

RULE CHANGES FOR PUBLICATION

Ala. Admin. Code 257-X-1-.01

- (1) The Board shall comply with the Alabama Open Meetings Act.
- (2) A minimum of two (2) regular meetings shall be held each year. The annual meeting shall be the first meeting of the calendar year.
- (3) Four members shall constitute a quorum for the transaction of business.
- (4) At its first meeting each calendar year, the Board shall elect a Chair, a Vice Chair, and Secretary from its membership. No member shall be elected to serve more than two (2) consecutive years in the same office.
- (5) The Chair shall, in accordance with these rules, rule upon all questions of procedure at meetings of the Board. The decision of the Chair shall be final.
- (6) All proceedings of the Board shall be governed by Roberts Rules of Order, latest revised edition, except during disciplinary hearings and ~~except~~ where otherwise provided in these rules. A majority of those members on the Board present and voting on any matter shall decide that matter before the Board.
- (7) Special meetings may be called by the Chair or by a quorum of the Board.
- (8) Notice of a meeting shall be given to all Board members at least seven (7) days in advance of the meeting, unless all Board members agree to waive the seven (7)-day notice.
- (9) Requests to ~~present information to~~ address the Board during a ~~regularly scheduled~~ Board meeting shall be in writing to the Executive Director at least fourteen (14) days prior to the meeting and shall include the subject matter involved. Such requests shall be subject to review and approval by the Chair, who may also grant exceptions to the deadlines and time limitations in extraordinary circumstances. Exceptions may be made in extraordinary circumstances at the direction of the Chair. ~~All requests are subject to review and approval by the Chair.~~ The usual time limitation for presentations will be five (5) minutes, ~~with exceptions made by permission of the Chair.~~ Written requests should include:
 - (a) Contact information of the designated spokesperson; and summary of information to be presented.
- (10) The Executive Director or designee shall keep a record of all regular meetings. The minutes shall be transcribed and presented for approval or amendment at the next regular meeting of the Board. The minutes or a true copy thereof, approved by the Board, shall be open to public inspection.
- (11) All regular meetings of the Board shall be open and public except for executive sessions as provided by the Alabama Open Meetings Act.

Ala. Admin. Code 257-X-1-.02 Duties of The Officers of The Board

(1) The Chair shall preside at meetings of the Board, appoint members to serve on committees as may be created, serve as ex-officio member of all committees, and determine the agenda of Board meetings.(2) The Vice Chair shall preside in the absence of the Chair and shall assume the duties of the Chair when necessary.(3) The Secretary shall preside in the absence of the Chair and Vice Chair and shall assume the duties of the Chair in such instances pending the election of a Chairman Pro ~~Ter~~Tem.

Ala. Admin. Code r. 257-X-5-.03

(1) Each member of the Board shall serve without compensation but shall be reimbursed for travel expenses incurred in attendance at meetings of the Board and any other business of the Board at its discretion. Mileage rates shall be the same as established for state employees. Board members are also entitled to receive the same per diem provided to state employees, pursuant to Section 36-7-20, et seq., Code of Ala. 1975.

(2) Travel expenses and per diem shall be paid from funds derived from the Alabama Board of Court Reporting Fund. If funds are not available, payment shall not be made.

Ala. Admin. Code r 257-X-1-.04 - Employment of Personnel

The Board may employ an executive director, investigators, attorneys and any other agents and employees and assistants as may from time-to time be necessary to establish and maintain administration and enforcement of the Court Reporter Practice Act and rules and regulations established by the Board.

Ala. Admin. Code r. 257-X-1-.05

Applications and forms shall be made on the prescribed forms approved by the Board. Copies of instructions and forms are available from the office of the Board and on the Board website.

Ala. Admin. Code 257-X-1-.08 Electronic Documents.

(1) In satisfaction of the requirements under these rules, the Board shall accept any document submitted in electronic format, ~~including, but not limited to, facsimiles, scans, pdfs with a resolution of 200 dots per inch (DPI) or higher, and picture images in an electronic mail attachment, in lieu of a paper submission; provided, however, that the Board reserves the right to require submission of an original paper copy of any such document upon the request of the Board, containing all required information for the type of filing being made and be formatted in text searchable, PDF format. Any individual PDF file submitted to the Board shall not exceed 15 megabytes. If the total megabyte count of a main pdf document and attached supporting pdf documents in a single filing exceeds 15 megabytes, the supporting documents should be submitted separately and relate back to the main document entry. An electronic filing that is not completed due to being in excess of 15 megabytes shall be deemed not filed and therefore now accepted. Applicants shall preserve a paper original of all filings submitted in electronic form for the duration of any proceedings and related appeals. Electronic filings received by the Board after 5:00 p.m. on any given day will be recorded as received on the following business day.~~

(2) Any required filing fees must be submitted electronically via the payment portal available through the Board website or via overnight mail or other delivery method, marked in such a way

as to clearly identify the fee with the electronic submission, for delivery to the Board at its mailing address by the following business day.

257-X-2-.05. Inactive Status.

(1) A person not actively engaged in the practice of court reporting may place his/her license on inactive status by filing an Application for Inactive Status, together with the required application fee of ~~Ten~~ Twenty-Five Dollars (\$~~10~~25.00).

(2) Any transcripts provided by an inactive court reporter must include his/her license number and the date that the court reporter became inactive from the practice of court reporting.

(3) Inactive court reporters who engage in the practice of court reporting may be subject to disciplinary action by the Board.

(4) An inactive license must be renewed annually, as provided in Rule 257-X-3-.05.

(5) The annual fee for an inactive license shall be ~~Ten~~ Twenty-Five Dollars (\$~~10~~25.00).

(6) Inactive status may not be maintained beyond the tenth anniversary date of the grant of inactive status.

257-X-2-.06. Restoration.

(1) A person seeking restoration of a license after it has been placed on inactive status for up to ~~five-ten~~ (510) years shall file an application with the Board together with the required fees. After September 30, 2008, in order to restore a license, a person shall submit proof of fifteen (15) hours of continuing education completed within one (1) year before restoration. The applicant shall also submit either:

(a) Certification of current licensure from another jurisdiction completed by the appropriate board or licensure authority; or

(b) Affidavits from two (2) members of the bench or bar attesting to the applicant's active practice of court reporting in a state that does not require licensure for at least one (1) year immediately prior to the date of application; or

(c) An affidavit attesting to military service; or

(d) Other proof acceptable to the Board of the applicant's fitness to have the license restored.

(2) The applicant must receive a renewal certificate reflecting active status prior to providing any court reporting services. Failure to comply with this requirement may constitute unprofessional conduct as provided in Rule 257-X-4-.01.

257-X-2-.07. Review Process.

Upon receipt of an application and the appropriate fee, the Board shall issue a license, notify the applicant in writing of the reasons for denying the application, or notify the applicant in writing of the deficiencies in the application. Applicants have one (1) year from the date of the notification of deficiencies to complete the application process. If the process has not been completed within one (1) year, the application shall be denied, and the fee forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication. In the event of a hardship, the applicant may apply in writing for a one (1)-year extension to complete the process.

257-X-3-.01. Temporary Licensure.

(1) Effective April 21, 2010, any person who is a graduate of a school of court reporting may apply for temporary licensure.

- (2) Temporary licenses are valid from the date of graduation and shall expire eighteen (18) months after issuance.
- (3) Temporary licenses are not renewable. In the event that a temporary license expires without the temporary licensee having passed the examination for full licensure, court reporting services by the temporary licensee shall cease and desist immediately upon the expiration of the temporary license. ~~The Board will issue a Cease and Desist notice upon the expiration of an expired Temporary License and copy the employer of record. The Board Investigator will follow up with the expired temporary licensee to ensure the individual is not operating with an expired temporary license (if the individual has not been issued their full licensure).~~ Upon expiration of a temporary license, the temporary license number will be removed as soon as practicable from the listing of temporary licenses on the Board's web site. The Board may not be held liable for lost income to the temporary licensee or to the court reporting firm due to expiration of a temporary license.
- (4) The temporary license application will consist of the following:
- (a) Proof of graduation from a school of court reporting in the form of: Official Transcripts, Copy of Diploma, or Official Letter from the Court Reporting Program's Director;
 - (b) Completed application forms for both the temporary licensee and the supervising court reporter, as approved by the Board;
 - (c) Payment of application and temporary license fees as approved by the Board.
- (5) The temporary license allows the applicant to practice as a court reporter without passing the examination, subject to the following stipulations:
- (a) The court reporter with a temporary license shall function under the supervision of a currently licensed court reporter.
 - (1) "Supervision" requires the licensed, supervising court reporter to be physically present with the temporary licensee and readily accessible to the licensee to designate or prescribe a course of action or give procedural guidance, direction and periodic evaluation. When it is not possible for the supervising court reporter to be physically present or physically accessible, the supervising court reporter may be accessible to the licensee for direction and consultation on a limited, occasional or emergency basis through electronic or telephonic communication. The supervising court reporter shall be responsible to ensure that the temporary licensee does not routinely provide court reporting services in the absence of the direct supervision of the supervising court reporter, as defined in this section.
 - (b) Temporary licensees may not direct bill for court reporting services provided; such services may be billed solely through the employing court reporter firm or the temporary licensee's supervising court reporter.
 - (c) The temporary license will be reflected by the initials, "TL" for "Temporary License," followed by their assigned number.
 - (d) All individuals issued a temporary license shall be subject to regulation pursuant to any rules promulgated by the Alabama State Board of Court Reporting and Code of Ala. 1975, Section 34-8B-1, et seq.
 - (e) Failure of any temporary licensee to meet the requirements for licensure enumerated in Reg. 257-X-3-.03 shall result in the expiration of the temporary license. Temporary licensees are encouraged, at the earliest opportunity, to take and pass the Licensure Examination, as prescribed under Reg. 257-X-3-.03, and must immediately notify the Board and the supervising court reporter in writing of their passage or failure of the Licensure Examination.

~~(f) Temporary licensees are required to notify the Board in writing every six (6) months of the status of the work being performed under their temporary license, to include a listing, by style and number, of the cases for which they have provided court reporting services and the contact information for the contracting entity for each case.~~

~~(g)~~ The temporary licensee shall notify the Board in writing of the termination of the supervisory relationship and/or the licensee's transfer to another supervisor, within fourteen (14) days of said termination or transfer. Failure to maintain a current acknowledgement form (Form ABCR TL 1) on file with the Board office, signed by the temporary licensee and his/her supervising court reporter, may subject both the temporary licensee and the supervising court reporter to disciplinary action by the Board.

(6) A licensed court reporter serving as a supervisor for a temporary licensee must submit a completed application therefore, be in good standing with the Board, and must not have been subject to disciplinary action within the five (5) years previous to his/her application to serve as a supervising court reporter. The application to serve as a supervising court reporter may be denied only for failure to meet the qualifications of this section.

(7) Supervising court reporters shall also be required to comply with the following:

(a) Accept full responsibility for the actions of the temporary licensee while under the supervising court reporter's supervision. Supervising court reporters may not make a temporary or permanent assignment of their supervisory duties over a temporary licensee to another licensed court reporter.

(b) Ensure that the temporary licensee shall not take on an assignment above the temporary licensee's skill level, competency or abilities.

(c) Certify the temporary licensee's work product by including the supervising court reporter's signature and license number on any transcript produced by the temporary licensee.

(d) Notify the Board in writing of the termination of the supervisory relationship within fourteen (14) days of said termination. Failure to timely provide written notification thereof may subject the supervising court reporter to disciplinary action by the Board.

(8) Upon notification to a temporary licensee that he/she is the subject of a complaint or any anticipated disciplinary action by the Board, the licensee's supervisor shall also receive a copy of the notification provided to the licensee. Any violation of the Board's enabling law or its rules by a temporary licensee may also subject the supervising court reporter to disciplinary action from the Board.

257-X-3-.02. Traditional Application for Licensure.

(1) Applicants for licensure as court reporters must meet the following requirements in order to obtain a license:

(a) Provide proof of graduation from court reporting program or its equivalent in the form of: Official Transcripts, Copy of Diploma, or Official Letter from the Court Reporting Program's Director;

(b) Pass the Licensure Examination;

(c) Complete the application and remit all appropriate fees.

(2) For purposes of this rule, "court reporting program or its equivalent" shall mean any court reporter education programs that have met the General Requirements and Minimum Standards (GRMS) [FN1] established by the Council on Approved Student Education (CASE) of the National Court Reporters Association (NCRA), and thus designated as NCRA- approved, or any other non-NCRA approved instructional programs designated by the Board as providing an equivalent standard of instruction. Non-NCRA-approved programs seeking designation as an

approved program must submit an application to the Board establishing that its program is equivalent to those receiving NCRA approval. Applicants may also seek recognition of a program under this Section. To be recognized for licensure purposes in Alabama, a school or program curriculum should include, at a minimum, instruction on steno theory or voice writing theory, technology, judicial procedures, speed building (requiring a speed equal to or exceeding the state certification exam requirements), and punctuation. Approval of a non-NCRA approved instructional program may be subject to periodic review and may be revoked upon a determination by the Board that the instructional program no longer meets the requirements of an "equivalent" program.

(3) The provisions of Chapter 257-X-3-.02(2) shall not serve to invalidate any license granted by the Board prior to its effective date.

(4) In the case of an NCRA certified reporter (RPR) or NVRA certified reporter (CVR) seeking a license in the state of Alabama and unable to provide proof of graduation from a court reporting program or its equivalent due to the school/program having closed, the applicant shall provide to the Board an affidavit setting forth his or her past education and work experience as a court reporter and an affidavit of a judge for whom the individual has worked, or three licensed attorneys, or two currently licensed Alabama court reporters, unrelated by blood or marriage to the applicant and who have utilized the services of the reporter, which attest to the applicant's proficiency in court reporting.

257-X-3-.03. Examination.

Applicants for licensure, must pass the Written Knowledge Examination administered by NCRA and provide documentation of having passed the NCRA Registered Professional Reporter Examination (RPR), NVRA CRA Examination, or Alabama Skills Examination administered by ACRA. Passage of examination legs from the State and National Examination may be determined.

257-X-3-.04. Renewal.

(1) Every Court Reporter License in Alabama shall lapse on September 30th of each year. The holder of the license may renew such license during the sixty (60) days preceding September 30th by paying the required fee and completion of the application for renewal.

(2) It is the responsibility of each licensee to notify the Board in writing of any change of address or legal name within thirty (30) days of such change. Failure to receive a renewal form from the Board shall not constitute an excuse for failure to renew licensure.

(3) Late renewals may be received up to sixty (60) days following lapse of licensure with the required late renewal fee and application for renewal. An individual may not provide court reporting services under a lapsed license. Failure to renew a lapsed license within the period for late renewal established by the board shall result in an expired license.

(4) The Board will shall attempt to notify all individuals with expired licenses of their licensure status in writing at their address of record, or by email at their email address of record, copy the employer of record, and post all expired licenses on the Board web site. The Board Investigator will follow up on each expired license to ensure that court reporting services are not being provided under an expired license and provide a report to the Board's Executive Director. Persons providing court reporting services under a lapsed or expired license shall be subject to disciplinary action by the Board. Failure of the Board to provide such notice shall not relieve a person with an expired license of his or her obligations under these rules. Persons providing

court reporting services without licensure in Alabama shall be subject to such penalties as prescribed in Ala. Code § 34-8B-8 and may be subject to denial of a license application or other sanctions the Board may impose as a condition for the grant of a license application.

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 court reporter's license, including the payment of a fine, ~~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.

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. ~~an investigative committee shall be formed, consisting of one (1) Board member, Board counsel, and the Executive Director. 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. ~~In addition to submitting a written response to the allegations, a court reporter may submit a written request to speak to the investigative committee in person in response to the complaint within fifteen (15) days of receipt of the Board's notification. It is solely within the discretion of the investigative committee to grant or deny a request to meet with the investigative committee.~~

(b) ~~The committee~~ 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.

~~1. If further investigation is warranted, the Board's investigator shall conduct a further investigation under the direction of the Executive Director;~~

~~2. At the conclusion of the investigation, the investigator shall submit a report to be reviewed by the investigative committee, which has the authority to act on the report.~~

~~3. The investigative committee shall send written notification to the complainant and the court reporter of any action it decides to take in response to the investigative report.~~

(c) ~~If the committee~~ the Executive Director, with assistance of any Board member designated to assist in the investigation, determines that ~~an 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.

257-X-5-.05. Board Action Following Investigation.

~~The investigative committee~~ 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.

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.

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.

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

Currentness

(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.

~~(6) Requests for reconsideration of decisions of the Board are to be filed with the Board office within ninety (90) days following the date of the Board's final order. Further appeal is then available in Circuit Court pursuant to the requirements of the Alabama Administrative Procedure Act.~~

257-X-5-10. Application Following Denial of Licensure.

Currentness

(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.

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.

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

Board members shall recuse themselves from participation in any matter:

(a) in which they, or a 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: ALA. CODE § 36-25-1(2);

(b) have represented a party in the present case or another pending case that is factually similar
See: ALA. CODE § 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 (ALA. CODE § 41-22-18(a); or

~~No Board member who has a disqualifying conflict or bias against an applicant or licensee shall participate or vote in the consideration of any application, information disposition of a contested case or any disciplinary proceeding before the Board concerning the applicant or licensee.~~

(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.

~~(2) Any challenge to a Board member's participation based on the aforementioned criteria based upon any alleged conflict or bias 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.~~

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 effect date of the order. A party seeking rehearing of an order shall be required to meet the criteria for rehearing set forth in Ala. Code 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 of period. A licensee may appeal a decision of the Board by submitting a request for reconsideration to the Board office within ninety (90) days following the date of issuance of a final order of the Board.~~

~~(2) The request should be based upon newly discovered evidence which would justify relief from the decision rendered.~~

~~(3) Such requests should include, by written memorandum or brief, the detailed basis for such reconsideration. The opposing party shall have the opportunity to present a written reply memorandum or brief challenging such basis within thirty (30) days from the submission of the request for reconsideration.~~

~~(4) The Board shall review the written arguments of the parties at its next regular or special meeting and, based upon such review, determine in its discretion by a majority vote of those members on the Board present and voting on such matter, whether to sustain its previous decision or grant such relief from the decision as may be appropriate. In reviewing the request, the Board may, at its sole discretion, hear further oral argument or new sworn testimony or suggest supplemental responses. The Board shall render a written order setting forth the~~

~~determination of the Board within thirty (30) days of the vote reflecting the decision of the Board.~~

(~~5~~2) The filing of the request for reconsideration shall ~~be at the option of the parties and should~~ 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.

257-X-6-.01. Continuing Education Requirements.

(1) Beginning with the September 30, 2008 renewal and every renewal thereafter, every licensee who applies for renewal of a license shall complete five (5) hours of continuing education (CE) relevant to the practice of court reporting. Additional CE Hours obtained may be rolled over to the next renewal for up to thirty-six (36) months.

(2) A Renewal Period is the twelve (12) months preceding September 30th of each year.

(3) A CE hour means a minimum of fifty (50) minutes of actual clock time spent by a licensee in actual attendance at and completion of an approved CE activity. After completion of the initial CE hour, credit may be given in one-half hour (0.5) increments.

(4) A renewal applicant shall not be required to comply with CE requirements for the first renewal of an Alabama license.

(5) Non-Resident Licensees shall comply with the CE Requirements set forth in this Section. Ala. Admin. Code 257-X-6-.01

257-X-6-.07. Absence of Executive Director. In the absence of an Executive Director, the Chair, or his or her designee, may assume the Executive Director's responsibilities as required.

257-X-6-.08. Declaratory Rulings.

(1) The Board may issue declaratory rulings to any person substantially affected by a rule, with respect to the validity of the rule, or with respect to the applicability to any person, property, or state of facts of any rule or statute enforceable by the Board, or with respect to the meaning and scope of any order of the Board, subject to the following:

(a) the petition is submitted within a filing window beginning thirty (30) days before the next scheduled Board meeting and ending fifteen days (15) days prior to such meeting;

(b) the petition is accompanied by an administrative fee of \$25.00;

(c) the petitioner shows that he is substantially affected by the rule in question; and

(d) sufficient facts are supplied in the request to permit the Board to make a valid determination;
and

(e) the request arises from a question or controversy that is not subject to a pending disciplinary case.

(2) The petition shall be published on the Board's website. The Board will consider the petition and issue a ruling in accordance with the Alabama Administrative Procedure Act, Code of Ala. 1975, §41-22-11, as amended.