

State of California  
Business, Consumer Services and Housing Agency



**COURT REPORTERS BOARD**  
**OF CALIFORNIA**

# **Administrative Procedure Manual**



Court Reporters Board of California  
2535 Capitol Oaks Drive, Suite 230  
Sacramento, CA 95833  
[www.courtreportersboard.ca.gov](http://www.courtreportersboard.ca.gov)

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## Chapter 1. Introduction

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### Overview

The Court Reporters Board (Board) was established in 1951 by an act of the Legislature. The Board's mandate is to protect the consumers of the state. It does that by 1) regulating the minimum curriculum which court reporting schools and programs must offer, 2) administering a minimum level competency test to determine entry level abilities, and 3) disciplining licensees when necessary. In addition, the Board administers the Transcript Reimbursement Fund (TRF) which reimburses Certified Shorthand Reporters (CSRs) for providing transcripts to qualified indigent civil litigants. All the Board's activities, including the TRF, are funded from licensing and examination fees. Thus, the Board is considered a "special fund" or self-funded agency because no tax dollars from the General Fund support the Board.

Today, the Board is one of the boards, bureaus, commissions, and committees within the Department of Consumer Affairs (DCA), part of the Business, Consumer Services and Housing Agency under the aegis of the Governor. DCA is responsible for consumer protection and representation through the regulation of licensed professions that provide consumer services. While the DCA provides administrative oversight and support services, the Board has policy autonomy and sets its own policies, procedures and initiates its own regulations.

Protection of the public shall be the highest priority for the Board in exercising its licensing, regulatory and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount (Business and Professions Code (BPC) Section 8005.1).

The Board is composed of three public members and two licensees. The Governor appoints one public member and two licensees to the Board. The Speaker of the Assembly and the Senate Rules Committee each appoint one public member. All Board members serve staggered, four-year terms. Board members are paid \$100 for each day actually spent in the discharge of official duties and are reimbursed travel expenses.

Since its inception, the Board has licensed 14,055 people. Of those, approximately 6,800 have current licenses. In the profession, licensees are known as either "officials," who work in court, or "freelance," who work through court reporting agencies and report mostly depositions.

Our only office exists in Sacramento. There is an executive officer and a staff of three full-time employees and one part-time. There is an enforcement analyst, an exam/licensing analyst, a TRF/executive analyst, and a licensing technician for the Board.

### Board Responsibilities

The Board is charged with the following duties and responsibilities:

- Recognizing the schools and programs providing court reporting education
- Establishing educational requirements for admission to the examination for licensure as a Certified Shorthand Reporter

- Establishing examination requirements to ensure the competence of individuals licensed to practice court reporting in California and administering the examination
- Setting and enforcing standards for continued competency of existing licensees
- Promulgating regulations governing:
  - Procedures of the Board
  - Admission of applicants for examination for licensure as court reporters
  - Minimum standards governing the Certified Shorthand Reporters services offered or performed
- Instituting disciplinary action for violations of laws and regulations governing the practice of court reporting when warranted
- Administering the Transcript Reimbursement Fund

This procedures manual is provided to Board members as a ready reference of important laws, regulations, DCA policies and Board policies in order to guide the actions of the Board members and ensure Board effectiveness and efficiency.

### **General Rules of Conduct**

- Board members shall not speak or act for the Board without proper authorization.
- Board members shall maintain the confidentiality of non-public documents and information.
- Board members shall adequately prepare for Board responsibilities.
- Board members shall recognize the equal role and responsibilities of all Board members.
- Board members shall act fairly, be nonpartisan, impartial and unbiased in their role of protecting the public.
- Board members shall treat all applicants and licensees in a fair and impartial manner.
- Board members' actions shall serve to uphold the principle that the Board's primary mission is to protect the public.
- Board members shall not use their positions on the Board for personal, familial or financial gain.

## Chapter 2. Board Meeting Procedures

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### Board Meetings

(Business and Professions Code Section 101.7(a))

The full Board shall meet at least three times each calendar year. The Board shall meet at least once each calendar year in northern California and at least once each calendar year in southern California in order to facilitate participation by the public and its licensees.

(Board Policy and Business and Professions Code Section 8003)

The Board shall hold an annual meeting for the purpose of electing a chairperson and a vice-chairperson at the first regular meeting held after June 1 of each year.

(Government Code Section 11120 et seq. and Bagley-Keene Open Meeting Act)

The Board shall comply with the provisions of the Bagley-Keene Open Meeting Act and conduct their business in accordance with Robert's Rules of Order as long as that does not conflict with any superseding laws or regulations.

Special meetings of the Board may be held upon request of a majority of the members of the Board or upon the call of the Chair.

Notice of each meeting and the time and place thereof shall be given to each member in the manner provided by the Bagley-Keene Open Meeting Act.

### Public Attendance at Board Meetings

(Government Code Section 11120 et seq.)

Meetings are subject to all provisions of the Bagley-Keene Open Meeting Act. This act governs meetings of the state regulatory boards and meeting of committees of those boards where the committee consists of more than two members. It specifies meeting notice, agenda requirements and prohibits discussing or taking action on matters not included in the agenda.

The Bagley-Keene act stipulates that the Board is to provide adequate notice of meetings to be held to the public as well as provide an opportunity for public comment. The meeting is to be conducted in an open session, except where closed session is specifically noted.

If the agenda contains matters that are appropriate for closed session, the agenda shall cite the particular statutory section and subdivision authorizing the closed session.

### Closed Sessions at Board Meetings

(Government Code Section 11126 et seq.)

A Board may meet in a closed session to discuss: personnel matters (appointments, employment, evaluation of performances, etc.); examination matters wherein the Board prepares, approves, grades or administers examinations; matters which would constitute an invasion of privacy if discussed in an open session; administrative disciplinary matters; pending litigation; as a response to confidential final draft audit report; and, as a response to threat of criminal or terrorist activity against the personnel, property, buildings, facilities or equipment.

The Board shall disclose in the open meeting a generalization of the items to be discussed in a closed session. This can be accomplished by those items on the agenda as a closed session item.

All closed sessions must be held during a regular or special meeting (section 11128). A staff person shall be designated to attend the closed session and record the discussion topics and decisions made, which will be available only to members.

All information discussed in the closed session is confidential and must not be disclosed to outside parties.

## **Quorum**

(Business and Professions Code Section 8003)

Three of the members of the Board constitute a quorum of the Board for the transaction of business. The concurrence of a majority of those members of the Board present and voting at a meeting duly held at which a quorum is present shall be necessary to constitute an act or decision of the Board.

## **Agenda Items**

(Board Policy)

The Board chair prepares Board meeting notices and agendas. The chair may direct the Board's executive officer to prepare the Board meeting notices and draft agendas, ensuring that notifications are sent to all Board members and all persons on the Board meeting mailing lists and any other as required by law and DCA policies.

(Government Code Section 11125 et seq.)

No item shall be added to the agenda subsequent to the provision of the meeting notice. However, an agenda item may be amended and then posted on the Internet at least 10 calendar days prior to the meeting.

Items not included on the agenda may not be discussed.

## **Notice of Meetings**

(Business and Professions Code Section 101.7(a))

An agency within the department that is required to provide a written notice pursuant to Government Code Section 11125 may provide that notice by regular mail, e-mail, or both. The agency shall comply with the requester's chosen form of notice.

(Government Code Section 11120 et seq.)

According to the Opening Meeting Act, meeting notices (including agenda for Board meetings) shall be sent to persons on the Board's mailing list at least 10 calendar days in advance. The notice shall include a staff person's name, work address and work telephone number so that he or she can provide information prior to the meeting.

## **Notice of Meetings to be Posted on the Internet**

(Government Code Section 11125 et seq.)

Notice shall be given and also made available on the Internet at least 10 calendar days in advance of the meeting and shall include the name, address and telephone number of any person who can provide information prior to the meeting. However, it need not include a list of witnesses expected to appear at the meeting.

Written notices shall include the address of the Internet site where notices required by this article are available.

## **Special Meetings**

(Government Code Section 11125 et seq.)

A special meeting may be held where compliance with a 10-day meeting notice would impose a hardship or when an immediate action would be required to protect the public interest.

Notice for a special meeting must be posted on the Internet at least 48 hours prior to the meeting. Upon commencement, the Board must state the specific facts which necessitate special meeting as a finding. This finding must be adopted by a two-thirds vote; failure to adopt the finding terminates the meeting.

## **Record of Meetings**

(Business and Professions Code Section 8003)

The Board shall keep a complete record of all its proceedings.

## **Audio Recording**

(Board Policy)

The open portion of the Board meetings will be tape-recorded. The closed session of the Board meeting will not be tape recorded. Tape recording of the open meetings will be retained for 14 calendar days following the Board meeting at which the tape was made. After this time period, the tape will be erased, destroyed or taped over for some other use. The purpose of tape recording the open meetings is to ensure that the minutes as written accurately reflect the discussions and actions of the Board.

## **Meeting by Teleconferencing**

(Government Code Section 11123 et seq.)

Board Meetings held by a teleconference must comply with requirements applicable to all meetings.

The portion of the meeting that is open session must be made audible to the public present at the location specified in the meeting notice. Each teleconference meeting location must be identified in the meeting notice and agenda.

All votes taken during this meeting shall be by roll call.

## **Use of Electronic Devices During Meetings**

(Bagley-Keen Act)

Members should not text or e-mail each other during an open meeting on any matter within the Board's jurisdiction.

## **Meeting Rules**

(Board Policy)

The Board will use Robert's Rules of Order, to the extent that it does not conflict with state law (e.g., Bagley-Keene Open Meeting Act), as a guide when conducting the meetings.

## Chapter 3. Travel & Salary Policies & Procedures

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### Travel Arrangements

(DGS Memorandum MM 14-03)

All government travelers are required to make arrangements through the Department of General Services' Statewide Travel Program known as Concur Travel or CalTravelStore.

Board staff shall facilitate the making of travel arrangements.

### Out-of-State Travel

(State Administrative Manual Section 700 et seq.)

For out-of-state travel, Board members will be reimbursed for actual lodging expenses, supported by vouchers, and will be reimbursed for meal and supplemental expenses. Out-of-state travel for all persons representing the State of California is controlled and must be approved by the Governor's Office.

### Travel Claims

(State Administrative Manual Section 700 et seq. and DCA Travel Guidelines)

Rules governing reimbursement of travel expenses for Board members are the same as for management-level state staff. All expenses shall be claimed on the CalATERS Global Web site. Board staff completes the expense claims as needed. It is advisable for Board members to submit their travel expense worksheets and receipts immediately after returning from a trip and not later than two weeks following the trip.

In order for the expenses to be reimbursed, Board members shall follow the procedures contained in DCA departmental memoranda which are periodically disseminated by the Director and are provided to Board members.

### Salary Per Diem

(BPC Section 103)

Compensation in the form of salary per diem and reimbursement of travel and other related expenses for Board members is regulated by BPC Section 103.

In relevant part, this section provides for the payment of salary per diem for Board members "for each day actually spent in the discharge of official duties" and provides that the Board member "shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties."

(Board Policy)

Board members will be paid their per diem for each actual meeting day of a Board or committee meeting. Since attendance of all Board meetings during exam days is not necessary, board members will notify staff of their availability and will be paid for each day of actual service.

## Chapter 4. Board Officers, Members & Committees

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### Officers of the Board

(Business and Professions Code Section 8003)

At each yearly meeting, the Board shall elect from its members a chair and vice-chair.

### Election of Officers

(Board Policy)

The Board shall hold an annual meeting for the purpose of electing a chairperson and a vice-chairperson at the first regular meeting held after June 1 of each year.

### Board Members

(Business and Professions Code Section 130 and 8001)

Appointment as a Board member shall be for a term of four years expiring on June 1. Members shall hold office until the appointment and qualification of their successor or until one year has passed since the expiration of the term for which they were appointed, whichever occurs first. No person shall serve a term for more than two consecutive full terms.

The Governor shall appoint one public member and two certified members. The Senate Rules Committee and Speaker of the Assembly shall each appoint a member.

(Government Code Sections 1322 and 1774)

The grace period of the Governor-appointed members shall be no more than 60 days after the expiration of the term for which they were appointed. This code applies to positions which require Senate confirmation.

(Board Policy)

The Board adopted a policy to clearly define Board duties and responsibilities.

### Appeals Committee Appointments

(Board Policy)

The Board will appoint an Appeals Committee of five members consisting of two licensed Certified Shorthand Reporters, one English teacher with experience teaching grammar and punctuation at the Postsecondary Education level plus experience working with court reporters, the executive officer, and one grader. The determination made by the Appeals Committee will be considered the final finding of the Board. The executive officer will implement the determinations of the Appeals Committee.

## Chapter 5. Board Administration and Staff

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### **Appointment of Executive Officer**

(Business and Professions Code Sections 107 and 8005)

The Board may appoint, prescribe the duties and fix the salary of an executive officer. The Board may also employ other employees as may be necessary, subject to civil service and other provisions of the law.

(Board Policy)

The Board defines the duties and responsibilities of the executive officer by policy. The executive officer provides professional administrative assistance, manages and/or coordinates administrative activities for the Board. The executive officer is expected to exercise independent judgment, common sense and initiative in establishing efficient and effective operations consistent with Board policies and administrative guidelines established by the Board and the Department of Consumer Affairs management team.

### **Board Administration**

(DCA Reference Manual)

Board members should be concerned primarily with formulating decisions on Board policies rather than decisions concerning the means for carrying out a specific course of action. It is inappropriate for Board members to become involved in the details of program delivery. Strategies for the day-to-day management of programs, operations and staff shall be the responsibility of the executive officer. Board members should not interfere with day-to-day operations, which are under the authority of the executive officer.

### **Board Staff**

(DCA Reference Manual)

Employees of the Board, with the exception of the executive officer, are civil service employees. Their employment, pay, benefits, discipline, termination and conditions of employment are governed by a myriad of civil service laws and regulations and often by collective bargaining labor agreements. Board members shall not intervene or become involved in specific day-to-day personnel transactions.

### **Legal Counsel**

The Board's legal counsel represents the Board for litigation and accordingly for services rendered by the Office of the Attorney General. The Board's legal counsel provides "in-house" counsel.

### **Board Budget**

(Board Policy)

The executive officer maintains revenue and expense data, drafts and prepares the Board budget and any related analyses for Board approval, and implements approved budget in accordance with Board policies, program needs and legislative mandates.

## Chapter 6. Other Policies & Procedures

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### **Materials Provided to Incoming Board Members**

(Government Code section 11121.9)

A copy of the Bagley-Keene Act must be provided to each new member upon his or her appointment.

### **Board Member Training**

(Government Code sections 11146.1)

Newly appointed Board members shall attend an ethics training course within six months of assuming office and every two years thereafter.

(Government Code sections 12950.1)

Each member shall attend at least two hours of interactive training covering sexual harassment prevention within six months of his or her appointment and every two years thereafter.

(State Administrative Manual Management Memo MM 11-04)

All State employees who drive a vehicle on official State business must successfully complete the Department of General Services approved Defensive Driver Training course at least once every four years.

(Business and Professions Code Sections 453)

Newly appointed Board members shall complete a training and orientation program provided by DCA within one year of assuming office. This one-day class will discuss Board member obligations and responsibilities.

### **Removal of Board Members**

(Business and Professions Code Sections Sections 106 and 106.5)

The Governor has the power to remove from office at any time any member of any board appointed by him or her for continued neglect of duties required by law or for incompetence or unprofessional or dishonorable conduct. The Governor may also remove from office a board member who directly or indirectly discloses examination questions to an applicant for examination for licensure.

### **Resignation of Board Members**

(Government Code Section 1750)

In the event that it becomes necessary for a Board member to resign, a letter shall be sent to the appropriate appointing authority (Governor, Senate Rules Committee or Speaker of the Assembly) with the effective date of the resignation. State law requires written notification. A copy of this letter shall also be sent to the director of DCA, the Board Chair and the executive officer.

## **Conflict of Interest**

(Government Code Section 87100)

No Board member may make, participate in making or in any way attempt to use his or her official position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest. Any Board member who has a financial interest shall disqualify him or herself from making or attempting to use his or her official position to influence the decision. Any Board member who feels he or she is entering into a situation where there is a potential for a conflict of interest should immediately consult the executive officer or the Board's legal counsel.

## **Ex Parte Communications**

(Government Code Section 11430.10 et seq.)

The Government Code contains provisions prohibiting *ex parte* communications. An *ex parte* communication is a communication to the decision-maker made by one party to an enforcement action without participation by the other party. While there are specified exceptions to the general prohibition, the key provision is found in subdivision (a) of section 11430.10, which states:

“While the proceeding is pending, there shall be no communication, direct or indirect, regarding any issue in the proceeding to the presiding officer from an employee or representative of an agency that is a party or from an interested person outside the agency, without notice and an opportunity for all parties to participate in the communication.”

Board members are prohibited from an *ex parte* communication with Board enforcement staff while a proceeding is pending. Occasionally an applicant who is being formally denied licensure, or a licensee against whom disciplinary action is being taken, will attempt to directly contact Board members.

If the communication is written, the person should read only far enough to determine the nature of the communication. Once he or she realizes it is from a person against whom an action is pending, they should reseal the documents and send them to the Executive Officer.

If a Board member receives a telephone call from an applicant or licensee against whom an action is pending, he or she should immediately tell the person they cannot speak to them about the matter. If the person insists on discussing the case, he or she should be told that the Board member will be required to recuse him or herself from any participation in the matter. Therefore, continued discussion is of no benefit to the applicant or licensee.

If a Board member believes that he or she has received an unlawful *ex parte* communication, he or she should contact the executive officer.

## DEFINITIONS

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ALJ	Administrative Law Judge.
APA	Administrative Procedure Act
BPC	Business and Professions Code
Chair	Where the term “Chair” is used in this manual, it will be assumed to include “his or her designee”
CLEAR	Council on Licensure Enforcement and Regulations
CCRA	California Court Reporters Association
CSR	Certified Shorthand Reporter, also known as licensed Court Reporter
DCA	Department of Consumer Affairs
DRA	Deposition Reporters Association of California
EO	Executive Officer
GC	Government Code
NCRA	National Court Reporters Association
OAH	Office of Administrative Hearings. This state agency provides neutral judges to preside over administrative cases.
OAL	Office of Administrative Law. This state agency reviews regulation changes for compliance with the process and standards set out in law and either approves or disapproves those regulation changes.
Regulation	A standard that implements, interprets, or makes specific a statute enacted by a state agency. It is enforceable the same way as a statute.
SAM	State Administrative Manual
Statute	A law passed by the legislature.
Stipulation	A form of plea bargaining in which a disciplinary case is settled by negotiated agreement prior to hearing.