

**TITLE 16. COURT REPORTERS BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS**

INITIAL STATEMENT OF REASONS

Hearing Date: No hearing has been scheduled for the proposed action.

Subject Matter of Proposed Regulations: Disciplinary and Denial Guidelines

Sections Affected: Amend Section 2472 of Title 16 of the California Code of Regulations (CCR)¹

Background and Statement of the Problem

The Court Reporters Board of California (CRB or Board) licenses, regulates, and investigates complaints against individual court reporters (also known as shorthand reporters) and firms that offer court reporting services, totaling approximately 5,600 active licensed court reporters and 210 registered firms. CRB carries out its regulatory authority by administering a three-part, minimum-level competency examination to determine entry-level knowledge and abilities, regulating the minimum curriculum that court reporting schools and programs must offer, and disciplining licensees when necessary. CRB enforces the Shorthand Reporters Practice Act (Chapter 13 [commencing with section 8000] of Division 3 of the Business and Professions Code [BPC]) (Act). BPC section 8007 authorizes the Board, in accordance with the Administrative Procedure Act (APA) (Government Code [Gov. Code] section 11340 et seq.), to adopt, amend, or repeal rules and regulations that are reasonably necessary to carry out the provisions of the chapter. BPC section 8025 outlines causes under which a license may be suspended, revoked, denied, or otherwise subject to disciplinary action. Gov. Code section 11425.50, subdivision (e), provides that a penalty in an administrative disciplinary action may not be based on a guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule unless it has been adopted as a regulation in accordance with Chapter 3.5 of the APA (commencing with Gov. Code section 11340).

A certified shorthand reporter who violates provisions of rules or regulations may be subject to disciplinary action. Article 3 of Chapter 13 of Division 3 of the BPC (section 8020 et seq.) establishes causes for which a court reporter certificate (also known as license) may be suspended, revoked, denied, or otherwise disciplined. Article 5 of Chapter 13 of the BPC (section 8040 et seq.) establishes further causes for disciplinary action against a shorthand reporting corporation. Article 8 of Division 24 of the CCR (section 2470 et seq.) contains multiple sections relating to the denial, suspension, and revocation of court reporter certificates.

¹ Unless otherwise noted, all references to the CCR hereafter are to Title 16.

Existing regulations at CCR section 2472 set forth disciplinary guidelines that the Board, Administrative Law Judges (ALJs), and Deputy Attorneys General (DAGs) must consider when reaching a decision on a disciplinary action against a court reporter under the APA (Gov. Code section 11400 et seq.). The Board originally incorporated its disciplinary guidelines entitled “Disciplinary Guidelines” (Rev. 2/18/89) into CCR section 2472 by reference effective July 19, 1997. The Board may deviate from these guidelines and orders, including the standard terms and conditions of probation, if the Board, in its sole discretion, determines that the facts of the particular case warrant such a deviation for reasons including, but not limited to, the presence of mitigating factors, the age of the case, or evidentiary issues.

CCR section 2472 has not been amended since it became operative in 1997. Over the 28 years since the Disciplinary Guidelines were incorporated into regulation, statutory law and the probationary environment have changed, making the Disciplinary Guidelines out of date, inconsistent with other laws, and in need of clarification.

At its May 21, 2020, meeting, the Board reviewed, amended, and approved revisions to the Disciplinary Guidelines and approved a motion to direct Board staff to proceed with the pre-approval process for the proposed regulatory changes and to submit the rulemaking proposal to the Office of Administrative Law (OAL) if there were no substantive changes. However, the Board did not pursue the rulemaking process at that time. After Board staff identified additional proposed revisions that would be appropriate for this rulemaking proposal, the Board revisited the matter at its November 15, 2024, May 9, 2025, and October 17, 2025, meetings. The Board reviewed staff recommendations and approved a motion to rescind its previous motions, approve the newly proposed regulatory text for CCR section 2472 as amended at the meeting, and direct the Executive Officer to pursue the complete rulemaking process, including making any necessary non-substantive changes to the package.

This rulemaking proposal will amend CCR section 2472 to revise and replace the format and content of the Disciplinary Guidelines, including renaming them to be the “Disciplinary and Denial Guidelines” (Guidelines) because they relate to both disciplinary actions and the denial of licenses, and to update recommended penalties and other provisions. Furthermore, the proposal will amend and add related informational materials to the Guidelines, which are being incorporated into regulation by reference, and make other minor, technical non-substantive changes to address punctuation and grammar. The proposal will also update the Reference citation for CCR section 2472 by adding Gov. Code section 11519, which authorizes the Board to include a stay of execution in the decision or, if not included therein, to grant a stay of execution at any time before the decision becomes effective. These amendments clarify the Board’s authority to promulgate the Guidelines and the statutes that the regulation and Guidelines implement, interpret, and make specific.

Anticipated Benefits From this Regulatory Action

This rulemaking proposal will protect consumers and the public by making the Guidelines consistent with current law and the current probationary environment, clarifying the terms and conditions of probation to reduce the likelihood of misinterpretation, and providing model orders to increase consistency of language used in license denials and disciplinary decisions. The proposal is also anticipated to benefit the Board, ALJs, DAGs, and others involved in the disciplinary and license denial processes by providing updated guidelines to reference when imposing disciplinary and license denial actions against licensees and applicants (Respondents). The proposal will also educate licensees and applicants on possible implications of violating licensing laws and may serve as a deterrent to such actions. The regulatory proposal will improve the consistency of penalties for violations of the Act and accompanying regulations. This regulatory proposal promotes the fairness and standardization of cases requiring license denials or formal discipline by clarifying the conditions under which applicants shall be subject to license denials and licensees shall be subject to varying levels of enforcement actions and terms and conditions of probation, as applicable.

This proposal aligns with the Board's mission to protect the public by ensuring the integrity of the judicial record and maintaining the standard of competency through oversight of the court reporting profession. The proposal also supports the Board's vision that consumers hiring a California licensed court reporter engage the highest quality, most knowledgeable, and most ethical professional.

Specific Purpose and Rationale of Each Adoption, Amendment, or Repeal

Amend Section 2472, Disciplinary Guidelines.

The existing regulation sets forth provisions for the February 18, 1989, version of the Disciplinary Guidelines that was incorporated by reference effective July 19, 1997.

- **Amend Regulatory Title and Text**

In the regulatory title, add "and Denial" after "Disciplinary" to change the title to "Disciplinary and Denial Guidelines."

In the regulatory text, make the following changes:

1. Add "the administrative adjudication provisions of" before "the Administrative Procedure Act" in the first sentence,
2. Add "and in reaching a decision on whether to deny a license under provisions of the Business and Professions Code" at the end of the introductory phrase for the first sentence,
3. Capitalize "board" in two locations of the regulatory text,
4. Add "and denial" after "disciplinary" and add "and Denial" after "Disciplinary" in the second half of the first sentence,

5. Change “Rev. 2/18/89” to “New [OAL Insert Effective Date]” near the end of the first sentence,
6. Add a comma after “deviation” before “for example” in the second half of the second sentence,
7. Change the semicolons after “factors” and “case” to commas and add “or” before “evidentiary” near the end of the second sentence,
8. Add a comma after “8025” in the Authority citation in the Note at the bottom of the regulation, and
9. Make “Section” plural and add “and 11519” after “11425.50(e)” of the Gov. Code in the Reference citation in the Note at the bottom of the regulation.

Purpose

The purpose of amending the regulatory title is to ensure that the title is inclusive of the full content of the regulation, including possible actions against both licensees (disciplinary) and applicants (denials), and to ensure that the regulation accurately reflects the title of the new publication, which includes provisions relating to disciplinary actions against licensees and license denials against applicants.

The purpose of amending the regulatory text is to ensure that it has proper punctuation and syntax and comprehensively refers to related statutes and provisions of law. The amendments to the regulatory text seek to accomplish various objectives as discussed below.

For #1 above, the changes seek to accurately reflect the applicable provisions of the APA to which the regulation refers. Pursuant to subsection (a) of Gov. Code section 11400, Chapter 4.5 (commencing with section 11400) and Chapter 5 (commencing with section 11500) “constitute the administrative adjudication provisions of the Administrative Procedure Act.”

For #2 above, the changes seek to include a corresponding introductory phrase relating to the denial of an applicant’s license, comparable to the existing introductory phrase for disciplinary action against a licensee, which sets forth the context under which the Board shall consider the Guidelines that will be incorporated by reference in CCR section 2472 through this rulemaking proposal.

For #3 above, the changes seek to make a simple capitalization changes for consistency purposes because the capitalized “Board” is used in the Guidelines publication to refer to the Court Reporters Board of California.

For #4 above, the changes seek to reflect the name of the new Guidelines publication (Disciplinary and Denial Guidelines) that will be incorporated by reference in CCR section 2472 through this rulemaking proposal.

For #5 above, the changes seek to reflect the current version date of the new Guidelines publication that will be incorporated by reference in CCR section 2472 through this rulemaking proposal. OAL will insert the appropriate effective date upon approval of the rulemaking package.

For #6 through 8 above, the changes seek to have proper punctuation in this regulation.

For #9 above, the changes seek to add Gov. Code section 11519 to the Reference citation list because it is relevant to provisions in the Guidelines and addresses administrative adjudication and formal hearing issues, such as decision timelines, stays of execution, terms of probation, and orders of restitution. In part, Gov. Code section 11519 authorizes a stay of execution that may be included in the decision or granted by the Board before the decision becomes effective and that may be accompanied by an express condition that the Respondent must comply with specified terms of probation that are “just and reasonable in the light of the findings and decision.” These amendments clarify the Board’s authority to promulgate the Guidelines and the statutes that the regulation and Guidelines implement, interpret, and make specific.

Rationale

The amendments to the regulatory title are necessary to ensure that the regulation accurately reflects the title and content of the new Guidelines publication.

The amendments to the regulatory text are necessary to ensure that it has proper punctuation and syntax and comprehensively refers to related statutes and provisions of law.

- **Delete Existing February 18, 1989, Version of the Disciplinary Guidelines Incorporated by Reference**

Delete the existing February 18, 1989, version of the Disciplinary Guidelines in its entirety that was incorporated by reference into CCR section 2472 effective July 19, 1997.

Purpose

The purpose of deleting the previously incorporated 1989 version of the Disciplinary Guidelines from this regulation is to replace it with an updated version. It has been more than 35 years since the 1989 Disciplinary Guidelines were written, and they are outdated and need to be updated to reflect current statutory provisions that have been adopted or amended since the Guidelines were originally adopted, as well as the corresponding penalties for violations of such provisions.

Rationale

This regulatory action is necessary to delete outdated provisions relating to the discipline of licensees.

- **Add New Version of the Disciplinary Guidelines Incorporated by Reference**

Add and incorporate by reference the latest version of the Guidelines publication that relates to the discipline of licensees and the denial of licenses for applicants.

Purpose

The purpose of adding this regulatory text is to establish guidelines for the Board, ALJs, and DAGs to consider when reaching a decision regarding disciplining licensees and denying licenses of applicants. The 1989 Disciplinary Guidelines are more than 35 years old, and many updates have been needed to the outdated document. This new version of the Disciplinary and Denial Guidelines has updated the title, format, and content and reflects current statutory provisions that have been adopted or amended since 1989 and current corresponding penalties for violations of such provisions. The Guidelines serve as a valuable and easy-to-use resource for those who are involved in and affected by the disciplinary and license denial processes and need to access and effectively navigate through relevant information, including applicants, licensees, the public, attorneys, courts, ALJs, DAGs, Board staff, Board members who review and vote on proposed decisions and stipulations, and other interested parties.

Listed below are details of the specific elements and chapters of the new version of the Guidelines that are included in the publication to be incorporated by reference through this rulemaking proposal.

Rationale

This addition is necessary to incorporate the most recent version of the Disciplinary and Denial Guidelines publication that reflects current statutes and recommended penalties for violations thereof.

- **Add a Cover Page and Table of Contents**

Add a cover page and Table of Contents for the Guidelines publication.

Purpose

The purpose of adding a cover page and Table of Contents is to have a complete publication to house the Disciplinary and Denial Guidelines that serves as a valuable and easy-to-use resource for those who are involved in and affected by the disciplinary and license denial processes and need to access and effectively navigate through relevant information, including applicants, licensees, the public, attorneys, courts, ALJs,

DAGs, Board staff, Board members who review and vote on proposed decisions and stipulations, and other interested parties. The Board's logo on the cover page has been updated to reflect the new one adopted by the Board at its October 17, 2025, meeting.

Rationale

This addition is necessary to have a complete publication that will house the Disciplinary and Denial Guidelines and ease navigation of the content therein.

- **Add Chapter I: Introduction**

Add an Introduction chapter.

Purpose

The purpose of adding an Introduction chapter is to inform those involved in and affected by the disciplinary and denial processes of basic information that provides a context under which the Guidelines function. The Introduction begins by providing background information on the Board and its activities to serve California consumers relating to licensing exams, court reporting schools, violations of law, and the Transcript Reimbursement Fund. By developing and administering licensing exams, the Board ensures that it licenses only those applicants who possess the required knowledge, skills, and abilities to serve as court reporters. By establishing curriculum requirements for court reporting schools, the Board ensures that the schools will adequately educate students and prepare them to be qualified applicants for licensure. By disciplining licensees who have violated laws, the Board ensures that consumers are protected and that violators are held accountable and discouraged or prevented from reoffending.

The Introduction explains that public protection is the Board's highest priority, consistent with mandates set forth in BPC sections 8005.1 and 8015. Public protection is also a primary focus of the Guidelines because disciplinary actions and license denials ultimately serve the public interest by keeping violators from practicing as court reporters or by rehabilitating or reeducating violators so that they are capable of practicing without further issue.

The Introduction indicates that the intent of the Guidelines is uniformity of penalties and guidance for affected parties to ensure their understanding of the consequences of violating the law. Affected parties include those involved in the disciplinary and denial processes, such as applicants, licensees, the public, attorneys, courts, ALJs, Board staff, Board members who review and vote on proposed decisions and stipulations, and other interested parties. By recommending minimum and maximum penalties for violations of various sections of law, the Guidelines help ensure that all applicants and licensees are treated equally and fairly under similar circumstances when they have violated the law. It is essential that applicants and licensees understand what penalties may be imposed if they violate the law.

The Introduction refers to the Board's statutes and regulations and the general provisions of the BPC as laws that when violated could result in disciplinary action or license denial and that would be subject to the penalty and possible probation provisions of the Guidelines. The Board's statutes are contained in Chapter 13 of Division 3 of the BPC (commencing with section 8000). The general provisions of the BPC are located in Divisions 1 and 1.5 (commencing with section 100). The Board's regulations are contained in Division 24 of the CCR (commencing with section 2400). These sections of law use two different terms to refer to the licensure of court reporters – license and certificate. As the terms are used interchangeably in the various provisions of law, they are also used interchangeably in the Guidelines and in this Initial Statement of Reasons.

The Introduction states that any aggravating and mitigating factors should be considered when deciding upon the appropriate penalty. Aggravating factors could cause the penalty to be set at a higher level of severity, and mitigating factors could cause the penalty to be set at a lower severity. Consumer and public protection is the most important element and must be looked at in relation to the effect of the applicant's or licensee's conduct. Aggravating and mitigating factors must be considered in the context of consumer and public protection.

The Introduction discusses cost recovery that the Board will seek in all disciplinary cases pursuant to BPC section 125.3, which does not allow for cost recovery in relation to license denials of applicants for licensure. The disciplinary process can involve investigative and enforcement activities by the Board, DCA's Division of Investigation, and the Office of the Attorney General and can include services by expert consultants before and through the conclusion of the administrative hearing. It is appropriate and in the public interest to seek recovery of reasonable investigative and enforcement costs in disciplinary cases because licensees who violate the law and are prosecuted for such should be the ones to pay for the impacts of their actions, not the rest of the licensing population who have not violated the law. By being responsible to pay for their own disciplinary costs, violators are held accountable and should experience a rehabilitative effect of that responsibility, which should help promote consumer and public protection. It is important to convey this information to licensees so that they are aware of the implications of their conduct if they violate the law. It could also serve as a deterring factor that could make licensees more diligent and less likely to violate the law or to reoffend.

The Introduction also indicates that the Guidelines outline reasonable conditions of probation that may be ordered as part of a proposed decision for the purpose of public protection, without being unduly burdensome or anti-competitive for the Respondent. When a licensee is placed on probation through a disciplinary action, it benefits the licensee, potential consumers, and the public for the Board to monitor the licensee's progress in the program to help ensure that the licensee is successful in being rehabilitated and suitable for the restoration of a clear license.

Rationale

This addition is necessary to inform those involved in and affected by the disciplinary and denial processes of the context under which the Guidelines function and to highlight several aspects of the disciplinary and denial processes that are contained in the Guidelines.

- **Add Chapter II: Substantially Related Criteria and Factors to be Considered in Determining Penalties**

Add a chapter on Substantially Related Criteria and Factors to be Considered in Determining Penalties, including three subcategories – Denial of a License, Suspension or Revocation of a License, and Additional Factors and Types of Evidence.

Purpose

The purpose of adding a chapter on Substantially Related Criteria and Factors to be Considered in Determining Penalties is to establish criteria that the Board shall apply when considering whether to deny, suspend, or revoke a license based on a substantially related crime, professional misconduct, or act. Chapter II also outlines 12 factors and five types of evidence to be considered when determining the appropriate level of penalty to be imposed in a given case.

Chapter II references the substantially related criteria contained in CCR section 2470 as the basis for the Board's decision to deny, suspend, or revoke a license. CCR section 2470 states that a crime, professional misconduct, or act shall be considered 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. Pursuant to subsection (b) of CCR section 2470, when determining if a crime is substantially related, the Board shall consider the nature and gravity of the offense, the number of years that have elapsed since the date of the offense, and the nature and duties of the shorthand reporter profession. CCR section 2470 also lists examples of substantially related crimes, professional misconduct, and acts, including violations of the provisions of Chapter 13 of Division 3 of the BPC, violations of any rule or code provision specifically governing shorthand reporters, and convictions of crimes involving dishonesty or fraud.

Chapter II contains criteria and aggravating and mitigating factors to be considered when determining the appropriate penalty to be imposed in a given case, expanding on the causes for discipline and license denial and recommended penalty ranges listed in Chapter IV – Penalty Guidelines for Violations as discussed below on page 19. The chapter also gives examples of types of evidence that the applicant or licensee may submit for Board review. The criteria, factors, and evidence are discussed individually below.

Rationale

This addition is necessary to inform those involved in and affected by the disciplinary and license denial processes of criteria, factors, and evidence the Board shall consider when determining the appropriate penalty to be imposed for violations of applicable statutes and regulations in a given case.

- **Add Criteria for Denial of a License**

Add criteria for Denial of a License.

Purpose

The purpose of adding this regulatory text is to direct those involved in and affected by the license denial process to the rehabilitation criteria that the Board will apply when considering whether to deny a court reporter's license.

The Board may deny a court reporter's license under BPC section 480 on the grounds that an applicant has been convicted of a crime or has been subject to formal discipline under certain conditions. A court reporter's license may also be denied under BPC section 8025 on the grounds that an applicant has been convicted of a crime or has been found to have committed an act involving fraud, dishonesty, corruption, willful violation of duty, gross negligence or incompetence in practice, unprofessional conduct, or various other acts or violations in or directly related to the practice of shorthand reporting. In addition, the Board may deny a court reporter's license under BPC section 8025.1 on the grounds that an applicant is incapable of performing the duties of a certified shorthand reporter due to physical or mental infirmity or incapacity or is unable to perform the duties of a certified shorthand reporter due to the abuse of chemical substances or alcohol.

Under all of the above violations, the Board shall apply the rehabilitation criteria set forth in CCR section 2471(a) when considering whether to issue or deny a court reporter's license. Subsection (a)(1) of CCR section 2471 sets forth the rehabilitation criteria to be applied when the Board is considering a license denial under BPC section 480. 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.

Subsection (a)(2) of CCR section 2471 sets forth the rehabilitation criteria to be applied when the Board is considering a license denial when an applicant has not completed the criminal sentence at issue without a violation of parole or probation, when the Board determines that the applicant did not make the showing of rehabilitation based on the criteria in subdivision (a)(1), when the denial is based on professional misconduct, or when the denial is on grounds specified under BPC section 8025 and 8025.1. In evaluating such applicant's rehabilitation, the Board shall apply the following criteria:

- (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.

CCR section 2471 was amended to reflect its current language effective 5/12/2021 (Register 2021, No. 20) in response to provisions of Assembly Bill (AB) 2138 (Chiu, Chapter 995, Statutes of 2018) that required licensing boards to develop criteria when considering the denial of a license to determine whether a crime is substantially related to the qualifications, functions, or duties of the professions they regulate.

Rationale

These additions are necessary to help ensure that those involved in and affected by the license denial process are informed of the rehabilitation criteria that the Board will apply when considering whether to deny a court reporter's license.

- **Add Criteria for Suspension or Revocation of a License**

Add criteria for Suspension or Revocation of a License.

Purpose

The purpose of adding this regulatory text is to direct those involved in and affected by the disciplinary process to the rehabilitation criteria that the Board will apply when considering whether to suspend or revoke a court reporter's license.

The Board may pursue disciplinary action under BPC section 141 against a licensee who has had a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license. The Board may suspend or revoke a license under BPC section 490 on the grounds that the licensee has been convicted of a crime if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. A court reporter's license may also be suspended or revoked under BPC section 8025 on the grounds that a licensee has been convicted of a crime or has been found to have committed an act involving fraud, dishonesty, corruption, willful violation of duty, gross negligence or incompetence in practice, unprofessional conduct, or various other acts or violations in or directly related to the practice of shorthand reporting. In addition, the Board may suspend or revoke a court reporter's license under BPC section 8025.1 on the grounds that a licensee is incapable of performing the duties of a certified shorthand reporter due to physical or mental infirmity or incapacity or is unable to perform the duties of a certified shorthand reporter due to the abuse of chemical substances or alcohol.

Under all of the above violations, the Board shall apply the rehabilitation criteria set forth in CCR section 2471(b) when considering whether to suspend or revoke a court reporter's license. Subsection (b)(1) of CCR section 2471 sets forth the rehabilitation criteria to be applied when the Board is considering a license suspension or revocation under BPC section 490. The Board shall consider whether the licensee 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 certificate holder's rehabilitation.
- (E) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

Subsection (b)(2) of CCR section 2471 sets forth the rehabilitation criteria to be applied when the Board is considering whether to suspend or revoke a court reporter's license when a certificate holder has not completed the criminal sentence at issue without a violation of parole or probation, when the Board determines that the certificate holder did not make the showing of rehabilitation based on the criteria in subdivision (b)(1), when the suspension or revocation is based on disciplinary action as described in BPC section 141, or when the suspension or revocation is on grounds specified under BPC section 8025 and 8025.1. In evaluating such certificate holder's rehabilitation, the Board shall apply the following criteria:

- (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.

As discussed above, CCR section 2471 was amended to reflect its current language effective 5/12/2021 (Register 2021, No. 20) in response to provisions of AB 2138 (Chiu, Chapter 995, Statutes of 2018) that also required licensing boards to develop criteria, when considering the suspension or revocation of a license, to determine whether a crime is substantially related to the qualifications, functions, or duties of the professions they regulate.

Rationale

These additions are necessary to help ensure that those involved in and affected by the disciplinary process are informed of the rehabilitation criteria that the Board will apply when considering whether to suspend or revoke a court reporter's license.

- **Add Additional Factors and Types of Evidence**

Add 12 additional factors for determining whether the minimum or maximum penalty, or an intermediate penalty, should be imposed in a given case. Add examples of five types of evidence of rehabilitative efforts and competency that the Respondent may submit for Board review.

Purpose

The purpose of adding this regulatory text is to establish 12 additional factors that the Board shall consider when determining the appropriate level of penalty to be imposed in a given case and to provide five examples of types of evidence of rehabilitative efforts and competency that the Respondent may submit to the Board for review.

While all of the factors and the disciplinary and denial processes are generally for the purpose of consumer and public protection, Factors 1, 2, 8, and 9 are directly related to consumers and the public. As mentioned in the Introduction of the Guidelines, public protection is the highest priority of the Board pursuant to BPC sections 8005.1 and 8015. Cases that have higher levels of harm or disregard for consumers or the public, or both, should receive penalties that are at or near the maximum penalty level.

Factors 3, 4, 7, and 10 relate to the nature and intent of the current violations and any prior violation records. Cases that contain more severe or higher numbers of violations, or both, and cases that contain intentional, negligent, incompetent, or a pattern of unlawful acts should receive penalties that are at or near the maximum penalty level.

Factors 5 and 6 relate to aggravating and mitigating evidence regarding the case. Aggravating evidence should have a negative effect on the assessment of the Respondent's behavior and should cause the penalty to be moved in the direction of the maximum penalty. Mitigating evidence should have a positive effect on the assessment of the Respondent's behavior and should cause the penalty to be moved in the direction of the minimum penalty.

Factor 11 relates to any financial benefit that the Respondent may have received as a result of their misconduct, which is severe and goes against consumer and public protection and should cause the penalty to be at or near the maximum penalty level.

Factor 12 relates to expungement of criminal conviction records pursuant to Penal Code section 1203.4, which states that, under certain circumstances, a court may permit a defendant who has fulfilled the conditions of probation to withdraw their plea of guilty or plea of nolo contendere and enter a plea of not guilty; or, if they have been convicted after a plea of not guilty, the court shall set aside the verdict of guilty; and, in either case, the court shall thereupon dismiss the accusations or information against the defendant, and the defendant shall thereafter be released from all penalties and disabilities resulting from the offense of which they have been convicted. Such action should be considered a mitigating factor and should cause the penalty to be moved in the direction of the minimum penalty.

The five examples of types of evidence should demonstrate the Respondent's rehabilitative efforts or competency, or both. All evidence submissions must be recent and dated and will be subject to verification by Board staff to help ensure that the information contained therein is up to date and authentic. All evidence submissions must be in letter form but may include written reports, as appropriate.

The first type of evidence (work reference letters) relates to the Respondent's work history and knowledge to help address the issue of competency. This type of evidence must be signed under penalty of perjury by a person in a position of authority to ensure legal integrity. A footnote is linked to the word "recent" in this type of evidence to clarify that, for the purposes of these guidelines, "recent" means within 60 calendar days, preferably within 30 calendar days, because that is an appropriate amount of time to be recent enough to represent the Respondent's current status.

The second type of evidence (recovery program counselor letters) relates to the Respondent's mental health to help address the issues of rehabilitation, competency, and ability to practice.

The third type of evidence (support group letters) relates to the Respondent's participation in addiction or other support groups to help address the issues of rehabilitation, competency, and ability to practice.

The fourth type of evidence (probation/parole officer letters) relates to the Respondent's probation or parole, or both, to help address the issue of rehabilitation.

The final type of evidence (other personal/professional letters) relates to the Respondent's rehabilitation and must be signed under penalty of perjury by a person familiar with the Respondent in a personal or professional capacity.

Rationale

These additions are necessary to establish 12 additional factors that the Board shall consider when determining the appropriate level of penalty to be imposed in a given case, to provide five examples of types of evidence of rehabilitative efforts and competency that the Respondent may submit to the Board for review, and to inform those involved in and affected by the disciplinary and license denial processes of the additional factors and types of evidence acceptable to the Board.

- **Add Chapter III: Definition of Penalties**

Add a chapter on Definition of Penalties.

Purpose

The purpose of adding this regulatory text is to establish definitions for the following six types of penalties that the Board is authorized to impose against applicants or licensees: denial of license, revocation, suspension, stayed revocation, stayed suspension, and probation.

Those involved in and affected by the disciplinary and license denial processes may not understand all of the types of penalties that the Board has the authority to impose on applicants and licensees through the disciplinary and license denial processes. Adding these definitions will help ensure that the users of the Guidelines are fully informed regarding all of the possible disciplinary and license denial options available to the Board and that ALJs and affected stakeholders can make a more informed decision regarding options for the imposition of discipline or license denial in a given case. The Board anticipates that applicants, licensees, and the public will be better informed about the Board's discipline and denial authority by including definitions of the types of penalties that the Board may impose in the Guidelines.

Listing the types of discipline in descending order of severity will help clarify the Board's options when considering the need to discipline a licensee. Revocation is the most severe form of discipline that the Board is authorized by law to impose on a licensee. Suspension is the second most severe form of discipline. Stayed revocation and stayed

suspension are less severe disciplinary actions provided the Respondent meets the terms and conditions of their probation.

Each of the penalty definitions is discussed individually below.

Rationale

It is necessary to establish penalty definitions for denial of license, revocation, suspension, stayed revocation, stayed suspension, and probation to inform those involved in and affected by the disciplinary and license denial processes of all of the possible disciplinary and denial options available to the Board.

- **Add Definition of “Denial of License”**

Add definition of “denial of license.”

Purpose

The purpose of adding this regulatory text is to establish a consistent and easy-to-understand definition of “denial of license.” License denials are permanent actions, but the applicant may reapply for licensure after a designated period of time and must satisfactorily demonstrate their rehabilitation to the Board before a license may be issued. When the Board has denied an application for a license under BPC sections 480-489 and 496, BPC section 486 mandates that the Board shall inform the applicant of the earliest date on which the applicant may reapply for a license, which shall be one year from the effective date of the decision unless the Board prescribes an earlier date or a later date is prescribed by another statute.

Pursuant to Chapter 5 of Part 1 of Division 3 of Title 2 of the Gov. Code (section 11500 et seq), applicants and licensees who are the subject of an adjudicative proceeding, including Statements of Issues for license denials and Accusations for license revocations and suspensions, may request a formal hearing as part of the denial or disciplinary process. Section 11502(a) states, in part, “All hearings of state agencies required to be conducted under this chapter shall be conducted by administrative law judges on the staff of the Office of Administrative Hearings.”

Rationale

It is necessary to define “denial of license” to inform those involved in and affected by the license denial process of the statutory denial option available to the Board.

- **Add Definition of “Revocation”**

Add definition of “revocation.”

Purpose

The purpose of adding this regulatory text is to establish a consistent and easy-to-understand definition of “revocation” of a license. License revocations, the most severe disciplinary option, are permanent actions unless the licensee subsequently petitions the Board for license reinstatement or reduction of penalty and satisfactorily demonstrates their rehabilitation to the Board. Individuals whose licenses have been revoked are no longer authorized to practice court reporting. Gov. Code section 11522 states, in part, “A person whose license has been revoked or suspended may petition the agency for reinstatement or reduction of penalty after a period of not less than one year has elapsed from the effective date of the decision or from the date of the denial of a similar petition.”

However, pursuant to BPC section 8024.5, a license that is not renewed within three (3) years after its expiration may not be renewed, restored, reinstated, or reissued thereafter. Therefore, Respondents whose revoked licenses have not been renewed for three (3) or more years are not eligible for license reinstatement and would have to apply, qualify, and meet all requirements for a new original license, including paying all fees and taking and passing the licensing examination. The license reinstatement petition process is discussed below in more detail in Item B under Chapter VI – Model Orders on page 111.

As discussed above under Definition of “Denial of License” on page 16, licensees who are the subject of an Accusation adjudicative proceeding for the revocation of a license may request a formal hearing as part of the disciplinary process pursuant to Gov. Code section 11500 et seq.

Rationale

It is necessary to define “revocation” of license to inform those involved in and affected by the disciplinary process of the most severe disciplinary option available to the Board.

- **Add Definition of “Suspension”**

Add definition of “suspension.”

Purpose

The purpose of adding this regulatory text is to establish a consistent and easy-to-understand definition of “suspension” of a license. License suspensions are temporary actions that invalidate a license for a fixed period of time; however, the licensee may subsequently petition the Board for license reinstatement or reduction of penalty and satisfactorily demonstrate their rehabilitation to the Board. As discussed above under Definition of “Revocation,” Gov. Code section 11522 indicates that a person whose license has been revoked or suspended may petition the Board for reinstatement or reduction of penalty after a period of not less than one year has elapsed from the

effective date of the decision or from the date of the denial of a similar petition. The license reinstatement petition process is discussed in more detail in Item B under Chapter VI – Model Orders on page 111.

As discussed above under Definition of “Denial of License” on page 16, licensees who are the subject of an Accusation adjudicative proceeding for the suspension of a license may request a formal hearing as part of the disciplinary process pursuant to Gov. Code section 11500 et seq.

Rationale

It is necessary to define “suspension” of license to inform those involved in and affected by the disciplinary process of the second most severe disciplinary option available to the Board.

- **Add Definition of “Stayed Revocation”**

Add definition of “stayed revocation.”

Purpose

The purpose of adding this regulatory text is to establish a consistent and easy-to-understand definition of “stayed revocation” of a license. Under stayed revocations, the license is revoked, but the revocation is not imposed; it is stayed provided the licensee meets the terms and conditions of their probation. Gov. Code section 11519 authorizes a stay of execution that may be included in the decision or granted by the Board before the decision becomes effective and that may be accompanied by an express condition that the Respondent must comply with specified terms of probation that are just and reasonable. If the licensee were found to be not in compliance with their probation terms and conditions, the license would be permanently revoked unless the licensee subsequently successfully petitioned the Board for reinstatement pursuant to Gov. Code section 11522.

Rationale

It is necessary to define “stayed revocation” of a license and to inform those involved in and affected by the disciplinary process of the third most severe disciplinary option available to the Board.

- **Add Definition of “Stayed Suspension”**

Add definition of “stayed suspension.”

Purpose

The purpose of adding this regulatory text is to establish a consistent and easy-to-understand definition of “stayed suspension” of a license. Under stayed suspensions, the license is suspended, but the suspension is not imposed; it is stayed provided the licensee meets the terms and conditions of their probation. Gov. Code section 11519 authorizes a stay of execution that may be included in the decision or granted by the Board before the decision becomes effective and that may be accompanied by an express condition that the Respondent must comply with specified terms of probation that are just and reasonable. If the licensee were found to be not in compliance with their probation terms and conditions, the license suspension would be imposed for a fixed period of time.

Rationale

It is necessary to define “stayed suspension” of a license and to inform those involved in and affected by the disciplinary process of the least severe disciplinary option available to the Board.

- **Add Definition of “Probation”**

Add definition of “probation.”

Purpose

The purpose of adding this regulatory text is to establish a consistent and easy-to-understand definition of “probation.” During the period of probation for a fixed period of time, the penalty against the license is stayed provided the licensee agrees to comply with specified conditions relating to improving the licensee’s conduct or preventing a reoccurrence of the violation, or both. If the licensee were found to be not in compliance with their probation terms and conditions, the penalty against the license would be imposed, whether revocation or suspension.

Rationale

It is necessary to define “probation” to inform those involved in and affected by the disciplinary process of the probation option available to the Board.

- **Add Chapter IV: Penalty Guidelines for Violations**

Add a chapter on Penalty Guidelines for Violations, including a table containing minimum and maximum penalty recommendations for various violations of law by applicants and licensees.

Purpose

The purpose of adding a chapter on Penalty Guidelines for Violations is to establish recommendations for the minimum and maximum penalties for violations of each of the listed BPC sections, as well as probation terms and conditions that may apply for each category, as applicable. The Penalty Guidelines for Violations Table was developed to organize and present the statutes and the corresponding recommended penalty information in an easy-to-follow numerical sequence that includes columns for the minimum and maximum penalties for various violations by applicants and licensees and which, if any, probation terms and conditions apply for each statutory category. For ease of navigation, the table is divided into two parts – starting with violations relating to applicants and followed by violations relating to licensees.

The Guidelines provide recommended minimum and maximum penalties that may be used by an ALJ when drafting a proposed decision or a DAG when drafting a stipulated settlement. The minimum and maximum penalties also inform Respondents and their counsel when determining whether to negotiate a settlement or strategize for an administrative hearing, as well as provide guidance to the Board when reviewing proposed decisions and stipulated settlements.

General provisions of the BPC (commencing with section 100) are included in the list of violations, in most cases in conjunction with CRB specific statutes that relate to the same grounds for discipline or license denial. Section 496 is being added for subversion of licensing examinations relating to applicants and licensees.

Some new BPC sections being added for the current version of the Guidelines are a result of new subsections that were added to BPC section 8025 since 1989. New subsection (b) of BPC section 8025 is being added regarding failure to notify the Board of a criminal conviction, and the recommended minimum and maximum penalties are being proposed to mirror those for existing BPC section 8025(a) that also relates to criminal convictions.

New subsections (f), (g), (h), and (i) (including related BPC section 141) of BPC section 8025 are being added regarding loss or destruction of stenographic notes, failure to comply with or pay monetary sanctions to any court for failure to provide timely transcripts, failure to pay civil penalties, and disciplinary action by another state, respectively. Subsection (j) of BPC section 8025 is also being added regarding general violations pertaining to certified shorthand reporters. The recommended minimum and maximum penalties for these new subsections are being proposed to mirror those for existing BPC section 8025(e) that relates to failure to transcribe or file notes, which will provide a fairly broad range of possible penalties for such violations, consistent with the potentially broad range of severity of such offenses.

In addition, BPC section 8025.1(a)(1) and (a)(2) are being added to include physical or mental infirmity or incapacity and abuse of chemical substances or alcohol as grounds

for disciplinary action or license denial when the applicant or licensee is incapable or unable to perform the duties of a shorthand reporter due to those conditions.

Listed below are details of the specific BPC section violations and their minimum and maximum penalty recommendations, broken down by those that apply to applicants and those that apply to licensees.

Rationale

This addition is necessary to establish and to inform those involved in and affected by the disciplinary and denial processes of recommendations for the minimum and maximum penalties for violations of each of the listed BPC sections, as well as probation terms and conditions that may apply for each category, as applicable. The proposal is also necessary to make the Guidelines easier to read, incorporate current statutory penalties, and make minor, technical revisions.

APPLICANTS

- **Add Recommended Penalties for Violations of BPC Section 496**

Add minimum and maximum penalty recommendations for applicant violations of BPC section 496 relating to examination subversion.

Purpose

The purpose of adding this regulatory text is to establish the minimum and maximum penalties that will be recommended for applicant violations of BPC section 496 relating to examination subversion. This additional text is intended to help ensure consistency of penalties assigned by the Board and ALJs and to provide information to other affected parties, including applicants, licensees, the public, attorneys, courts, Board staff, and other interested parties.

BPC section 496 authorizes the denial of a license on the grounds that an applicant has violated BPC section 123 pertaining to subversion of licensing examinations. Examination subversion is a very serious offense that goes against the Board's mandate of public protection and warrants a license denial penalty for applicants who violate BPC section 496. It can also be potentially very costly for the Board if an entire examination must be invalidated due to a security breach. According to the Board's 2023-24 Sunset Review Report (Table 3 on page 13 of 52), examination development can cost as much as \$317,000 for personnel and other expenses in a year when the Board must conduct an occupational analysis for exam development. In addition, applicants who cheat during or otherwise subvert licensing examinations have not demonstrated that they have the knowledge, skills, or abilities or minimum level of competency required for a professional license. It is appropriate and in the public interest that the minimum and maximum penalties be the same – denial of the applicant's license.

When the Board has denied an application for a license under BPC section 496, BPC section 486 mandates that the Board shall inform the applicant of the earliest date on which the applicant may reapply for a license, which shall be one year from the effective date of the decision unless the Board prescribes an earlier date or a later date is prescribed by another statute. Through this rulemaking proposal, the recommended earliest date for reapplication is being set by the Board at one year after the effective date of the decision for both the minimum and maximum penalties for violators of BPC section 496.

Rationale

It is necessary to ensure that the Guidelines reflect current statutory penalties by establishing the Board's recommended minimum and maximum penalties for applicant violations of BPC section 496 relating to examination subversion and to inform those involved in and affected by the license denial process of the recommended penalties.

- **Add Recommended Penalties for Violations of BPC Section 8016**

Add minimum and maximum penalties recommended for applicant violations of BPC section 8016 relating to a certificate required for shorthand reporting practice.

Purpose

The purpose of adding this regulatory text is to establish the minimum and maximum penalties that will be recommended for applicant violations of BPC section 8016 relating to a certificate required for shorthand reporting practice. This additional text is intended to help ensure consistency of penalties assigned by the Board and ALJs and to provide information to other affected parties, including applicants, licensees, the public, attorneys, courts, Board staff, and other interested parties.

BPC section 8016 states that no person shall engage in the practice of shorthand reporting unless that person is the holder of a certificate in full force and effect issued by the Board. This section applies to applicants who provide court reporting services without being duly licensed. Unlicensed practice is a very serious offense that goes against the Board's mandate of public protection and warrants a license denial penalty for applicants who violate BPC section 8016. It is appropriate and in the public interest that the minimum and maximum penalties be the same – denial of the applicant's license.

BPC section 475(a)(4) states that the provisions of Division 1.5 of the BPC (commencing with section 475) shall govern the denial of licenses on the grounds of "commission of any act which, if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license." Under this regulatory proposal, licensees who violate BPC section 8016 are subject to license

revocation. Therefore, applicants are, in turn, subject to the denial of their licenses if they violate BPC section 8016.

As discussed above under Recommended Penalties for Violations of BPC section 496 on page 22, BPC section 486 mandates that the earliest reapplication date for license denials under BPC sections 480-489 and 496 shall be one year from the effective date of the decision unless an earlier or later date is prescribed. Prior to the enactment of AB 2138 in 2018, BPC section 480 read as follows:

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

(3) (A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made. (Emphasis added.)

Therefore, prior to 2018, all license denials for any reason were treated the same and subject to the one-year reapplication ban specified in BPC section 486, which has not been amended since 1998. However, that changed when AB 2138 removed the Board's general denial authority under BPC section 480(a)(3)(A) and, in turn, the express authority for a one-year "cooling off" period for other license denials seeking to reapply for licensure. It is necessary to help ensure consistent treatment of all applicants by applying the same reapplication guidelines to all applicants who have been denied licensure, which will allow time for the applicant to accomplish, obtain, and submit new and different rehabilitation evidence prior to submitting a new application. Otherwise, only applicants with criminal convictions, formal discipline from another board or in another state, and false statements on their applications would have to wait before reapplying. Through this rulemaking proposal, the recommended earliest date for reapplication for violators of BPC section 8016 is being set by the Board at one year after the effective date of the decision for both the minimum and maximum penalties.

Rationale

This addition is necessary to ensure that the Guidelines reflect current statutory penalties by establishing the Board's recommended minimum and maximum penalties for applicant violations of BPC section 8016 relating to a certificate required for shorthand reporting practice and to inform those involved in and affected by the license denial process of the recommended penalties.

- **Add Recommended Penalties for Violations of BPC Section 8018**

Add minimum and maximum penalties recommended for applicant violations of BPC section 8018 relating to title and abbreviation.

Purpose

The purpose of adding this regulatory text is to establish the minimum and maximum penalties that will be recommended for applicant violations of BPC section 8018 relating to title and abbreviation. This additional text is intended to help ensure consistency of penalties assigned by the Board and ALJs and to provide information to other affected parties, including applicants, licensees, the public, attorneys, courts, Board staff, and other interested parties.

BPC section 8018 states that a person who holds a valid certificate as a shorthand reporter shall be known as a "certified shorthand reporter." Except as provided in BPC section 8043 relating to shorthand reporting corporations, no other person, entity, firm, or corporation may assume or use the title "certified shorthand reporter," or the abbreviation "C.S.R.," or use any words or symbols indicating or tending to indicate that they are, or it is, certified by the Board. Use of the words "stenographer" or "reporter" or of the phrases "court reporter," "deposition reporter," "digital reporter," or "voice writer" in combination with words or phrases related to the practice of shorthand reporting indicates or tends to indicate certification by the Board. This section applies to applicants who hold themselves out as being court reporters without being duly licensed. Unlicensed practice and misrepresentation are very serious offenses that go against the Board's mandate of public protection and warrant a license denial penalty for those who violate BPC section 8018. It is appropriate and in the public interest that the minimum and maximum penalties be the same – denial of the applicant's license.

Under this regulatory proposal, licensees who violate BPC section 8018 are subject to license revocation. Therefore, pursuant to BPC section 475(a)(4) as discussed above under Recommended Penalties for Violations of BPC section 8016 on page 22, applicants are, in turn, subject to the denial of their licenses if they violate BPC section 8018.

As discussed above under Recommended Penalties for Violations of BPC section 8016 on page 23, the Board's general denial authority under BPC section 480(a)(3)(A) and, in turn, the express authority for a one-year "cooling off" period for other license denials

seeking to reapply for licensure was removed with passage of AB 2138 in 2018. For consistency purposes, the recommended earliest date for reapplication for violators of BPC section 8018 is being set by the Board through this rulemaking proposal at one year after the effective date of the decision for both the minimum and maximum penalties.

Rationale

It is necessary to ensure that the Guidelines reflect current statutory penalties by establishing the Board's recommended minimum and maximum penalties for applicant violations of BPC section 8018 relating to title and abbreviation and to inform those involved in and affected by the license denial process of the recommended penalties.

- **Add Recommended Penalties for Violations of BPC Section 8025(a) / 480(a)**

Add minimum and maximum penalties recommended for applicant violations of BPC section 8025(a) / 480(a) relating to substantially related criminal convictions.

Purpose

The purpose of adding this regulatory text is to establish the minimum and maximum penalties that will be recommended for applicant violations of BPC section 8025(a) / 480(a) relating to substantially related criminal convictions. This additional text is intended to help ensure consistency of penalties assigned by the Board and ALJs and to provide information to other affected parties, including applicants, licensees, the public, attorneys, courts, Board staff, and other interested parties.

BPC sections 8025(a) and 480(a) both relate to criminal convictions. BPC section 8025(a) states that a court reporter certificate may be denied for an applicant's conviction of any felony or any misdemeanor if the misdemeanor is substantially related to the functions and duties of a court reporter. BPC section 480(a) states that the Board may deny a license on the grounds that the applicant has been convicted of a crime under certain conditions and situations. In evaluating whether a criminal conviction is substantially related to the practice of shorthand reporting, the Board considers the criteria under CCR section 2471. A substantially related criminal conviction is a very serious offense that goes against the Board's mandate of public protection and warrants a license denial penalty for applicants who violate BPC section 8025(a) / 480(a). It is appropriate and in the public interest that the minimum and maximum penalties be the same – denial of the applicant's license.

As discussed above under Recommended Penalties for Violations of BPC section 496 on page 22, BPC section 486 mandates that the earliest reapplication date for license denials under BPC section 480 shall be one year from the effective date of the decision unless an earlier or later date is prescribed. Through this rulemaking proposal, the recommended earliest date for reapplication for violators of BPC section 8025(a) /

480(a) is being set by the Board at one year for both the minimum and maximum penalties.

Rationale

This addition is necessary to ensure that the Guidelines reflect current statutory penalties by establishing the Board's recommended minimum and maximum penalties for applicant violations of BPC section 8025(a) / 480(a) relating to substantially related criminal convictions and to inform those involved in and affected by the license denial process of the recommended penalties.

- **Add Recommended Penalties for Violations of BPC Section 8025(c) / 480(e)**

Add minimum and maximum penalties recommended for applicant violations of BPC section 8025(c) / 480(e) relating to false statement of fact on an application.

Purpose

The purpose of adding this regulatory text is to establish the minimum and maximum penalties that will be recommended for applicant violations of BPC section 8025(c) / 480(e) relating to false statement of fact on an application. This additional text is intended to help ensure consistency of penalties assigned by the Board and ALJs and to provide information to other affected parties, including applicants, licensees, the public, attorneys, courts, Board staff, and other interested parties.

BPC sections 8025(c) and 480(e) both relate to false statements made in relation to an application for licensure. BPC section 8025(c) states that a court reporter certificate may be denied for an applicant's fraud or misrepresentation resorted to in obtaining a certificate. BPC section 480(e) authorizes the Board to deny a court reporter license on the grounds that the applicant knowingly made a false statement of fact that is required to be revealed in the application for a license. However, the Board shall not deny a license based solely on an applicant's failure to disclose a fact that would not have been cause for denial of the license had it been disclosed. A false statement made in relation to an application for licensure is a very serious offense that goes against the Board's mandate of public protection and warrants a license denial penalty for applicants who violate BPC section 8025(c) / 480(e). It is appropriate and in the public interest that the minimum and maximum penalties be the same – denial of the applicant's license.

As discussed above under Recommended Penalties for Violations of BPC section 496 on page 22, BPC section 486 mandates that the earliest reapplication date for license denials under BPC section 480 shall be one year from the effective date of the decision unless an earlier or later date is prescribed. Through this rulemaking proposal, the recommended earliest date for reapplication for violators of BPC section 8025(c) / 480(e) is being set by the Board at one year for both the minimum and maximum penalties.

Rationale

This addition is necessary to ensure that the Guidelines reflect current statutory penalties by establishing the Board's recommended minimum and maximum penalties for applicant violations of BPC section 8025(c) / 480(e) relating to false statement of fact on an application and to inform those involved in and affected by the license denial process of the recommended penalties.

- **Add Recommended Penalties for Violations of BPC Section 8025(i) / 480(a)(2)**

Add minimum and maximum penalties recommended for applicant violations of BPC section 8025(i) / 480(a)(2) relating to formal discipline by another licensing board.

Purpose

The purpose of adding this regulatory text is to establish the minimum and maximum penalties that will be recommended for applicant violations of BPC section 8025(i) / 480(a)(2) relating to formal discipline by another licensing board. This additional text is intended to help ensure consistency of penalties assigned by the Board and ALJs and to provide information to other affected parties, including applicants, licensees, the public, attorneys, courts, Board staff, and other interested parties.

BPC section 8025(i) and 480(a)(2) both relate to disciplinary action by another state. BPC section 8025(i) states that a court reporter certificate may be denied for the revocation or suspension of or other disciplinary action against a license to act as a certified shorthand reporter by another state. BPC section 480(a)(2) authorizes the Board, under certain circumstances, to deny a license on the grounds that the applicant has been subjected to formal discipline by a licensing board in or outside California within the preceding seven years from the date of 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 a court reporter. A disciplinary action by another board or state is a very serious offense that goes against the Board's mandate of public protection and warrants a license denial penalty for applicants who violate BPC section 8025(i) / 480(a)(2). It is appropriate and in the public interest that the minimum and maximum penalties be the same – denial of the applicant's license.

As discussed above under Recommended Penalties for Violations of BPC section 496 on page 22, BPC section 486 mandates that the earliest reapplication date for license denials under BPC section 480 shall be one year from the effective date of the decision unless an earlier or later date is prescribed. Through this rulemaking proposal, the recommended earliest date for reapplication for violators of BPC section 8025(i) / 480(a)(2) is being set by the Board at one year for both the minimum and maximum penalties.

Rationale

This addition is necessary to ensure that the Guidelines reflect current statutory penalties by establishing the Board's recommended minimum and maximum penalties for applicant violations of BPC section 8025(i) / 480(a)(2) relating to formal discipline by another licensing board and to inform those involved in and affected by the license denial process of the recommended penalties.

- **Add Recommended Penalties for Violations of BPC Section 8025.1(a)(1)**

Add minimum and maximum penalties recommended for applicant violations of BPC section 8025.1(a)(1) relating to physical or mental infirmity or incapacity.

Purpose

The purpose of adding this regulatory text is to establish the minimum and maximum penalties that will be recommended for applicant violations of BPC section 8025.1(a)(1) relating to physical or mental infirmity or incapacity. This additional text is intended to help ensure consistency of penalties assigned by the Board and ALJs and to provide information to other affected parties, including applicants, licensees, the public, attorneys, courts, Board staff, and other interested parties.

BPC section 8025.1(a)(1) states that the Board may deny certification on the grounds that the applicant is incapable of performing the duties of a certified shorthand reporter due to physical or mental infirmity or incapacity. This is a very serious matter that goes against the Board's mandate of public protection and warrants a license denial penalty for applicants who violate BPC section 8025.1(a)(1). If an applicant is incapable of performing court reporting services, the only viable penalty is denial of the license. It is appropriate and in the public interest that the minimum and maximum penalties be the same – denial of the applicant's license.

Under this regulatory proposal, licensees who violate BPC section 8025.1(a)(1) are subject to license revocation. Therefore, pursuant to BPC section 475(a)(4) as discussed above under Recommended Penalties for Violations of BPC section 8016 on page 22, applicants are, in turn, subject to the denial of their licenses if they violate BPC section 8025.1(a)(1).

As discussed above under the Recommended Penalties for Violations of BPC Section 8016 on page 23, the Board's general denial authority under BPC section 480(a)(3)(A) and, in turn, the express authority for a one-year "cooling off" period for other license denials seeking to reapply for licensure was removed with passage of AB 2138 in 2018. For consistency purposes, the recommended earliest date for reapplication for violators of BPC section 8025.1(a)(1) is being set by the Board through this rulemaking proposal at one year after the effective date of the decision for both the minimum and maximum penalties.

Rationale

This addition is necessary to ensure that the Guidelines reflect current statutory penalties by establishing the Board's recommended minimum and maximum penalties for applicant violations of BPC section 8025.1(a)(1) relating to physical or mental infirmity or incapacity and to inform those involved in and affected by the license denial process of the recommended penalties.

- **Add Recommended Penalties for Violations of BPC Section 8025.1(a)(2)**

Add minimum and maximum penalties recommended for applicant violations of BPC section 8025.1(a)(2) relating to abuse of chemical substances or alcohol.

Purpose

The purpose of adding this regulatory text is to establish the minimum and maximum penalties that will be recommended for applicant violations of BPC section 8025.1(a)(2) relating to abuse of chemical substances or alcohol. This additional text is intended to help ensure consistency of penalties assigned by the Board and ALJs and to provide information to other affected parties, including applicants, licensees, the public, attorneys, courts, Board staff, and other interested parties.

BPC section 8025.1(a)(2) states that the Board may deny certification on the grounds that the applicant is unable to perform the duties of a certified shorthand reporter due to the abuse of chemical substances or alcohol. This is a very serious matter that goes against the Board's mandate of public protection and warrants a license denial penalty for applicants who violate BPC section 8025.1(a)(2). If an applicant is incapable of performing court reporting services, the only viable penalty is denial of the license. It is appropriate and in the public interest that the minimum and maximum penalties be the same – denial of the applicant's license.

Under this regulatory proposal, licensees who violate BPC section 8025.1(a)(2) are subject to license revocation. Therefore, pursuant to BPC section 475(a)(4) as discussed above under Recommended Penalties for Violations of BPC section 8016 on page 22, applicants are, in turn, subject to the denial of their licenses if they violate BPC section 8025.1(a)(2).

As discussed above under the Recommended Penalties for Violations of BPC Section 8016 on page 23, the Board's general denial authority under BPC section 480(a)(3)(A) and, in turn, the express authority for a one-year "cooling off" period for other license denials seeking to reapply for licensure was removed with passage of AB 2138 in 2018. For consistency purposes, the recommended earliest date for reapplication for violators of BPC section 8025.1(a)(2) is being set by the Board through this rulemaking proposal at one year after the effective date of the decision for both the minimum and maximum penalties.

Rationale

This addition is necessary to ensure that the Guidelines reflect current statutory penalties by establishing the Board's recommended minimum and maximum penalties for applicant violations of BPC section 8025.1(a)(2) relating to abuse of chemical substances or alcohol and to inform those involved in and affected by the license denial process of the recommended penalties.

LICENSEES

- **Add Recommended Penalties for Violations of BPC Section 496**

Add minimum and maximum penalties recommended for licensee violations of BPC section 496 relating to examination subversion.

Purpose

The purpose of adding this regulatory text is to establish the minimum and maximum penalties that will be recommended for licensee violations of BPC section 496 relating to examination subversion. This additional text is intended to help ensure consistency of penalties assigned by the Board and ALJs and to provide information to other affected parties, including applicants, licensees, the public, attorneys, courts, Board staff, and other interested parties.

BPC section 496 authorizes the suspension or revocation of a license on the grounds that a licensee has violated BPC section 123 pertaining to subversion of licensing examinations. Examination subversion is a very serious offense that goes against the Board's mandate of public protection and warrants a license revocation penalty for licensees who violate BPC section 496 as the license may have been obtained fraudulently without demonstrating proper skills and knowledge, and exam subversion is unethical conduct. It can also be potentially very costly for the Board if an entire examination must be invalidated due to a security breach. As discussed above under the Applicant portion relating to Recommended Penalties for Violations of BPC section 496 on page 21, examination development can cost as much as \$317,000 in a year when the Board must conduct an occupational analysis. Therefore, licensees who subvert licensing examinations are not fit to continue practicing court reporting. It is appropriate and in the public interest that the recommended minimum and maximum penalties be the same – revocation of the offender's license.

As discussed above in the purpose for the Introduction chapter on page 8, BPC section 125.3 states that an ALJ may direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case. The Board is recommending that cost recovery be ordered for all disciplinary actions because licensees who violate the law and are prosecuted for such should be the ones to pay for the impacts of their actions, not the rest of the licensing population who have not violated the law. By being

responsible to pay for their own disciplinary costs, violators are held accountable and may be deterred and less likely to violate the law again, which should have a rehabilitative effect on the licensee and should help promote consumer protection. It is important to convey this information to licensees so that they are aware of the implications of their conduct if they violate the law.

In addition, a person whose license has been revoked or suspended may petition the Board for reinstatement or reduction of penalty after a period of not less than one year from the effective date of the decision or from the date of the denial of a similar petition pursuant to Gov. Code section 11522 as discussed above in Definition of “Revocation” under Chapter III – Definition of Penalties on page 17.

Rationale

It is necessary to ensure that the Guidelines reflect current statutory penalties by establishing the Board’s recommended minimum and maximum penalties for licensee violations of BPC section 496 relating to examination subversion and to inform those involved in and affected by the disciplinary process of the recommended penalties.

- **Add Recommended Penalties for Violations of BPC Section 8016**

Add minimum and maximum penalties recommended for licensee violations of BPC section 8016 relating to a certificate required for shorthand reporting practice.

Purpose

The purpose of adding this regulatory text is to establish the minimum and maximum penalties that will be recommended for licensee violations of BPC section 8016 relating to a certificate required for shorthand reporting practice. This additional text is intended to help ensure consistency of penalties assigned by the Board and ALJs and to provide information to other affected parties, including applicants, licensees, the public, attorneys, courts, Board staff, and other interested parties.

BPC section 8016 states that no person shall engage in the practice of shorthand reporting unless that person is the holder of a certificate in full force and effect issued by the Board. This section applies to licensees who provide court reporting services when their license is expired due to nonrenewal or when their license is under suspension. Unlicensed practice is a serious offense that goes against the Board’s mandate of public protection as it demonstrates disregard for the law and the potential to harm others and warrants a license revocation penalty for licensees who violate BPC section 8016. It is appropriate and in the public interest that the recommended minimum and maximum penalties involve revocation of the offender’s license.

Gov. Code section 11519 authorizes a stay of execution that may be included in the decision or granted by the Board before the decision becomes effective and that may be accompanied by an express condition that the Respondent must comply with specified

terms of probation that are just and reasonable. While the minimum penalty allows for staying of the revocation in less serious cases, such as first-time offenders, the maximum penalty of outright revocation should be applied in cases where the Board has notified the licensee in writing by mail or email about their expired or suspended license, and the licensee continued to practice, nonetheless.

The minimum penalty of stayed revocation also recommends that the licensee is placed on and complies with a four-year probation, which reflects the seriousness of such offense. In the existing 1989 version of the Guidelines, the longest recommended period of probation is four (4) years, and it is recommended for the most egregious offenses. The four-year probation for violation of BPC section 8016 that is recommended in this rulemaking is identical to the existing probation period recommendation for the same violation contained in the 1989 Guidelines; no change is being proposed. The Board has historically found this amount of time to be appropriate for more serious cases, including those relating to a certificate being required for shorthand reporting practice. It has proven to be a sufficient amount of time for the Board to monitor Respondents to help ensure rehabilitation and proper practice that can reasonably be expected to continue in the future. Pursuant to BPC section 8024, court reporter licenses are valid for one year; therefore, Respondents who had violated BPC section 8016 will be required to complete multiple annual renewals during the four (4) years of probation, which will help demonstrate the Respondent's ability to successfully renew their license and practice in compliance with their probationary terms and BPC section 8016 provisions. If the licensee violates their probation terms and conditions, it is recommended that their license will be revoked pursuant to the definition of "Stayed Revocation" under Chapter III – Definition of Penalties on page 18.

When probation is part of the recommended penalty, the Board recommends that conditions of probation also be ordered as part of a proposed decision for the purpose of public protection. When a licensee is placed on probation through a disciplinary action, it benefits the licensee and potential consumers for the Board to monitor the licensee's progress in the program to help ensure that the licensee is successful in being rehabilitated and suitable for the restoration of a clear license.

The Board is recommending ordering all Standard Conditions (#12 only relates to licensees on criminal probation, and #13 through 15 only relate to reporting corporations/firms) and applicable Optional Conditions that relate to the licensee or the circumstances of the case. The specifics of the Standard and Optional Conditions are discussed under Chapter V – Probation Conditions on page 59.

The Board is also recommending that licensees who violate BPC section 8016 be subject to cost recovery pursuant to BPC section 125.3 as discussed above under the Licensee portion relating to Recommended Penalties for Violations of BPC section 496 on page 30.

In addition, a person whose license has been revoked or suspended may petition the Board for reinstatement or reduction of penalty after a period of not less than one year

from the effective date of the decision or from the date of the denial of a similar petition pursuant to Gov. Code section 11522 as discussed above in Definition of “Revocation” under Chapter III – Definition of Penalties on page 17.

Rationale

This addition is necessary to ensure that the Guidelines reflect current statutory penalties by establishing the Board’s recommended minimum and maximum penalties for licensee violations of BPC section 8016 relating to a certificate required for shorthand reporting practice and to inform those involved in and affected by the disciplinary process of the recommended penalties.

- **Add Recommended Penalties for Violations of BPC Section 8018**

Add minimum and maximum penalties recommended for licensee violations of BPC section 8018 relating to title and abbreviation.

Purpose

The purpose of adding this regulatory text is to establish the minimum and maximum penalties that will be recommended for licensee violations of BPC section 8018 relating to title and abbreviation. This additional text is intended to help ensure consistency of penalties assigned by the Board and ALJs and to provide information to other affected parties, including applicants, licensees, the public, attorneys, courts, Board staff, and other interested parties.

BPC section 8018 states that a person who holds a valid certificate as a shorthand reporter shall be known as a “certified shorthand reporter.” Except as provided in BPC section 8043 relating to shorthand reporting corporations, no other person, entity, firm, or corporation may assume or use the title “certified shorthand reporter,” or the abbreviation “C.S.R.,” or use any words or symbols indicating or tending to indicate that they are, or it is, certified by the Board. Use of the words “stenographer” or “reporter” or of the phrases “court reporter,” “deposition reporter,” “digital reporter,” or “voice writer” in combination with words or phrases related to the practice of shorthand reporting indicates or tends to indicate certification by the Board. This section applies to licensees who fail to accurately use the proper title designation or abbreviation. Inaccurate title or abbreviation of licensees can be a serious offense that causes confusion and goes against the Board’s mandate of public protection and may warrant a license revocation penalty for those licensees who violate BPC section 8018 in more serious cases. It is appropriate and in the public interest that the recommended minimum penalty involves suspension of the offender’s license and maximum penalty involves revocation of the offender’s license

Gov. Code section 11519 authorizes a stay of execution that may be included in the decision or granted by the Board before the decision becomes effective and that may be accompanied by an express condition that the Respondent must comply with specified

terms of probation that are just and reasonable. The recommended minimum penalty for less serious cases, such as first-time offenders, calls for the suspension of the offender's license that is stayed while the licensee is placed on and complies with a four-year probation, which reflects the potential seriousness of the offense. The existing probationary periods contained in the 1989 Guidelines are discussed above under the Licensee portion relating to Recommended Penalties for Violations of BPC section 8016 on page 32. The four-year probation for violation of BPC section 8018 that is recommended in this rulemaking is identical to the existing probation period recommendation for the same violation contained in the 1989 Guidelines; no change is being proposed. The Board has historically found this amount of time to be appropriate for more serious cases, including those relating to title and abbreviation for shorthand reporters. It has proven to be a sufficient amount of time for the Board to monitor Respondents to help ensure rehabilitation and proper practice that can reasonably be expected to continue in the future.

If the licensee violates their probation terms and conditions, it is recommended that their license will be suspended for 90 calendar days, which aims to balance disciplinary action with the opportunity for the licensee to rectify the underlying issue without immediately losing their license privileges. The recommended maximum penalty of outright revocation should be applied in cases where the Board has previously educated the licensee in writing by mail or email on the requirements of BPC section 8018, and the licensee continued to be noncompliant, nonetheless.

When probation is part of the recommended penalty, the Board recommends that conditions of probation also be ordered as part of a proposed decision for the purpose of public protection as discussed above under the Licensee portion relating to Recommended Penalties for Violations of BPC section 8016 on page 32.

The Board is also recommending that licensees who violate BPC section 8018 be subject to cost recovery pursuant to BPC section 125.3 as discussed above under the Licensee portion relating to Recommended Penalties for Violations of BPC section 496 on page 30.

In addition, a person whose license has been revoked or suspended may petition the Board for reinstatement or reduction of penalty after a period of not less than one year from the effective date of the decision or from the date of the denial of a similar petition pursuant to Gov. Code section 11522 as discussed above in Definition of "Revocation" under Chapter III – Definition of Penalties on page 17.

Rationale

It is necessary to ensure that the Guidelines reflect current statutory penalties by establishing the Board's recommended minimum and maximum penalties for licensee violations of BPC section 8018 relating to title and abbreviation and to inform those involved in and affected by the license denial process of the recommended penalties.

- **Add Recommended Penalties for Violations of BPC Section 8019**

Add minimum and maximum penalties recommended for licensee violations of BPC section 8019 relating to aiding and abetting.

Purpose

The purpose of adding this regulatory text is to establish the minimum and maximum penalties that will be recommended for licensee violations of BPC section 8019 relating to aiding and abetting. This additional text is intended to help ensure consistency of penalties assigned by the Board and ALJs and to provide information to other affected parties, including applicants, licensees, the public, attorneys, courts, Board staff, and other interested parties.

BPC section 8019 states that a violation of any provision of Chapter 13 of Division 3 of the BPC is a misdemeanor, and any person who directly or indirectly assists in or abets the violation of, or conspires to aid or abet in the violation of, any provision of the chapter is guilty of a misdemeanor. This section applies to licensees who violate or aid or abet violations of Chapter 13 of Division 3 of the BPC. Aiding and abetting by a licensee is a serious offense that is active participation in illegal activity and goes against the Board's mandate of public protection, warranting a license revocation penalty for licensees who violate BPC section 8019. It is appropriate and in the public interest that the recommended minimum and maximum penalties involve revocation of the offender's license.

Gov. Code section 11519 authorizes a stay of execution that may be included in the decision or granted by the Board before the decision becomes effective and that may be accompanied by an express condition that the Respondent must comply with specified terms of probation that are just and reasonable. While the minimum penalty allows for staying of the revocation in less serious cases, such as first-time offenders, the maximum penalty of outright revocation should be applied in more serious cases or for repeat offenders. The minimum penalty of stayed revocation also recommends that the licensee is placed on and complies with a four-year probation, which reflects the seriousness of such offense. The existing probationary periods contained in the 1989 Guidelines are discussed above under the Licensee portion relating to Recommended Penalties for Violations of BPC section 8016 on page 32. The four-year probation for violation of BPC section 8019 that is recommended in this rulemaking is identical to the existing probation period recommendation for the same violation contained in the 1989 Guidelines; no change is being proposed. The Board has historically found this amount of time to be appropriate for more serious cases, including those relating to aiding and abetting. It has proven to be a sufficient amount of time for the Board to monitor Respondents to help ensure rehabilitation and proper practice that can reasonably be expected to continue in the future. If the licensee violates their probation terms and conditions, it is recommended that their license will be revoked pursuant to the definition of "Stayed Revocation" under Chapter III – Definition of Penalties on page 18.

When probation is part of the recommended penalty, the Board recommends that conditions of probation also be ordered as part of a proposed decision for the purpose of public protection as discussed above under the Licensee portion relating to Recommended Penalties for Violations of BPC section 8016 on page 32.

The Board is also recommending that licensees who violate BPC section 8019 be subject to cost recovery pursuant to BPC section 125.3 as discussed above under the Licensee portion relating to Recommended Penalties for Violations of BPC section 496 on page 30.

In addition, a person whose license has been revoked or suspended may petition the Board for reinstatement or reduction of penalty after a period of not less than one year from the effective date of the decision or from the date of the denial of a similar petition pursuant to Gov. Code section 11522 as discussed above in Definition of “Revocation” under Chapter III – Definition of Penalties on page 17.

Rationale

It is necessary to ensure that the Guidelines reflect current statutory penalties by establishing the Board’s recommended minimum and maximum penalties for licensee violations of BPC section 8019 relating to aiding and abetting and to inform those involved in and affected by the disciplinary process of the recommended penalties.

- **Add Recommended Penalties for Violations of BPC Section 8025(a) / 490**

Add minimum and maximum penalties recommended for licensee violations of BPC section 8025(a) / 490 relating to conviction of a substantially related crime.

Purpose

The purpose of adding this regulatory text is to establish the minimum and maximum penalties that will be recommended for licensee violations of BPC section 8025(a) / 490 relating to conviction of a substantially related crime. This additional text is intended to help ensure consistency of penalties assigned by the Board and ALJs and to provide information to other affected parties, including applicants, licensees, the public, attorneys, courts, Board staff, and other interested parties.

BPC sections 8025(a) and 490 both relate to criminal convictions. BPC section 8025(a) states that a court reporter certificate may be suspended, revoked, or otherwise disciplined for a licensee’s conviction of any felony or any misdemeanor if the misdemeanor is substantially related to the functions and duties of a court reporter. BPC section 490 authorizes the Board to suspend or revoke a license on the grounds that the licensee has been convicted of a crime if the crime is substantially related to the qualifications, functions, or duties of a court reporter. In evaluating whether a criminal conviction is substantially related to the practice of shorthand reporting, the Board considers the criteria under CCR section 2471. A substantially related criminal

conviction is a serious offense that goes against the Board's mandate of public protection because it undermines the integrity and reliability of the legal system, warranting a license revocation penalty for licensees who violate BPC section 8025(a) / 490. It is appropriate and in the public interest that the recommended minimum and maximum penalties involve revocation of the offender's license.

Gov. Code section 11519 authorizes a stay of execution that may be included in the decision or granted by the Board before the decision becomes effective and that may be accompanied by an express condition that the Respondent must comply with specified terms of probation that are just and reasonable. While the minimum penalty allows for staying of the revocation in less serious cases, such as first-time offenders, the maximum penalty of outright revocation should be applied in more serious cases or for repeat offenders. The minimum penalty of stayed revocation also recommends that the licensee is placed on and complies with a three-year probation. The existing probationary periods contained in the 1989 Guidelines are discussed above under the Licensee portion relating to Recommended Penalties for Violations of BPC section 8016 on page 32. The three-year probation for violation of BPC section 8025(a) / 490 that is recommended in this rulemaking is identical to the existing probation period recommendation for the same violation contained in the 1989 Guidelines; no change is being proposed. The Board has historically found this amount of time to be appropriate for potentially moderately serious cases, including those relating to a conviction of a substantially related crime. It has proven to be a sufficient amount of time for the Board to monitor Respondents to help ensure rehabilitation and proper practice that can reasonably be expected to continue in the future. If the licensee violates their probation terms and conditions, it is recommended that their license will be revoked pursuant to the definition of "Stayed Revocation" under Chapter III – Definition of Penalties on page 18.

When probation is part of the recommended penalty, the Board recommends that conditions of probation also be ordered as part of a proposed decision for the purpose of public protection as discussed above under the Licensee portion relating to Recommended Penalties for Violations of BPC section 8016 on page 32. The listed Standard Conditions for this item include #12 for Criminal Probation because BPC section 8025(a) / 490 relate to criminal convictions.

The Board is also recommending that licensees who violate BPC section 8025(a) / 490 be subject to cost recovery pursuant to BPC section 125.3 as discussed above under the Licensee portion relating to Recommended Penalties for Violations of BPC section 496 on page 30.

In addition, a person whose license has been revoked or suspended may petition the Board for reinstatement or reduction of penalty after a period of not less than one year from the effective date of the decision or from the date of the denial of a similar petition pursuant to Gov. Code section 11522 as discussed above in Definition of "Revocation" under Chapter III – Definition of Penalties on page 17.

Rationale

This addition is necessary to ensure that the Guidelines reflect current statutory penalties by establishing the Board's recommended minimum and maximum penalties for licensee violations of BPC section 8025(a) / 490 relating to conviction of a substantially related crime and to inform those involved in and affected by the disciplinary process of the recommended penalties.

- **Add Recommended Penalties for Violations of BPC Section 8025(b)**

Add minimum and maximum penalties recommended for licensee violations of BPC section 8025(b) relating to failure to notify the Board of a conviction.

Purpose

The purpose of adding this regulatory text is to establish the minimum and maximum penalties that will be recommended for licensee violations of BPC section 8025(b) relating to a licensee's failure to notify the Board of a conviction. This additional text is intended to help ensure consistency of penalties assigned by the Board and ALJs and to provide information to other affected parties, including applicants, licensees, the public, attorneys, courts, Board staff, and other interested parties.

BPC section 8025(b) states that a court reporter certificate may be suspended, revoked, or otherwise disciplined for a licensee's failure to notify the Board of a conviction that is substantially related to the functions and duties of a court reporter. In evaluating whether a criminal conviction is substantially related to the practice of shorthand reporting, the Board considers the criteria under CCR section 2471. A licensee's failure to notify the Board of a substantially related conviction is a serious offense that goes against the Board's mandate of public protection as it shows further untrustworthiness and warrants a license revocation penalty for licensees who violate BPC section 8025(b). It is appropriate and in the public interest that the recommended minimum and maximum penalties involve revocation of the offender's license.

Gov. Code section 11519 authorizes a stay of execution that may be included in the decision or granted by the Board before the decision becomes effective and that may be accompanied by an express condition that the Respondent must comply with specified terms of probation that are just and reasonable. While the minimum penalty allows for staying of the revocation in less serious cases, such as first-time offenders, the maximum penalty of outright revocation should be applied in more serious cases or for repeat offenders. The minimum penalty of stayed revocation also recommends that the licensee is placed on and complies with a three-year probation. The existing probationary periods contained in the 1989 Guidelines are discussed above under the Licensee portion relating to Recommended Penalties for Violations of BPC section 8016 on page 32. The proposed provisions for violation of BPC section 8025(b) are new to the law since 1997 and are not included in the 1989 Guidelines. The three-year probation for violation of BPC section 8025(b) that is recommended in this rulemaking is

consistent with the existing and proposed probationary period for a similar law violation of BPC section 8025(a) discussed above. The Board has historically found this amount of time to be appropriate for potentially moderately serious cases, including those relating to failure to notify the Board of a conviction. It has proven to be a sufficient amount of time for the Board to monitor Respondents to help ensure rehabilitation and proper practice that can reasonably be expected to continue in the future. If the licensee violates their probation terms and conditions, it is recommended that their license will be revoked pursuant to the definition of “Stayed Revocation” under Chapter III – Definition of Penalties on page 18.

When probation is part of the recommended penalty, the Board recommends that conditions of probation also be ordered as part of a proposed decision for the purpose of public protection as discussed above under the Licensee portion relating to Recommended Penalties for Violations of BPC section 8016 on page 32. The listed Standard Conditions for this item include #12 for Criminal Probation because BPC section 8025(b) relates to criminal convictions.

The Board is also recommending that licensees who violate BPC section 8025(b) be subject to cost recovery pursuant to BPC section 125.3 as discussed above under the Licensee portion relating to Recommended Penalties for Violations of BPC section 496 on page 30.

In addition, a person whose license has been revoked or suspended may petition the Board for reinstatement or reduction of penalty after a period of not less than one year from the effective date of the decision or from the date of the denial of a similar petition pursuant to Gov. Code section 11522 as discussed above in Definition of “Revocation” under Chapter III – Definition of Penalties on page 17.

Rationale

This addition is necessary to ensure that the Guidelines reflect current statutory penalties by establishing the Board’s recommended minimum and maximum penalties for licensee violations of BPC section 8025(b) relating to a licensee’s failure to notify the Board of a conviction and to inform those involved in and affected by the disciplinary process of the recommended penalties.

- **Add Recommended Penalties for Violations of BPC Section 8025(c) / 498 / 499**

Add minimum and maximum penalties recommended for licensee violations of BPC section 8025(c) / 498 / 499 relating to fraud, deceit, or misrepresentation in obtaining a certificate, or securing a certificate by knowingly omitting to state a material fact.

Purpose

The purpose of adding this regulatory text is to establish the minimum and maximum penalties that will be recommended for licensee violations of BPC section 8025(c) / 498 / 499 relating to fraud, deceit, or misrepresentation in obtaining a certificate, or securing a certificate by knowingly omitting to state a material fact. This additional text is intended to help ensure consistency of penalties assigned by the Board and ALJs and to provide information to other affected parties, including applicants, licensees, the public, attorneys, courts, Board staff, and other interested parties.

BPC sections 8025(c), 498, and 499 all relate to false statements made in relation to an application for licensure. BPC section 8025(c) states that a court reporter certificate may be suspended, revoked, or otherwise disciplined for a licensee's fraud or misrepresentation resorted to in obtaining a certificate. BPC section 498 authorizes the Board to revoke, suspend, or otherwise restrict a license on the grounds that the licensee secured the license by fraud, deceit, or knowing misrepresentation of a material fact or by knowingly omitting to state a material fact. BPC section 499 authorizes the Board to revoke, suspend, or otherwise restrict a license on the grounds that the licensee, in support of another person's application for license, knowingly made a false statement of a material fact or knowingly omitted to state a material fact to the Board regarding the application. False statements made by a licensee in relation to an application for licensure is a very serious offense that goes against the Board's mandate of public protection as it shows disregard for the law and untrustworthiness and warrants a license revocation penalty for licensees who violate BPC section 8025(c) / 498 / 499. Therefore, licensees who make false statements in relation to applications for licensure are not fit to continue practicing court reporting. It is appropriate and in the public interest that the minimum and maximum penalties be the same – revocation of the offender's license. The revocation recommendations are identical to the existing minimum and maximum penalty recommendations for the same violation contained in the 1989 Guidelines (renumbered from BPC section 8025(b) in the 1989 version); no changes are being proposed.

The Board is also recommending that licensees who violate BPC section 8025(c) / 498 / 499 be subject to cost recovery pursuant to BPC section 125.3 as discussed above under the Licensee portion relating to Recommended Penalties for Violations of BPC section 496 on page 30.

In addition, a person whose license has been revoked or suspended may petition the Board for reinstatement or reduction of penalty after a period of not less than one year from the effective date of the decision or from the date of the denial of a similar petition pursuant to Gov. Code section 11522 as discussed above in Definition of "Revocation" under Chapter III – Definition of Penalties on page 17.

Rationale

This addition is necessary to ensure that the Guidelines reflect current statutory penalties by establishing the Board's recommended minimum and maximum penalties for licensee violations of BPC section 8025(c) / 498 / 499 relating to fraud, deceit, or misrepresentation in obtaining a certificate, or securing a certificate by knowingly omitting to state a material fact and to inform those involved in and affected by the disciplinary process of the recommended penalties.

- **Add Recommended Penalties for Violations of BPC Section 8025(d) (Fraud, Dishonesty, Corruption, Willful Violation of Duty)**

Add minimum and maximum penalties recommended for licensee violations of BPC section 8025(d) relating to fraud, dishonesty, corruption, or willful violation of duty.

Purpose

The purpose of adding this regulatory text is to establish the minimum and maximum penalties that will be recommended for licensee violations of BPC section 8025(d) relating to fraud, dishonesty, corruption, or willful violation of duty. This additional text is intended to help ensure consistency of penalties assigned by the Board and ALJs and to provide information to other affected parties, including applicants, licensees, the public, attorneys, courts, Board staff, and other interested parties.

BPC section 8025(d) states that a court reporter certificate may be suspended, revoked, or otherwise disciplined for a licensee's fraud, dishonesty, corruption, or willful violation of duty. This is a serious offense that goes against the Board's mandate of public protection and warrants a license revocation penalty for licensees who violate BPC section 8025(d). It is appropriate and in the public interest that the recommended minimum and maximum penalties involve revocation of the offender's license.

Gov. Code section 11519 authorizes a stay of execution that may be included in the decision or granted by the Board before the decision becomes effective and that may be accompanied by an express condition that the Respondent must comply with specified terms of probation that are just and reasonable. While the minimum penalty allows for staying of the revocation in less serious cases, such as first-time offenders, the maximum penalty of outright revocation should be applied in more serious cases or for repeat offenders. The minimum penalty of stayed revocation also recommends that the licensee is placed on and complies with a four-year probation. The existing probationary periods contained in the 1989 Guidelines are discussed above under the Licensee portion relating to Recommended Penalties for Violations of BPC section 8016 on page 32. The four-year probation for violation of BPC section 8025(d) (relating to fraud, dishonesty, corruption, or willful violation of duty) that is recommended in this rulemaking is identical to the existing probation period recommendation for the same violation contained in the 1989 Guidelines (renumbered from BPC section 8025(c) in the 1989 version); no change is being proposed. The Board has historically found this

amount of time to be appropriate for more serious cases, including those relating to fraud, dishonesty, corruption, or willful violation of duty. It has proven to be a sufficient amount of time for the Board to monitor Respondents to help ensure rehabilitation and proper practice that can reasonably be expected to continue in the future. If the licensee violates their probation terms and conditions, their license will be revoked pursuant to the definition of “Stayed Revocation” under Chapter III – Definition of Penalties on page 18.

When probation is part of the recommended penalty, the Board recommends that conditions of probation also be ordered as part of a proposed decision for the purpose of public protection as discussed above under the Licensee portion relating to Recommended Penalties for Violations of BPC section 8016 on page 32.

The Board is also recommending that licensees who violate BPC section 8025(d) (relating to fraud, dishonesty, corruption, or willful violation of duty) be subject to cost recovery pursuant to BPC section 125.3 as discussed above under the Licensee portion relating to Recommended Penalties for Violations of BPC section 496 on page 30.

In addition, a person whose license has been revoked or suspended may petition the Board for reinstatement or reduction of penalty after a period of not less than one year from the effective date of the decision or from the date of the denial of a similar petition pursuant to Gov. Code section 11522 as discussed above in Definition of “Revocation” under Chapter III – Definition of Penalties on page 17.

Rationale

This addition is necessary to ensure that the Guidelines reflect current statutory penalties by establishing the Board’s recommended minimum and maximum penalties for licensee violations of BPC section 8025(d) relating to fraud, dishonesty, corruption, or willful violation of duty and to inform those involved in and affected by the disciplinary process of the recommended penalties.

- **Add Recommended Penalties for Violations of BPC Section 8025(d) (Gross Negligence, Incompetence)**

Add minimum and maximum penalties recommended for licensee violations of BPC section 8025(d) relating to gross negligence or incompetence.

Purpose

The purpose of adding this regulatory text is to establish the minimum and maximum penalties that will be recommended for licensee violations of BPC section 8025(d) relating to gross negligence or incompetence. This additional text is intended to help ensure consistency of penalties assigned by the Board and ALJs and to provide information to other affected parties, including applicants, licensees, the public, attorneys, courts, Board staff, and other interested parties.

BPC section 8025(d) states that a court reporter certificate may be suspended, revoked, or otherwise disciplined for a licensee's gross negligence or incompetence related to the duties of a certified shorthand reporter. Gross negligence or incompetence in practice is a serious offense that goes against the Board's mandate of public protection and warrants a license revocation penalty for licensees who violate BPC section 8025(d). It is appropriate and in the public interest that the recommended minimum and maximum penalties involve revocation of the offender's license.

Gov. Code section 11519 authorizes a stay of execution that may be included in the decision or granted by the Board before the decision becomes effective and that may be accompanied by an express condition that the Respondent must comply with specified terms of probation that are just and reasonable. While the minimum penalty allows for staying of the revocation in less serious cases, such as first-time offenders, the maximum penalty of outright revocation should be applied in more serious cases or for repeat offenders. The minimum penalty of stayed revocation also recommends that the licensee is placed on and complies with a four-year probation. The existing probationary periods contained in the 1989 Guidelines are discussed above under the Licensee portion relating to Recommended Penalties for Violations of BPC section 8016 on page 32. The four-year probation for violation of BPC section 8025(d) (relating to gross negligence or incompetence) that is recommended in this rulemaking is identical to the existing probation period recommendation for the same violation contained in the 1989 Guidelines (renumbered from BPC section 8025(c) in the 1989 version); no change is being proposed. The Board has historically found this amount of time to be appropriate for more serious cases, including those relating to gross negligence or incompetence. It has proven to be a sufficient amount of time for the Board to monitor Respondents to help ensure rehabilitation and proper practice that can reasonably be expected to continue in the future. If the licensee violates their probation terms and conditions, their license will be revoked pursuant to the definition of "Stayed Revocation" under Chapter III – Definition of Penalties on page 18.

When probation is part of the recommended penalty, the Board recommends that conditions of probation also be ordered as part of a proposed decision for the purpose of public protection as discussed above under the Licensee portion relating to Recommended Penalties for Violations of BPC section 8016 on page 32.

The Board is also recommending that licensees who violate BPC section 8025(d) (relating to gross negligence or incompetence) be subject to cost recovery pursuant to BPC section 125.3 as discussed above under the Licensee portion relating to Recommended Penalties for Violations of BPC section 496 on page 30.

In addition, a person whose license has been revoked or suspended may petition the Board for reinstatement or reduction of penalty after a period of not less than one year from the effective date of the decision or from the date of the denial of a similar petition pursuant to Gov. Code section 11522 as discussed above in Definition of "Revocation" under Chapter III – Definition of Penalties on page 17.

Rationale

This addition is necessary to ensure that the Guidelines reflect current statutory penalties by establishing the Board's recommended minimum and maximum penalties for licensee violations of BPC section 8025(d) relating to gross negligence or incompetence and to inform those involved in and affected by the disciplinary process of the recommended penalties.

- **Add Recommended Penalties for Violations of BPC Section 8025(d) (Unprofessional Conduct)**

Add minimum and maximum penalties recommended for licensee violations of BPC section 8025(d) relating to unprofessional conduct.

Purpose

The purpose of adding this regulatory text is to establish the minimum and maximum penalties that will be recommended for licensee violations of BPC section 8025(d) relating to unprofessional conduct. This additional text is intended to help ensure consistency of penalties assigned by the Board and ALJs and to provide information to other affected parties, including applicants, licensees, the public, attorneys, courts, Board staff, and other interested parties.

BPC section 8025(d) states that a court reporter certificate may be suspended, revoked, or otherwise disciplined for a licensee's unprofessional conduct in or directly related to the practice of shorthand reporting. BPC section 8025(d) defines "unprofessional conduct" as including, 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. Unprofessional conduct is a serious offense that goes against the Board's mandate of public protection by causing doubt and mistrust of the legal system and warrants a license revocation penalty for licensees who violate BPC section 8025(d). It is appropriate and in the public interest that the recommended minimum and maximum penalties involve revocation of the offender's license.

Gov. Code section 11519 authorizes a stay of execution that may be included in the decision or granted by the Board before the decision becomes effective and that may be accompanied by an express condition that the Respondent must comply with specified terms of probation that are just and reasonable. While the minimum penalty allows for staying of the revocation in less serious cases, such as first-time offenders, the maximum penalty of outright revocation should be applied in more serious cases or for repeat offenders. The minimum penalty of stayed revocation also recommends that the licensee is placed on and complies with a four-year probation. The existing probationary periods contained in the 1989 Guidelines are discussed above under the Licensee

portion relating to Recommended Penalties for Violations of BPC section 8016 on page 32. The four-year probation for violation of BPC section 8025(d) (relating to unprofessional conduct) that is recommended in this rulemaking is identical to the existing probation period recommendation for the same violation contained in the 1989 Guidelines (renumbered from BPC section 8025(c) in the 1989 version); no change is being proposed. The Board has historically found this amount of time to be appropriate for more serious cases, including those relating to unprofessional conduct. It has proven to be a sufficient amount of time for the Board to monitor Respondents to help ensure rehabilitation and proper practice that can reasonably be expected to continue in the future. If the licensee violates their probation terms and conditions, their license will be revoked pursuant to the definition of “Stayed Revocation” under Chapter III – Definition of Penalties on page 18.

When probation is part of the recommended penalty, the Board recommends that conditions of probation also be ordered as part of a proposed decision for the purpose of public protection as discussed above under the Licensee portion relating to Recommended Penalties for Violations of BPC section 8016 on page 32.

The Board is also recommending that licensees who violate BPC section 8025(d) (relating to unprofessional conduct) be subject to cost recovery pursuant to BPC section 125.3 as discussed above under the Licensee portion relating to Recommended Penalties for Violations of BPC section 496 on page 30.

In addition, a person whose license has been revoked or suspended may petition the Board for reinstatement or reduction of penalty after a period of not less than one year from the effective date of the decision or from the date of the denial of a similar petition pursuant to Gov. Code section 11522 as discussed above in Definition of “Revocation” under Chapter III – Definition of Penalties on page 17.

Rationale

It is necessary to ensure that the Guidelines reflect current statutory penalties by establishing the Board’s recommended minimum and maximum penalties for licensee violations of BPC section 8025(d) relating to unprofessional conduct and to inform those involved in and affected by the disciplinary process of the recommended penalties.

- **Add Recommended Penalties for Violations of BPC Section 8025(e)**

Add minimum and maximum penalties recommended for licensee violations of BPC section 8025(e) relating to repeated unexcused failure to transcribe notes of cases pending appeal and to timely file transcripts of those notes or transcribe or file notes of other proceedings.

Purpose

The purpose of adding this regulatory text is to establish the minimum and maximum penalties that will be recommended for licensee violations of BPC section 8025(e) relating to repeated unexcused failure to transcribe notes of cases pending appeal and to timely file transcripts of those notes or transcribe or file notes of other proceedings. This additional text is intended to help ensure consistency of penalties assigned by the Board and ALJs and to provide information to other affected parties, including applicants, licensees, the public, attorneys, courts, Board staff, and other interested parties.

BPC section 8025(e) states that a court reporter certificate may be suspended, revoked, or otherwise disciplined for a licensee's repeated unexcused failure, whether or not willful, to transcribe notes of cases pending on appeal and to file the transcripts of those notes within the time required by law or to transcribe or file notes of other proceedings within the time required by law or agreed to by contract. BPC section 8025(e) further states that violation of the subdivision shall also be deemed an act endangering the public health, safety, or welfare within the meaning of BPC section 494, which authorizes the Board or an ALJ under certain circumstances to issue an interim order suspending any licensee or imposing license restrictions, including, but not limited to, mandatory biological fluid testing, supervision, or remedial training. Repeated unexcused failure to transcribe notes of cases pending appeal and to timely file transcripts of those notes or transcribe or file notes of other proceedings is a serious offense that goes against the Board's mandate of public protection by causing distrust in the legal system and warrants a license revocation penalty for licensees who violate BPC section 8025(e). It is appropriate and in the public interest that the recommended minimum and maximum penalties involve revocation of the offender's license.

Gov. Code section 11519 authorizes a stay of execution that may be included in the decision or granted by the Board before the decision becomes effective and that may be accompanied by an express condition that the Respondent must comply with specified terms of probation that are just and reasonable. While the minimum penalty allows for staying of the revocation in less serious cases, such as first-time offenders, the maximum penalty of outright revocation should be applied in more serious cases or for repeat offenders. The minimum penalty of stayed revocation also recommends that the licensee is placed on and complies with a two-year probation. The existing probationary periods contained in the 1989 Guidelines are discussed above under the Licensee portion relating to Recommended Penalties for Violations of BPC section 8016 on page 32. The two-year probation for violation of BPC section 8025(e) (relating to repeated unexcused failure to transcribe notes of cases pending appeal and to timely file transcripts of those notes or transcribe or file notes of other proceedings) that is recommended in this rulemaking is identical to the existing probation period recommendation for the same violation contained in the 1989 Guidelines (listed as BPC section 8025(d) in 1989 version); no change is being proposed. The Board has historically found this amount of time to be appropriate for less serious cases, including those relating to repeated unexcused failure to transcribe notes of cases pending

appeal and to timely file transcripts of those notes or transcribe or file notes of other proceedings. It has proven to be a sufficient amount of time for the Board to monitor Respondents to help ensure rehabilitation and proper practice that can reasonably be expected to continue in the future. If the licensee violates their probation terms and conditions, their license will be revoked pursuant to the definition of “Stayed Revocation” under Chapter III – Definition of Penalties on page 18.

When probation is part of the recommended penalty, the Board recommends that conditions of probation also be ordered as part of a proposed decision for the purpose of public protection as discussed above under the Licensee portion relating to Recommended Penalties for Violations of BPC section 8016 on page 32.

The Board is also recommending that licensees who violate BPC section 8025(e) be subject to cost recovery pursuant to BPC section 125.3 as discussed above under the Licensee portion relating to Recommended Penalties for Violations of BPC section 496 on page 30.

In addition, a person whose license has been revoked or suspended may petition the Board for reinstatement or reduction of penalty after a period of not less than one year from the effective date of the decision or from the date of the denial of a similar petition pursuant to Gov. Code section 11522 as discussed above in Definition of “Revocation” under Chapter III – Definition of Penalties on page 17.

Rationale

This addition is necessary to ensure that the Guidelines reflect current statutory penalties by establishing the Board’s recommended minimum and maximum penalties for licensee violations of BPC section 8025(e) relating to repeated unexcused failure to transcribe notes of cases pending appeal and to timely file transcripts of those notes, or transcribe or file notes of other proceedings, and to inform those involved in and affected by the disciplinary process of the recommended penalties.

- **Add Recommended Penalties for Violations of BPC Section 8025(f)**

Add minimum and maximum penalties recommended for licensee violations of BPC section 8025(f) relating to negligent loss or destruction of stenographic notes preventing transcript production.

Purpose

The purpose of adding this regulatory text is to establish the minimum and maximum penalties that will be recommended for licensee violations of BPC section 8025(f) relating to negligent loss or destruction of stenographic notes preventing transcript production. This additional text is intended to help ensure consistency of penalties assigned by the Board and ALJs and to provide information to other affected parties,

including applicants, licensees, the public, attorneys, courts, Board staff, and other interested parties.

BPC section 8025(f) states that a court reporter certificate may be suspended, revoked, or otherwise disciplined for a licensee's negligent loss or destruction of stenographic notes preventing transcript production. This is a serious offense that goes against the Board's mandate of public protection by undermining the integrity and reliability of the legal system and warrants a license revocation penalty for licensees who violate BPC section 8025(f). It is appropriate and in the public interest that the recommended minimum and maximum penalties involve revocation of the offender's license.

Gov. Code section 11519 authorizes a stay of execution that may be included in the decision or granted by the Board before the decision becomes effective and that may be accompanied by an express condition that the Respondent must comply with specified terms of probation that are just and reasonable. While the minimum penalty allows for staying of the revocation in less serious cases, such as first-time offenders, the maximum penalty of outright revocation should be applied in more serious cases or for repeat offenders. The minimum penalty of stayed revocation also recommends that the licensee is placed on and complies with a two-year probation. The existing probationary periods contained in the 1989 Guidelines are discussed above under the Licensee portion relating to Recommended Penalties for Violations of BPC section 8016 on page 32. The proposed provisions for violation of BPC section 8025(f) are new to the law since 1997 and are not included in the 1989 Guidelines. The two-year probation for violation of BPC section 8025(f) that is recommended in this rulemaking is consistent with the existing and proposed probationary period for a comparable law violation of BPC section 8025(e) discussed above on page 46. The Board has historically found this amount of time to be appropriate for less serious cases, including those relating to negligent loss or destruction of stenographic notes preventing transcript production. It has proven to be a sufficient amount of time for the Board to monitor Respondents to help ensure rehabilitation and proper practice that can reasonably be expected to continue in the future. If the licensee violates their probation terms and conditions, their license will be revoked pursuant to the definition of "Stayed Revocation" under Chapter III – Definition of Penalties on page 18.

When probation is part of the recommended penalty, the Board recommends that conditions of probation also be ordered as part of a proposed decision for the purpose of public protection as discussed above under the Licensee portion relating to Recommended Penalties for Violations of BPC section 8016 on page 32.

The Board is also recommending that licensees who violate BPC section 8025(f) be subject to cost recovery pursuant to BPC section 125.3 as discussed above under the Licensee portion relating to Recommended Penalties for Violations of BPC section 496 on page 30.

In addition, a person whose license has been revoked or suspended may petition the Board for reinstatement or reduction of penalty after a period of not less than one year

from the effective date of the decision or from the date of the denial of a similar petition pursuant to Gov. Code section 11522 as discussed above in Definition of “Revocation” under Chapter III – Definition of Penalties on page 17.

Rationale

This addition is necessary to ensure that the Guidelines reflect current statutory penalties by establishing the Board’s recommended minimum and maximum penalties for licensee violations of BPC section 8025(f) relating to negligent loss or destruction of stenographic notes preventing transcript production and to inform those involved in and affected by the disciplinary process of the recommended penalties.

- **Add Recommended Penalties for Violations of BPC Section 8025(g)**

Add minimum and maximum penalties recommended for licensee violations of BPC section 8025(g) relating to failure to comply with or pay a monetary sanction by a court for failure to provide timely transcripts.

Purpose

The purpose of adding this regulatory text is to establish the minimum and maximum penalties that will be recommended for licensee violations of BPC section 8025(g) relating to failure to comply with or pay a monetary sanction by a court for failure to provide timely transcripts. This additional text is intended to help ensure consistency of penalties assigned by the Board and ALJs and to provide information to other affected parties, including applicants, licensees, the public, attorneys, courts, Board staff, and other interested parties.

BPC section 8025(g) states that a court reporter certificate may be suspended, revoked, or otherwise disciplined for a licensee’s failure to comply with or pay a monetary sanction by a court for failure to provide timely transcripts. This is a serious offense that goes against the Board’s mandate of public protection by showing disregard for the law and untrustworthiness and warrants a license revocation penalty for licensees who violate BPC section 8025(g). It is appropriate and in the public interest that the recommended minimum and maximum penalties involve revocation of the offender’s license.

Gov. Code section 11519 authorizes a stay of execution that may be included in the decision or granted by the Board before the decision becomes effective and that may be accompanied by an express condition that the Respondent must comply with specified terms of probation that are just and reasonable. While the minimum penalty allows for staying of the revocation in less serious cases, such as first-time offenders, the maximum penalty of outright revocation should be applied in more serious cases or for repeat offenders. The minimum penalty of stayed revocation also recommends that the licensee is placed on and complies with a two-year probation. The existing probationary periods contained in the 1989 Guidelines are discussed above under the Licensee

portion relating to Recommended Penalties for Violations of BPC section 8016 on page 32. The proposed provisions for violation of BPC section 8025(g) are new to the law since 1997 and are not included in the 1989 Guidelines. The two-year probation for violation of BPC section 8025(g) that is recommended in this rulemaking is consistent with the existing and proposed probationary period for violation of BPC section 8025(e) discussed above on page 46, which is potentially a similar level of severity. The Board has historically found this amount of time to be appropriate for less serious cases, including those relating to failure to comply with or pay a monetary sanction by a court for failure to provide timely transcripts. It has proven to be a sufficient amount of time for the Board to monitor Respondents to help ensure rehabilitation, proper practice, and compliance with a payment plan that can reasonably be expected to continue in the future. If the licensee violates their probation terms and conditions, their license will be revoked pursuant to the definition of “Stayed Revocation” under Chapter III – Definition of Penalties.

When probation is part of the recommended penalty, the Board recommends that conditions of probation also be ordered as part of a proposed decision for the purpose of public protection as discussed above under the Licensee portion relating to Recommended Penalties for Violations of BPC section 8016 on page 32.

The Board is also recommending that licensees who violate BPC section 8025(g) be subject to cost recovery pursuant to BPC section 125.3 as discussed above under the Licensee portion relating to Recommended Penalties for Violations of BPC section 496 on page 30.

In addition, a person whose license has been revoked or suspended may petition the Board for reinstatement or reduction of penalty after a period of not less than one year from the effective date of the decision or from the date of the denial of a similar petition pursuant to Gov. Code section 11522 as discussed above in Definition of “Revocation” under Chapter III – Definition of Penalties on page 17.

Rationale

This addition is necessary to ensure that the Guidelines reflect current statutory penalties by establishing the Board’s recommended minimum and maximum penalties for licensee violations of BPC section 8025(g) relating to failure to comply with or pay a monetary sanction by a court for failure to provide timely transcripts and to inform those involved in and affected by the disciplinary process of the recommended penalties.

- **Add Recommended Penalties for Violations of BPC Section 8025(h)**

Add minimum and maximum penalties recommended for licensee violations of BPC section 8025(h) relating to failure to pay a civil penalty relating to provision of court reporting services or products.

Purpose

The purpose of adding this regulatory text is to establish the minimum and maximum penalties that will be recommended for licensee violations of BPC section 8025(h) relating to failure to pay a civil penalty relating to provision of court reporting services or products. This additional text is intended to help ensure consistency of penalties assigned by the Board and ALJs and to provide information to other affected parties, including applicants, licensees, the public, attorneys, courts, Board staff, and other interested parties.

BPC section 8025(h) states that a court reporter certificate may be suspended, revoked, or otherwise disciplined for a licensee's failure to pay a civil penalty relating to provision of court reporting services or products. This is a serious offense that goes against the Board's mandate of public protection by showing disregard for the law and untrustworthiness and warrants a license revocation penalty for licensees who violate BPC section 8025(h). It is appropriate and in the public interest that the recommended minimum and maximum penalties involve revocation of the offender's license.

Gov. Code section 11519 authorizes a stay of execution that may be included in the decision or granted by the Board before the decision becomes effective and that may be accompanied by an express condition that the Respondent must comply with specified terms of probation that are just and reasonable. While the minimum penalty allows for staying of the revocation in less serious cases, such as first-time offenders, the maximum penalty of outright revocation should be applied in more serious cases or for repeat offenders. The minimum penalty of stayed revocation also recommends that the licensee is placed on and complies with a two-year probation. The existing probationary periods contained in the 1989 Guidelines are discussed above under the Licensee portion relating to Recommended Penalties for Violations of BPC section 8016 on page 32. The proposed provisions for violation of BPC section 8025(h) are new to the law since 1997 and are not included in the 1989 Guidelines. The two-year probation for violation of BPC section 8025(h) that is recommended in this rulemaking is consistent with the existing and proposed probationary period for violation of BPC section 8025(e) discussed above on page 46, which is potentially a similar level of severity. The Board has historically found this amount of time to be appropriate for less serious cases, including those relating to failure to pay a civil penalty relating to the provision of court reporting services or products. It has proven to be a sufficient amount of time for the Board to monitor Respondents to help ensure rehabilitation, proper practice, and compliance with a payment plan that can reasonably be expected to continue in the future. If the licensee violates their probation terms and conditions, their license will be revoked pursuant to the definition of "Stayed Revocation" under Chapter III – Definition of Penalties on page 18.

When probation is part of the recommended penalty, the Board recommends that conditions of probation also be ordered as part of a proposed decision for the purpose of public protection as discussed above under the Licensee portion relating to Recommended Penalties for Violations of BPC section 8016 on page 32.

The Board is also recommending that licensees who violate BPC section 8025(h) be subject to cost recovery pursuant to BPC section 125.3 as discussed above under the Licensee portion relating to Recommended Penalties for Violations of BPC section 496 on page 30.

In addition, a person whose license has been revoked or suspended may petition the Board for reinstatement or reduction of penalty after a period of not less than one year from the effective date of the decision or from the date of the denial of a similar petition pursuant to Gov. Code section 11522 as discussed above in Definition of “Revocation” under Chapter III – Definition of Penalties on page 17.

Rationale

This addition is necessary to ensure that the Guidelines reflect current statutory penalties by establishing the Board’s recommended minimum and maximum penalties for licensee violations of BPC section 8025(h) relating to failure to pay a civil penalty relating to provision of court reporting services or products and to inform those involved in and affected by the disciplinary process of the recommended penalties.

- **Add Recommended Penalties for Violations of BPC Section 8025(i) / 141**

Add minimum and maximum penalties recommended for licensee violations of BPC section 8025(i) / 141 relating to revocation, suspension, or other disciplinary action by another state, agency of the federal government, or another country.

Purpose

The purpose of adding this regulatory text is to establish the minimum and maximum penalties that will be recommended for licensee violations of BPC section 8025(i) / 141 relating to revocation, suspension, or other disciplinary action by another state, agency of the federal government, or another country. This additional text is intended to help ensure consistency of penalties assigned by the Board and ALJs and to provide information to other affected parties, including applicants, licensees, the public, attorneys, courts, Board staff, and other interested parties.

BPC section 8025(i) and 141 both relate to disciplinary action by another state, country, or agency. BPC section 8025(i) states that a court reporter certificate may be suspended, revoked, or otherwise disciplined for a licensee’s revocation, suspension, or other disciplinary action by another state, agency of the federal government, or another country. BPC section 141 states that, for any California Department of Consumer Affairs licensee, disciplinary action taken by another state, by any federal government agency, or by another country for any act substantially related to the practice regulated by the California license may be grounds for disciplinary action by the respective state licensing board. Disciplinary action by another state, federal government agency, or another country is a serious offense that goes against the Board’s mandate of public

protection and warrants a license revocation penalty for licensees who violate BPC section 8025(i) / 141. It is appropriate and in the public interest that the recommended minimum and maximum penalties involve revocation of the offender's license.

Gov. Code section 11519 authorizes a stay of execution that may be included in the decision or granted by the Board before the decision becomes effective and that may be accompanied by an express condition that the Respondent must comply with specified terms of probation that are just and reasonable. While the minimum penalty allows for staying of the revocation in less serious cases, such as first-time offenders, the maximum penalty of outright revocation should be applied in more serious cases or for repeat offenders. The minimum penalty of stayed revocation also recommends that the licensee is placed on and complies with a two-year probation. The existing probationary periods contained in the 1989 Guidelines are discussed above under the Licensee portion relating to Recommended Penalties for Violations of BPC section 8016 on page 32. The proposed provisions for violation of BPC section 8025(h) / 141 are new to the law since 1997 and are not included in the 1989 Guidelines. The two-year probation for violation of BPC section 8025(h) / 141 that is recommended in this rulemaking is consistent with the existing and proposed probationary period for violation of BPC section 8025(e) discussed above on page 46, which is potentially a similar level of severity. The Board has historically found this amount of time to be appropriate for less serious cases, including those relating to revocation, suspension, or other disciplinary action by another state, agency of the federal government, or another country. It has proven to be a sufficient amount of time for the Board to monitor Respondents to help ensure rehabilitation and proper practice that can reasonably be expected to continue in the future. The nature of this violation covers a broad range of possible severity of offenses, so it is appropriate that the penalties also cover a broad range with a two-year probation for the minimum and full revocation for the maximum. If the licensee violates their probation terms and conditions, their license will be revoked pursuant to the definition of "Stayed Revocation" under Chapter III – Definition of Penalties on page 18.

When probation is part of the recommended penalty, the Board recommends that conditions of probation also be ordered as part of a proposed decision for the purpose of public protection as discussed above under the Licensee portion relating to Recommended Penalties for Violations of BPC section 8016 on page 32.

The Board is also recommending that licensees who violate BPC section 8025(i) / 141 be subject to cost recovery pursuant to BPC section 125.3 as discussed above under the Licensee portion relating to Recommended Penalties for Violations of BPC section 496 on page 30.

In addition, a person whose license has been revoked or suspended may petition the Board for reinstatement or reduction of penalty after a period of not less than one year from the effective date of the decision or from the date of the denial of a similar petition pursuant to Gov. Code section 11522 as discussed above in Definition of "Revocation" under Chapter III – Definition of Penalties on page 17.

Rationale

This addition is necessary to ensure that the Guidelines reflect current statutory penalties by establishing the Board's recommended minimum and maximum penalties for licensee violations of BPC section 8025(i) / 141 relating to revocation, suspension, or other disciplinary action by another state, agency of the federal government, or another country and to inform those involved in and affected by the disciplinary process of the recommended penalties.

- **Add Recommended Penalties for Violations of BPC Section 8025(j)**

Add minimum and maximum penalties recommended for licensee violations of BPC section 8025(j) relating to violation of Chapter 13 of Division 3 of the BPC (commencing with section 8000) or the statutes, rules, and regulations pertaining to certified shorthand reporters.

Purpose

The purpose of adding this regulatory text is to establish the minimum and maximum penalties that will be recommended for licensee violations of BPC section 8025(j) relating to violation of Chapter 13 of Division 3 of the BPC (commencing with section 8000) or the statutes, rules, and regulations pertaining to certified shorthand reporters. This additional text is intended to help ensure consistency of penalties assigned by the Board and ALJs and to provide information to other affected parties, including applicants, licensees, the public, attorneys, courts, Board staff, and other interested parties.

BPC section 8025(j) states that a court reporter certificate may be suspended, revoked, or otherwise disciplined for a licensee's violation of Chapter 13 of Division 3 of the BPC (commencing with section 8000) or the statutes, rules, and regulations pertaining to certified shorthand reporters. This is a serious offense that goes against the Board's mandate of public protection by showing disregard for the law and untrustworthiness and warrants a license revocation penalty for licensees who violate BPC section 8025(j). It is appropriate and in the public interest that the recommended minimum and maximum penalties involve revocation of the offender's license.

Gov. Code section 11519 authorizes a stay of execution that may be included in the decision or granted by the Board before the decision becomes effective and that may be accompanied by an express condition that the Respondent must comply with specified terms of probation that are just and reasonable. While the minimum penalty allows for staying of the revocation in less serious cases, such as first-time offenders, the maximum penalty of outright revocation should be applied in more serious cases or for repeat offenders. The minimum penalty of stayed revocation also recommends that the licensee is placed on and complies with a two-year probation. The existing probationary periods contained in the 1989 Guidelines are discussed above under the Licensee portion relating to Recommended Penalties for Violations of BPC section 8016 on page

32. The proposed provisions for violation of BPC section 8025(j) are new to the law since 1997 and are not included in the 1989 Guidelines. The two-year probation for violation of BPC section 8025(j) that is recommended in this rulemaking is consistent with the existing and proposed probationary period for violation of BPC section 8025(e) discussed above on page 46, which is potentially a similar level of severity. The Board has historically found this amount of time to be appropriate for less serious cases, including those relating to violation of Chapter 13 of Division 3 of the BPC (commencing with section 8000) or the statutes, rules, and regulations pertaining to certified shorthand reporters. It has proven to be a sufficient amount of time for the Board to monitor Respondents to help ensure rehabilitation and proper practice that can reasonably be expected to continue in the future. The nature of this violation covers a broad range of possible severity of offenses, so it is appropriate that the penalties also cover a broad range with a two-year probation for the minimum and full revocation for the maximum. If the licensee violates their probation terms and conditions, their license will be revoked pursuant to the definition of “Stayed Revocation” under Chapter III – Definition of Penalties on page 18.

When probation is part of the recommended penalty, the Board recommends that conditions of probation also be ordered as part of a proposed decision for the purpose of public protection as discussed above under the Licensee portion relating to Recommended Penalties for Violations of BPC section 8016 on page 32.

The Board is also recommending that licensees who violate BPC section 8025(j) be subject to cost recovery pursuant to BPC section 125.3 as discussed above under the Licensee portion relating to Recommended Penalties for Violations of BPC section 496 on page 30.

In addition, a person whose license has been revoked or suspended may petition the Board for reinstatement or reduction of penalty after a period of not less than one year from the effective date of the decision or from the date of the denial of a similar petition pursuant to Gov. Code section 11522 as discussed above in Definition of “Revocation” under Chapter III – Definition of Penalties on page 17.

Rationale

This addition is necessary to ensure that the Guidelines reflect current statutory penalties by establishing the Board’s recommended minimum and maximum penalties for licensee violations of BPC section 8025(j) relating to violation of Chapter 13 of Division 3 of the BPC (commencing with section 8000) or the statutes, rules, and regulations pertaining to certified shorthand reporters and to inform those involved in and affected by the disciplinary process of the recommended penalties.

- **Add Recommended Penalties for Violations of BPC Section 8025.1(a)(1)**

Add minimum and maximum penalties recommended for licensee violations of BPC section 8025.1(a)(1) relating to physical or mental infirmity or incapacity.

Purpose

The purpose of adding this regulatory text is to establish the minimum and maximum penalties that will be recommended for licensee violations of BPC section 8025.1(a)(1) relating to physical or mental infirmity or incapacity. This additional text is intended to help ensure consistency of penalties assigned by the Board and ALJs and to provide information to other affected parties, including applicants, licensees, the public, attorneys, courts, Board staff, and other interested parties.

BPC section 8025.1(a)(1) states that the Board may suspend or revoke a certificate on the grounds that the licensee is incapable of performing the duties of a certified shorthand reporter due to physical or mental infirmity or incapacity. This is a serious matter that goes against the Board's mandate of public protection and warrants a license revocation penalty for licensees who violate BPC section 8025.1(a)(1) – similar to denying an applicant a license for the same violation as discussed above on page 28. It is appropriate and in the public interest that the recommended minimum and maximum penalties involve revocation of the offender's license.

Gov. Code section 11519 authorizes a stay of execution that may be included in the decision or granted by the Board before the decision becomes effective and that may be accompanied by an express condition that the Respondent must comply with specified terms of probation that are just and reasonable. While the minimum penalty allows for staying of the revocation in less serious cases, such as first-time offenders, the maximum penalty of outright revocation should be applied in more serious cases or for repeat offenders. The minimum penalty of stayed revocation also recommends that the licensee is placed on and complies with a two-year probation. The existing probationary periods contained in the 1989 Guidelines are discussed above under the Licensee portion relating to Recommended Penalties for Violations of BPC section 8016 on page 32. The proposed provisions for violation of BPC section 8025.1(a)(1) are new to the law since 1997 and are not included in the 1989 Guidelines. The two-year probation for violation of BPC section 8025.1(a)(1) that is recommended in this rulemaking is consistent with the existing and proposed probationary period for violation of BPC section 8025(e) discussed above on page 46, which is potentially a similar level of severity. The Board has historically found this amount of time to be appropriate for less serious cases, including those relating to physical or mental infirmity or incapacity. It has proven to be a sufficient amount of time for the Board to monitor Respondents to help ensure rehabilitation and proper practice that can reasonably be expected to continue in the future. The nature of this violation covers a broad range of possible severity of the Respondent's condition, so it is appropriate that the penalties also cover a broad range with a two-year probation for the minimum for least severe cases and full revocation for the maximum if it proves impossible for the Respondent to overcome the infirmity or incapacity. If the licensee violates their probation terms and conditions, their license will be revoked pursuant to the definition of "Stayed Revocation" under Chapter III – Definition of Penalties on page 18.

When probation is part of the recommended penalty, the Board recommends that conditions of probation also be ordered as part of a proposed decision for the purpose of public protection as discussed above under the Licensee portion relating to Recommended Penalties for Violations of BPC section 8016 on page 32.

The Board is also recommending that licensees who violate BPC section 8025.1(a)(1) be subject to cost recovery pursuant to BPC section 125.3 as discussed above under the Licensee portion relating to Recommended Penalties for Violations of BPC section 496 on page 30.

In addition, a person whose license has been revoked or suspended may petition the Board for reinstatement or reduction of penalty after a period of not less than one year from the effective date of the decision or from the date of the denial of a similar petition pursuant to Gov. Code section 11522 as discussed above in Definition of “Revocation” under Chapter III – Definition of Penalties on page 17.

Rationale

This addition is necessary to ensure that the Guidelines reflect current statutory penalties by establishing the Board’s recommended minimum and maximum penalties for licensee violations of BPC section 8025.1(a)(1) relating to physical or mental infirmity or incapacity and to inform those involved in and affected by the disciplinary process of the recommended penalties.

- **Add Recommended Penalties for Violations of BPC Section 8025.1(a)(2)**

Add minimum and maximum penalties recommended for licensee violations of BPC section 8025.1(a)(2) relating to abuse of chemical substances or alcohol.

Purpose

The purpose of adding this regulatory text is to establish the minimum and maximum penalties that will be recommended for licensee violations of BPC section 8025.1(a)(2) relating to abuse of chemical substances or alcohol. This additional text is intended to help ensure consistency of penalties assigned by the Board and ALJs and to provide information to other affected parties, including applicants, licensees, the public, attorneys, courts, Board staff, and other interested parties.

BPC section 8025.1(a)(2) states that the Board may suspend or revoke a certificate on the grounds that the licensee is unable to perform the duties of a certified shorthand reporter due to the abuse of chemical substances or alcohol. This is a serious matter that goes against the Board’s mandate of public protection and warrants a license revocation penalty for licensees who violate BPC section 8025.1(a)(2) – similar to denying an applicant a license for the same violation as discussed above on page 29. It is appropriate and in the public interest that the recommended minimum and maximum penalties involve revocation of the offender’s license.

Gov. Code section 11519 authorizes a stay of execution that may be included in the decision or granted by the Board before the decision becomes effective and that may be accompanied by an express condition that the Respondent must comply with specified terms of probation that are just and reasonable. While the minimum penalty allows for staying of the revocation in less serious cases, such as first-time offenders, the maximum penalty of outright revocation should be applied in more serious cases or for repeat offenders. The minimum penalty of stayed revocation also recommends that the licensee is placed on and complies with a two-year probation. The existing probationary periods contained in the 1989 Guidelines are discussed above under the Licensee portion relating to Recommended Penalties for Violations of BPC section 8016 on page 32. The proposed provisions for violation of BPC section 8025.1(a)(2) are new to the law since 1997 and are not included in the 1989 Guidelines. The two-year probation for violation of BPC section 8025.1(a)(2) that is recommended in this rulemaking is consistent with the existing and proposed probationary period for violation of BPC section 8025(e) discussed above on page 46, which is potentially a similar level of severity. The Board has historically found this amount of time to be appropriate for less serious cases, including those relating to abuse of chemical substances or alcohol. It has proven to be a sufficient amount of time for the Board to monitor Respondents to help ensure rehabilitation and proper practice that can reasonably be expected to continue in the future. The nature of this violation covers a broad range of possible severity of the Respondent's condition, so it is appropriate that the penalties also cover a broad range with a two-year probation for the minimum for the least severe cases and full revocation for the maximum if it proves impossible for the Respondent to overcome the substance or alcohol abuse. If the licensee violates their probation terms and conditions, their license will be revoked pursuant to the definition of "Stayed Revocation" under Chapter III – Definition of Penalties on page 18.

When probation is part of the recommended penalty, the Board recommends that conditions of probation also be ordered as part of a proposed decision for the purpose of public protection as discussed above under the Licensee portion relating to Recommended Penalties for Violations of BPC section 8016 on page 32.

The Board is also recommending that licensees who violate BPC section 8025.1(a)(2) be subject to cost recovery pursuant to BPC section 125.3 as discussed above under the Licensee portion relating to Recommended Penalties for Violations of BPC section 496 on page 30.

In addition, a person whose license has been revoked or suspended may petition the Board for reinstatement or reduction of penalty after a period of not less than one year from the effective date of the decision or from the date of the denial of a similar petition pursuant to Gov. Code section 11522 as discussed above in Definition of "Revocation" under Chapter III – Definition of Penalties on page 17.

Rationale

This addition is necessary to ensure that the Guidelines reflect current statutory penalties by establishing the Board's recommended minimum and maximum penalties for licensee violations of BPC section 8025.1(a)(2) relating to abuse of chemical substances or alcohol and to inform those involved in and affected by the disciplinary process of the recommended penalties.

- **Add Chapter V: Probation Conditions**

Add a chapter on Probation Conditions, including Standard and Optional Conditions.

Purpose

The purpose of adding a chapter on Probation Conditions is to establish two categories of probation conditions to be imposed during the period of probation: Standard Conditions that shall apply to all cases and Optional Conditions that may apply to some cases depending on the nature and circumstances of the case or the Respondent. The chapter also discusses implications of probation violations and actions that follow completion of probation.

Gov. Code section 11519 authorizes a stay of execution that may be included in the decision or granted by the Board before the decision becomes effective and that may be accompanied by an express condition that the Respondent must comply with specified terms of probation that are just and reasonable.

The first 11 Standard Conditions are general conditions that shall be included in all cases that include probation as a penalty. Standard Condition 12 shall be included in cases where the Respondent is on criminal probation or parole and requires quarterly written reports from the Respondent's criminal court probation officer. Standard Conditions 13 through 15 shall apply to cases where the licensees operate reporting firms and relate to employee and owner notifications and advertising approval. The Standard and Optional Conditions to be imposed during the period of probation and related probationary matters are discussed individually below.

Rationale

This addition is necessary to inform those involved in and affected by the disciplinary process of Standard Conditions of probation that apply in all cases and Optional Conditions of probation that may apply in particular cases depending on the nature or circumstances of the case or the Respondent.

STANDARD CONDITIONS

- **Add Standard Condition 1 – Obey All Laws**

Add Standard Condition 1 to obey all laws.

Purpose

The purpose of adding Standard Condition 1 – Obey All Laws is to require the Respondent to obey all applicable laws and comply with all probation and payment requirements ordered by a criminal court while the Respondent is on probation with the Board. The applicable laws include federal, state, and local laws and regulations governing shorthand reporters. The Respondent shall also be required to report all arrests and convictions that occur during the probationary period to the Board and to be fingerprinted if they have not already been.

The purpose of probation is to provide the Respondent with a period of time during which they can demonstrate to the Board that they are complying with all conditions of probation and capable of practicing without further violation of law. Probation also serves to protect the public by ensuring proper practice by licensees who had previously violated an applicable law. It is crucial that the Board actively monitors the Respondent's compliance with all terms and conditions throughout the probationary period. The arrest and conviction reports and Live Scan fingerprint form required under this Standard Condition are just and reasonable requirements for Respondents and effective tools for probation monitoring by the Board.

If the Respondent is arrested or convicted of a misdemeanor or felony during the probationary period, it is just and reasonable that they shall report the charges, dates of arrest and conviction(s), title and case number of the criminal case, name and location of the criminal court, and disposition of the case(s) to the Board within seven (7) calendar days after the occurrence, which is a reasonable and sufficient amount of time to make such report.

These reports shall be made to the Board or its designee in writing by mail, email, or in person. As discussed below under Standard Condition 2 – Comply with the Board's Probation Program on page 62, the Board's current office and email addresses are listed on its website, and the Board's Executive Officer, Enforcement Analyst, and other staff may act as designees of the Board in denial and disciplinary actions. These provisions serve to clarify for the Respondent and the Board how and when the reports are expected to be submitted by the Respondent.

The Board began mandatory fingerprinting of its applicants for examination in 1998. If the Respondent was licensed prior to 1998 and has not been subsequently fingerprinted for the Board, it is just and reasonable that they shall be required to be Live Scan fingerprinted at their own expense and submit a completed California Department of Justice (DOJ) state and federal Live Scan fingerprint form to the Board as proof that the

Respondent has been fingerprinted within 15 calendar days after the effective date of the decision, which is a reasonable and sufficient amount of time to get fingerprinted and make such submission.

For those who have been fingerprinted for the Board, any subsequent arrests and convictions will be automatically reported to the Board by DOJ. Notification by DOJ does not relieve the Respondent of their obligation to report such arrests and convictions to the Board within seven (7) days as discussed above. The DOJ notification helps ensure that the Respondent is complying with this Standard Condition by alerting the Board that the Respondent has had an arrest or conviction that they should be reporting to the Board.

Rationale

This addition is necessary to inform those involved in and affected by the disciplinary process of Standard Conditions of probation that apply in all cases during the period of probation.

- **Add Standard Condition 2 – Comply with the Board’s Probation Program**

Add Standard Condition 2 to comply with the Board’s probation program.

Purpose

The purpose of adding Standard Condition 2 – Comply with the Board’s Probation Program is to require the Respondent to comply with the Board’s probation program and relevant terms and conditions during their probationary period.

The purpose of probation is to provide the Respondent with a period of time during which they can demonstrate to the Board that they are capable of practicing without issue while complying with the Board’s probation program. Probation also serves to protect the public by ensuring proper practice by licensees who had previously violated an applicable law. It is crucial that the Board actively monitors the Respondent’s compliance with all terms and conditions throughout the probationary period. The records and documents required under this Standard Condition are just and reasonable requirements for Respondents and effective tools for probation monitoring by the Board.

In cooperation with the Board’s probation monitoring and investigation, it is just and reasonable that the Respondent shall provide the Board or its designee with unrestricted access to inspect shorthand reporting records, transcriptions, and notes. CCR section 2403(a)(8) indicates that an accurate transcription for superior court includes retaining original stenographic or voice notes for the statutorily required period, or delivery thereof to the court when required by local rule. CCR section 2403(b)(4) indicates that an accurate transcription for a deposition includes recording testimony by stenographic or voice means and retaining stenographic or voice notes of depositions for a statutorily mandated period of time. California Code of Civil Procedure section

2025.510(e) states that stenographic notes of depositions, which may be paper or electronic media, shall be retained by the reporter for a period of not less than eight (8) years from the date of the deposition where no transcript is produced and not less than one (1) year from the date on which the transcript is produced. Gov. Code section 69955(e) states that reporting notes may be destroyed upon the order of the court after 10 years from the taking of the notes in criminal proceedings and after five (5) years from the taking of the notes in all other proceedings, unless the notes report proceedings in capital felony cases including the preliminary hearing, which shall not be destroyed until such time as the Supreme Court on request by the court clerk authorizes the destruction.

In addition, it is just and reasonable that the Respondent inform the Board of address changes, claim all certified mail, and respond to all notices of requests for information and submit reports, remedial education documentation, verification of employment in writing by mail, email, or in person within 15 calendar days after the address change, attempted delivery of the certified mail, or requested by the Board or its designee in writing by mail or email, which is a reasonable and sufficient amount of time to make such notifications and submissions. It is just and reasonable that the Respondent's failure to appear for any scheduled meeting or timely cooperate with the requirements of the probation program, including submitting requested information, within 15 calendar days shall constitute a violation of probation and should result in possible revocation of probation and potential imposition of the original disciplinary order that had been stayed (suspension or revocation).

For consistency purposes, the regulatory proposal outlines the appropriate methods for the Respondent to submit various reports and correspondence to the Board or its designee(s) that shall apply throughout the probation program and for all Standard and Optional Conditions and that shall be made by mail or in person to the Board's headquarters address or by email to the Board's Enforcement or general email address, as listed under the "Contact Us" page on the Board's website at www.courtreportersboard.ca.gov. By referring to the Board's website in this Standard Condition for the office and email addresses, it helps ensure that the Respondent will be using the address that is current at the time of their document submission. The Board's Executive Officer, Enforcement Analyst, and other staff may act as designees of the Board in denial and disciplinary actions and may communicate with Respondents and other authorized parties regarding the actions. These provisions serve to clarify for the Respondent and the Board how and when the reports are expected to be submitted by the Respondent.

Rationale

It is necessary to inform those involved in and affected by the disciplinary process of Standard Conditions of probation that apply in all cases during the period of probation.

- **Add Standard Condition 3 – Quarterly Reports of Compliance**

Add Standard Condition 3 for quarterly reports of compliance.

Purpose

The purpose of adding Standard Condition 3 – Quarterly Reports of Compliance is to require the Respondent to submit written quarterly reports for each year of probation that contain statements relative to the Respondent's compliance with all conditions of the Board's probation program to be completed and signed under penalty of perjury and, if not in compliance, a written statement regarding why the Respondent is not in compliance with any term or condition of probation.

The purpose of probation is to provide the Respondent with a period of time during which they can demonstrate to the Board that they are complying with all conditions of probation and capable of practicing without further violation of law. Probation also serves to protect the public by ensuring proper practice by licensees who had previously violated an applicable law. It is crucial that the Board actively monitors the Respondent's compliance with all terms and conditions throughout the probationary period. The quarterly reports required under this Standard Condition and disclosures of compliance are a just and reasonable requirement for Respondents and an effective tool for probation monitoring by the Board.

The proposed regulation sets forth a calendar schedule for submission of the completed quarterly reports that shall essentially be due within 10 calendar days after the end of the calendar quarter, which is a reasonable and sufficient amount of time to compile and submit such reports. The proposed regulation indicates that incomplete written reports or reports submitted or postmarked after the due dates shall be considered late and not in compliance with this Standard Condition. In addition, reports that contain omissions or falsification of any information shall constitute a violation of probation. It is just and reasonable that such noncompliance with provisions of this Standard Condition shall result in probation violation and possible revocation of probation and potential imposition of the original disciplinary order that had been stayed (suspension or revocation).

Such reports shall be made to the Board or its designee in writing by mail, email, or in person. As discussed above under Standard Condition 2 – Comply with the Board's Probation Program on page 62, the Board's current office and email addresses are listed on its website, and the Board's Executive Officer, Enforcement Analyst, and other staff may act as designees of the Board in denial and disciplinary actions. These provisions serve to clarify for the Respondent and the Board how and when the reports are expected to be submitted by the Respondent.

Rationale

It is necessary to inform those involved in and affected by the disciplinary process of Standard Conditions of probation that apply in all cases during the period of probation.

- **Add Standard Condition 4 – Maintain Current and Active License**

Add Standard Condition 4 to maintain a current and active license.

Purpose

The purpose of adding Standard Condition 4 – Maintain Current and Active License is to require the Respondent to keep their license active and renewed, including applying for and paying the fees for its annual renewal.

The purpose of probation is to provide the Respondent with a period of time during which they can demonstrate to the Board that they are complying with all conditions of probation and capable of practicing without further violation of law. Probation also serves to protect the public by ensuring proper practice by licensees who had previously violated an applicable law. It is crucial that the Board actively monitors the Respondent's compliance with all terms and conditions throughout the probationary period. The maintenance of the Respondent's current and active license required under this Standard Condition is a just and reasonable requirement for Respondents and an effective tool for probation monitoring by the Board.

It is just and reasonable to require the Respondent to maintain their license as current and active, including any period under suspension, and that the Respondent is practicing court reporting in California so that it is a true test of their ability to practice without issue during the probationary period. If the Respondent's license is not current and active, the Respondent must not be practicing, and there will be no work history upon which to base the Respondent's compliance with their probation terms and conditions or their ability to practice without issue. The proposed regulation states that the Respondent's failure to pay their license renewal fees timely would constitute a probation violation. It is just and reasonable that such noncompliance with provisions of this Standard Condition shall result in probation violation and possible revocation of probation and potential imposition of the original disciplinary order that had been stayed (suspension or revocation).

Rationale

It is necessary to inform those involved in and affected by the disciplinary process of Standard Conditions of probation that apply in all cases during the period of probation.

- **Add Standard Condition 5 – Residency Outside of the State (Tolling)**

Add Standard Condition 5 regarding residency outside of the state (tolling).

Purpose

The purpose of adding Standard Condition 5 – Residency Outside of the State (Tolling) is to require the Respondent to notify the Board or its designee in writing by mail, email, or in person of address changes within five (5) calendar days and of dates of departure and return for any out-of-state travel that lasts longer than 60 consecutive calendar days. The Board needs to be aware of the location of the Respondent to ensure compliance with discipline terms/probation monitoring and have a reliable address for communication. The five (5) calendar days for address change notification is appropriate because the Board may need to communicate with the Respondent within a week to monitor compliance with discipline terms or be aware if the Respondent is out of state for longer than 60 calendar days.

The submissions required under this Standard Condition shall be made to the Board or its designee in writing by mail, email, or in person. As discussed above under Standard Condition 2 – Comply with the Board’s Probation Program on page 62, the Board’s current office and email addresses are listed on its website, and the Board’s Executive Officer, Enforcement Analyst, and other staff may act as designees of the Board in denial and disciplinary actions. These provisions serve to clarify for the Respondent and the Board how and when the documents are expected to be submitted by the Respondent.

Similar to Standard Condition 4 – Maintain Current and Active License discussed above on page 64, it is just and reasonable to require the Respondent to be practicing court reporting in California so that it is a true test of the Respondent’s ability to practice without issue during the probationary period. If the Respondent is not practicing or only practicing out of state, there will be no applicable work history upon which to base the Respondent’s compliance with their probation terms and conditions or their ability to practice without issue. Therefore, for the time during which the Respondent is outside of California when it exceeds 60 consecutive calendar days, their probation period shall be tolled and not accumulate a reduction in the probationary time period. An absence of more than 60 consecutive calendar days from California shows a more serious intent and potentially permanent departure from the state than a shorter trip; therefore, it is appropriate for this to be the trigger point for the start of the tolling of the probationary period.

The Respondent must also submit on an annual basis a written document verifying the Respondent’s out-of-state residency that contains specified relevant information within 30 calendar days after the Board’s request. The Board needs to be aware of out-of-state residency for compliance monitoring, with contact information of the Respondent and anticipated out-of-state residency date, to be able to contact and monitor the Respondent. The 30 calendar days for residency submission is reasonable to provide the required information to the Board without being overly burdensome on the Respondent.

In addition, the Respondent continues to be responsible for complying with all terms and conditions of their probation whether residing in California or elsewhere. The purpose of probation is to provide the Respondent with a period of time during which they can demonstrate to the Board that they are complying with all conditions of probation and capable of practicing without further violation of law. Probation also serves to protect the public by ensuring proper practice by licensees who had previously violated an applicable law. It is crucial that the Board actively monitors the Respondent's compliance with all terms and conditions throughout the probationary period. The notification and annual written documents required under this Standard Condition are effective tools for probation monitoring by the Board.

If the Respondent is out of state for three (3) or more consecutive calendar years (1,095 consecutive calendar days), it will constitute a probation violation that could result in possible revocation of probation and potential imposition of the original disciplinary order that had been stayed (suspension or revocation). However, if a Respondent is actively licensed and practicing in another state and is on probation in that state as part of a disciplinary action, the three-year tolling limit will not start accumulating until the Respondent is no longer on probation in that state. The three-year period of out-of-state residency is consistent with the existing three-year period of license nonrenewal contained in BPC section 8024.5, which states, in part, that a "certificate that is not renewed within three years after its expiration may not be renewed, restored, reinstated, or reissued thereafter." Such licensees must obtain a new license by paying all of the fees and meeting all of the qualifications and requirements for obtaining a new original certificate, including qualifying for, taking, and passing the licensing examination. In addition, the Respondent must maintain a current and active license with the Board pursuant to Standard Condition 4 to show that they can be trusted in good faith with a license. If the Respondent has also been disciplined in another state at the same time, their active licensure, practice, and probation in the other state impacts the Respondent's probation program in California. It is appropriate that such time period is excluded from the three-year out-of-state tolling provision under this Standard Condition because the Respondent has another legal obligation in the other state that prevents them from complying with their California probation program during the overlapping time period. It is also appropriate that the tolling starts at the time the Respondent's out-of-state probation obligation is satisfied because the Respondent would then be practicing in another state without oversight by that state and there would be no California work history upon which to base the Respondent's compliance with their probation terms and conditions or their ability to practice in California without issue.

It is just and reasonable to hold the Respondent accountable for the terms and conditions of their probation while they reside outside of the state, including maintaining a current and active California license, submitting quarterly reports, and paying cost recovery. To do otherwise would unjustly allow offending Respondents to leave the state and their obligations and debts behind, which does not serve the public interest or the California court reporter population because they would ultimately have to absorb the costs for the misdeeds of other court reporters who neglected their responsibilities.

Rationale

It is necessary to inform those involved in and affected by the disciplinary process of Standard Conditions of probation that apply in all cases during the period of probation.

- **Add Standard Condition 6 – Failure to Practice – California Resident (Tolling)**

Add Standard Condition 6 regarding failure to practice for California resident (tolling).

Purpose

The purpose of adding Standard Condition 6 – Failure to Practice – California Resident (Tolling) is to require the Respondent to notify the Board or its designee in writing by mail, email, or in person of any periods of nonpractice while residing in California within 30 calendar days before the start and end dates of the nonpractice period. For the purpose of compliance monitoring, the Board needs to be aware of Respondents who are no longer practicing in California and whether they plan to return to practice.

The submissions required under this Standard Condition shall be made to the Board or its designee in writing by mail, email, or in person. As discussed above under Standard Condition 2 – Comply with the Board’s Probation Program on page 62, the Board’s current office and email addresses are listed on its website, and the Board’s Executive Officer, Enforcement Analyst, and other staff may act as designees of the Board in denial and disciplinary actions. These provisions serve to clarify for the Respondent and the Board how and when the documents are expected to be submitted by the Respondent. The 30 calendar days for notification regarding nonpractice is reasonable to provide the required information to the Board without being overly burdensome on the Respondent.

The Respondent must also submit on an annual basis a written document verifying the Respondent’s period of nonpractice that contains specified relevant information within 30 calendar days after the Board’s request. The Board needs to be aware of Respondents no longer practicing to be able to contact and monitor the Respondent using contact information and relevant dates provided by the Respondent. The 30 calendar days for notification regarding submission of the annual written documents regarding the Respondent’s California residency and nonpractice is reasonable to provide the required information to the Board without being overly burdensome on the Respondent.

In addition, the Respondent continues to be responsible for complying with all terms and conditions of their probation whether practicing court reporting in California or not.

The purpose of probation is to provide the Respondent with a period of time during which they can demonstrate to the Board that they are complying with all conditions of probation and capable of practicing without further violation of law. Probation also

serves to protect the public by ensuring proper practice by licensees who had previously violated an applicable law. It is crucial that the Board actively monitors the Respondent's compliance with all terms and conditions throughout the probationary period. The notification and annual written documents required under this Standard Condition are just and reasonable requirements for Respondents and effective tools for probation monitoring by the Board.

Similar to Standard Condition 4 – Maintain Current and Active License and Standard Condition 5 – Residency Outside of the State (Tolling), it is just and reasonable to require the Respondent to be practicing court reporting in California so that it is a true test of the Respondent's ability to practice without issue during the probationary period. If the Respondent is not practicing court reporting in California, there will be no applicable work history upon which to base the Respondent's compliance with their probation terms and conditions or their ability to practice without issue. Therefore, for the time during which the Respondent is not practicing in California when it exceeds 60 consecutive calendar days, their probation period shall be tolled and not accumulate a reduction in the probationary time period. A departure from practicing court reporting in California of more than 60 consecutive calendar days shows a more serious intent and potentially permanent departure from the practice than a shorter break; therefore, it is appropriate for this to be the trigger point for the start of the tolling of the probationary period.

If the Respondent is not practicing court reporting in California for three (3) or more calendar years (1,095 consecutive calendar days), it will constitute a probation violation that could result in possible revocation of probation and potential imposition of the original disciplinary order that had been stayed (suspension or revocation). The three-year period of failure to practice for California residents is consistent with the existing three-year period of license nonrenewal contained in BPC section 8024.5, which states, in part, that a "certificate that is not renewed within three years after its expiration may not be renewed, restored, reinstated, or reissued thereafter." Such licensees must obtain a new certificate by paying all of the fees and meeting all of the qualifications and requirements for obtaining a new original certificate, including qualifying for, taking, and passing the licensing examination. In addition, the Respondent must maintain a current and active license with the Board pursuant to Standard Condition 4 to show that they can be trusted in good faith with a license. It is appropriate that the tolling starts at the time the Respondent is no longer practicing in California because there would be no California work history upon which to base the Respondent's compliance with their probation terms and conditions or their ability to practice in California without issue.

It is just and reasonable to hold the Respondent accountable for the terms and conditions of their probation while they are not practicing court reporting in the state, including maintaining a current and active California license, submitting quarterly reports, and paying cost recovery. To do otherwise would unjustly allow offending Respondents to cease practicing and leave their obligations and debts behind, which does not serve the public interest or the California court reporter population because

they would ultimately have to absorb the costs for the misdeeds of other court reporters who neglected their responsibilities.

Rationale

This addition is necessary to inform those involved in and affected by the disciplinary process of Standard Conditions of probation that apply in all cases during the period of probation.

- **Add Standard Condition 7 – Restitution**

Add Standard Condition 7 regarding restitution.

Purpose

The purpose of adding Standard Condition 7 – Restitution is to require the Respondent to make restitution to a specified person or entity for a specified dollar amount within a specified number of days after the effective date of the decision. The Respondent must send written proof of the repayment to the Board or its designee within 30 calendar days. The regulation prohibits additional payments pursuant to BPC section 143.5 for cases that are also civil actions that have been settled for monetary damages for full and final satisfaction of the parties.

In some cases where the Respondent's violation caused financial harm to a party to the proceeding or another party, it is just and reasonable that restitution is ordered to compel the Respondent to repay the person(s) injured as a result of such violation. The purpose of restitution is to make the injured party whole and to hold the Respondent accountable for their actions and the harm that they caused as a result of a violation. This also serves to protect the public by repaying those who have suffered a financial loss as a result of a court reporter who violated a provision of law.

It is crucial that the Board actively monitors the Respondent's compliance with all terms and conditions throughout the probationary period. The restitution required under this Standard Condition is a just and reasonable requirement for Respondents and an effective tool for probation monitoring by the Board. It is necessary for the Board to find failure to pay restitution as a violation of probation to make victims whole again and ensure probation compliance.

The proposed regulation sets forth that the individual case decision includes the appropriate due date for the restitution, as well as the specified person or entity as recipient of the specified dollar amount. In addition, the Respondent is required to submit written proof of repayment to the Board by mail, email, or in person to ensure the Respondent's compliance with the order for restitution within 30 calendar days after repayment, which is a reasonable and sufficient amount of time to compile and submit such documentation. It is just and reasonable that the Respondent's failure to make restitution by the required deadline shall result in probation violation and possible

revocation of probation and potential imposition of the original disciplinary order that had been stayed (suspension or revocation).

Such submissions shall be made to the Board or its designee in writing by mail, email, or in person. As discussed above under Standard Condition 2 – Comply with the Board’s Probation Program on page 62, the Board’s current office and email addresses are listed on its website, and the Board’s Executive Officer, Enforcement Analyst, and other staff may act as designees of the Board in denial and disciplinary actions. These provisions serve to clarify for the Respondent and the Board how and when the restitution payments and documents are expected to be submitted by the Respondent.

Subdivision (b) of BPC section 143.5 states that a DCA board that takes disciplinary action against a licensee based on a complaint or report that has also been the subject of a civil action and that has been settled for monetary damages providing for full and final satisfaction of the parties may not require its licensee to pay any additional sums to the benefit of any plaintiff in the civil action. Therefore, the restitution condition prohibits the ordering of restitution in such cases when monetary damages orders have been made. The purpose of this provision is to essentially prohibit duplicate payments for the same purpose. Once the party to the civil action has been fully and finally satisfied for the monetary damages that had been suffered, there is no need to order restitution because the financial harm has already been repaid.

Rationale

It is necessary to inform those involved in and affected by the disciplinary process of Standard Conditions of probation that apply in all cases during the period of probation.

- **Add Standard Condition 8 – Cost Recovery**

Add Standard Condition 8 regarding cost recovery.

Purpose

The purpose of adding Standard Condition 8 – Cost Recovery is to require the Respondent to repay the Board a specified amount for the costs and charges of investigating and enforcing the case in a specified number of equal quarterly payments in a specified amount per payment by mail or in person. The first payment shall be due within 30 calendar days after the effective date of the decision, and quarterly payments shall be due 90 calendar days after the previous payment. Late payments that are received after the 90 calendar days and a failure to reimburse the enforcement costs shall be probation violations. If agreed to by the Board in writing by mail or email, a Respondent who is experiencing financial hardship may enter into an installment payment plan based on several factors.

The cost recovery required under this Standard Condition is a just and reasonable requirement for Respondents and an effective tool for probation monitoring by the Board.

BPC section 125.3 states that an ALJ may direct a licensee found to have committed a violation of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case. The Board is recommending that cost recovery be ordered for all disciplinary actions because licensees who violate the law and are prosecuted for such should be the ones to pay for the impacts of their actions, not the rest of the licensing population who have not violated the law. The cost recovery information must be conveyed in writing to the Respondent in the Decision and Order to help ensure that the Respondent understands what is expected of them. By being responsible to pay for their own disciplinary costs, violators are held accountable and may be deterred and less likely to violate the law again, which should have a rehabilitative effect on the licensee and should help promote consumer protection. It is just and reasonable that late payments or the Respondent's failure to reimburse the Board's enforcement costs shall result in probation violation and possible revocation of probation and potential imposition of the original disciplinary order that had been stayed (suspension or revocation) to ensure the Respondent's probation compliance. It is important to convey this information to licensees so that they are aware of the implications of their conduct if they violate the law, which should disincentivize such behavior.

It is just and reasonable to establish a quarterly payment schedule for the Respondent and to require the first payment within 30 calendar days after the effective date of the decision, which is a reasonable and sufficient amount of time for such action, particularly given that the first payment will be just a fraction of the total cost recovery amount as established in the payment schedule. A quarterly payment schedule for cost recovery provides a predictable payment timeline that simplifies financial planning and budgeting for both the Respondent and the Board, making it more affordable for the Respondent and more likely that the Board will receive full cost recovery reimbursement in a timely manner. It also helps reduce the Board's administrative burden that could be exacerbated if the Respondent failed to reimburse the cost recovery timely or reliably. In addition, by definition, it is appropriate to require quarterly payments every 90 calendar days thereafter, which is approximately every calendar quarter and a sufficient amount of time for such action because of the same reasons listed above, or the Respondent has the option of submitting a request to the Board for an installment payment plan to aid in their payment of the cost recovery if they are under a financial hardship.

By including the provision for an installment payment plan option in all cases, the Board is working toward the goal that all Respondents comply with the cost recovery portion of their probation, even in circumstances where the Respondent is under financial strain. In such cases, it is reasonable and appropriate that the Board considers the Respondent's ability to pay, the total cost recovery owed, and the probationary period length when developing an installment payment plan to accommodate that particular Respondent's situation. The Respondent shall submit requests for a payment plan to

the Board or its designee in writing by mail, email, or in person within 30 calendar days after the effective date of the decision, and the Board shall notify the Respondent of whether they approve the request within 30 calendar days after the date of the Respondent's request. The 30 calendar days for submission of the Respondent's request to the Board is a reasonable and sufficient amount of time for such action because it must be received before the first payment would have been expected under the quarterly payment plan discussed above. The 30 calendar days for the Board to notify the Respondent of their approval decision is a reasonable and sufficient amount of time for such action based on the Board's experience of reviewing installment payment plan requests.

To ensure proper delivery and accounting for all cost recovery payments, it is reasonable and appropriate that all such payments must be made by check or money order payable to the Board and sent by mail or delivered in person and shall include a notation that it is for "Cost Recovery" and the Respondent's case number.

The submissions discussed above shall be made to the Board or its designee in writing by mail, email, or in person. As discussed above under Standard Condition 2 – Comply with the Board's Probation Program on page 62, the Board's current office and email addresses are listed on its website, and the Board's Executive Officer, Enforcement Analyst, and other staff may act as designees of the Board in denial and disciplinary actions. These provisions serve to clarify for the Respondent and the Board how and when the cost recovery payments and documents are expected to be submitted by the Respondent.

Rationale

It is necessary to inform those involved in and affected by the disciplinary process of Standard Conditions of probation that apply in all cases during the period of probation.

- **Add Standard Condition 9 – Probation Violation**

Add Standard Condition 9 regarding probation violation.

Purpose

The purpose of adding Standard Condition 9 – Probation Violation is to put the Respondent on notice that any probation violation, including Standard or Optional Condition noncompliance, shall result in possible revocation of probation and potential imposition of the original disciplinary order that had been stayed (suspension or revocation) after 10 calendar days' written notice by the Board and an opportunity for the Respondent to be heard at a formal hearing. In addition, if an Accusation or Petition to Revoke probation has been filed or requested, the Board shall retain jurisdiction, and the probation period shall not expire until the matter is final.

The purpose of probation is to provide the Respondent with a period of time during which they can demonstrate to the Board that they are complying with all conditions of probation and capable of practicing without further violation of law. Probation also serves to protect the public by ensuring proper practice by licensees who had previously violated an applicable law. It is crucial that the Board actively monitors the Respondent's compliance with all terms and conditions throughout the probationary period. It is just and reasonable that any subsequent violation of law or probation condition should result in probation violation and possible revocation of probation and potential imposition of the original disciplinary order that had been stayed (suspension or revocation).

It is appropriate and in the public interest that the probation shall not expire, but shall automatically be extended, and the Respondent shall not be relieved of their probationary status while actions are underway to revoke the license or probation. It is also appropriate and in the public interest that the Board retains jurisdiction during such time to prevent the licensee from being able to practice without restriction after they have already violated an existing probation.

As discussed above under Definition of "Denial of License" on page 16, licensees who are the subject of an adjudicative proceeding for the revocation or suspension of a license may request a formal hearing as part of the disciplinary process pursuant to Gov. Code section 11500 et seq.

The 10 calendar days for the Board to notify the Respondent of their potential probation revocation and imposition of the previously stayed disciplinary order is a reasonable and sufficient amount of time for such action in the Board's experience and is identical to the existing time period for the same notification contained in the 1989 Guidelines (under I. Introduction); no change is being proposed.

Rationale

It is necessary to inform those involved in and affected by the disciplinary process of Standard Conditions of probation that apply in all cases during the period of probation.

- **Add Standard Condition 10 – License Surrender While on Probation**

Add Standard Condition 10 regarding license surrender while on probation.

Purpose

The purpose of adding Standard Condition 10 – License Surrender While on Probation is to notify the Respondent that if they cease practicing court reporting due to retirement, health reasons, or are unable to satisfy the probation terms and conditions while on probation, the Respondent may submit a written request to voluntarily surrender their license. In addition, the Respondent shall surrender their certification(s) to the Board or its designee by mail or in person as a disciplinary action within 15

calendar days after the Board's written acceptance of the request by mail or email and shall cease practicing and no longer be subject to the probation terms and conditions. Any future application for licensure by the Respondent shall be treated as a petition for reinstatement of a revoked license.

The purpose of probation is to provide the Respondent with a period of time during which they can demonstrate to the Board that they are complying with all conditions of probation and capable of practicing without further violation of law. Probation also serves to protect the public by ensuring proper practice by licensees who had previously violated an applicable law. However, if the Respondent has voluntarily surrendered their license while on probation, the probation and all related terms and conditions cease immediately upon license surrender. Therefore, it is appropriate and in the public interest that the voluntary surrender of a license while on probation is considered a disciplinary action because the Respondent failed to complete their probation and did not demonstrate their rehabilitation or capability to practice without further violation of law.

It is important that this Standard Condition makes it clear that the voluntary surrender of a license while on probation is deemed to be a disciplinary action. Respondents who successfully request the surrender of their licenses are fully informed by this condition that such action results in the Respondent's inability to practice further, the Respondent no longer being subject to the terms and conditions of probation, and any future applications for licensure by the Respondent to be considered as a petition to reinstate a revoked license. However, pursuant to BPC section 8024.5, a license that is not renewed within three (3) years after its expiration may not be renewed, restored, reinstated, or reissued thereafter. Therefore, Respondents whose voluntarily surrendered licenses have not been renewed for three (3) or more years are not eligible for license reinstatement and would have to apply, qualify, and meet all requirements for a new original license, including paying all fees and taking and passing the licensing examination. The license reinstatement petition process is discussed below in more detail in Item B under Chapter VI – Model Orders on page 111.

It is reasonable to allow the Respondent to request in writing by mail, email, or in person the voluntarily surrender of their license during probation as these are normal methods of communication with the Board. It is appropriate that such written request shall include the Respondent's name, license number, case number, address of record, and an explanation of the reason(s) why they seek to surrender their license so that the Board has the complete and necessary information regarding the Respondent and the situation to evaluate the request and make an informed decision whether to grant the request or to take other reasonable and appropriate action. For public protection purposes, the Board will consider several factors, such as unsatisfied financial responsibilities and pending complaints or actions, when determining whether to grant the request or deny it and take other action. The Board shall consider whether the Respondent has satisfied all financial responsibilities associated with the case, including cost recovery, fine, and restitution. The Board shall also consider whether disciplinary action is currently being taken against the Respondent for probation violation on the

existing case or whether an unresolved complaint or investigation is currently pending against the Respondent. The 15 calendar days for submission of the Respondent's surrendered license by mail or in person after the Board's formal acceptance of the surrender request is a reasonable and sufficient amount of time for such action.

The submissions discussed above shall be made to the Board or its designee in writing by mail, email, or in person. As discussed above under Standard Condition 2 – Comply with the Board's Probation Program on page 62, the Board's current office and email addresses are listed on its website, and the Board's Executive Officer, Enforcement Analyst, and other staff may act as designees of the Board in denial and disciplinary actions. These provisions serve to clarify for the Respondent and the Board how and when the written requests and voluntarily surrendered licenses are expected to be submitted by the Respondent.

Rationale

It is necessary to inform those involved in and affected by the disciplinary process of Standard Conditions of probation that apply in all cases during the period of probation.

- **Add Standard Condition 11 – Probation Completion**

Add Standard Condition 11 regarding probation completion.

Purpose

The purpose of adding Standard Condition 11 – Probation Completion is to notify the Respondent of what happens at the successful completion of probation.

When the time period for probation has ended during which the Respondent has complied with all Standard and applicable Optional Conditions of probation, it is just and reasonable that the Board shall consider the probation as successfully completed and shall remove the stayed order (suspension or revocation) from the Respondent's license record and fully restore the license to an active and clear status that is ready for the Respondent to return to practicing without restriction. It is fair and appropriate that this condition happens automatically by action of the Board without need for any action by the Respondent.

Rationale

It is necessary to inform those involved in and affected by the disciplinary process of Standard Conditions of probation that apply in all cases during the period of probation.

- **Add Standard Condition 12 – Criminal Probation**

Add Standard Condition 12 regarding criminal probation.

Purpose

The purpose of adding Standard Condition 12 – Criminal Probation is to require the Respondent, if on criminal probation or parole related to the disciplinary action, to submit quarterly written reports to the Board from their criminal probation officer or other supervisory authority regarding the Respondent’s criminal probation or parole progress on a schedule consistent with the schedule established under Standard Condition 3 – Quarterly Reports of Compliance. The Respondent shall also submit a copy of the conditions of any criminal probation/parole and the contact information for the Respondent’s probation/parole officer to the Board or its designee by mail, email, or in person within 10 calendar days after the effective date of the decision. The Respondent shall provide a copy of all criminal probation/parole reports to the Board or its designee by mail, email, or in person within 10 calendar days after the report has been issued. Within 15 calendar days after the effective date of the decision, the Respondent shall provide written notice of the Board’s decision in this case to the probation/parole officer by mail or email, along with contact information for the Respondent’s probation monitor at the Board. The Respondent shall provide a copy of the mailed written notification or email to the Board or its designee by mail, email, or in person within 15 calendar days after the mailed written notification or email is circulated.

The notifications and quarterly criminal probation/parole reports required under this Standard Condition are just and reasonable requirements for Respondents and effective tools for probation monitoring by the Board.

The Respondent is required to keep the Board informed of their criminal probation/parole status and that they are required to keep their probation officer informed of the Board disciplinary action and case status for proper monitoring. The required criminal probation/parole quarterly reports are an ideal tool for probation monitoring by the Board to help ensure that the Respondent obeys all applicable laws and complies with all probation/parole requirements ordered by a criminal court while the Respondent is also on probation with the Board. In addition, if the Respondent is arrested or convicted of a misdemeanor or felony during the probationary period, they shall report pertinent information on the case(s) to the Board pursuant to Standard Condition 1 – Obey All Laws. Furthermore, for those who have been fingerprinted for the Board, any subsequent arrests and convictions will be automatically reported to the Board by DOJ.

The submissions discussed above shall be made to the Board or its designee in writing by mail, email, or in person. As discussed above under Standard Condition 2 – Comply with the Board’s Probation Program on page 62, the Board’s current office and email addresses are listed on its website, and the Board’s Executive Officer, Enforcement Analyst, and other staff may act as designees of the Board in denial and disciplinary actions. These provisions serve to clarify for the Respondent and the Board how and when the written reports and documents are expected to be submitted by the Respondent.

The 10 calendar days for the Respondent's submission of a copy of the conditions of any criminal probation/parole and the contact information for the Respondent's probation/parole officer to the Board and for submission of a copy of all criminal probation/parole reports to the Board are reasonable and sufficient amounts of time for such actions because the Board needs the information promptly while allowing the Respondent time to accurately collect the information, and the Board needs to ensure that the Respondent is complying with this Standard Condition. The 15 calendar days for the Respondent's submission of the Board disciplinary case and Board staff contact information to the Respondent's criminal probation/parole officer and for the Respondent's submission of a copy of their probation/parole officer notification to the Board are reasonable and sufficient amounts of time for such actions because the probation/parole officer may need the information promptly as well, in relation to its impact on the Respondent's criminal probation/parole, while allowing the Respondent time to accurately collect the information, and the Board needs to ensure that the Respondent is complying with this Standard Condition while allowing the Respondent time to submit sufficient proof of their compliance.

It is just and reasonable that any probation noncompliance, including late submissions or the Respondent's failure to submit required criminal probation/parole information or quarterly reports to the Board or the Respondent's criminal probation/parole officer, shall result in probation violation and possible revocation of probation and potential imposition of the original disciplinary order that had been stayed (suspension or revocation). It is necessary for the Board to find failure to submit documents timely as a violation of probation to ensure compliance and discourage Respondents from disobeying the required terms and conditions.

On page 63 above, Standard Condition 3 – Quarterly Reports of Compliance sets forth a calendar schedule for submission of the completed quarterly reports that shall be due within 10 calendar days after the end of the calendar quarter, which is a reasonable and sufficient amount of time to compile and submit such reports. The quarterly criminal probation/parole reports required under this Standard Condition shall be submitted to the Board or its designee in writing by mail, email, or in person on this same schedule.

Rationale

It is necessary to inform those involved in and affected by the disciplinary process of Standard Conditions of probation that may apply in some cases during the period of probation.

- **Add Standard Condition 13 – Notify Employees**

Add Standard Condition 13 to notify employees.

Purpose

The purpose of adding Standard Condition 13 – Notify Employees is to require the Respondent, if they operate a reporting firm, to mail or email a copy of the Board disciplinary action and the Decision and Order to all employees of the firm within 30 calendar days after the effective date of the decision and to provide a copy of such mailing or emailing to the Board by mail, email, or in person within 10 calendar days after circulation.

The employee notifications required under this Standard Condition are a just and reasonable requirement for Respondents and an effective tool for probation monitoring by the Board.

For the purpose of this provision, the proposed regulation also defines “employees” to include “all full-time, part-time, temporary, and relief employees and independent contractors that Respondent employs or hires at any time during probation” to help ensure that Respondents to whom this Standard Condition applies notify all the appropriate parties who are considered employees.

Pursuant to BPC section 27, disciplinary actions of licensees, including suspensions and revocations, are public information and must be disclosed on the internet. Therefore, the Board regularly publishes information on its website regarding licensees who have been the subject of disciplinary action. This Standard Condition expands upon that public disclosure mandate to include the required notification of employees in firms that are operated by Respondents.

It is just and reasonable that employees of the Respondent’s firm are notified of the disciplinary action and probation under which the Respondent and their firm is operating because if the Respondent fails to comply with the terms and conditions of their probation and their license is revoked as a result, the firm would likewise no longer be authorized to practice court reporting in California, and the employees would likely be immediately impacted. The employee notification required under this Standard Condition gives employees of such firms advance written notice of what may happen in the future, so that they can plan and be prepared for all possible outcomes. The 30 calendar days for notification of the firm employees and the 10 calendar days for submission of a copy of the Respondent’s written notification of the employees to the Board are reasonable and sufficient amounts of time for such actions because it is crucial that the Respondent’s employees receive the information promptly while allowing the Respondent time to accurately collect the information (within 30 calendar days), and the Board needs to ensure that the Respondent is complying with this Standard Condition while allowing the Respondent time to submit sufficient proof of their compliance (within 10 calendar days).

The submissions discussed above shall be made to the Board or its designee in writing by mail or email. As discussed above under Standard Condition 2 – Comply with the Board’s Probation Program on page 62, the Board’s current office and email addresses

are listed on its website, and the Board's Executive Officer, Enforcement Analyst, and other staff may act as designees of the Board in denial and disciplinary actions. These provisions serve to clarify for the Respondent and the Board how and when the documents are expected to be submitted by the Respondent.

Rationale

It is necessary to inform those involved in and affected by the disciplinary process of Standard Conditions of probation that may apply in some cases during the period of probation.

- **Add Standard Condition 14 – Notify Owners, Officers**

Add Standard Condition 14 to notify owners and officers.

Purpose

The purpose of adding Standard Condition 14 – Notify Owners, Officers is to require the Respondent, if they operate a reporting firm, to mail or email a copy of the Board disciplinary action and the Decision and Order, including contact information for the Board's staff person who is the Respondent's probation monitor, to all relevant owners and officers associated with the Respondent's firm within 30 calendar days after the effective date of the decision and to provide a copy of such mailing or emailing to the Board by mail, email, or in person within 10 calendar days after circulation.

For the purpose of this provision, the proposed regulation relates to notification of "the owners, officers, or any owner or holder of 10% or more of the interest in Respondent or Respondent's stock" to help ensure that Respondents to whom this Standard Condition applies notify all the appropriate parties who are considered owners and officers.

Pursuant to BPC section 27, disciplinary actions of licensees, including suspensions and revocations, are public information and must be disclosed on the internet. Therefore, the Board regularly publishes information on its website regarding licensees who have been the subject of disciplinary action. This Standard Condition expands upon that public disclosure mandate to include the required notification of relevant owners and officers associated with firms that are operated by Respondents.

It is just and reasonable that relevant owners and officers associated with the Respondent's firm are notified of the disciplinary action and probation under which the Respondent and their firm is operating because if the Respondent fails to comply with the terms and conditions of their probation and their license is revoked as a result, the firm would likewise no longer be authorized to practice court reporting in California, and the owners and officers would be immediately impacted. The owner/officer notification required under this Standard Condition gives owners and officers associated with such firms advance notice of what may happen in the future, so that they can plan and be prepared for all possible outcomes. The 30 calendar days for the Respondent's written

notification of the firm owners and officers and the 10 calendar days for submission of proof of such notification to the Board are reasonable and sufficient amounts of time for such actions because it is crucial that the relevant owners and officers associated with the Respondent's firm receive the information promptly while allowing the Respondent time to accurately collect the information (within 30 calendar days), and the Board needs to ensure that the Respondent is complying with this Standard Condition while allowing the Respondent time to submit sufficient proof of their compliance (within 10 calendar days).

The owner/officer notification required under this Standard Condition is a just and reasonable requirement for Respondents and an effective tool for probation monitoring by the Board. It is also important that the relevant owners and officers have the Board's probation monitor's contact information in case the owner or officer has inquiries about the Respondent's probation or in case they are contacted by the probation monitor, the owner or officer will have confidence that they are communicating with the correct official Board staff person.

The submissions discussed above shall be made to the Board or its designee in writing by mail, email, or in person. As discussed above under Standard Condition 2 – Comply with the Board's Probation Program on page 62, the Board's current office and email addresses are listed on its website, and the Board's Executive Officer, Enforcement Analyst, and other staff may act as designees of the Board in denial and disciplinary actions. These provisions serve to clarify for the Respondent and the Board how and when the documents are expected to be submitted by the Respondent.

Rationale

This addition is necessary to inform those involved in and affected by the disciplinary process of Standard Conditions of probation that may apply in some cases during the period of probation.

- **Add Standard Condition 15 – Advertising Approval**

Add Standard Condition 15 regarding advertising approval.

Purpose

The purpose of adding Standard Condition 15 – Advertising Approval is to require the Respondent, if they operate a reporting firm, to submit to the Board or its designee for approval by mail, email, or in person a written request and proposed text for any new or revised advertising copy at least 30 calendar days before its intended use. For Board approval, such advertising copy shall comply with CCR section 2406. The Board shall notify the Respondent in writing by mail or email within 30 calendar days after request as to whether or not the advertising has been approved.

The purpose of probation is to provide the Respondent with a period of time during which they can demonstrate to the Board that they are complying with all conditions of probation, including following proper advertising requirements, and capable of practicing without further violation of law. Probation also serves to protect the public by ensuring proper practice by licensees who had previously violated an applicable law. It is crucial that the Board actively monitors the Respondent's compliance with all terms and conditions throughout the probationary period. The advertising submission required under this Standard Condition is a just and reasonable requirement for Respondents and an effective tool for probation monitoring by the Board.

It is just and reasonable that any and all advertising used by Respondents is compliant with the same requirements that apply to all court reporters. BPC section 2406 requires court reporters to include their license number in "any and all presentments to the public, including, but not limited to, advertising, solicitation, business cards, stationery, and telephone listings." Therefore, any advertising that the Board approves under this Standard Condition must include the Respondent's license number. The 30 calendar days for submission of the Respondent's request to the Board and the 30 calendar days for the Board to notify the Respondent of their approval decision are reasonable and sufficient amounts of time for such actions based on the Board's experience of reviewing proposed advertising copy. In addition, the 30-day request submission period is identical to the existing time period for the same advertising request submission contained in the 1989 Guidelines (under III. Conditions of Probation, A. Standard Conditions of Probation, number 7); no change is being proposed.

The submissions discussed above shall be made to the Board or its designee in writing by mail, email, or in person. As discussed above under Standard Condition 2 – Comply with the Board's Probation Program on page 62, the Board's current office and email addresses are listed on its website, and the Board's Executive Officer, Enforcement Analyst, and other staff may act as designees of the Board in denial and disciplinary actions. These provisions serve to clarify for the Respondent and the Board how and when the documents are expected to be submitted by the Respondent.

Rationale

This addition is necessary to inform those involved in and affected by the disciplinary process of Standard Conditions of probation that may apply in some cases during the period of probation.

OPTIONAL CONDITIONS

- **Add Optional Condition 1 – Notify Employer/Firm**

Add Optional Condition 1 to notify employer/firm.

Purpose

The purpose of adding Optional Condition 1 – Notify Employer/Firm is to require the Respondent to notify the employer or owner of any court reporting firm with which the Respondent is associated or subcontracted in writing within 30 calendar days after the effective date of the decision by mail, email, or in person of the decision and any related terms, conditions, and restrictions imposed on the Respondent, as well as contact information for the Board’s staff person who is the Respondent’s probation monitor. The proposed regulation will also require the Respondent to submit written proof that the Respondent made the required employer/firm owner notification to the Board in writing by mail, email, or in person within 30 calendar days after providing the written notice to their employer/firm owner and within 15 calendar days after undertaking new employment or associating with a different firm. “Associated” is being defined in a broad manner to help ensure that Respondents understand whom they must notify of their disciplinary action.

For the purpose of this provision, the proposed regulation also defines “associated” to include “employment of any kind, including any full-time, part-time, temporary, or relief employment or any position for which a court reporter’s license is a requirement or criterion for employment, whether the Respondent is an employee, independent contractor, or volunteer” to help ensure that Respondents to whom this Optional Condition applies notify all the appropriate parties with whom they are associated.

Pursuant to BPC section 27, disciplinary actions of licensees, including suspensions and revocations, are public information and must be disclosed on the internet. Therefore, the Board regularly publishes information on its website regarding licensees who have been the subject of disciplinary action. This Optional Condition expands upon that public disclosure mandate to include the required notifications of employers and owners of firms with whom the Respondent is associated.

It is just and reasonable that employers and owners of firms with whom the Respondent is associated are notified of the disciplinary action and probation under which the Respondent is operating because if the Respondent fails to comply with the terms and conditions of their probation and their license is revoked as a result, the employer/firm could be impacted. The employer/firm notification required under this Optional Condition gives employers and owners of firms with whom the Respondent is associated advance notice of what may happen in the future, so that they can plan and be prepared for all possible outcomes. The 30 calendar days for notification of the employers and owners of firms with whom the Respondent is associated regarding their disciplinary action and probationary restrictions is a reasonable and sufficient amount of time for such action because it is crucial that the employers and firm owners with whom the Respondent is associated receive the information promptly while allowing the Respondent time to accurately collect the information. The 30 calendar days and 15 calendar days for submission to the Board of proof of the Respondent’s written notification of the employers and firm owners and of the new employers and owners, respectively, are reasonable and sufficient amounts of time for such actions because the Board needs to

ensure that the Respondent is complying with this Standard Condition while allowing the Respondent time to submit sufficient proof of their compliance, which may take longer for the initial collection of information and notification of existing employers and owners (30 calendar days) than it does for subsequent notifications of new employers and owners (15 calendar days) when the information has already been collected. In addition, the time periods are identical to the existing time periods for similar submissions of proof contained in the 1989 Guidelines (under IV. Terms of Suspension, item C); no change is being proposed.

The employer/firm notification required under this Optional Condition is a just and reasonable requirement for Respondents and an effective tool for probation monitoring by the Board. It is also important that the relevant employers and firm owners have the Board's probation monitor's contact information in case the employer or firm owner has inquiries about the Respondent's probation or in case they are contacted by the probation monitor, the employer or firm owner will have confidence that they are communicating with the correct official Board staff person.

The submissions discussed above shall be made to the Board or its designee in writing by mail, email, or in person. As discussed above under Standard Condition 2 – Comply with the Board's Probation Program on page 62, the Board's current office and email addresses are listed on its website, and the Board's Executive Officer, Enforcement Analyst, and other staff may act as designees of the Board in denial and disciplinary actions. These provisions serve to clarify for the Respondent and the Board how and when the documents are expected to be submitted by the Respondent.

Rationale

It is necessary to inform those involved in and affected by the disciplinary process of Optional Conditions of probation that may apply in some cases during the period of probation based on the nature and circumstances of the case or the Respondent.

- **Add Optional Condition 2 – Rehabilitation Program**

Add Optional Condition 2 regarding rehabilitation programs.

Purpose

The purpose of adding Optional Condition 2 – Rehabilitation Program is to require the Respondent to submit by mail, email, or in person information regarding their chosen rehabilitation program for drug or alcohol abuse, or both, to the Board for its approval, which shall happen within 30 calendar days, and to provide the Board with a copy of the certificate of completion by mail, email, or in person. The Respondent must make the approval submission within 30 calendar days after the effective date of the decision, commence the program within 30 calendar days after the Board's approval of the program, and pay the costs for the rehabilitation program.

The purpose of probation is to provide the Respondent with a period of time during which they can demonstrate to the Board that they are capable of staying clean and sober and practicing without issue while complying with the Board's probation program. Probation also serves to protect the public by ensuring proper practice by licensees who had previously violated an applicable law, including drug and alcohol related offenses. It is crucial that the Board actively monitors the Respondent's compliance with all terms and conditions throughout the probationary period. The submissions required under this Optional Condition are just and reasonable requirements for Respondents and effective tools for probation monitoring by the Board.

It is just and reasonable that the Respondent should be required to submit the name, address, telephone number, and description of their chosen rehabilitation program to the Board for approval within 30 calendar days after the effective date of the decision, which is a reasonable and sufficient amount of time for such action based on the Board's experience of processing program approvals. In addition, the 30-day time period for the approval request submission is identical to the existing time period for the same submission contained in the 1989 Guidelines (under III. Conditions of Probation, E. Optional Conditions of Probation, number 2); no change is being proposed.

The Board must ensure that the rehabilitation program selected by the Respondent is legitimate – that is, valid and duly licensed or certified, as appropriate. The Board of Behavioral Sciences (BSS) licenses four types of mental health professionals – Licensed Marriage and Family Therapists, Licensed Educational Psychologists, Licensed Clinical Social Workers, and Licensed Professional Clinical Counselors. If the rehabilitation program is being offered by one or more of such mental health professionals in California, the Board will confirm that they are actively licensed by BSS. The 30 calendar days for the Board's written approval of the rehabilitation program is a reasonable and sufficient amount of time for such action based on the Board's experience processing program approvals.

The 30 calendar days for commencement of the rehabilitation program is appropriate and sufficient because it is important that the Respondent begins the program as soon as possible after the decision to be an effective probation tool while allowing the Respondent time to schedule their participation in the program. Within 30 calendar days after successful completion of the rehabilitation program, the Respondent must submit a copy of their certification of successful completion to the Board as proof of their compliance with the rehabilitation and probation program requirements under this Optional Condition, which is a sufficient amount of time based on the Board's experience with rehabilitation programs and keeps the Board up to date on the Respondent's rehabilitation and probation program progress.

The Board has no authority nor responsibility to pay the costs for any rehabilitation program for its licensees. It is fair and appropriate that the Respondent pay the costs for their own rehabilitation programs, particularly as the impacts of getting and staying clean and sober will benefit all aspects of the Respondent's life, not solely their professional work life, and because it is not fair that other licensees who practice

lawfully should have to fund such rehabilitation programs through their license renewal fees for licensees who violate the law.

The submissions discussed above shall be made to the Board or its designee in writing by mail, email, or in person. As discussed above under Standard Condition 2 – Comply with the Board’s Probation Program on page 62, the Board’s current office and email addresses are listed on its website, and the Board’s Executive Officer, Enforcement Analyst, and other staff may act as designees of the Board in denial and disciplinary actions. These provisions serve to clarify for the Respondent and the Board how and when the documents are expected to be submitted by the Respondent.

Rationale

It is necessary to inform those involved in and affected by the disciplinary process of Optional Conditions of probation that may apply in some cases during the period of probation based on the nature and circumstances of the case or the Respondent.

- **Add Optional Condition 3 – Medical Evaluation/Treatment**

Add Optional Condition 3 for medical evaluation/treatment.

Purpose

The purpose of adding Optional Condition 3 – Medical Evaluation/Treatment is to require the Respondent to undergo a medical evaluation by a Board-approved physician and possibly undergo physical or mental treatment, to submit a request for approval of the Respondent’s chosen physician or psychotherapist if treatment is required, and to submit required written reports to the Board in accordance with the stated provisions and timelines by mail, email, or in person, failure of which shall result in probation violation. This Optional Condition also contains provisions regarding when the Respondent must cease to practice if they are deemed to be unable to practice safely, which time period will not be counted toward their probationary period.

The purpose of probation is to provide the Respondent with a period of time during which they can demonstrate to the Board that they are capable of maintaining their physical and mental health and practicing without issue while complying with the Board’s probation program. Probation also serves to protect the public by ensuring proper practice by licensees who had previously violated an applicable law, including offenses that were related to the Respondent’s physical or mental health, or both. It is crucial that the Board actively monitors the Respondent’s compliance with all terms and conditions throughout the probationary period. The submissions required under this Optional Condition are just and reasonable requirements for Respondents and effective tools for probation monitoring by the Board.

It is just and reasonable that the Respondent should be required to undergo medical evaluation within 30 calendar days after the effective date of the decision and

periodically thereafter because it is important that the evaluation occur as soon as possible after the decision so that any required treatment can commence promptly after the medical evaluation to be an effective probation tool while allowing the Respondent time to schedule such treatment. In addition, the 30-day time period for the medical evaluation is identical to the existing time period for the same action contained in the 1989 Guidelines (under III. Conditions of Probation, E. Optional Conditions of Probation, number 6); no change is being proposed.

The Board must ensure that any medical evaluation of a Respondent must be conducted by a licensed and qualified physician; therefore, the Board will compile a listing of physicians who are duly licensed by and in good standing with the Medical Board of California or other appropriate licensing agency for this purpose that will be provided by the Board in writing via normal communication methods (mail or email) to Respondents who have been identified as requiring medical evaluation.

To monitor the Respondent's participation in and the outcome of the evaluation, it is just and reasonable that the physician shall provide a written medical report to the Board within 30 calendar days after the evaluation because one month allows the physician enough time to prepare a report for the Board to review. The physician shall also provide written reports to the Board at least quarterly as directed by the Board. The initial and any subsequent evaluations and written reports are crucial tools in assessing the Respondent's fitness for practice and compliance with their probation program. The Respondent must undergo additional evaluations as the Board determines necessary based on the physician's written reports and the Board's experience with medical evaluations. Failure of the Respondent to undergo a medical evaluation within the required 30 calendar days and periodically thereafter shows their lack of good faith effort to comply with their probation conditions. It is just and reasonable that the Respondent's noncompliance with provisions of this Optional Condition shall result in probation violation and possible revocation of probation and potential imposition of the original disciplinary order that had been stayed (suspension or revocation).

The Respondent shall execute a release of information to authorize the evaluating professional to provide the Board with the required reports, which the Board will treat as confidential. The release and confidentiality are necessary to help ensure compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191, which sets national standards for the privacy and security of health information, including that which identifies an individual.

The Board has no authority nor responsibility to pay the costs for any medical evaluation for its licensees. It is fair and appropriate that the Respondent pay the costs for their own medical evaluation, particularly as any positive impacts that may ultimately result from the evaluation would likely benefit all aspects of the Respondent's life, not solely their professional work life, and because it is not fair that other licensees who practice lawfully should have to fund such medical evaluation through their license renewal fees for licensees who violate the law.

It is just and reasonable that Respondents who must undergo physical or mental treatment must submit to the Board for approval within 30 calendar days after written notification from the Board the name and qualifications of the Respondent's chosen physician or psychotherapist for ongoing treatment with whom the Respondent shall not have had any prior or current personal relationship to help avoid any conflict of interest in the matter. The 30 calendar days for the physician or psychotherapist approval submission is a reasonable and sufficient amount of time for such action based on the Board's experience of processing such approvals. In addition, the 30-day time period for the approval submission is identical to the existing time period for the same action contained in the 1989 Guidelines (under III. Conditions of Probation, E. Optional Conditions of Probation, number 6); no change is being proposed. Failure of the Respondent to submit the approval request within the required 30 calendar days shows their lack of good faith effort to comply with their probation conditions. It is just and reasonable that the Respondent's noncompliance with provisions of this Optional Condition shall result in probation violation and possible revocation of probation and potential imposition of the original disciplinary order that had been stayed (suspension or revocation).

To be approved by the Board, the chosen treatment professional shall be licensed in good standing with the Medical Board of California, Board of Psychology, or other appropriate licensing agency without having had any disciplinary action within the last five (5) years, which is in line with statutory Uniform Standards among DCA agencies, and the Board will communicate its approval to the Respondent via normal communication methods. The 30 calendar days for the Board's written approval of the physician or psychotherapist is a reasonable and sufficient amount of time for such action based on the Board's experience processing such approvals.

The Respondent shall undergo physical or mental treatment within 30 calendar days after written notification by the Board of its approval of the treating physician because it is important that any required treatment commence promptly after evaluation while allowing the Respondent time to schedule such treatment. The Respondent shall continue the medical treatment until notified otherwise in writing by the Board via normal communication methods because the Board will decide when no further treatment is needed based on the written reports from the treating physician, the Respondent's compliance with other probationary conditions, and the Board's experience.

To notify the Board of the Respondent's treatment progress, the treating physician shall submit quarterly written reports to the Board. The 30 calendar days for the commencement of treatment and the required reports are reasonable and sufficient amounts of time for such actions in the Board's experience to be effective probation tools while allowing the Respondent time to schedule such treatment and the treating physician time to prepare such reports. Failure of the Respondent to schedule or undergo physical or mental treatment within the required 30 calendar days shows their lack of good faith effort to comply with their probation conditions.. It is just and reasonable that the Respondent's noncompliance with provisions of this Optional Condition shall result in probation violation and possible revocation of probation and

potential imposition of the original disciplinary order that had been stayed (suspension or revocation).

The Respondent shall execute a release of information to authorize the treating physician to provide the Board with the required reports, which the Board will treat as confidential. The release and confidentiality are necessary to help ensure compliance with HIPAA standards for the privacy and security of health information.

The Board has no authority nor responsibility to pay the costs for any medical treatment for its licensees. It is fair and appropriate that the Respondent pay the costs for their own medical treatment, particularly as any positive impacts that may ultimately result from the treatment would likely benefit all aspects of the Respondent's life, not solely their professional work life, and because it is not fair that other licensees who practice lawfully should have to fund such medical treatment through their license renewal fees for licensees who violate the law.

On page 63 above, Standard Condition 3 – Quarterly Reports of Compliance sets forth a calendar schedule for submission of the completed quarterly reports that shall be due within 10 calendar days after the end of the calendar quarter, which is a reasonable and sufficient amount of time to compile and submit such reports in the Board's experience. The quarterly medical evaluation and treatment reports required under this Optional Condition shall be submitted on this same schedule.

The submissions discussed above shall be made to the Board or its designee in writing by mail, email, or in person. As discussed above under Standard Condition 2 – Comply with the Board's Probation Program on page 62, the Board's current office and email addresses are listed on its website, and the Board's Executive Officer, Enforcement Analyst, and other staff may act as designees of the Board in denial and disciplinary actions. These provisions serve to clarify for the Respondent and the Board how and when the documents are expected to be submitted by the Respondent and the physician or psychotherapist.

Based on their evaluation or the treatment progress, the licensed physician or psychotherapist may determine that the Respondent is unable to practice safely and shall notify the Board or its designee and the Respondent by telephone within five (5) calendar days due to the urgency of such a determination and the need for the Respondent to cease practice immediately upon written notification from the Board via normal communication methods. The five (5) calendar days for the psychotherapist to call the Board is a reasonable and sufficient amount of time for such action because of a higher and more imminent risk of harm. The Board shall seek to revoke the Respondent's probation as soon as possible thereafter by requesting that the Attorney General's Office prepare an Accusation or Petition to Revoke probation. The Respondent shall not resume practice until notified in writing by the Board via normal communication methods that a medical determination permits them to do so. The Respondent's period of nonpractice shall not reduce the probationary time period because the Respondent is not actively proving that they are capable of practicing

without issue while under probation. The purpose of probation is not being upheld while the Respondent is not practicing because the Respondent cannot demonstrate that they are complying with all conditions of probation and capable of practicing without further violation of law if they are not practicing at all.

Rationale

It is necessary to inform those involved in and affected by the disciplinary process of Optional Conditions of probation that may apply in some cases during the period of probation based on the nature and circumstances of the case or the Respondent.

- **Add Optional Condition 4 – Psychological Evaluation**

Add Optional Condition 4 for psychological evaluation.

Purpose

The purpose of adding Optional Condition 4 – Psychological Evaluation is to require the Respondent, if they have had a sex offense or serious felony crime or a history of drug/alcohol abuse or violence, to undergo a psychological evaluation by a Board-approved physician and possibly undergo physical or mental treatment, to submit a request for approval of the Respondent's chosen physician or psychotherapist if treatment is required, and to submit required written reports to the Board in accordance with the stated provisions and timelines by mail, email, or in person, failure of which shall result in probation violation. This Optional Condition also contains provisions regarding when the Respondent must cease to practice if they are deemed to be unable to practice safely, which time period will not be counted toward their probationary period.

The purpose of probation is to provide the Respondent with a period of time during which they can demonstrate to the Board that they are capable of maintaining their psychological health and practicing without issue while complying with the Board's probation program. Probation also serves to protect the public by ensuring proper practice by licensees who had previously violated an applicable law, including sex-related and serious felony offenses, or had a history of drug/alcohol abuse or violence. It is crucial that the Board actively monitors the Respondent's compliance with all terms and conditions throughout the probationary period. The submissions required under this Optional Condition are just and reasonable requirements for Respondents and effective tools for probation monitoring by the Board.

Penal Code section 290 establishes circumstances under which a person in California must register with designated law enforcement agencies pursuant to the Sex Offender Registration Act. Subdivision (c) of Penal Code section 1192.7 defines a "serious felony" by providing an extensive list of possible Penal Code and other violations. Both of these categories of criminal convictions are very serious, and it is just and reasonable that persons who have violated them or had a history of drug/alcohol abuse or violence

should be subject to psychological evaluation for fitness to practice court reporting, as well as thorough probation monitoring.

The Board shall make the determination as to whether the Respondent has had a history of alcohol/drug abuse or violence by evaluating evidence that indicates that the Respondent may have a physical or mental ailment or condition, including a possible addiction, that contributed to their violation of law.

It is just and reasonable that the Respondent shall undergo psychological evaluation within 30 calendar days after written notification from the Board by mail or email and periodically thereafter or as further required by the Board. [It is necessary for the Respondent to submit information about their chosen psychological professional via normal communication methods within 30 calendar days after the effective date of the decision so that the Board can approve the psychological professional and effectively monitor the Respondent. The Board must ensure that any psychological evaluation of a Respondent must be conducted by a licensed and qualified psychologist or psychiatrist; therefore, to be approved by the Board, the chosen professional shall be licensed in good standing with the Medical Board of California, Board of Psychology, or other appropriate licensing agency without having had any disciplinary action within the last five (5) years and shall not have had any prior or current personal relationship with the Respondent to avoid any conflict of interest in the matter, which is in line with statutory Uniform Standards among DCA agencies. The Board shall inform the Respondent of approval of the psychologist or psychiatrist in writing via normal communication methods within 30 calendar days after receipt of the request as that is a reasonable amount of time for review in the Board's experience.

The 30 calendar days for the Respondent to schedule and undergo a psychological evaluation after the Board's written approval is a reasonable and sufficient amount of time for such action because it is important that the evaluation occur as soon as possible after the decision, so that any required treatment can commence promptly after the medical evaluation to be an effective probation tool while allowing the Respondent time to schedule such treatment. Failure of the Respondent to submit a request for approval of the psychological professional or schedule or undergo a mental examination within the required 30 calendar days shows their lack of good faith effort to comply with their probation conditions. It is just and reasonable that the Respondent's noncompliance with provisions of this Optional Condition shall result in probation violation and possible revocation of probation and potential imposition of the original disciplinary order that had been stayed (suspension or revocation).

To monitor the Respondent's participation in and the outcome of the psychological evaluation, it is just and reasonable that the evaluating physician shall provide a written report to the Board within 30 calendar days after the evaluation regarding the Respondent's judgment, ability to function independently and safely, and whether they pose a threat to the public, all of which support the Board's mandate for public protection. The 30 calendar days for the required reports is a reasonable and sufficient amount of time for such action in the Board's experience to be effective probation tools

while allowing the psychological professional time to prepare such reports. The Respondent shall execute a release of information to authorize the evaluating professional to provide the Board with the required reports, which the Board will treat as confidential. The release and confidentiality are necessary to help ensure compliance with the HIPAA standards for the privacy and security of health information.

The Board has no authority nor responsibility to pay the costs for any psychological evaluation of its licensees. It is fair and appropriate that the Respondent pay the costs for their own psychological evaluation, particularly as any positive impacts that may ultimately result from the evaluation would likely benefit all aspects of the Respondent's life, not solely their professional work life, and because it is not fair that other licensees who practice lawfully should have to fund such psychological evaluations through their license renewal fees for licensees who violate the law.

The submissions discussed above shall be made to the Board or its designee in writing by mail, email, or in person. As discussed above under Standard Condition 2 – Comply with the Board's Probation Program on page 62, the Board's current office and email addresses are listed on its website, and the Board's Executive Officer, Enforcement Analyst, and other staff may act as designees of the Board in denial and disciplinary actions. These provisions serve to clarify for the Respondent and the Board how and when the documents are expected to be submitted by the Respondent and the psychologist or psychiatrist.

Based on their psychological evaluation, the evaluating licensed professional may determine that the Respondent is unable to practice safely and shall notify the Board or its designee and the Respondent by telephone within five (5) calendar days due to the urgency of such a determination and the need for the Respondent to cease practice immediately upon written notification from the Board via normal communication methods. The five (5) calendar days for the licensed professional to call the Board is a reasonable and sufficient amount of time for such action because of a higher and more imminent risk of harm. The Board shall seek to revoke the Respondent's probation as soon as possible thereafter by requesting that the Attorney General's Office prepare an Accusation or Petition to Revoke probation. The Respondent shall not resume practice until notified in writing by the Board via normal communication methods that a mental health determination permits them to do so. The Respondent's period of nonpractice shall not reduce the probationary time period because the Respondent is not actively proving that they are capable of practicing without issue while under probation. The purpose of probation is not being upheld while the Respondent is not practicing because the Respondent cannot demonstrate that they are complying with all conditions of probation and capable of practicing without further violation of law if they are not practicing at all.

Rationale

This addition is necessary to inform those involved in and affected by the disciplinary process of Optional Conditions of probation that may apply in some cases during the

period of probation based on the nature and circumstances of the case or the Respondent.

- **Add Optional Condition 5 – Psychotherapy**

Add Optional Condition 5 for psychotherapy.

Purpose

The purpose of adding Optional Condition 5 – Psychotherapy is to require the Respondent, if they have had a sex offense or serious felony crime or a history of drug/alcohol abuse or violence, to undergo psychotherapy by a Board-approved physician, to submit a request for approval of the Respondent's chosen therapist, and to submit required written reports to the Board in accordance with the stated provisions and timelines by mail, email, or in person, failure of which shall result in probation violation. This Optional Condition also contains provisions regarding when the Respondent must cease to practice if they are deemed to be unable to practice safely, which time period will not be counted toward their probationary period.

The purpose of probation is to provide the Respondent with a period of time during which they can demonstrate to the Board that they are capable of maintaining their psychological health and practicing without issue while complying with the Board's probation program. Probation also serves to protect the public by ensuring proper practice by licensees who had previously violated an applicable law, including sex-related and serious felony offenses, or had a history of drug/alcohol abuse or violence. It is crucial that the Board actively monitors the Respondent's compliance with all terms and conditions throughout the probationary period. The quarterly psychotherapy reports submissions required under this Optional Condition are just and reasonable requirements for Respondents and effective tools for probation monitoring by the Board.

Penal Code section 290 establishes circumstances under which a person in California must register with designated law enforcement agencies pursuant to the Sex Offender Registration Act. Subdivision (c) of Penal Code section 1192.7 defines a "serious felony" by providing an extensive list of possible Penal Code and other violations. Both of these categories of criminal convictions are very serious, and it is just and reasonable that persons who have violated them or had a history of drug/alcohol abuse or violence should be subject to psychotherapy and thorough probation monitoring.

The Board shall make the determination as to whether the Respondent has had a history of alcohol/drug abuse or violence by evaluating evidence that indicates that the Respondent may have a physical or mental ailment or condition, including a possible addiction, that contributed to their violation of law.

It is just and reasonable that the Respondent shall undergo psychotherapy as a means of treating and monitoring the Respondent's psychological condition during their period of probation. The Respondent shall submit a request for approval of the Respondent's

chosen therapist to the Board within 30 calendar days after the effective date of the decision, which is a reasonable and sufficient amount of time for such action based on the Board's experience of processing such approvals. The Board must ensure that any psychotherapy of a Respondent must be conducted by a licensed and qualified therapist; therefore, to be approved by the Board, the chosen professional shall be licensed in good standing with BSS, the Medical Board of California, Board of Psychology, or other appropriate licensing agency without having had any disciplinary action within the last five (5) years and shall not have had any prior or current business, professional, or personal relationship with the Respondent to avoid any conflict of interest in the matter, which is in line with statutory Uniform Standards among DCA agencies. The Board shall inform the Respondent of its approval in writing via normal communication methods within 30 calendar days after receipt of the request. The 30 calendar days for the Board to approve the Respondent's request is sufficient in the Board's experience.

The Respondent shall undergo psychotherapy within 30 calendar days after written approval of their chosen therapist by the Board because it is important that any required treatment commence promptly while allowing the Respondent time to schedule such treatment. The Respondent shall continue until the Board determines that no further psychotherapy is necessary based on the written reports from the treating physician, the Respondent's compliance with other probationary conditions, and the Board's experience and notifies the Respondent of such in writing via normal communication methods. Failure of the Respondent to undergo and continue psychotherapy within the required 30 calendar days shows their lack of good faith effort to comply with their probation conditions. It is just and reasonable that the Respondent's noncompliance with provisions of this Optional Condition shall result in probation violation and possible revocation of probation and potential imposition of the original disciplinary order that had been stayed (suspension or revocation).

To monitor the Respondent's participation in the psychotherapy, it is just and reasonable that the therapist shall submit quarterly written reports to the Board regarding the Respondent's judgment, ability to function independently and safely, and whether they pose a threat to the public, all of which support the Board's mandate for public protection. The Respondent shall authorize the therapist to provide the Board with the required reports, which the Board will use to determine when psychotherapy is no longer needed. The Respondent shall execute a release of information to authorize the treating psychotherapist to provide the Board with the required reports, which the Board will treat as confidential. The release and confidentiality are necessary to help ensure compliance with HIPAA standards for the privacy and security of health information.

The Board has no authority nor responsibility to pay the costs for any psychotherapy by its licensees. It is fair and appropriate that the Respondent pay the costs for their own psychotherapy, particularly as any positive impacts that may ultimately result from the psychotherapy would likely benefit all aspects of the Respondent's life, not solely their professional work life, and because it is not fair that other licensees who practice

lawfully should have to fund such psychotherapy through their license renewal fees for licensees who violate the law.

On page 63 above, Standard Condition 3 – Quarterly Reports of Compliance sets forth a calendar schedule for submission of the completed quarterly reports that shall be due within 10 calendar days after the end of the calendar quarter, which is a reasonable and sufficient amount of time to compile and submit such reports in the Board’s experience. The quarterly psychotherapy reports required under this Optional Condition shall be submitted on this same schedule.

The submissions discussed above shall be made to the Board or its designee in writing by mail, email, or in person. As discussed above under Standard Condition 2 – Comply with the Board’s Probation Program on page 62, the Board’s current office and email addresses are listed on its website, and the Board’s Executive Officer, Enforcement Analyst, and other staff may act as designees of the Board in denial and disciplinary actions. These provisions serve to clarify for the Respondent and the Board how and when the documents and reports are expected to be submitted by the Respondent and the therapist.

Based on their psychotherapy, the therapist may determine that the Respondent is unable to practice safely and shall notify the Board or its designee and the Respondent by telephone within five (5) calendar days due to the urgency of such a determination and the need for the Respondent to cease practice immediately upon written notification from the Board via normal communication methods. The five (5) calendar days for the therapist to call the Board is a reasonable and sufficient amount of time for such action because of a higher and more imminent risk of harm. The Board shall seek to revoke the Respondent’s probation as soon as possible thereafter by requesting that the Attorney General’s Office prepare an Accusation or Petition to Revoke probation. The Respondent shall not resume practice until notified in writing by the Board via normal communication methods that a mental health determination permits them to do so. The Respondent’s period of nonpractice shall not reduce the probationary time period because the Respondent is not actively proving that they are capable of practicing without issue while under probation. The purpose of probation is not being upheld while the Respondent is not practicing because the Respondent cannot demonstrate that they are complying with all conditions of probation and capable of practicing without further violation of law if they are not practicing at all.

Rationale

It is necessary to inform those involved in and affected by the disciplinary process of Optional Conditions of probation that may apply in some cases during the period of probation based on the nature and circumstances of the case or the Respondent.

- **Add Optional Condition 6 – Attend Courses**

Add Optional Condition 6 regarding Respondent attending courses.

Purpose

The purpose of adding Optional Condition 6 – Attend Courses is to require the Respondent to attend a court reporting school recognized by the Board pursuant to CCR section 2411 and successfully complete a final examination through the school in one or more specified courses as determined in the decision.

CCR section 2411 authorizes the Board to recognize schools of court reporting in California and sets forth curriculum for an acceptable program, including the minimum prescribed course of study, required hours, and academic testing.

The purpose of probation is to provide the Respondent with a period of time during which they can demonstrate to the Board that they are complying with all conditions of probation and capable of practicing without further violation of law. Probation also serves to protect the public by ensuring proper practice by licensees who had previously violated an applicable law. It is crucial that the Board actively monitors the Respondent's compliance with all terms and conditions throughout the probationary period. Therefore, it is just and reasonable to require the Respondent to improve their knowledge, skills, and abilities through education while they are on probation and before they return to full, unmonitored practice when appropriate.

If the Respondent's violation that has led to their probationary status is determined to be sufficiently related to a specific course of study, it is just and reasonable that the Respondent is required to be reeducated in that subject matter prior to the completion of their probationary period to help ensure that the Respondent does not reoffend in the same manner that resulted in their existing probationary period. The Board has no authority nor responsibility to pay the costs for any course. It is fair and appropriate that the Respondent pay the costs for their own coursework because it will benefit the Respondent's professional work life and because it is not fair that other licensees who practice lawfully should have to fund such coursework through their license renewal fees for licensees who violate the law. Proof of completion within 30 calendar days after completion of the course is a reasonable amount of time for a licensee to obtain a certification or transcript and provide it to the Board via normal communication methods in the Board's experience, and it keeps the Board up to date on the Respondent's probation program progress.

Rationale

It is necessary to inform those involved in and affected by the disciplinary process of Optional Conditions of probation that may apply in some cases during the period of probation based on the nature and circumstances of the case or the Respondent.

- **Add Optional Condition 7 – Retake Licensing Examination**

Add Optional Condition 7 regarding retaking the licensing examination.

Purpose

The purpose of adding Optional Condition 7 – Retake Licensing Examination is to require the Respondent to retake all or part of the licensing examination as determined in the decision.

BPC section 8020.5 sets forth the composition, grading methodologies, and procedures for the court reporter licensing examinations.

The purpose of probation is to provide the Respondent with a period of time during which they can demonstrate to the Board that they are complying with all conditions of probation and capable of practicing without further violation of law. Probation also serves to protect the public by ensuring proper practice by licensees who had previously violated an applicable law. It is crucial that the Board actively monitors the Respondent's compliance with all terms and conditions throughout the probationary period. Therefore, it is just and reasonable to require the Respondent to demonstrate the required knowledge, skills, and abilities through examination while they are on probation and before they return to full, unmonitored practice when appropriate.

If the Respondent's violation that has led to their probationary status is determined to be sufficiently related to a specific part of the licensing examination, it is just and reasonable that the Respondent is required to retake and pass that specific part of the licensing examination prior to the completion of their probationary period to help ensure that the Respondent does not reoffend in the same manner that resulted in their existing probationary period. The Respondent must attempt the part(s) of the licensing examination at the next regularly scheduled administration after the effective date of the decision. If the Respondent fails the examination part(s), the Board shall order by written notice via normal communication methods that the Respondent immediately cease practice until they have successfully passed the examination part(s) at a subsequent examination administration. The Board's mailed written examination results will serve as notice to the Respondent that they are able to resume practice after the Respondent has successfully completed the required licensing examination part(s).

The Board has no authority nor responsibility to pay the costs for any exam for its licensees. It is fair and appropriate that the Respondent pay the costs for their own exam because it is not fair that other licensees who practice lawfully should have to fund such exams through their license renewal fees for licensees who violate the law.

Rationale

It is necessary to inform those involved in and affected by the disciplinary process of Optional Conditions of probation that may apply in some cases during the period of probation based on the nature and circumstances of the case or the Respondent.

- **Add Optional Condition 8 – Proof of Advertising Correction**

Add Optional Condition 8 regarding proof of advertising correction.

Purpose

The purpose of adding Optional Condition 8 – Proof of Advertising Correction is to require the Respondent to correct any advertisement not compliant with CCR section 2406 within 30 calendar days after the effective date of the decision and to cease practice until notified in writing by the Board that they may resume practice.

BPC section 2406 requires court reporters to include their license number in “any and all presentments to the public, including, but not limited to, advertising, solicitation, business cards, stationery, and telephone listings.” Therefore, it is just and reasonable that any advertising that the Board approves must include the Respondent’s license number.

The purpose of probation is to provide the Respondent with a period of time during which they can demonstrate to the Board that they are complying with all conditions of probation, including following proper advertising requirements, and capable of practicing without further violation of law. Probation also serves to protect the public by ensuring proper practice by licensees who had previously violated an applicable law. It is crucial that the Board actively monitors the Respondent’s compliance with all terms and conditions throughout the probationary period. The advertising submissions required under this Optional Condition are just and reasonable requirements for Respondents and effective tools for probation monitoring by the Board. The 30 calendar days for correction of the Respondent’s advertising is a reasonable and sufficient amount of time for such action in the Board’s experience, and a screenshot of the website or the print copy submitted to the Board via normal communication methods is appropriate proof of the corrected advertising. In addition, it is appropriate that the Board notifies the Respondent in writing via normal communication methods after the advertising has been corrected that they may resume practice in the Board’s experience.

Consistent with Standard Condition 15 – Advertising Approval discussed above on page 81, such advertising correction submissions shall be made to the Board or its designee in writing by mail, email, or in person and shall include the corrected advertising copy. Consistent with the Board’s notification of the Respondent under Standard Condition 15 as to whether or not the advertising has been approved within 30 calendar days after request for advertising approval, under this Optional Condition, the Board shall notify the Respondent that they may resume practice in writing by mail or email within 30 calendar days after submission of proof. The 30 calendar days for the Board’s notification is a reasonable and sufficient amount of time for such action in the Board’s experience.

As discussed above under Standard Condition 2 – Comply with the Board’s Probation Program on page 62, the Board’s current office and email addresses are listed on its

website, and the Board's Executive Officer, Enforcement Analyst, and other staff may act as designees of the Board in denial and disciplinary actions. These provisions serve to clarify for the Respondent and the Board how and when the documents are expected to be submitted by the Respondent.

The Board's October 17, 2025, motion inadvertently neglected to delete an extra "in writing" near the end of the paragraph when it amended the language of this Optional Condition. The proposed language reflects the non-substantive correction.

Rationale

It is necessary to inform those involved in and affected by the disciplinary process of Optional Conditions of probation that may apply in some cases during the period of probation based on the nature and circumstances of the case or the Respondent.

- **Add Optional Condition 9 – Reimbursement of Probation Program**

Add Optional Condition 9 regarding reimbursement of probation program.

Purpose

The purpose of adding Optional Condition 9 – Reimbursement of Probation Program is to require the Respondent to reimburse the Board for the hourly costs incurred for their probation monitoring, either on an annual or monthly basis.

The purpose of probation is to provide the Respondent with a period of time during which they can demonstrate to the Board that they are complying with all conditions of probation and capable of practicing without further violation of law. Probation also serves to protect the public by ensuring proper practice by licensees who had previously violated an applicable law. It is crucial that the Board actively monitors the Respondent's compliance with all terms and conditions throughout the probationary period. The probation program cost reimbursement required under this Optional Condition is a just and reasonable requirement for Respondents and an effective tool for probation monitoring by the Board.

It is just and reasonable that a Respondent may be ordered to reimburse the costs of their probation program because licensees who violate the law and are prosecuted for such should be the ones to pay for the impacts of their actions, not the rest of the licensing population who have not violated the law. The probation reimbursement information must be conveyed in writing to the Respondent in the decision to help ensure that the Respondent understands what is expected of them and that the Board is informed as well. By being responsible to pay the costs for their own probation monitoring, violators are held accountable and may be deterred and less likely to violate the law again, which should have a rehabilitative effect on the licensee and should help promote consumer protection. It is important to convey this information to licensees so that they are aware of the implications of their conduct if they violate the law.

To ensure proper delivery and accounting for all probation reimbursement payments, it is reasonable and appropriate that all such payments must be made by check or money order payable to the Board and sent by mail or delivered in person and shall include a notation that it is for “Probation Program Reimbursement” and the Respondent’s case number.

The submissions discussed above shall be made to the Board or its designee in writing by mail or in person. As discussed above under Standard Condition 2 – Comply with the Board’s Probation Program on page 62, the Board’s current office and email addresses are listed on its website, and the Board’s Executive Officer, Enforcement Analyst, and other staff may act as designees of the Board in denial and disciplinary actions. These provisions serve to clarify for the Respondent and the Board how and when the payments are expected to be submitted by the Respondent.

Rationale

It is necessary to inform those involved in and affected by the disciplinary process of Optional Conditions of probation that may apply in some cases during the period of probation based on the nature and circumstances of the case or the Respondent.

- **Add Optional Condition 10 – Abstain from Drugs / Submit to Biological Fluid Testing**

Add Optional Condition 10 regarding Respondent abstaining from drugs / submitting to biological fluid testing.

Purpose

The purpose of adding Optional Condition 10 – Abstain from Drugs / Submit to Biological Fluid Testing is to require a Respondent who has a history of drug abuse or addiction to completely abstain from controlled substances that have not been prescribed by a licensed practitioner and drugs during the probationary period and to submit to biological fluid or other drug screening testing within five (5) calendar days after the Board’s written request, results of which must be submitted by the testing agency directly to the Board. Confirmed positive test results shall constitute a violation of probation.

Health and Safety Code section 11007 defines “controlled substances” as “a drug, substance, or immediate precursor which is listed in any schedule in Section 11054, 11055, 11056, 11057, or 11058.” BPC section 4022 defines “dangerous drugs” as “any drug or device unsafe for self-use in humans or animals.”

The purpose of probation is to provide the Respondent with a period of time during which they can demonstrate to the Board that they are capable of maintaining their sobriety and practicing without issue while complying with the Board’s probation

program. Probation also serves to protect the public by ensuring proper practice by licensees who had previously violated an applicable law, including having had a history of drug abuse. It is crucial that the Board actively monitors the Respondent's compliance with all terms and conditions throughout the probationary period. The written reports required under this Optional Condition are just and reasonable requirements for Respondents and effective tools for probation monitoring by the Board.

This Optional Condition follows up on Optional Conditions 2 – Rehabilitation Program, 4 – Psychological Evaluation, and 5 – Psychotherapy for cases where the Respondent has had a history of drug abuse or alleges that such an addiction exists and contributed to their violation(s). Under the related Optional Conditions, the Board will have made the determination that the Respondent has had a history of alcohol/drug abuse or violence by evaluating evidence that indicates that the Respondent has had a physical or mental ailment or condition, including a possible addiction, that contributed to their violation of law. The biological fluid testing under this Optional Condition serves to detect drug use and is part of thorough probation monitoring that will help ensure that the Respondent remains in compliance with their probationary conditions.

The Board shall determine when the drug testing will be required, and it is just and reasonable that the Respondent shall pay for and undergo the drug testing within five (5) calendar days after the Board's written notice via normal communication methods. The five (5) calendar days for the Respondent to submit to biological fluid testing is a reasonable and sufficient amount of time for such action to ensure accuracy and not allow skewed results. Test result reports must be submitted directly to the Board by the testing agency within 30 calendar days after testing to ensure the validity and authenticity of the results and to allow sufficient time for the testing agency to prepare and submit the reports and for prompt action by the Board in the event of any positive findings in the Board's experience. It is just and reasonable that any confirmed positive test finding shall result in probation violation and possible revocation of probation and potential imposition of the original disciplinary order that had been stayed (suspension or revocation); therefore, the test results cannot be kept confidential.

The report submissions discussed above shall be made to the Board or its designee in writing by mail, email, or in person. As discussed above under Standard Condition 2 – Comply with the Board's Probation Program on page 62, the Board's current office and email addresses are listed on its website, and the Board's Executive Officer, Enforcement Analyst, and other staff may act as designees of the Board in denial and disciplinary actions. These provisions serve to clarify for the Respondent and the Board how and when the test result reports are expected to be submitted by the testing agency.

The Board has no authority nor responsibility to pay the costs for any drug testing of its licensees. It is fair and appropriate that the Respondent pay the costs for their own drug testing, particularly as any meaningful outcome that may ultimately result from the drug testing would likely benefit all aspects of the Respondent's life, not solely their professional work life, and because it is not fair that other licensees who practice

lawfully should have to fund such drug testing through their license renewal fees for licensees who violate the law.

A note is proposed to be included at the end of this Optional Condition to link it to Optional Condition 11 – Abstain from Use of Alcohol/Submit to Biological Fluid Testing because if someone has an addiction to drugs, they should also be prohibited from shifting the focus of their addiction from drugs to alcohol, particularly since an alternate addiction may not be detectable under the drug testing that is specific to this Optional Condition.

Rationale

It is necessary to inform those involved in and affected by the disciplinary process of Optional Conditions of probation that may apply in some cases during the period of probation based on the nature and circumstances of the case or the Respondent.

- **Add Optional Condition 11 – Abstain from Use of Alcohol / Submit to Biological Fluid Testing**

Add Optional Condition 11 regarding Respondent abstaining from use of alcohol / submitting to biological fluid testing.

Purpose

The purpose of adding Optional Condition 11 – Abstain from Use of Alcohol / Submit to Biological Fluid Testing is to require a Respondent who has a history of alcohol abuse or addiction to completely abstain from alcoholic beverages during the probationary period and to submit to biological fluid testing within five (5) calendar days after the Board's written request, results of which must be submitted by the testing agency directly to the Board. Confirmed positive test results shall constitute a violation of probation.

The purpose of probation is to provide the Respondent with a period of time during which they can demonstrate to the Board that they are capable of maintaining their sobriety and practicing without issue while complying with the Board's probation program. Probation also serves to protect the public by ensuring proper practice by licensees who had previously violated an applicable law, including having had a history of alcohol abuse. It is crucial that the Board actively monitors the Respondent's compliance with all terms and conditions throughout the probationary period. The written reports required under this Optional Condition are just and reasonable requirements for Respondents and an effective tool for probation monitoring by the Board.

This Optional Condition follows up on Optional Conditions 2 – Rehabilitation Program, 4 – Psychological Evaluation, and 5 – Psychotherapy for cases where the Respondent has had a history of alcohol abuse or alleges that such an addiction exists and

contributed to their violation(s). Under the related Optional Conditions, the Board will have made the determination that the Respondent has had a history of alcohol/drug abuse or violence by evaluating evidence that indicates that the Respondent has had a physical or mental ailment or condition, including a possible addiction, that contributed to their violation of law. The biological fluid testing under this Optional Condition serves to detect alcohol use and is part of thorough probation monitoring that will help ensure that the Respondent remains in compliance with their probationary conditions.

The Board shall determine when the alcohol testing will be required, and it is just and reasonable that the Respondent shall pay for and undergo the alcohol testing within five (5) calendar days after the Board's written notice via normal communication methods. The five (5) calendar days for the Respondent to submit to biological fluid testing is a reasonable and sufficient amount of time for such action to ensure accuracy and not allow skewed results. Test result reports must be submitted directly to the Board by the testing agency within 30 calendar days after testing to ensure the validity and authenticity of the results and to allow sufficient time for the testing agency to prepare and submit the reports and for prompt action by the Board in the event of any positive findings in the Board's experience. It is just and reasonable that any confirmed positive test finding shall result in probation violation and possible revocation of probation and potential imposition of the original disciplinary order that had been stayed (suspension or revocation); therefore, the test results cannot be kept confidential.

The report submissions discussed above shall be made to the Board or its designee in writing by mail, email, or in person. As discussed above under Standard Condition 2 – Comply with the Board's Probation Program on page 62, the Board's current office and email addresses are listed on its website, and the Board's Executive Officer, Enforcement Analyst, and other staff may act as designees of the Board in denial and disciplinary actions. These provisions serve to clarify for the Respondent and the Board how and when the test result reports are expected to be submitted by the testing agency.

The Board has no authority nor responsibility to pay the costs for any alcohol testing of its licensees. It is fair and appropriate that the Respondent pay the costs for their own alcohol testing, particularly as any meaningful outcome that may ultimately result from the alcohol testing would likely benefit all aspects of the Respondent's life, not solely their professional work life, and because it is not fair that other licensees who practice lawfully should have to fund such alcohol testing through their license renewal fees for licensees who violate the law.

A note is proposed to be included at the end of this Optional Condition to link it to Optional Condition 10 – Abstain from Drugs/Submit to Biological Fluid Testing because if someone has an addiction to alcohol, they should also be prohibited from shifting the focus of their addiction from alcohol to drugs, particularly since an alternate addiction may not be detectable under the alcohol testing that is specific to this Optional Condition.

Rationale

It is necessary to inform those involved in and affected by the disciplinary process of Optional Conditions of probation that may apply in some cases during the period of probation based on the nature and circumstances of the case or the Respondent.

- **Add Optional Condition 12 – Provision of Records**

Add Optional Condition 12 regarding provision of records.

Purpose

The purpose of adding Optional Condition 12 – Provision of Records is to require the Respondent to provide specific records for Board inspection within 30 calendar days after requested by the Board in writing via normal communication methods.

The purpose of probation is to provide the Respondent with a period of time during which they can demonstrate to the Board that they are complying with all conditions of probation and capable of practicing without issue. Probation also serves to protect the public by ensuring proper practice by licensees who had previously violated an applicable law. It is crucial that the Board actively monitors the Respondent's compliance with all terms and conditions throughout the probationary period. The records required under this Optional Condition is a just and reasonable requirement for Respondents and an effective tool for probation monitoring by the Board.

The record submissions discussed above shall be made to the Board or its designee in writing by mail, email, or in person. As discussed above under Standard Condition 2 – Comply with the Board's Probation Program on page 62, the Board's current office and email addresses are listed on its website, and the Board's Executive Officer, Enforcement Analyst, and other staff may act as designees of the Board in denial and disciplinary actions. These provisions serve to clarify for the Respondent and the Board how and when the documents are expected to be submitted by the Respondent. The 30 calendar days is an appropriate amount of time for the Respondent to compile, prepare, and provide records to the Board in the Board's experience.

Rationale

It is necessary to inform those involved in and affected by the disciplinary process of Optional Conditions of probation that may apply in some cases during the period of probation based on the nature and circumstances of the case or the Respondent.

- **Add Optional Condition 13 – “Actual Revocation”**

Add Optional Condition 13 regarding actual revocations.

Purpose

The purpose of adding Optional Condition 13 – “Actual Revocation” is to notify the Respondent that an actual license revocation could result from probation violation.

This Optional Condition applies to cases where the decision is for a Stayed Revocation. It is just and reasonable to put the Respondent on notice that if they violate their probation, the probation may be revoked, and the original order of license revocation may be imposed.

The purpose of probation is to provide the Respondent with a period of time during which they can demonstrate to the Board that they are complying with all conditions of probation and capable of practicing without further violation of law. Probation also serves to protect the public by ensuring proper practice by licensees who had previously violated an applicable law. It is crucial that the Board actively monitors the Respondent’s compliance with all terms and conditions throughout the probationary period. It is just and reasonable that any noncompliance should result in probation violation and possible revocation of probation and potential imposition of the original disciplinary order of revocation that had been stayed.

Rationale

This addition is necessary to inform those involved in and affected by the disciplinary process of Optional Conditions of probation that may apply in some cases during the period of probation based on the nature and circumstances of the case or the Respondent.

- **Add Optional Condition 14 – “Actual Suspension”**

Add Optional Condition 14 regarding actual suspensions.

Purpose

The purpose of adding Optional Condition 14 – “Actual Suspension” is to notify the Respondent that an actual license suspension could result from probation violation.

This Optional Condition applies to cases where the decision is for a Stayed Suspension. It is just and reasonable to put the Respondent on notice that if they violate their probation, the probation may be revoked, and the original order of license suspension may be imposed.

The purpose of probation is to provide the Respondent with a period of time during which they can demonstrate to the Board that they are complying with all conditions of probation and capable of practicing without further violation of law. Probation also serves to protect the public by ensuring proper practice by licensees who had previously violated an applicable law. It is crucial that the Board actively monitors the

Respondent's compliance with all terms and conditions throughout the probationary period. It is just and reasonable that any noncompliance should result in probation violation and possible revocation of probation and potential imposition of the original disciplinary order of suspension that had been stayed.

Rationale

This addition is necessary to inform those involved in and affected by the disciplinary process of Optional Conditions of probation that may apply in some cases during the period of probation based on the nature and circumstances of the case or the Respondent.

- **Add Chapter VI: Model Orders**

Add a chapter on Model Orders.

Purpose

The purpose of adding a chapter on Model Orders is to establish consistent language that may be included in disciplinary decisions and Statements of Issues in relation to various potential case outcomes, which should help save time and effort for those involved in developing the decisions and Statements of Issues and help ensure consistency among comparable cases. The Model Orders are separated into four categories – A. Licensee, B. Petition for Reinstatement, C. Petition to Revoke Probation/Revocation of Probation, and D. Applicant. The Model Orders are discussed individually below.

Rationale

This addition is necessary to help ensure that disciplinary decisions and Statements of Issues have complete and consistent language for all cases under various circumstances and possible outcomes.

A. Licensee

- **Add Model Order for Revocation of License**

Add a Model Order regarding the revocation of a license.

Purpose

The purpose of adding a Model Order regarding the revocation of a license is to establish consistent language to be included in decisions if a license is being ordered to be revoked as a result of a disciplinary action.

In the license revocation Model Order, the language includes fields for the license number and the Respondent's name. The Respondent is directed to relinquish and return their wall certificate and pocket license to the Board by mail or in person within 10 calendar days after the effective date of the decision. Individuals who are not duly licensed are not allowed to possess a license or to practice, so it is appropriate and in the public interest that the Respondent must return their revoked license and wall certificate to the Board. The required 10 calendar days for the license and certificate return is a reasonable and sufficient amount of time for such action.

In addition, a person whose license has been revoked or suspended may petition the Board for reinstatement or reduction of penalty after a period of not less than one year after the effective date of the decision or from the date of the denial of a similar petition pursuant to Gov. Code section 11522 as discussed above in Definition of "Revocation" under Chapter III – Definition of Penalties on page 17. However, as also discussed in Definition of Revocation above, Respondents whose revoked licenses have not been renewed for three (3) or more years are not eligible for license reinstatement pursuant to BPC section 8024.5 and would have to apply, qualify, and meet all requirements for a new original license.

Furthermore, similar to Standard Condition 8 – Cost Recovery, this Model Order directs the Respondent to pay cost recovery for the costs of investigation and prosecution of the case in the stated dollar amount within 30 calendar days after the effective date of the decision, which is a reasonable and appropriate amount of time for this payment for a revoked license.

This Model Order includes an optional provision relating to the reinstatement of the revoked license. Any reinstatement must be accomplished only after the Respondent has paid in full the stated costs of investigation and prosecution and the reinstatement fees required by BPC section 8024.4, which requires the reinstatement fee to be in an amount equal to the renewal fee in effect on the last regular renewal date before the date on which it is reinstated, plus the delinquency fee, if any, accrued at the time of its revocation. It is reasonable and appropriate that such costs and fees should be paid to the Board in full by mail or in person before the revoked license can be reinstated.

Such submissions discussed above shall be made to the Board in writing by mail or in person. As discussed above under Standard Condition 2 – Comply with the Board's Probation Program on page 62, the Board's current office and email addresses are listed on its website. These provisions serve to clarify for the Respondent and the Board how and when the documents are expected to be submitted by the Respondent.

Rationale

This addition is necessary to help ensure that disciplinary decisions and Statements of Issues have complete and consistent language for all cases under various circumstances and outcomes.

- **Add Model Order for Suspension of License**

Add a Model Order regarding the suspension of a license.

Purpose

The purpose of adding a Model Order regarding the suspension of a license is to establish consistent language to be included in decisions if a license is being ordered to be suspended as a result of a disciplinary action.

In the license suspension Model Order, the language includes fields for the license number, Respondent's name, and suspension period in calendar days. The Respondent is directed to relinquish and return their wall certificate and pocket license to the Board by mail or in person within 10 calendar days after the effective date of the decision. Individuals who are not duly licensed are not allowed to possess a license or to practice, so it is appropriate and in the public interest that the Respondent must return their suspended license and wall certificate to the Board during their period of suspension. The required 10 calendar days for the license and certificate return is a reasonable and sufficient amount of time for such action.

In addition, a person whose license has been revoked or suspended may petition the Board for reinstatement or reduction of penalty after a period of not less than one year after the effective date of the decision or from the date of the denial of a similar petition pursuant to Gov. Code section 11522 as discussed above in Definition of "Revocation" under Chapter III – Definition of Penalties on page 17.

Furthermore, similar to Standard Condition 8 – Cost Recovery, this Model Order directs the Respondent to pay cost recovery for the costs of investigation and prosecution of the case in the stated dollar amount within 30 calendar days after the effective date of the decision, which is a reasonable and appropriate amount of time for this payment for a suspended license.

Rationale

This addition is necessary to help ensure that disciplinary decisions and Statements of Issues have complete and consistent language for all cases under various circumstances and outcomes.

- **Add Model Order for Revocation Stayed and Licensee Placed on Probation**

Add a Model Order regarding the revocation of a license that is stayed, and the licensee is placed on probation.

Purpose

The purpose of adding a Model Order regarding the stayed revocation of a license and probationary status of a licensee is to establish consistent language to be included in decisions if a license is being ordered to be revoked as a result of a disciplinary action, which is stayed, and the licensee is placed on probation for a specified period of time.

In the stayed revocation Model Order, the language includes fields for the license number, Respondent's name, probationary period in years, and all Standard and applicable Optional Conditions of probation. The Respondent is required to comply with the specified Standard and Optional Conditions of probation.

The purpose of probation is to provide the Respondent with a period of time during which they can demonstrate to the Board that they are complying with all conditions of probation and capable of practicing without further violation of law. Probation also serves to protect the public by ensuring proper practice by licensees who had previously violated an applicable law. It is crucial that the Board actively monitors the Respondent's compliance with all terms and conditions throughout the probationary period. It is just and reasonable that any noncompliance should result in violation and possible revocation of probation and potential imposition of the original disciplinary order of revocation that had been stayed.

Rationale

This addition is necessary to help ensure that disciplinary decisions and Statements of Issues have complete and consistent language for all cases under various circumstances and outcomes.

- **Add Model Order for Suspension Stayed and Licensee Placed on Probation**

Add a Model Order regarding the suspension of a license that is stayed, and the licensee is placed on probation.

Purpose

The purpose of adding a Model Order regarding the stayed suspension of a license and probationary status of a licensee is to establish consistent language to be included in decisions if a license is being ordered to be suspended for a specified period of time as a result of a disciplinary action, which is stayed, and the licensee is placed on probation for a specified period of time.

In the stayed suspension Model Order, the language includes fields for the license number, Respondent's name, suspension period in calendar days, probationary period in years, and all Standard and applicable Optional Conditions of probation. The Respondent is required to comply with the specified Standard and Optional Conditions of probation.

The purpose of probation is to provide the Respondent with a period of time during which they can demonstrate to the Board that they are complying with all conditions of probation and capable of practicing without further violation of law. Probation also serves to protect the public by ensuring proper practice by licensees who had previously violated an applicable law. It is crucial that the Board actively monitors the Respondent's compliance with all terms and conditions throughout the probationary period. It is just and reasonable that any noncompliance should result in violation and possible revocation of probation and potential imposition of the original disciplinary order of suspension that had been stayed. Due to the probation violation, the Board recommends that the suspension period under these circumstances be imposed for a period of one year.

Rationale

This addition is necessary to help ensure that disciplinary decisions and Statements of Issues have complete and consistent language for all cases under various circumstances and outcomes.

- **Add Model Order for Public Reapproval**

Add a Model Order regarding the public reapproval of a license.

Purpose

The purpose of adding a Model Order regarding the public reapproval of a license is to establish consistent language to be included in decisions if a license is being ordered to be publicly reapproved as a result of a disciplinary action.

BPC section 495 provides authority for public reapprovals as follows:

Notwithstanding any other provision of law, any entity authorized to issue a license or certificate pursuant to this code may publicly reprove a licensee or certificate holder thereof, for any act that would constitute grounds to suspend or revoke a license or certificate. Any proceedings for public reapproval, public reapproval and suspension, or public reapproval and revocation shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, or, in the case of a licensee or certificate holder under the jurisdiction of the State Department of Health Services, in accordance with Section 100171 of the Health and Safety Code.

In the public reapproval Model Order, the language includes fields for the license number and Respondent's name. The Respondent is notified that a public reapproval is being ordered as part of their disciplinary action, which becomes part of the Respondent's license history. Public reapproval serves the purpose of publicly warning and reprimanding

a licensee about their law violation or inappropriate conduct. Public reproof is also for the purpose of public protection by disclosing such public reproofs on the Board's website.

Rationale

This addition is necessary to help ensure that disciplinary decisions and Statements of Issues have complete and consistent language for all cases under various circumstances and outcomes.

- **Add Model Order for Surrender of License in Lieu of Revocation**

Add a Model Order regarding the surrender of a license in lieu of revocation.

Purpose

The purpose of adding a Model Order regarding the surrender of a license in lieu of revocation is to establish consistent language to be included in decisions if a license is being ordered to be revoked as a result of a disciplinary action, but the Respondent chooses to surrender their license instead.

In the license surrender Model Order, the language includes fields for the Respondent's name and license number. If the Respondent has chosen to surrender their license, this Model Order directs them to relinquish and return their wall certificate and pocket license to the Board by mail or in person within 10 calendar days after the effective date of the decision. The Respondent is notified that a surrendered license in lieu of revocation is being ordered as of the effective date of the decision and as part of their disciplinary action, which becomes part of the Respondent's license history. Individuals who are not duly licensed are not allowed to possess a license or to practice, so it is appropriate and in the public interest that the Respondent must return their surrendered license and wall certificate to the Board. The required 10 calendar days for the license and certificate return is a reasonable and sufficient amount of time for such action.

Rationale

This addition is necessary to help ensure that disciplinary decisions and Statements of Issues have complete and consistent language for all cases under various circumstances and outcomes.

B. Petition for Reinstatement

- **Add Model Order Category B. Petition for Reinstatement**

Add a Model Order category regarding petitions for reinstatement.

Purpose

The purpose of adding a Model Order category for petition for reinstatement is to establish consistent language that may be included in disciplinary decisions in relation to petitions for reinstatement, which should help save time and effort for those involved in developing the decisions and help ensure consistency among comparable cases. Two sections of law are crucial for petitions for reinstatement.

Gov. Code section 11522 states the following:

A person whose license has been revoked or suspended may petition the agency for reinstatement or reduction of penalty after a period of not less than one year has elapsed from the effective date of the decision or from the date of the denial of a similar petition. The agency shall give notice to the Attorney General of the filing of the petition and the Attorney General and the petitioner shall be afforded an opportunity to present either oral or written argument before the agency itself. The agency itself shall decide the petition, and the decision shall include the reasons therefor, and any terms and conditions that the agency reasonably deems appropriate to impose as a condition of reinstatement. This section shall not apply if the statutes dealing with the particular agency contain different provisions for reinstatement or reduction of penalty. (Emphasis added.)

BPC section 8024.5 states the following:

A certificate that is not renewed within three years after its expiration may not be renewed, restored, reinstated, or reissued thereafter. The holder of the certificate shall return the expired certificate to the board. To obtain a new certificate, the holder shall pay all of the fees and meet all of the qualifications and requirements set forth in this chapter for obtaining an original certificate, including qualifying for, taking, and passing the licensing examination.

Respondents whose revoked licenses have not been renewed for three (3) or more years are not eligible for license reinstatement. If such Respondents were seeking licensure, they would need to apply, qualify, and meet all requirements for a new original license, including paying all fees and taking and passing the licensing examination.

The Petition for Reinstatement Model Orders addressing various possible outcomes of a petition for reinstatement, whether approved or denied, are discussed individually below.

Rationale

This addition is necessary to help ensure that disciplinary decisions have complete and consistent language for all cases under various circumstances and possible outcomes.

- **Add Model Order to Grant Petition with No Restrictions on License**

Add a Model Order regarding granting a petition for reinstatement with no restrictions on the license.

Purpose

The purpose of adding a Model Order regarding granting a petition for reinstatement with no restrictions on the license is to establish consistent language to be included in decisions if a license is being ordered to be revoked as a result of a disciplinary action and may petition for reinstatement.

In the reinstated license Model Order, the language includes fields for the Respondent's name and license number. The Respondent is notified that their petition for reinstatement is granted, and their license is fully restored without any restrictions.

Gov. Code section 11522 states that a person whose license has been revoked may petition the agency for reinstatement or reduction of penalty after a period of not less than one year has elapsed from the effective date of the decision or from the date of the denial of a similar petition. However, pursuant to BPC section 8024.5, Respondents whose revoked licenses have not been renewed for three (3) or more years are not eligible for license reinstatement and would need to apply, qualify, and meet all requirements for a new original license, including paying all fees and taking and passing the licensing examination. The Board shall decide such petitions for reinstatement based on public protection. This Model Order should be used when the Board decides to grant the petition, and the license is fully restored without restriction.

Rationale

This addition is necessary to help ensure that disciplinary decisions and Statements of Issues have complete and consistent language for all cases under various circumstances and outcomes.

- **Add Model Order to Grant Petition and Place Licensee on Probation**

Add a Model Order regarding granting a petition for reinstatement and placing the licensee on probation.

Purpose

The purpose of adding a Model Order regarding granting a petition for reinstatement and placing the licensee on probation is to establish consistent language to be included in decisions if a license is being ordered to be revoked as a result of a disciplinary action and may petition for reinstatement.

In the probationary reinstated license Model Order, the language includes fields for the Respondent's name, license number, probationary period in years, and all Standard and applicable Optional Conditions of probation. The Respondent is required to comply with the specified Standard and Optional Conditions of probation. The Respondent is notified that their petition for reinstatement is granted, their license is immediately revoked, which is stayed, and the licensee is placed on probation for a specified period of time.

Gov. Code section 11522 states that a person whose license has been revoked may petition the agency for reinstatement or reduction of penalty after a period of not less than one year has elapsed from the effective date of the decision or from the date of the denial of a similar petition. The Board shall decide such petitions for reinstatement based on public protection. This Model Order should be used when the Board decides to grant the petition, but the license is immediately revoked, which is stayed, and the licensee is placed on probation for a specified period of time.

The purpose of probation is to provide the Respondent with a period of time during which they can demonstrate to the Board that they are complying with all conditions of probation and capable of practicing without further violation of law. Probation also serves to protect the public by ensuring proper practice by licensees who had previously violated an applicable law. It is crucial that the Board actively monitors the Respondent's compliance with all terms and conditions throughout the probationary period. It is just and reasonable that any noncompliance should result in violation and possible revocation of probation and potential imposition of the original disciplinary order of revocation that had been stayed.

Rationale

This addition is necessary to help ensure that disciplinary decisions and Statements of Issues have complete and consistent language for all cases under various circumstances and outcomes.

- **Add Model Order to Grant Petition and Place Licensee on Probation After Completion of Conditions Precedent**

Add a Model Order regarding granting a petition for reinstatement and placing the licensee on probation after completion of the conditions precedent.

Purpose

The purpose of adding a Model Order regarding granting a petition for reinstatement upon completion of specified conditions precedent and placing the licensee on probation is to establish consistent language to be included in decisions if a license is being ordered to be revoked as a result of a disciplinary action and may petition for reinstatement.

In the probationary reinstated license with conditions precedent Model Order, the language includes fields for the Respondent's name, license number, probationary period in years, and all Standard and applicable Optional Conditions of probation. The Respondent is required to comply with the specified Standard and Optional Conditions of probation. The Respondent is notified that their petition for reinstatement is granted upon their completion of specified conditions precedent and satisfaction of all statutory and regulatory requirements for issuance of a license, their license is immediately revoked, which is stayed, and the licensee is placed on probation for a specified period of time.

Gov. Code section 11522 states that a person whose license has been revoked may petition the agency for reinstatement or reduction of penalty after a period of not less than one year has elapsed from the effective date of the decision or from the date of the denial of a similar petition. The Board shall decide such petitions for reinstatement based on public protection. This Model Order should be used when the Board decides to grant the petition upon the Respondent's completion of specified conditions precedent and satisfaction of all statutory and regulatory requirements for issuance of a license, but the license is immediately revoked, which is stayed, and the licensee is placed on probation for a specified period of time.

As shown in this Model Order, examples of conditions precedent include paying restitution, cost reimbursement, completion of ethics course, physical examination, completion of rehabilitation program, and taking and passing licensing examination. The Standard and Optional Conditions of probation that are applicable to the specific case will help determine appropriate conditions precedent for the case.

The purpose of probation is to provide the Respondent with a period of time during which they can demonstrate to the Board that they are complying with all conditions of probation and capable of practicing without further violation of law. Probation also serves to protect the public by ensuring proper practice by licensees who had previously violated an applicable law. It is crucial that the Board actively monitors the Respondent's compliance with all terms and conditions throughout the probationary period. It is just and reasonable that any noncompliance should result in violation and possible revocation of probation and potential imposition of the original disciplinary order of revocation that had been stayed.

Rationale

This addition is necessary to help ensure that disciplinary decisions and Statements of Issues have complete and consistent language for all cases under various circumstances and outcomes.

- **Add Model Order to Deny Petition**

Add a Model Order regarding denying a petition for reinstatement.

Purpose

The purpose of adding a Model Order regarding denying a petition for reinstatement of a license is to establish consistent language to be included in decisions if a license is being ordered to be revoked as a result of a disciplinary action and may petition for reinstatement.

In the reinstatement denial Model Order, the language includes fields for the Respondent's name and license number. The Respondent is notified that their petition for reinstatement is denied by the Board.

Gov. Code section 11522 states that a person whose license has been revoked may petition the agency for reinstatement or reduction of penalty after a period of not less than one year has elapsed from the effective date of the decision or from the date of the denial of a similar petition. The Board shall decide such petitions for reinstatement based on public protection. This Model Order should be used when the Board decides to deny a Respondent's petition for reinstatement.

Rationale

This addition is necessary to help ensure that disciplinary decisions and Statements of Issues have complete and consistent language for all cases under various circumstances and outcomes.

C. Petition to Revoke Probation/Revocation of Probation

- **Add Model Order for Petition to Revoke Probation/Revocation of Probation**

Add a Model Order regarding a petition to revoke probation.

Purpose

The purpose of adding a Model Order regarding a petition to revoke probation is to establish consistent language to be included in decisions if a probationary license is being ordered to be revoked as a result of a disciplinary action and the licensee may petition for reinstatement.

In the petition to revoke probation Model Order, the language includes fields for the license number and Respondent's name. The Respondent is notified that their probationary license is being revoked and that they cannot apply for reinstatement of their license within one year after the date of the decision.

Gov. Code section 11522 states that a person whose license has been suspended or revoked may petition the agency for reinstatement or reduction of penalty after a period of not less than one year has elapsed from the effective date of the decision or from the date of the denial of a similar petition. However, pursuant to BPC section 8024.5, Respondents whose revoked licenses have not been renewed for three (3) or more years are not eligible for license reinstatement and would need to apply, qualify, and meet all requirements for a new original license, including paying all fees and taking and passing the licensing examination. The Board shall decide such petitions for reinstatement based on public protection. This Model Order should be used when a probationary license is being revoked.

Rationale

This addition is necessary to help ensure that disciplinary decisions and Statements of Issues have complete and consistent language for all cases under various circumstances and outcomes.

- **Add Model Order for Extension of Probation**

Add a Model Order regarding an extension of probation.

Purpose

The purpose of adding a Model Order regarding an extension of probation is to establish consistent language to be included in decisions if a probationary license is being ordered to be revoked as a result of a disciplinary action and their probation is being extended.

In the extended probation Model Order, the language includes fields for the license number, Respondent's name, additional probationary period in years, and all Standard and applicable Optional Conditions of probation. The Respondent is required to comply with the specified Standard and Optional Conditions of probation. The Respondent is notified that their probationary license is being revoked, which is stayed, and the licensee is being placed on probation for a specified additional period of time.

The purpose of probation is to provide the Respondent with a period of time during which they can demonstrate to the Board that they are complying with all conditions of probation and capable of practicing without further violation of law. Probation also serves to protect the public by ensuring proper practice by licensees who had previously violated an applicable law. It is crucial that the Board actively monitors the

Respondent's compliance with all terms and conditions throughout the probationary period. It is just and reasonable that any noncompliance should result in violation and possible revocation of probation and potential imposition of the original disciplinary order of revocation that had been stayed.

Rationale

This addition is necessary to help ensure that disciplinary decisions and Statements of Issues have complete and consistent language for all cases under various circumstances and outcomes.

D. Applicant

- **Add Model Order to Grant Application with No Restrictions on License**

Add a Model Order regarding granting an application for initial licensure with no restrictions on the license for use in cases where a Statement of Issues has been filed.

Purpose

The purpose of adding a Model Order regarding granting an application for initial licensure with no restrictions on the license is to establish consistent language to be included in decisions if an applicant is applying for initial licensure and a Statement of Issues has been filed in the case.

This Model Order language includes a field for the Respondent's name and should be used when the Board decides to grant an application for initial licensure upon successful completion of all licensing requirements and payment of all fees.

Rationale

This addition is necessary to help ensure that disciplinary decisions and Statements of Issues have complete and consistent language for all cases under various circumstances and outcomes.

- **Add Model Order to Grant Application and Place Licensee on Probation**

Add a Model Order regarding granting an application for initial licensure and placing the licensee on probation for use in cases where a Statement of Issues has been filed.

Purpose

The purpose of adding a Model Order regarding granting an application for initial licensure and placing the licensee on probation is to establish consistent language to be included in decisions if an applicant is applying for initial licensure and a Statement of Issues has been filed in the case.

In the probationary initial license Model Order, the language includes fields for the Respondent's name, probationary period in years, and all Standard and applicable Optional Conditions of probation. The Respondent is required to comply with the specified Standard and Optional Conditions of probation. The Respondent is notified that their application for initial licensure is granted upon successful completion of all licensing requirements for issuance of a license, including payment of fees, their license is immediately revoked, which is stayed, and the licensee is placed on probation for a specified period of time.

The purpose of probation is to provide the Respondent with a period of time during which they can demonstrate to the Board that they are complying with all conditions of probation and capable of practicing without further violation of law. Probation also serves to protect the public by ensuring proper practice by licensees who had previously violated an applicable law. It is crucial that the Board actively monitors the Respondent's compliance with all terms and conditions throughout the probationary period. It is just and reasonable that any noncompliance should result in violation and possible revocation of probation and potential imposition of the original disciplinary order of revocation that had been stayed.

Rationale

This addition is necessary to help ensure that disciplinary decisions and Statements of Issues have complete and consistent language for all cases under various circumstances and outcomes.

- **Add Model Order to Grant Application and Place Licensee on Probation After Completion of Conditions Precedent**

Add a Model Order regarding granting an application for initial licensure after completion of conditions precedent and placing the licensee on probation for use in cases where a Statement of Issues has been filed.

Purpose

The purpose of adding a Model Order regarding granting an application for initial licensure upon completion of specified conditions precedent and placing the licensee on probation is to establish consistent language to be included in decisions if an applicant is applying for initial licensure and a Statement of Issues has been filed in the case.

In the probationary initial license with conditions precedent Model Order, the language includes fields for the Respondent's name, probationary period in years, and all Standard and applicable Optional Conditions of probation. The Respondent is required to comply with the specified Standard and Optional Conditions of probation. The Respondent is notified that their application for initial licensure is granted upon their completion of specified conditions precedent and satisfaction of all statutory and

regulatory requirements for issuance of a license, their license is immediately revoked, which is stayed, and the licensee is placed on probation for a specified period of time.

As shown in this Model Order, examples of conditions precedent include paying restitution, cost reimbursement, completion of continuing education, completion of rehabilitation program, and taking and passing licensing examination. The Standard and Optional Conditions of probation that are applicable to the specific case will help determine appropriate conditions precedent for the case.

The purpose of probation is to provide the Respondent with a period of time during which they can demonstrate to the Board that they are complying with all conditions of probation and capable of practicing without further violation of law. Probation also serves to protect the public by ensuring proper practice by licensees who had previously violated an applicable law. It is crucial that the Board actively monitors the Respondent's compliance with all terms and conditions throughout the probationary period. It is just and reasonable that any noncompliance should result in violation and possible revocation of probation and potential imposition of the original disciplinary order of revocation that had been stayed.

Rationale

This addition is necessary to help ensure that disciplinary decisions and Statements of Issues have complete and consistent language for all cases under various circumstances and outcomes.

- **Add Model Order to Deny Application**

Add a Model Order regarding denying an application for initial licensure for use in cases where a Statement of Issues has been filed.

Purpose

The purpose of adding a Model Order regarding denying an application for initial licensure is to establish consistent language to be included in decisions if an applicant is applying for initial licensure and a Statement of Issues has been filed in the case.

In the license denial Model Order, the language includes a field for the Respondent's name. The Respondent is notified that their application for initial licensure is denied by the Board.

Rationale

This addition is necessary to help ensure that disciplinary decisions and Statements of Issues have complete and consistent language for all cases under various circumstances and outcomes.

Underlying Data:

CRB relies upon the following technical, theoretical, or empirical studies, reports, and/or documents for this proposal:

- Certified Shorthand Reporters Board, Disciplinary Guidelines, Adopted 2-18-89
- May 21, 2020, Board Meeting Materials Excerpts – Agenda Item 11
- May 21, 2020, Board Meeting Minutes Excerpts – Agenda Item 11
- November 15, 2024, Board Meeting Materials Excerpts – Agenda Item 7.3
- November 15, 2024, Board Meeting Minutes Excerpts – Agenda Item 7.3
- May 9, 2025, Board Meeting Materials Excerpts – Agenda Item 6.1
- May 9, 2025, Board Meeting Minutes Excerpts – Agenda Item 6.1
- October 17, 2025, Board Meeting Materials Excerpts – Agenda Item 8
- Draft October 17, 2025, Board Meeting Minutes Excerpts – Agenda Item 8
- CRB’s 2023-24 Sunset Review Report Excerpt – Table 3 on page 13 of 52

Business Impact:

The Board has made the initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the inability of California businesses to compete with businesses in other states. This initial determination is based on the following facts/evidence/documents/testimony or other evidence.

The Board’s existing Disciplinary Guidelines have been in regulation and in use since 1997. The proposed regulatory action only impacts licensees who are disciplined and applicants who are denied licensure by the Board for violations of the laws and regulations within its jurisdiction. The proposed regulatory action affects a negligible number of licensees and applicants who, through their own conduct, subject themselves to disciplinary action or license denial for violations of the laws and regulations within the Board’s jurisdiction.

Any adverse economic impact would only occur as the result of a disciplinary or denial order following a formal administrative proceeding and a finding of fact affirming a violation of the laws or regulations, or both, within the Board’s jurisdiction. Any potential adverse economic impact on licensees and applicants may be avoided simply by complying with the laws and regulations governing the practice of court reporting in California.

Economic Impact Assessment:

The Board has determined that this regulatory proposal will have the following effects:

- It will not create or eliminate jobs within the State of California because this proposal updates an existing regulation and only affects those licensees being disciplined for violations of the laws and regulations within the Board’s jurisdiction.

- It will not create new business or eliminate existing businesses within the State of California because this proposal updates an existing regulation and only affects those licensees being disciplined for violations of the laws and regulations within the Board's jurisdiction.
- It will not affect the expansion of businesses currently doing business within the State of California because this proposal updates an existing regulation and only affects those licensees being disciplined for violations of the laws and regulations within the Board's jurisdiction.
- This regulatory proposal benefits the health, safety, and welfare of California residents because it will provide protection to California residents by enhancing the Board's ability to take appropriate action against licensees and applicants who, through their own conduct, expose themselves to administrative disciplinary action or license denial for violations of the laws and regulations within the Board's jurisdiction.
- This regulatory proposal benefits worker safety because it will strengthen the Board's ability to monitor licensees who are on probation for violation of the laws and regulations within the Board's jurisdiction.
- This regulatory proposal does not affect the state's environment because it does not relate to the environment.

Specific Technologies or Equipment:

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives:

No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

Set forth below are the alternatives that were considered and the reasons each alternative was rejected. The Board considered keeping the status quo; however, this alternative was rejected because the revisions made to the Guidelines will conform to past and recent statutory amendments and provide assistance and clarity to individuals involved in the disciplinary and denial processes. No other alternatives have been proposed or discussed. Although CRB did not consider any other alternatives, CRB welcomes comments from the public.

Description of Reasonable Alternatives to the Regulation that Would Lessen any Adverse Impact on Small Business:

No reasonable alternative to the regulatory proposal would lessen any adverse impact on small business.

No such alternatives have been proposed; however, CRB welcomes comments from the public.