

APA-1

TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION

Control: 257

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

Intended Action Amend

Would the absence of the proposed rule significantly harm or
endanger the public health, welfare, or safety? No

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? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm
that might result from the absence of the proposed rule? No

Are all facets of the rule-making process designed solely for the
purpose of, and so they have, as their primary effect, the
protection of the public? Yes

Does the proposed action relate to or affect in any manner any
litigation which the agency is a party to concerning the subject
matter of the proposed rule? No

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 Services Agency.

Signature of certifying officer

Victor K. Biebighauser
Victor Biebighauser

Date

Thursday, November 14, 2024

REC'D & FILED
NOV 14, 2024
LEGISLATIVE SVC AGENCY

ALABAMA BOARD OF COURT REPORTING

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Court Reporting

RULE NO. & TITLE: 257-X-5-.03 Grounds For Discipline Of A Licensee Or
Denial Of Renewal Or Reinstatement

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:
Clarifies the board's disciplinary options.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:
In writing to ABCR, P.O. Box 241565, Montgomery, AL 36124-1565

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:
Thursday, January 23, 2025

CONTACT PERSON AT AGENCY:
Victor K. Biebighauser, executive
director.

Victor K. Biebighauser

Victor Biebighauser

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

**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, discipline any court reporter 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 ; effective .