



COURT REPORTERS BOARD OF CALIFORNIA

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DISCLOSURE OF DISCIPLINARY ACTION OR CRIMINAL CONVICTION

LICENSE APPLICANTS WHO WERE CONVICTED OF A CRIME OR FORMALLY DISCIPLINED

License applicants who were convicted of a crime or formally disciplined by another licensing board may be denied a license from the Court Reporters Board of California (Board) in certain circumstances. The following information provides general guidance as to how criminal convictions and formal license discipline are considered by the Board to determine a license applicant's eligibility for licensure and the process for license denial.

Each license applicant is evaluated on a case-by-case basis to determine license eligibility. A criminal conviction or formal license discipline does not automatically preclude an applicant from Board licensure.

FINGERPRINTING FOR CRIMINAL HISTORY REPORT

The Board requires all license applicants to submit a full set of fingerprints for purposes of conducting a criminal history record check. (See Business and Professions Code (BPC), § [144](#).)

For more information on how to submit fingerprints, visit this webpage <https://courtreportersboard.ca.gov/applicants/fingerprint.shtml>.

CRIMINAL CONVICTIONS

Definition of Criminal Conviction

For purposes of license eligibility, a criminal conviction means a judgment following a plea or verdict of guilty or a plea of nolo contendere or finding of guilt, and the time for appeal of the conviction has elapsed, the judgment of conviction has been affirmed on appeal, or an order granting probation is made suspending the imposition of sentence. (BPC, §§ [7.5](#), [480](#), subd. (h).)

Disclosure of Criminal Conviction on License Application

A license applicant is not required to disclose a criminal conviction on the license application. The Board may, however, request mitigating information from a license applicant regarding the applicant's criminal history for purposes of determining substantial relationship or demonstrating evidence of rehabilitation. (BPC, § [480](#), subd. (f)(2).)

Any disclosure by a license applicant of mitigating information is voluntary, and an applicant's decision not to disclose mitigating information will not be a factor in the Board's decision to grant or deny the license application. (BPC, § [480](#), subd. (f)(2).)

Types of Criminal Convictions Used in Licensing Decisions

Conviction of a crime that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made may be grounds for license denial if:

- The conviction occurred within seven years from the date of the license application; or
- The applicant was released from incarceration within seven years from the date of the license application; or
- The applicant is presently incarcerated for the crime. (BPC, § [480](#), subd. (a)(1).)

A criminal conviction that is older than seven years from the date of the license application may also be grounds for license denial if:

- The applicant was convicted of a serious felony, as defined in Penal Code section [1192.7](#); or
- The applicant was convicted of a crime for which registration is required pursuant to Penal Code section [290](#), subdivision (d)(2) or (3). (BPC, § [480](#), subd. (a)(1).)

Substantially Related Criminal Convictions

The Board uses the following criteria to evaluate whether a crime is substantially related to the qualifications, functions, or duties of a licensee.

A crime shall be considered to be substantially related to the qualifications, functions, and duties of a shorthand reporter if to a substantial degree it evidences present or potential unfitness of a shorthand reporter to perform the functions authorized by the certification in a manner consistent with the public health, safety, or welfare. (California Code of Regulations (CCR), tit. 16, §[2470](#), subs. (a). California Business and Professions Code [8026](#).)

The Board uses the following criteria to determine whether a crime is substantially related to the qualifications, functions, or duties of the license.

1. The nature and gravity of the offense.
2. The number of years elapsed since the date of the offense; and
3. The nature and duties of the shorthand reporter profession.
4. A substantially related crimes, professional misconduct, or acts shall include, but are not limited to, the following:
 - a. Any violation of the provisions of Chapter 13 of Division 3 of the Code.
 - b. Violation of any rule or code provision specifically governing shorthand reporters.
 - c. Conviction of any crime involving dishonesty or fraud.

Rehabilitation Criteria

The license applicant is responsible for submitting evidence, if any, to the Board of the applicant's rehabilitation following a criminal conviction. The Board uses the following criteria to evaluate the applicant's rehabilitation and eligibility for licensure. (California Code of Regulations (CCR), tit. 16, § [2471](#), subs. (a).)

(1) When considering the denial of a shorthand reporter's certificate under Section 480 of the Code, on the ground that the applicant has been convicted of a crime, the board shall consider whether the applicant made a showing of rehabilitation, if the applicant completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the board shall consider the following criteria:

- (A) The nature and gravity of the crime(s).
- (B) The length(s) of the applicable parole or probation period(s).
- (C) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.
- (D) The terms or conditions of parole or probation and the extent to which they bear on the applicant's rehabilitation.
- (E) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(2) If the applicant has not completed the criminal sentence at issue without a violation of parole or probation, the board determines that the applicant did not make the showing of rehabilitation based on the criteria in subdivision (a)(1), the denial is based on professional misconduct, or the denial is based on one or more of the grounds specified in Sections 8025 or 8025.1 of the Code, the board shall apply the following criteria in evaluating an applicant's rehabilitation:

(A) The nature and gravity of the act(s), professional misconduct, or crime(s) under consideration as grounds for denial.

(B) Evidence of any act(s), professional misconduct, or crime(s) committed subsequent to the act(s), professional conduct, or crime(s) under consideration as grounds for denial.

(C) The time that has elapsed since commission of the act(s), professional misconduct, or crime(s) referred to in subdivision (A) or (B).

(D) Whether the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.

(E) The criteria in subdivision (a)(1)(A) through (E), as applicable.

(F) Evidence, if any, of rehabilitation submitted by the applicant.

(b) Suspension or revocation of a certificate.

(1) When considering the suspension or revocation of the certificate of a shorthand reporter on the grounds that the certificate holder has been convicted of a crime, the Board shall consider whether the certificate holder made a showing of rehabilitation, if the certificate holder completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the board shall consider the following criteria:

(A) The nature and gravity of the crime(s).

(B) The length(s) of the applicable parole or probation period(s).

(C) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.

(D) The terms or conditions of parole or probation and the extent to which they bear on the certificate holder's rehabilitation.

(E) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for the modification.

(2) If the certificate holder has not completed the criminal sentence at issue without a violation of parole or probation, the board determines that the certificate holder did not make the showing of rehabilitation based on the criteria in subdivision (b)(1), the suspension or revocation is based on a disciplinary action as described in Section 141 of the code, or the suspension or revocation is based on one or more of the grounds specified in Sections 8025 or 8025.1 of the Code, the board shall apply the following criteria in evaluating the certificate holder's rehabilitation:

(A) Nature and gravity of the act(s), disciplinary action(s), or crime(s).

(B) Total criminal record.

(C) The time that has elapsed since commission of the act(s), disciplinary action(s), or crime(s).

(D) Whether the certificate holder has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the certificate holder.

(E) The criteria in subdivisions (b)(1)(A) through (E), as applicable.

(F) If applicable, evidence of dismissal proceedings pursuant to Section 1203.4 of the Penal Code.

(G) Evidence, if any, of rehabilitation submitted by the certificate holder.

(c) When considering a petition for reinstatement of the certification of a shorthand reporter, the Board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria specified in subdivision (a)(1).

Criminal Conviction Exemptions

The Board will not deny a license to an applicant with a criminal conviction if any of the following apply:

- The applicant obtained a certificate of rehabilitation under chapter 3.5 (commencing with section [4852.01](#)) of title 6 of part 3 of the Penal Code. (BPC, § [480](#), subd. (b).)
- The applicant was granted clemency or a pardon by a state or federal executive. (BPC, § [480](#), subd. (b).)
- The applicant made a showing of rehabilitation pursuant to Business and Professions Code section [482](#). (BPC, § [480](#), subd. (b).)
- The conviction was dismissed pursuant to Penal Code sections [1203.4](#), [1203.4a](#), [1203.41](#), [1203.42](#), or [1203.425](#), or a comparable dismissal or expungement. An applicant who has a conviction that was dismissed pursuant to Penal Code sections 1203.4, 1203.4a, 1203.41, or 1203.42 must provide proof of the dismissal if it is not reflected on the report furnished by the Department of Justice. (BPC, § [480](#), subd. (c).)

The Board also will not deny a license on the basis of an arrest that resulted in a disposition other than a conviction, including an arrest that resulted in an infraction, citation, or a juvenile adjudication. (BPC, § [480](#), subd. (d).)

PRIOR FORMAL LICENSE DISCIPLINE

The Board may deny a license application if the applicant was formally disciplined by a licensing board in or outside California within the preceding seven years from the date of the application based on professional misconduct that would have been cause for discipline before the Board and that is substantially related to the qualifications, functions, or duties of the business or profession for which the present application is made. (BPC, [480](#), subd. (a)(2).)

However, the Board will not deny a license based on prior disciplinary action if the basis for that disciplinary action was a conviction that was dismissed pursuant to Penal Code sections [1203.4](#), [1203.4a](#), [1203.41](#), [1203.42](#), or [1203.425](#), or a comparable dismissal or expungement. (BPC, § [480](#), subd. (a)(2).)

Substantially Related Professional Misconduct:

The Board uses the following criteria to evaluate whether professional misconduct is substantially related to the qualifications, functions, or duties of a licensee:

Business and Professions Code section 8025, subd. 8025:

“Unprofessional conduct” includes, but is not limited to, acts contrary to professional standards concerning confidentiality; impartiality; filing and retention of notes; notifications, availability, delivery, execution and certification of transcripts; and any provision of law substantially related to the duties of a certified shorthand reporter.

CCR, title 16, section 2475:

(a) Consistent with any action that may be taken by the Board pursuant to Sections 8025 and 8025.1 of the Code, the Board may cite a business that renders professional services, namely shorthand reporting services,

within the meaning of Corporations Code Section 13401 or cite or discipline any certificate holder, including suspending, revoking, or denying the certification of a certified shorthand reporter, for violation of professional standards of practice.

(b) Every person under the jurisdiction of the Board who holds a license or certificate, or temporary license or certificate, or business that renders professional services, namely shorthand reporting services, within the meaning of Corporations Code Section 13401, shall comply with the following professional standards of practice:

- (1) Make truthful and accurate public statements when advertising professional qualifications and competence and/or services offered to the public.
- (2) Maintain confidentiality of information which is confidential as a result of rule, regulation, statute, court order, or deposition proceedings.
- (3) Perform professional services within the scope of one's competence, including promptly notifying the parties present or the presiding officer upon determining that one is not competent to continue an assignment. A licensee may continue to report proceedings after such notification upon stipulation on the record of all parties present or upon order of the presiding officer.
- (4) Comply with legal and/or agreed-to delivery dates and/or provide prompt notification of delays.
- (5) In addition to the requirements of Section 2025.220(a)(5) of the Code of Civil Procedure, promptly notify, when reasonably able to do so, all known parties in attendance at a deposition or civil court proceeding and/or their attorneys of a request for preparation of all or any part of a transcript, including a rough draft, in electronic or paper form. No such notification is necessary when the request is from the court.
- (6) Act without bias toward, or prejudice against, any parties and/or their attorneys.
- (7) Not enter into, arrange, or participate in a relationship that compromises the impartiality of the certified shorthand reporter, including, but not limited to, a relationship in which compensation for reporting services is based upon the outcome of the proceeding.
- (8) Other than the receipt of compensation for reporting services, neither directly or indirectly give nor receive any gift, incentive, reward, or anything of value to or from any person or entity associated with a proceeding being reported. Such persons or entities shall include, but are not limited to, attorneys or an attorney's family members, employees of attorneys or an employee's family members, law firms as single entities, clients, witnesses, insurers, underwriters, or any agents or representatives thereof. Exceptions to the foregoing restriction shall be as follows: (A) giving or receiving items that do not exceed \$100 (in the aggregate for any combination of items given and/or received) per calendar year to or from an attorney or an attorney's family members, an employee of an attorney or an employee's family members, a law firm as a single entity, a client, a witness, an insurer, an underwriter, or any agent or representative thereof; or (B) providing services without charge for which the certified shorthand reporter reasonably expects to be reimbursed from the Transcript Reimbursement Fund, Sections 8030 et seq. of the Code, or otherwise for an "indigent person" as defined in Section 8030.4(f) of the Code.

Rehabilitation Criteria

The license applicant is responsible for submitting evidence, if any, to the Board of the applicant's rehabilitation following formal license discipline. The Board uses the following criteria to evaluate the applicant's rehabilitation and eligibility for licensure. (CCR, tit. 16, § [2471](#), subs. (a).)(1) When considering the denial of a shorthand reporter's certificate under Section 480 of the Code, on the ground that the applicant has been convicted of a crime, the board shall consider whether the applicant made a showing of rehabilitation, if the applicant completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the board shall consider the following criteria:

- (A) The nature and gravity of the crime(s).
- (B) The length(s) of the applicable parole or probation period(s).

(C) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.

(D) The terms or conditions of parole or probation and the extent to which they bear on the applicant's rehabilitation.

(E) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(2) If the applicant has not completed the criminal sentence at issue without a violation of parole or probation, the board determines that the applicant did not make the showing of rehabilitation based on the criteria in subdivision (a)(1), the denial is based on professional misconduct, or the denial is based on one or more of the grounds specified in Sections 8025 or 8025.1 of the Code, the board shall apply the following criteria in evaluating an applicant's rehabilitation:

(A) The nature and gravity of the act(s), professional misconduct, or crime(s) under consideration as grounds for denial.

(B) Evidence of any act(s), professional misconduct, or crime(s) committed subsequent to the act(s), professional conduct, or crime(s) under consideration as grounds for denial.

(C) The time that has elapsed since commission of the act(s), professional misconduct, or crime(s) referred to in subdivision (A) or (B).

(D) Whether the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.

(E) The criteria in subdivision (a)(1)(A) through (E), as applicable.

(F) Evidence, if any, of rehabilitation submitted by the applicant.

(b) Suspension or revocation of a certificate.

(1) When considering the suspension or revocation of the certificate of a shorthand reporter on the grounds that the certificate holder has been convicted of a crime, the Board shall consider whether the certificate holder made a showing of rehabilitation, if the certificate holder completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the board shall consider the following criteria:

(A) The nature and gravity of the crime(s).

(B) The length(s) of the applicable parole or probation period(s).

(C) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.

(D) The terms or conditions of parole or probation and the extent to which they bear on the certificate holder's rehabilitation.

(E) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for the modification.

(2) If the certificate holder has not completed the criminal sentence at issue without a violation of parole or probation, the board determines that the certificate holder did not make the showing of rehabilitation based on the criteria in subdivision (b)(1), the suspension or revocation is based on a disciplinary action as described in Section 141 of the code, or the suspension or revocation is based on one or more of the grounds specified in Sections 8025 or 8025.1 of the Code, the board shall apply the following criteria in evaluating the certificate holder's rehabilitation:

(A) Nature and gravity of the act(s), disciplinary action(s), or crime(s).

(B) Total criminal record.

(C) The time that has elapsed since commission of the act(s), disciplinary action(s), or crime(s).

(D) Whether the certificate holder has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the certificate holder.

(E) The criteria in subdivisions (b)(1)(A) through (E), as applicable.

(F) If applicable, evidence of dismissal proceedings pursuant to Section 1203.4 of the Penal Code.

(G) Evidence, if any, of rehabilitation submitted by the certificate holder.

(c) When considering a petition for reinstatement of the certification of a shorthand reporter, the Board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria specified in subdivision (a)(1).

PROCESS FOR DENIAL OF AN APPLICATION

Procedure to Deny a License Application

If the Board denies an application for licensure based solely or in part on the applicant's conviction history, the Board will notify the applicant in writing of the following:

1. The denial or disqualification of licensure.
2. Any existing procedure the board has for the applicant to challenge the decision or to request reconsideration.
3. That the applicant has the right to appeal the decision.
4. The processes for the applicant to request a copy of their complete conviction history and question the accuracy or completeness of the record pursuant to Penal Code sections [11122 to 11127](#). (BPC, § [480](#), subd. (f)(3).)

Upon denial of an application for a license, the Board will do either of the following:

1. File and serve a statement of issues in accordance with [chapter 5](#) (commencing with section 11500) of part 1 of division 3 of title 2 of the Government Code.
2. Notify the applicant that the application is denied, stating (1) the reason for the denial, and (2) that the applicant has the right to a hearing under [chapter 5](#) (commencing with section 11500) of part 1 of division 3 of title 2 of the Government Code if written request for hearing is made within 60 days after service of the notice of denial. Unless written request for hearing is made within the 60-day period, the applicant's right to a hearing is deemed waived. (BPC, § [485](#).)

Along with the notice of application denial, the applicant will be provided with the following:

1. The earliest date on which the applicant may reapply for a license, which will be one year from the date of service of the notice, unless an earlier date or a later date is prescribed by another statute.
2. Notice that all competent evidence of rehabilitation presented will be considered upon a reapplication.
3. A copy of the Board rehabilitation criteria. (BPC, § [486](#).)

Process if Applicant Appeals License Denial

If a notice of denial is served on the applicant and the applicant submits a timely written request for a hearing, a hearing will be conducted within 90 days from the date the hearing is requested unless the applicant agrees to a postponement or continuance of the hearing. The Office of Administrative Hearings may order, or on a showing of good cause, grant a request for, up to 45 additional days within which to conduct a hearing, except

in cases involving alleged examination or licensing fraud, in which cases the period may be up to 180 days. In no case shall more than two such orders be made or requests be granted. (BPC, § [487](#).)

Except as otherwise provided by law, following a hearing, the Board may take any of the following actions:

1. Grant the license effective upon completion of all licensing requirements by the applicant.
2. Grant the license effective upon completion of all licensing requirements by the applicant, immediately revoke the license, stay the revocation, and impose probationary conditions on the license, which may include suspension.
3. Deny the license.
4. Take other action in relation to denying or granting the license. (BPC, § [488](#), subd. (a).)

The Board will issue a decision following the hearing. If the license is denied, the decision will inform the applicant:

1. The earliest date on which the applicant may reapply for a license.
2. Notice that all competent evidence of rehabilitation presented will be considered upon a reapplication.
3. A copy of the rehabilitation criteria. (BPC, § [486](#).)