

ABCR's Complaint Procedure Outlined

I. Opening a Complaint

- a. A complete complaint form must be received in the Board office (Consumer Complaint Form is located at www.abcr.alabama.gov). A complaint form is required to open an investigation on a licensed court reporter because in Alabama, there are laws in effect that give the respondent the right to face their accuser. This law also requires that the complainant be willing to testify against the respondent if needed.
- b. 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.
- c. The complainant is notified in writing, verifying receipt of the complaint.
- d. The respondent is given an opportunity to respond to the complaint in writing.
- e. The Investigative Committee reviews the investigative report(s) and case correspondence and actively pursues an investigation to a legal or logical conclusion.

II. Closing the Investigative Process

- a. Once probable cause has been met, a settlement is offered or a hearing will be scheduled with the parties notified at least 21 days in advance.
- b. If the complaint is not substantiated by the evidence, the case is then closed.
- c. The respondent and complainant are both notified of the investigative conclusion.

III. Settlement Offer

- a. For cases substantiated by the evidence obtained during the investigative process, the Investigative Committee does have the option of entering into a consent agreement with the respondent.
- b. The Committee makes a recommendation as to what punishment and/or fines to impose on the respondent based on the individual investigation and on a case by case basis. The respondent may then agree by signing the consent order, negotiating the consent order, or rejecting the consent order.
- c. All consent orders go before the entire Board for final vote with the Board member who served on the Investigative Committee abstaining to ensure due process.

IV. Disciplinary Hearing

- a. If the respondent chooses not to agree to the settlement proposed by the Board, the respondent can choose to continue with a formal hearing before the entire Board.
- b. Hearings are conducted at Board headquarters and are open to the public.
- c. An Administrative Law Judge conducts the hearing as argued by legal counsel for the Board and the respondent's attorney.
- d. 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 or reject the Judge's findings. Again, the Board member who served on the Investigative Committee abstains from voting in order to guarantee due process.
- e. The final order is then sent to the respondent and the case is closed upon the respondent's compliance with the Final Order.
- f. If the respondent does not comply with the Final Order, the Board can take the matter to circuit court.

V. Conclusion

- a. All Disciplinary actions (including consent orders) are posted publicly on the Board website located at www.abcr.alabama.gov.
- b. All investigative cases are audited every two years by the Examiners of Public Accounts. The audit checks to ensure that the Board complied with state law (this includes ABCR's enabling statute and the Administrative Procedures Act). The audit findings are given to the Alabama Legislature and posted on the Alabama Board of Examiners website for public viewing.

Note: The investigative process has probably been the area most misunderstood about the Board. The above outline is required of most boards in Alabama as advised by the Attorney Generals Office and Examiners of Public Accounts. Most Alabama Boards do not have police power or the authority to arrest by the Legislature. Therefore, the above outline is the mechanism for stopping individuals from operating illegally. Although, not as quick or dramatic as a police arrest, it is legal and effective in the long run.