

ABCR *Newsline*



An Official Publication of the Alabama Board of Court Reporting

Introductions Are In Order

Introducing the first publication of the *ABCR Newsline*. This is an official publication of the Alabama Board of Court Reporting (ABCR), designed to provide Board information to licensees on a regular basis. It is our intent to accomplish the Board's consistent goal of increasing communication with licensees with the utilization of this newsletter tool.

In our debut issue, you will find what the Alabama Board of

Court Reporting has done in the first two years of operation; Legislative Update; How to file a Complaint and the Disciplinary Process Outlined, Disciplinary Actions Taken, the all important CEU questions addressed, and the Who, What, When, and Where of ABCR just to get us started.

Now that introductions are out of the way, let's begin building communication between the Board and Licensees.



Congratulations to our first ACCR's licensed by state examination:

Mallory Gray

Rebecca Harris

Legislative Update

After completing our first Sunset Review Audit in 2007, the Board, Legal Counsel, and Auditors from the Examiners of Public Accounts have pinpointed weaknesses in the enabling statute of the Board. Unfortunately, this is commonplace for newly established boards once it is operational and the true strengths and weaknesses of their law are realized.

The areas in need of amendment are as follows:

- Provide temporary licensure to new graduates of court reporting schools
- Provide a deadline date for grandfathering window
- Clarify language of Board

liability

- Update language for current organizations
- Eliminate language for compensation of Board members
- Update reporting requirements of the Board

The Board has drafted house-keeping legislation to correct these oversights and introduced it in the 2008 and 2009 Regular Sessions of the Alabama Legislature. Also the Board has sought support for this legislation from the Alabama Court Reporters Association, Prince Institute and Gadsden State. Having all parties in agreement and receiving no controversial opposition, the

legislation has still been unsuccessful in both attempts thus far. Although we have had a strong sponsor in Representative Marcel Black and the Bill has received a favorable report from the Boards and Commissions Committee, it has been caught in the legislative delays that are simply part of the legislative process and have nothing to do with the legislation itself.

ABCR will continue to introduce and work to pass this much needed legislation as well as keep you informed through broadcast e-mails and our web site.

Volume 1, Issue 1

June 2009

Special points of interest:

- *What has your State Board been doing?*
- *What is the Purpose of ABCR?*
- *Who is the ABCR Staff?*
- *How has ABCR Addressed Gifting?*
- *How to file a complaint*
- *What CEU's are accepted*

Inside this issue:

2009 Renewal Information	2
CEU Information	2
ABCR's Role in Gifting	3
ABCR's Mission, Vision, Values, and Goals	3
Time of Board Genesis & Timeline of Events	4
Who, What, When and Where?	5
Investigative Procedure and Disciplinary Action	6

2009 License Renewal

We want to thank our licensees for the overwhelmingly positive response to on-line renewal. Our first year of license renewal (2008) went extremely well due to your receptiveness to this service. This year will be our second annual renewal, and again we will provide on-line license renewal to expedite the process and keep costs low.

All licenses expire on September 30th. Therefore, we will re-open on-line renewals from our web site on July 1st and send out renewal notices by broadcast e-mail and regular mail.

This year we will ask for an update of your e-mail addresses due to the large number of returned e-mails from our regular broadcast

e-mails. **Please remember to keep your address and all contact information current with the Board so that you will receive Board correspondence and news.** A change of information form is available on-line for this purpose.

The other addition to this year's renewal is Continuing Education Units (CEUs) will be required for all renewals who are renewing for the second time. **Licenses that have never renewed previously (were originally issued after October 1, 2008) do not have to submit any CEU information this year.**

For those of you renewing for the second year, please see CEU information below.

On-line initial applications and on-line renewals will launch on July 1, 2009 at www.abcr.alabama.gov

CEU Information for your 2009 License Renewal

Part of your on-line renewal this year will ask for verification of your CEU's. You will be guided in a user friendly format to complete the CEU's you have completed for your renewal. You will not need to send in your CEU documentation unless you are randomly selected for audit. If selected for audit, you will be notified and directed to send copies of your CEU certificates or other form of documentation verifying CEU's to the Board office.

Fifteen (15) CEU's received anytime from September 30, 2006, to September 30, 2009,

are required for renewal. A CEU is fifty (50) minutes of actual clock time spent in attendance or completion of an approved CE activity.

Any CEU's obtained from NCRA, ACRA, or NVRA are accepted.

For any other type of CEU's earned that pertain to the practice of court reporting, but not approved by the above organizations, please see below article.



CEU's Not NCRA, ACRA, or NVRA Approved

The ABCR has a procedure for requesting approval of continuing education contact hours that are not NCRA, ACRA, or NVRA approved. Everyone is encouraged to attend continuing education units that are approved by these organizations since their standards have been previously approved. However, the Rules and Regulations of the Board do provide a few other methods for receiving CEU credit. For these cases, ABCR has posted a CEU Approval Request Form with instructions on the web site.

The essential features that increase your chances of getting approval are: contents relevant to the practice of court reporting, clear goals and objectives, specific number of contact hours, and the qualifications of the presenter and sponsoring organizations.

Specific types of alternate CEU's as defined in the Rules and Regulations are: college or university courses, published articles, educational presentations, professionalism, or office procedures (all of which must pertain to the

practice of court reporting).

We want you to receive approval for legitimate continuing education experiences that enhance your knowledge and skills as court reporters. Help us ensure you receive approval for these learning experiences that hopefully make you a better professional.

ABCRC's Role in "Gifting"

It is an extremely rare event for the ABCRC to have a Board meeting where the issue of gifting does not arise. This matter has been a subject of much debate and discussion. ABCRC understands the many issues this presents.

We have discovered the real regulation of this is covered under the jurisdiction of the State Bar, and ABCRC has notified them of this fact.

The enabling act of the ABCRC does not address this matter at all. Although the Board has considered adopting the NCRA ethical standards under the Rules and Regulations, which would create an ethical violation for those licensees involved in gifting, the ABCRC

was given no authority under state law to sanction court reporting firms (only individuals). Therefore, this could cause an extreme burden for licensees who own their own court reporting firms when competing with the gifting of firms whose management may not be a licensee and outside of ABCRC's authority.

For ABCRC to have jurisdiction of this issue, legislation would be required providing ABCRC with the authority to license court reporting firms. For now, please know that ABCRC has addressed the matter to the extent our law currently provides. Further, ABCRC will continue to review our appropriate role in this matter.

Mission, Vision, and Values—Oh My!

By Paula "Scout" McCaleb, *Executive Director*

Governor Bob Riley has implemented a program entitled, "Smart Planning" for Alabama Government. Many of you are familiar with the missions of your own firms, but do you know what ABCRC's is? Our mission is actually dictated to us by the Alabama Legislature by statute. ABCRC's Mission is to establish and maintain a standard of competency for individuals engaged in the practice of court reporting and for the protection of the public, in general, and for the litigants whose rights to personal freedom and property are affected by the competency of court reporters (Section 34-8B-1). The ABCRC has also defined its Vision, Values, and Goals. They are as follows:

Vision: Court reporting services in Alabama are delivered by licensed court reporters deemed qualified, professional, and ethical, ensuring maximum public protection.

Values: 1. We value the rights of the public affected by court reporting services; 2. We value the continuous improvement of Board staff to provide efficient, effective, and ethical service to the public and licensees; 3. We value competency of court reporters practicing in Alabama.

Goals: 1. To provide services on-line so that 90% of license transactions are processed via the web by 2010; and 2. To process complete applications within ten business days.

ABCRC is held accountable by the Governor to meet our Smart Plan. We submit quarterly performance reports as well as undergo numerous audits conducted by the Examiners of Public Accounts. So, how are we doing in accomplishing these standards? Let's start with our goals.

Goal #1: ABCRC launched on-line renewals for our first renewal season. This was positively received by licensees, and we thank you for this. Soon, ABCRC will launch an on-line original application. This application will check for completeness which will greatly reduce the amount of delayed applications. We are also now working on development of an on-line application for change of address and license verification and expect to meet this goal completely by 2010. Again, we thank you for your receptivity to this modern technology.

Goal #2: For fiscal year 2008, our annual average turnaround time for processing complete applications was four days (this includes the grandfathering window). Therefore, we exceeded our goal of a ten day turn around in 2008 and a five day turn around for 2009. Our turn around time currently is one business day. With the implementation of on-line original applications, this will further reduce turn around time by ensuring that the applications submitted are complete (most paper applications are incomplete due to incorrect notarization) and reduction in mailing time.

We didn't forget about continuous improvement of Board staff either. All ABCRC staff members have received continuing education in their fields of expertise for a total annual number of CEU's as follows for 2008: Paula "Scout" McCaleb, Executive Director: 36 hours; Brandy VanOrden, Licensing Agent & Accounting: 34 hours; and Jessica Burdette, Licensing Agent & PR: 24 hours.

It is our privilege to continue to work to accomplish ABCRC's goals and work to provide exceptional service to licensees. I thank you for the opportunity.

ABCRC

Alabama Board of Court Reporting

Board Members

Aubrey Ford, Chair
Judicial Seat

Suzanne B. Frazier, Vice Chair
Official Court Reporter Seat

William M. Dawson
Attorney Seat

T. Kent Garrett
Attorney Seat

Deanna K. Johnson
Freelance Court Reporter Seat

Sabrina Lewis
Official Court Reporter Seat

Laura H. Nichols
Freelance Court Reporter Seat

Staff
Paula Scout McCaleb
Executive Director

Brandy L. VanOrden
Licensing Agent & Accounting

Jessica Burdette
Licensing Agent & PR

ABCRC *Newsline* is an official publication of the Alabama Board of Court Reporting. This publication is intended for a wide audience to alert licensees to matters of possible procedural, legal, legislative, and regulatory interest. It should not be relied upon, nor is it intended to provide legal, insurance, or accounting advice. Licensees should consult their lawyers, insurance agents, and accountants before taking any action in response to this newsletter, as the opinions expressed herein may be completely altered by the licensees' actual facts.

A Time of Board Genesis

The ABCR has now completed its time of Board genesis, meaning, the Board has completed its' first two years of operation. During this time, the Board has addressed many issues that are actually very common to newly established agencies. Issues like lack of funding, set up of first time budgets and plans, numerous audits from the Alabama Examiners of Public Accounts, hiring Board staff, adoption of Rules and Regulations under which to operate, adoption of application forms, enforcement of the statute, and discovering the true strengths and weaknesses in the enabling act. The Board has been busy addressing these issues and building a sound

foundation upon which to grow and strengthen.

It's the beginning of a new dawn for ABCR as we transition into our junior year of operation. That transition involves adding more building blocks to our foundation. In addition to this Newsletter, the building blocks we will be placing in the near future are:

- Continue to work to pass Legislation (see Legislative Update on cover page)
- Further web site development by launching on-line initial applications

- Administer prompt investigations and disciplinary hearings to the relief of the consumer

- Completion of Legal Compliance and Sunset Review Audits conducted by the Examiners of Public Accounts



The Dawn of the ABCR

We look forward to the accomplishment of these goals and so much more. Your partnership is crucial to our joint success.

Timeline of Board Events

The following is a summary of the actions taken by the ABCR during the first two years of operation. In addition to this breakdown, the Board has deliberated extensively regarding Gifting, CEU's, Legislation, Reciprocity, and Examinations. These areas are addressed in this issue of *ABCR Newline*. Also, the Board has made presentations to both Prince Institute and Gadsden State students regarding the examination and licensure process and spoken to the Alabama Court Reporters Association.

2006

The Board was created by Act #2006-739 through the successful efforts of the Alabama Court Reporters Association.

2007

The first Board appointments were made and became effective on January 1, 2007.

The Board web site was launched in January of 2007.

The first Board meeting was held on January 7, 2007. At this meeting the first Board members took their oath of office and officers were elected. Judge Aubrey Ford was elected Chair, Suzanne Frazier was elected Vice-Chair, and Shannon Ball was elected Secretary. In addition to the elected officers, the initial Board members were Laura Nichols, and Joe Fawal.

The Board voted to request an Emergency Departmental Loan in the amount of \$20,000 from the Director of Finance in order to pay for start-up expenses of the Board and to be repaid within the fiscal year. (This was repaid early with the income from grandfathering

applications in June.)

Proposed Rules and Regulations of the Board were adopted for advertisement and public comment.

The Board adopted Rules of Order in compliance with the Open Meetings Act.

April Meeting: The Board adopted Rules and Regulations, application forms (Forms Committee Members were Laura Nichols, Suzanne Frazier, and Shannon Ball), and an official seal.

April: The Board began advertising new licensure requirements in newspapers, accepting and processing applications for grandfathering.

June Meeting: Oath of office administered to new Board members Deanna Johnson and Sydney Frazier.

First exam proctor and site was selected. (Exam Committee Members were Suzanne Frazier, Shannon Ball, and Sydney Frazier.)

Administrative Services Contract released for bid through the Department of Purchasing to provide Board staff, office space, office furniture and equipment with a minimum of ten years experience in professional regulation, bachelor's degree, and no criminal history.

The Board appeared before the Joint Legislative Sunset Review Committee and was continued for two years.

September Meeting: Committees assigned as follows: Legislative: Joe Fawal, Bettie Carmack; Special Review: Deanna Johnson, Laura Nichols; CE: Shannon Ball, Suzanne Frazier; and PR: Judge Ford and Laura Nichols.

Discussion with ACRA Representatives Greta Duckett and Pat Higgins regarding documentation of CEU's.

October: All grandfathering applications completed and licensure in Alabama becomes legally required on October 1, 2007.

November Meeting: \$75 exam fee established, to be re-evaluated annually, with the intent to break even on exam expenses.

2008

February Meeting: Board voted to draft legislative changes and submit to the Legislature.

Board voted to post an example of Certificate Page on the ABCR web site.

August Meeting: Investigative Services Contract released for bid through the Department of Purchasing in order to obtain an investigator on an as needed basis.

Board voted to abandon providing a state licensure examination and instead accept the examinations provided nationally. The Board simply could not afford to give the examination at a reasonable rate and break even due to the low number of exam candidates. Further, after considerable research with other state boards, reciprocity was abandoned since sister boards accept the national exams instead of reciprocating.

September: Completed first annual renewal cycle.

November Meeting: First settlement agreement for Disciplinary Action accepted.



"What has your State Board been Doing?"

Who?

Who are the staff members of ABCR? Probably not what you would guess....The ABCR has been devoted to developing in a cost effective manner since its inception. Therefore, instead of hiring state employees with benefits, etc., ABCR contracts with a management company for experienced office staff, office space, furniture, and equipment. This contract was competitively bid through the Department of Purchasing and allows the Board to operate at approximately 66% less than the cost of agencies who hire and purchase these expenses separately.

Leadership Alliance was the low and responsible bidder for these services and provides three experienced staff members in the area of professional regulation. These staff members and their areas of responsibility and expertise are:

Paula "Scout" McCaleb, *President of Leadership Alliance and serves as the Executive Director for Client Boards.*

Contact for: Investigation/consumer complaints, legislation/law, rules and regulations, newsletter and publications, and other executive inquiries.

Education/Experience: Ms. McCaleb graduated with a B.S. from Troy University and has thirteen years experience as a professional regulator.

Brandy L. VanOrden, *Licensing Agent and Accounting*

Contact for: Application, renewal, and change of address/name processing, general questions, web site updates, IT Coordinator, records archivist, budgeting, accounts receiv-

able and payable, Board meeting notice and preparation, and required state reports.

Education/Experience: Ms. VanOrden is finalizing her degree in Accounting. She has one year experience specifically in regulation processing.

Jessica Burdette, *Licensing Agent and PR*

Contact for: Back up for items listed for Brandy L. VanOrden above.

Education/Experience: Ms. Burdette will be graduating with a B.S. in Marketing from AUM in December. She has two years experience specifically in regulation processing.



Who...Who... Who is on the ABCR Staff?

What?

What is the purpose of ABCR and what is the difference between the State Board and the Association? We get this question a lot in our office, and it is a good one.

Let's start with the purpose of ABCR. Our purpose is very clearly defined by state law: to solely protect the public welfare (and not to promote the profession of court reporting within Alabama). A board carries out this purpose by ensuring that the public is served by competent and honest court reporters by establishing minimum standards of proficiency in the regulated profession of Court Reporting. This is done by licensing and

disciplining court reporter practitioners. Other goals or objectives may not supersede this purpose. When one serves on a regulatory board, the focus shifts from professional advocacy to the protection of the public.

In contrast, the Alabama Court Reporters Association (ACRA) is the professional advocate for the court reporting profession in Alabama.

Although our purposes are different, one the consumer advocate and one the professions advocate, it benefits the state as a whole as our two organizations work together creating confidence in court reporting services in Ala-

What is the purpose of ABCR and what is the difference between ABCR and ACRA?

bama. This in turn accomplishes both professional advocacy and consumer protection. As a licensed court reporter you can be proud of your License as a representation that you have met or exceeded competency standards established by state law.

When & Where?

All Board meetings are held at the Board office in Montgomery. Meetings are open to the public for observation. Meetings are subject to change, but are always advertised on the Board web site (www.abcr.alabama.gov) and the Secretary of State's web site (www.sos.alabama.gov) at least seven days in advance in accordance with the Open Meetings Act (OMA).

In addition, approved Minutes are posted on the Board web site. Now it couldn't be easier to stay current on Board actions and events.

BOARD MEETINGS

August 14, 2009—10:00 a.m.

November 13, 2009—10:00 a.m.

7550 Halcyon Summit Drive

3rd Floor Conference Room

Montgomery, Alabama 36117

(directions available on web site)



Mark your Calendar



Investigative Process FAQ's

The investigative process has probably been the area most misunderstood about the Board. The *Investigative Procedure Outlined* (parallel article) explains the steps in the investigation from opening to closing a case, as advised by the Office of the Attorney General and the Examiners of Public Accounts. The Alabama Administrative Procedure Act governs all boards in many areas, but especially in investigative and disciplinary procedure.

The first step, we must receive a written complaint in order to investigate. Assumptions are sometimes made that the Board knows about all individuals operating without a license or otherwise illegally when, in fact, chances are very good that the allegation has never been reported to the Board. The Board has to prove that it hasn't acted in "renegade" fashion and just decided to investigate someone for any reason whatsoever. This is why the law requires written complaints and cannot take anonymous complaints. Additionally, the complainant must be willing to testify.

Why can't the ABCR accept anonymous complaints?

Second, the Board does not have police power or the authority to arrest. Very few licensing boards are given these powers by the State Legislature. Upon receipt of a written complaint by an individ-

ual willing to testify, the Board can send an investigator to collect information. The Investigative Committee uses the evidence collected by the investigator to determine probable cause to proceed to a hearing. If probable cause is met, the Board will hold a disciplinary hearing. The Administrative Law Judge and the Board agree on the final order and the respondent is notified.

After the hearing process has been completed, the Board can take the matter to circuit court if the respondent has not complied with the Board's order. There is certainly a mechanism for stopping individuals who operate illegally. Although, not as quick or dramatic as a police arrest, it is legal and effective in the long run.

Disciplinary Action

Jada Patterson

Date: November 14, 2008

Violation: Section 34-8B-8 (a) (practicing court reporting for remuneration without first procuring a license); and ABCR Regulation 257-X-5-.03 (g) (representing oneself as a court reporter without a license).

Disposition:

\$1,000 fine and refund payment for court reporting services performed while unlicensed.

Investigative Procedure Outlined

1. A complete complaint form must be received in the Board office.
2. An investigative file is then opened establishing a case number and taken under consideration by the Investigative Committee, consisting of one Board member, legal counsel, investigator, and executive director. The complainant is notified in writing, verifying receipt of the complaint; and the respondent is given an opportunity to respond in writing.
3. The Committee reviews and actively pursues an investigation to a legal and logical conclusion.
4. Once probable cause has been met, a hearing will be scheduled and the parties notified at least 21 days in advance. If the complaint is not substantiated by the evidence, the case is then closed. The respondent and complainant are both notified of the investigative conclusion.
5. For cases progressing to hearing, the Investigative Committee does have the option of entering into a consent agreement with the respondent once the investigation has been concluded and the allegation(s) supported by the evidence. The Committee makes a recommendation as to what punishment and/or fines to impose on the respondent. The respondent can then agree by signing the consent order. If the respondent chooses not to agree to the arrangements proposed by the Board, the respondent can choose to continue with a hearing before the entire Board.

DISCIPLINARY HEARINGS

1. Hearings are conducted at Board headquarters in the conference room. This process is subject to the Open Meetings Act which provides for the forum to be open to the public.
2. An Administrative Law Judge conducts the hearing as argued by legal Counsel for the Board and the respondent's attorney.
3. Once the hearing is concluded, the Administrative Law Judge will write a final order of the case which is then voted on by the Board to accept, amend, or reject the judge's findings. The Board member serving on the Investigative Committee abstains from voting in order to guarantee due process.
4. The order is then sent to the respondent and the case is closed.
5. Disciplinary actions are then published in the *ABCR Newsline* and on the web site.

