by the Board.
- (2) Engaging in fraud, misrepresentation, deception, or concealment of a material fact in applying for or securing licensure or taking any examination required for licensure.
- (3) Having disciplinary action pending or having a license denied, conditionally issued, reprimanded, placed on probation, suspended, revoked, or voluntarily surrendered in another state, territory or country.
- (4) Having been court-martialed or administratively discharged by a branch of the United States Armed Forces for any act or conduct that would constitute grounds for discipline.
- (5) Failure to produce evidence of good moral character.
 - (a) The decision as to whether the applicant is of good moral character is within the discretion of the Board.
 - (b) Failure to show good moral character includes but is not limited to a criminal history or pattern of illegal conduct or disregard for the law.
- (6) Any other reasons authorized by law.

Author: Alabama Board of Court Reporting

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

History: New Rule: Filed April 19, 2007; effective May 24, 2007.

Amended: Filed June 19, 2012; effective July 24, 2012.

257-X-5-.03 Grounds For Discipline Of A Licensee Or Denial Of Renewal Or Reinstatement.

The Board may fine, suspend, revoke, or otherwise impose discipline on a court reporter's license, including payment of a fine, or deny an application for renewal or reinstatement of a court reporter's license, or impose disciplinary conditions as a condition of approval of an application, 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, restoration, 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 providing court reporting services 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 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.
 - (i) Failure to keep the Board apprised of legal name change within thirty (30) days of name change.
 - (j) Failure to keep the Board apprised of change of address within thirty (30) days of address change.
 - (k) Non-compliance with the stipulated terms of a settlement agreement or consent order issued in this state or another jurisdiction pertaining to any license, certification or registration.
- (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 court reporter or permitting or allowing another person to use the court reporter's license;
 - (c) Continued violation of any statute or rule after notice by the Board;
 - (d) Failure to comply with any stipulated terms and conditions of any Board order or settlement agreement.
- (8) Has failed to comply with continuing education requirements.
- (9) Has 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) Has authorized his/her 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: Alabama Board of Court Reporting

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

History: New Rule: Filed April 19, 2007; effective May 24, 2007.

Amended: Filed June 19, 2012; effective July 24, 2012. **Amended:** Filed May 25, 2017; effective July 9, 2017. **Amended:** Filed October 19, 2018; effective December 3, 2018. **Amended:** Published February 28, 2025; effective April 14, 2025.

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 of the facts stated to determine if a violation of the Board's law or its rules may have occurred. The Consumer Complaint Form must be complete before an investigation is initiated. Complaints must be submitted to the Board within ninety (90) days of the alleged occurrence.
- (2) When a preliminary review discloses that further investigation is not warranted, the Executive Director may close the investigative file without any further action.

(3) When the Executive Director determines there may be merit and sufficient evidence to warrant an investigation, he may request that the Chair appoint a Board member to assist in the investigation and may utilize any investigator engaged by the Board and seek legal assistance from Board counsel. Any Board member appointed to assist in an investigation shall not participate in the Board's deliberations regarding the matter.

(a) Within five (5) business days of receipt of a written complaint being filed against a licensee or unlicensed court reporter, the Board or its designee shall notify the court reporter of the allegations and provide a copy of the complaint by certified mail, addressed to the last known address of the court reporter on file with the Board. The court reporter may submit a written response to the allegations, together with any supporting documentation, to the Executive Director within fifteen (15) days of receipt of the Board's notification and may request an in-person meeting within such fifteen (15) day period. A request for an in-person meeting may be granted at the sole discretion of the Executive Director.

(b) The Executive Director, with assistance from any Board member designated to assist in the investigation, shall review the complaint and other information submitted to determine if further investigation is warranted.

(c) If the Executive Director, with assistance of any Board member designated to assist in the investigation, determines that further investigation is not warranted, the Executive Director may close the investigative file. The Executive Director shall notify the complainant and the court reporter against whom the complaint was made that the investigation has been closed.

Author: Alabama Board of Court Reporting

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

History: New Rule: Filed April 19, 2007; effective May 24, 2007.

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257-X-5-.05

Board Action Following Investigation.

Upon completion of an initial investigation, the Executive Director, on behalf of the Board, shall have the power to act on the report of the investigation as follows:

(1) Dismiss the complaint.

(2) Enter into settlement negotiations, resulting in a proposed consent agreement for consideration by the Board.

(3) Commence formal disciplinary proceedings.

(4) Accept voluntary surrender of a license.

Author: Alabama Board of Court Reporting

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

History: New Rule: Filed April 19, 2007; effective May 24, 2007.

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257-X-5-.06 Administrative Procedure Act.

The Board hereby adopts by reference as its rules Section 41-22-1 et seq., Code of Ala. 1975, governing contested cases, appeals, and related proceedings.

Author: Alabama Board of Court Reporting

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

History: New Rule: Filed April 19, 2007; effective May 24, 2007.

Amended: Filed June 19, 2012; effective July 24, 2012. **Amended:**

Filed October 19, 2018; effective December 3, 2018.

257-X-5-.07 Formal Disposition Of Contested Cases.

(1) At least 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 licensee via personal service or registered or certified mail to the last known address for the applicant or licensee on file with the Board. If service of process is refused or unclaimed, and the certified mail receipt or the return of the person serving process so indicates, the board may serve the document by first-class mail addressed to the licensee or other person at his or her last known address as shown in the Board's records. Service shall be deemed complete three (3) days after the depositing of same in the United States mail.

(2) The Board's complaint may be amended prior to the hearing, but no amendment shall be permitted on fewer than thirty (30) days' notice which is not germane to the initial charge or charges or which materially alters the nature of any offense charged in the initial complaint. Any such amendment shall be served in the same fashion as the original complaint, unless formal service is waived.

(3) Requests for subpoenas shall be filed with the Board at least fifteen (15) 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.

(4) The hearing shall be conducted by a hearing officer appointed by the Board in accordance with the hearing procedures set forth in the Alabama Administrative Procedure Act, Section 41-22-1, et seq., Code of Ala. 1975. The hearing officer shall have the authority to perform those acts set forth in Section 41-22-12(c), Code of Ala. 1975, and shall rule on all questions of evidence and procedure, notwithstanding any other provisions of these rules to the contrary. All testimony provided at the hearing shall be under oath, and a record of the proceeding shall be transcribed by a court reporter scheduled by the Board.

Author: Alabama Board of Court Reporting

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

History: New Rule: Filed April 19, 2007; effective May 24, 2007.

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257-X-5-.08

Informal Disposition Of Contested Cases.

(1) Complaints or controversies may be considered and resolved by the Board or Board designee through informal conferences, meetings, or other informal means. Such informal measures shall be held without prejudice to the right of the Board thereafter to institute formal proceedings based upon the same or related material if circumstances so warrant.

(2) Informal dispositions may be made of any contested case by stipulation, agreed settlement, consent order or default, or by another method agreed upon by the parties in writing, subject to the approval of the Board.

(3) A majority of those members on the Board present and voting on any matter shall decide that matter before the Board.

(4) Decisions of the Board approving the informal disposition of a contested case or denying approval of an application for licensure or renewal or reinstatement of a license shall be in writing in the form of an order. The Board's final order shall be rendered within thirty (30) days of the date of its consideration of the informal disposition of the contested case or the application for licensure or renewal or reinstatement of a license. A copy of the Board's final order shall be mailed to the applicant or court reporter by certified mail, return receipt requested, with a copy of the order delivered to the court reporter's attorney by first class mail.

(5) Appeals from decisions of the Board denying approval of an application for licensure or renewal or reinstatement of a license are to be made in writing to the Board office within ninety (90) days of the date of the final order. Further appeal is then available in Circuit Court pursuant to the requirements of the Alabama Administrative Procedure Act.

Author: Alabama Board of Court Reporting

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

History: New Rule: Filed April 19, 2007; effective May 24, 2007.

Amended: Filed June 19, 2012; effective July 24, 2012. **Amended:** Filed October 19, 2018; effective December 3, 2018.

257-X-5-.09 Decisions of the Board in Licensure Matters.

(1) Based upon the evidence presented at the administrative hearing, the Board action may do one or more of the following:

(a) Dismiss the complaint.

(b) Suspend the court reporter's license. A suspended license is subject to expiration during the suspension period and must still be renewed. Only a current license may be restored to the licensee at the end of the suspension period.

(c) Revoke the court reporter's license.

(2) The Board may levy a fine not to exceed one thousand dollars (\$1,000) per violation. Each incident, after Board notice of a violation of its rules and regulations or statute, may be considered as a separate violation.

(3) A majority of those members on the Board present and voting on any matter shall decide that matter before the Board.

(4) The decisions of the Board shall be memorialized in writing in the form of an order, which shall be made part of the record and include findings of fact and conclusions of law specifically stated. The Board's final order shall be rendered within thirty (30) days of the date of receipt by the Board of the hearing officer's recommended order. A copy of the Board's final order shall be mailed to the court reporter by certified mail, return receipt requested, with a copy of the order delivered to the court reporter's attorney by first class mail.

(5) The decisions of the Board shall be subject to public dissemination; i.e., mass emails, website, newsletter, newspapers, etc.

Author: Alabama Board of Court Reporting

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

History: New Rule: Filed April 19, 2007; effective May 24, 2007.
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257-X-5-.10 Application Following Denial Of Licensure.

(1) Application for a license following denial of licensure shall:

(a) Include evidence of rehabilitation, or elimination or resolution of the stated reasons for denial in the Board's final order.

(b) Re-application may occur twelve (12) months after the denial of licensure.

(2) Board action on applications following denial of licensure may be taken informally or through the formal hearing process.

(3) In considering a subsequent application for licensure, the Board may evaluate factors that include but are not limited to:

(a) The severity of the act(s) or omission(s) which resulted in the denial of licensure.

(b) The conduct of the applicant subsequent to the denial of licensure.

(c) The lapse of time since denial of licensure.

(d) Compliance with any conditions stipulated by the Board as a prerequisite for a subsequent application.

(e) Evidence of rehabilitation, as shown by affidavits provided directly to the Board from qualified individuals who have professional knowledge of the applicant.

(f) Whether the applicant is in violation of any applicable statute or rule.

Author: Alabama Board of Court Reporting

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

History: New Rule: Filed April 19, 2007; effective May 24, 2007.

Amended: Filed June 19, 2012; effective July 24, 2012. **Amended:** Filed October 19, 2018; effective December 3, 2018.

257-X-5-.11 Reinstatement Of A Revoked, Suspended, Or Expired License.

(1) **Reinstatement of a revoked or suspended license due to violations of Board statutes or rules:**

(a) Application for reinstatement:

1. May be made twelve (12) months after the effective date of revocation unless otherwise specified in the Board's final order revoking or suspending the court reporter's license; and
2. Shall be made according to forms and guidelines provided by the Board.
3. Applicants for reinstatement of revoked or suspended licenses are required to have paid all current and past due fees and fines to the Board. In addition, applicants for reinstatement of a revoked license must meet all current certification requirements, including passage of the Written Knowledge and skills examinations, and any additional requirements imposed under the Board's rules.

(b) Applications for reinstatement of a revoked or suspended license may be resolved informally or through the formal hearing process.

(c) In considering reinstatement of a revoked or suspended license, the Board may evaluate factors that include but are not limited to:

1. Severity of the act(s) that resulted in suspension or revocation of the license;
2. Conduct of the applicant subsequent to the suspension or revocation of license;
3. Lapse of time since suspension or revocation;
4. Compliance with all reinstatement requirements stipulated by the Board;
5. Evidence of rehabilitation as shown by affidavits provided directly to the Board from qualified individuals who have professional knowledge of the applicant;
6. Whether the applicant is in violation of any applicable statute or rule;
7. Whether, directly or by implication, the applicant has represented in any way that he/she is a licensed court reporter.

(2) Reinstatement of an expired license due to failure to renew during the grace period:

(a) Application for reinstatement:

1. May be made at any time after the license expired due to a failure to renew during the grace period;

2. Shall be made according to forms provided by the Board.

3. An expired license may not be reinstated until the court reporter has paid all delinquent fees and met all current certification requirements, including passage of the Written Knowledge and skills examinations, and any additional requirements imposed under the Board's rules.

(b) Applications for reinstatement may be approved by the Executive Director or by a vote of the Board at a scheduled board meeting.

(c) In considering reinstatement of an expired license, the Board or its Executive Director may evaluate factors that include but are not limited to:

1. Whether the individual has continued to practice court reporting without a license;

2. Whether the individual responded to Board correspondence;

3. Whether the individual provided the Board's administrative office with updated addresses and telephone numbers.

(3) An affirmative vote of a majority of the members of the board is required to reinstate a revoked, suspended or expired license.

(4) Applicants for reinstatement of a revoked or suspended license must pay a reinstatement fee.

(5) Applicants for reinstatement of a revoked or suspended license must complete 0.5 Continuing Education Units (CEUs) for each renewal year the applicant has failed to renew the license, unless otherwise specified in the Board's final order revoking or suspending the court reporter's license.

Author: Alabama Board of Court Reporting

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

History: New Rule: Filed April 19, 2007; effective May 24, 2007.

Amended: Filed June 19, 2012; effective July 24, 2012. **Amended:** Filed October 19, 2018; effective December 3, 2018.

257-X-5-.12 Conflict And Bias.

(1) Board members shall recuse themselves from participation in any matter:

(a) in which they, or a member of their family (as defined in the Alabama Ethics Act) are an officer, owner, partner, board of director member, employee, or holder of more than five percent of the fair market value of an applicant or an opposing party or otherwise have a financial interest in one of the parties or the outcome of the case; See: Code of Ala. (1975), §36-25-1(2);

(b) have represented a party in the present case or another pending case that is factually similar; See: Code of Ala. (1975), §41-22-18(a);

(c) are an employee or otherwise under the authority of one of the lawyers or other individuals advocating for or against a project; See: Code of Ala. (1975), §41-22-18(a).

(2) Nothing in this section shall preclude a Board member from electing to recuse himself or herself based on a relationship with a party not covered under (a) through (c) which, in the sole judgment of the Board member, would prevent the member from exercising fair and impartial judgment.

(3) Any challenge to a Board member's participation based on the aforementioned criteria shall be filed within the time set for the filing of motions as established by the hearing officer. Any such challenge shall be accompanied by an affidavit(s) stating with specificity the basis for the alleged conflict or bias.

Author: Alabama Board of Court Reporting

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

History: New Rule: Filed October 19, 2018; effective December 3, 2018. **Amended:** Published February 28, 2025; effective April 14, 2025.

257-X-5-.13 Reconsideration.

(1) A party seeking reconsideration of a Board decision may file a request for rehearing within 90 days of the date of the written decision of the Board, specifying the grounds for relief sought therein and authorities in support thereof. The filing of such an application shall not extend, modify, suspend, or delay the effective date of the order. A party seeking rehearing of an order shall be required to meet the criteria for rehearing set forth in Code of Ala. (1975), §41-22-17(c). Within 30 days of the filing of the application, the Board in its discretion may enter an order: 1) setting, upon procedural order of the Chair, a hearing on the application for a rehearing which shall be heard as soon as practicable; or 2) granting or denying the application. If the Board enters no order whatsoever regarding the application within the 30-day period, the application shall be deemed to have been denied as of the expiration period.

(2) The filing of the request for reconsideration shall not be deemed as a prerequisite to, or hindrance of, a party's right to judicial review of a Board decision in accordance with the procedures provided under the Alabama Administrative Procedure Act, Chapter 22, Title 41, Code of Ala. 1975.

Author: Alabama Board of Court Reporting

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

History: New Rule: Filed October 19, 2018; effective December 3, 2018. **Amended:** Published February 28, 2025; effective April 14, 2025.