

DEPARTMENT OF CONSUMER AFFAIRS  
**TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS**  
**DIVISION 24.**

COURT REPORTERS BOARD OF CALIFORNIA

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:  
**Disciplinary and Denial Guidelines**

**NOTICE IS HEREBY GIVEN** that the Court Reporters Board of California (CRB or Board) proposes to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

**PUBLIC HEARING**

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 calendar days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under “Contact Persons” in this Notice.

**WRITTEN COMMENT PERIOD**

Written comments relevant to the action proposed, including those sent by mail, facsimile, or email to the addresses listed under “Contact Persons” in this Notice, must be **received by the Board at its office no later than 5:00 p.m. on Tuesday, April 7, 2026**, or must be received by the Board at the hearing, should one be scheduled.

**AUTHORITY AND REFERENCE**

Pursuant to the authority vested by sections 8007, 8025, and 8047 of the Business and Professions Code (BPC), and to implement, interpret, or make specific BPC sections 8025 and 8047 and sections 11425.50(e) and 11519, Government Code (Gov. Code), the Board is considering amending section 2472 of Title 16, Division 24, of the California Code of Regulations (CCR)<sup>1</sup>.

**INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW**

Existing regulatory language at CCR section 2472 contains the 1989 version of the Board’s Disciplinary Guidelines that are incorporated by reference.

BPC section 8007 mandates that the Board shall “adopt, amend, or repeal rules and regulations which are reasonably necessary to carry out the provisions” of Chapter 13 of

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<sup>1</sup> Unless otherwise noted, all references to the CCR hereafter are to Title 16.

Division 3 of the BPC. BPC section 8025 outlines causes under which a license may be suspended, revoked, denied, or otherwise subject to disciplinary action. BPC section 8047 authorizes the Board to formulate and enforce rules and regulations to carry out the provisions of Article 5, relating to Shorthand Reporting Corporations, of Chapter 13 of Division 3 of the BPC. Government Code section 11425.50(e) states that a “penalty may not be based on a guideline, criterion, bulletin, manual, instruction, order, standard of general application or other rule subject to Chapter 3.5 (commencing with Section 11340) unless it has been adopted as a regulation pursuant to Chapter 3.5 (commencing with Section 11340).” Gov. Code section 11519 states that the “decision shall become effective 30 days after it is delivered or mailed to respondent unless: a reconsideration is ordered within that time, or the agency itself orders that the decision shall become effective sooner, or a stay of execution is granted” or unless the Board takes “immediate action to protect the public interest in accordance with Article 13 (commencing with Section 11460.10) of Chapter 4.5.” Section 11519 further states that “specified terms of probation may include an order of restitution” and “the amount paid shall be credited to any subsequent judgment in a civil action.”

This rulemaking proposal will amend CCR section 2472 to update the regulatory language, delete the existing Disciplinary Guidelines publication in its entirety that was incorporated by reference, add and incorporate by reference a new version of the publication, including renaming it to be the “Disciplinary and Denial Guidelines” (Guidelines) because it relates to both disciplinary actions and the denial of licenses, and update recommended penalties and other provisions. Furthermore, the proposal will amend and add related informational materials to the Guidelines 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. 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.

### **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.

This regulatory proposal will make the changes discussed below.

## **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:

- Add “the administrative adjudication provisions of” before “the Administrative Procedure Act” in the first sentence,
- 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,
- Capitalize “board” in two locations of the regulatory text,
- Add “and denial” after “disciplinary” and add “and Denial” after “Disciplinary” in the second half of the first sentence,
- Change “Rev. 2/18/89” to “New [OAL insert effective date]” near the end of the first sentence,
- Add a comma after “deviation” before “for example” in the second half of the second sentence,
- Change the semicolons after “factors” and “case” to commas and add “or” before “evidentiary” near the end of the second sentence,
- Add a comma after “8025” in the Authority citation in the Note at the bottom of the regulation, and
- 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.

## **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.

## **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, the specific elements and chapters of which are detailed below.

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

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

## **Add Chapter I: Introduction**

Add an Introduction chapter 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.

## **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), 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, in addition to 12 factors and five (5) types of evidence to be considered when determining the appropriate level of penalty to be imposed in a given case.

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

Add criteria for Denial of a License 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.

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

Add criteria for Suspension or Revocation of a License 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.

### **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, and add examples of five (5) types of evidence of rehabilitative efforts and competency that the applicant or licensee may submit for Board review, including recent, dated letters from various individuals submitted within 30 – 60 calendar days.

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

Add a chapter on Definition of Penalties 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.

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

Add consistent and easy-to-understand definition of “denial of license.”

### **Add Definition of “Revocation”**

Add consistent and easy-to-understand definition of “revocation” of a license.

### **Add Definition of “Suspension”**

Add consistent and easy-to-understand definition of “suspension” of a license.

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

Add consistent and easy-to-understand definition of “stayed revocation” of a license, where the license is revoked, but the revocation is not imposed; it is stayed provided the licensee meets the terms and conditions of their probation.

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

Add consistent and easy-to-understand definition of “stayed suspension” of a license, where the license is suspended, but the suspension is not imposed; it is stayed provided the licensee meets the terms and conditions of their probation.

### **Add Definition of “Probation”**

Add consistent and easy-to-understand definition of “probation” that is a fixed period of time during which a licensee agrees to comply with specified conditions relating to improving the licensee’s conduct or preventing a reoccurrence of the violation, or both.

### **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.

## **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 – denial of the applicant’s license for both minimum and maximum penalties.

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

Add minimum and maximum penalty recommendations for applicant violations of BPC section 8016 relating to a certificate required for shorthand reporting practice – denial of the applicant’s license for both minimum and maximum penalties.

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

Add minimum and maximum penalty recommendations for applicant violations of BPC section 8018 relating to title and abbreviation – denial of the applicant’s license for both minimum and maximum penalties.

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

Add minimum and maximum penalty recommendations for applicant violations of BPC section 8025(a) / 480(a) relating to substantially related criminal convictions – denial of the applicant’s license for both minimum and maximum penalties.

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

Add minimum and maximum penalty recommendations for applicant violations of BPC section 8025(c) / 480(e) relating to false statement of fact on an application – denial of the applicant’s license for both minimum and maximum penalties.

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

Add minimum and maximum penalty recommendations for applicant violations of BPC section 8025(i) / 480(a)(2) relating to formal discipline by another licensing board – denial of the applicant’s license for both minimum and maximum penalties.

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

Add minimum and maximum penalty recommendations for applicant violations of BPC section 8025.1(a)(1) relating to physical or mental infirmity or incapacity – denial of the applicant’s license for both minimum and maximum penalties.

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

Add minimum and maximum penalty recommendations for applicant violations of BPC section 8025.1(a)(2) relating to abuse of chemical substances or alcohol – denial of the applicant’s license for both minimum and maximum penalties.

## **LICENSEES**

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

Add minimum and maximum penalty recommendations for licensee violations of BPC section 496 relating to examination subversion – license revocation for both minimum and maximum penalties.

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

Add minimum and maximum penalty recommendations for licensee violations of BPC section 8016 relating to a certificate required for shorthand reporting practice – stayed revocation with four (4) years' probation for minimum penalty and license revocation for maximum penalty.

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

Add minimum and maximum penalty recommendations for licensee violations of BPC section 8018 relating to title and abbreviation – stayed 90-day suspension with four (4) years' probation for minimum penalty and license revocation for maximum penalty.

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

Add minimum and maximum penalty recommendations for licensee violations of BPC section 8019 relating to aiding and abetting – stayed revocation with four (4) years' probation for minimum penalty and license revocation for maximum penalty.

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

Add minimum and maximum penalty recommendations for licensee violations of BPC section 8025(a) / 490 relating to conviction of a substantially related crime – stayed revocation with three (3) years' probation for minimum penalty and license revocation for maximum penalty.

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

Add minimum and maximum penalty recommendations for licensee violations of BPC section 8025(b) relating to failure to notify the Board of a conviction – stayed revocation with three (3) years' probation for minimum penalty and license revocation for maximum penalty.

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

Add minimum and maximum penalty recommendations 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 – license revocation for both minimum and maximum penalties.

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

Add minimum and maximum penalty recommendations for licensee violations of BPC section 8025(d) relating to fraud, dishonesty, corruption, or willful violation of duty – stayed revocation with four (4) years’ probation for minimum penalty and license revocation for maximum penalty.

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

Add minimum and maximum penalty recommendations for licensee violations of BPC section 8025(d) relating to gross negligence or incompetence – stayed revocation with four (4) years’ probation for minimum penalty and license revocation for maximum penalty.

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

Add minimum and maximum penalty recommendations for licensee violations of BPC section 8025(d) relating to unprofessional conduct – stayed revocation with four (4) years’ probation for minimum penalty and license revocation for maximum penalty.

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

Add minimum and maximum penalty recommendations 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 – stayed revocation with two (2) years’ probation for minimum penalty and license revocation for maximum penalty.

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

Add minimum and maximum penalty recommendations for licensee violations of BPC section 8025(f) relating to negligent loss or destruction of stenographic notes preventing transcript production – stayed revocation with two (2) years’ probation for minimum penalty and license revocation for maximum penalty.

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

Add minimum and maximum penalty recommendations 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 – stayed revocation with two (2) years’ probation for minimum penalty and license revocation for maximum penalty.

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

Add minimum and maximum penalty recommendations 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 – stayed revocation with two (2) years’ probation for minimum penalty and license revocation for maximum penalty.

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

Add minimum and maximum penalty recommendations 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 – stayed revocation with two (2) years’ probation for minimum penalty and license revocation for maximum penalty.

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

Add minimum and maximum penalty recommendations 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 – stayed revocation with two (2) years’ probation for minimum penalty and license revocation for maximum penalty.

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

Add minimum and maximum penalty recommendations for licensee violations of BPC section 8025.1(a)(1) relating to physical or mental infirmity or incapacity – stayed revocation with two (2) years’ probation for minimum penalty and license revocation for maximum penalty.

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

Add minimum and maximum penalty recommendations for licensee violations of BPC section 8025.1(a)(2) relating to abuse of chemical substances or alcohol – stayed revocation with two (2) years’ probation for minimum penalty and license revocation for maximum penalty.

**Add Chapter V: Probation Conditions**

Add a chapter on Probation Conditions, including 15 Standard and 14 Optional Conditions.

## **STANDARD CONDITIONS**

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

Add Standard Condition 1 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 and notify the Board of all misdemeanor and felony arrests and convictions within seven (7) calendar days after occurrence. The Respondent shall also be required to pay for and submit Live Scan fingerprints within 15 calendar days after the effective date of the decision if they have not already been fingerprinted for the Board.

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

Add Standard Condition 2 to require the Respondent to comply with the Board’s probation program and relevant terms and conditions during their probationary period and provide the Board with unrestricted access to inspect their shorthand reporting records and documents. The Respondent shall also be required to notify the Board of any address changes, pick up all certified mail from the Board, and respond to all requests for information from the Board and submit requested documents within 15 calendar days. Failure to appear for a scheduled meeting or otherwise comply with this condition shall constitute a probation violation.

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

Add Standard Condition 3 to require the Respondent to submit signed quarterly reports of probation program compliance in accordance with the calendar schedule set forth in the condition. Incomplete and late reports are not in compliance with the condition, and reports containing omissions or falsifications shall constitute a probation violation.

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

Add Standard Condition 4 to require the Respondent to maintain a current and active license during the probationary period, including periods of suspension. Failure to pay all fees prior to the license expiration date shall constitute a probation violation.

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

Add Standard Condition 5 to require the Respondent to notify the Board of any address changes to outside of California within five (5) calendar days, including travel outside of the state for contiguous periods of more than 60 calendar days that are not counted toward the probationary period (known as “tolling”), and annually verify their out-of-state residency within 30 calendar days. Tolling for three (3) or more consecutive years shall constitute a probation violation. The Respondent shall maintain an active license and comply with all probation conditions, quarterly compliance reports, and cost recovery

during periods of non-residency. The probationary period shall not be tolled while the Respondent is licensed and practicing while under probation in another state.

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

Add Standard Condition 6 to require the Respondent to notify the Board of any periods of nonpractice while residing in California and annually verify their California residency and nonpractice period within 30 calendar days. Periods of California residency and nonpractice for more than 60 consecutive calendar days shall be tolled and not counted toward the probationary period. Tolling for three (3) or more consecutive years shall constitute a probation violation. The Respondent shall maintain an active license and comply with all probation conditions, quarterly compliance reports, and cost recovery during periods of California residency and nonpractice.

### **Add Standard Condition 7 – Restitution**

Add Standard Condition 7 to require the Respondent to pay restitution to a designated person or entity within a specified number of calendar days after the effective date of the decision, failure of which shall constitute a probation violation. The Respondent shall submit proof of repayment to the Board within 30 calendar days. This condition includes a note clarifying that BPC section 143.5 prohibits restitution from being ordered for cases that involve civil actions that have been settled for monetary damages for the full and final satisfaction of the parties.

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

Add Standard Condition 8 to require the Respondent to pay the Board cost recovery for the costs and charges for investigating and enforcing the matter in a specified total dollar amount through a stated number of equal quarterly payments of specified dollar amount, commencing within 30 calendar days and continuing quarterly thereafter with each payment due within 90 calendar days after the prior payment. Late payments and failure to reimburse shall constitute a probation violation. The Board may agree to an alternate payment plan if requested by the Respondent due to financial hardship.

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

Add Standard Condition 9 to recommend that the Board revoke the Respondent's probation and impose the original disciplinary order that had been stayed (suspension or renovation) if the Respondent violates probation in any respect after the Board has given the Respondent 10 calendar days' written notice and an opportunity to be heard at a formal hearing. If the Board is seeking further disciplinary action, it shall have continuing jurisdiction and the probation shall not expire until the matter is final.

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

Add Standard Condition 10 to establish procedures for the Respondent to request the voluntarily surrender their license while on probation due to retirement, health reasons, or inability to satisfy the probationary terms and conditions. The Board may evaluate and consider whether the Respondent's request would compromise public protection under various circumstances. If the Board approves the request, the Respondent shall submit their certificate to the Board within 15 calendar days, cease practice, and no longer be subject to the terms and conditions of probation. The license surrender shall be deemed disciplinary action. The Respondent may apply for reinstatement of their license within three (3) years after the license expiration date.

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

Add Standard Condition 11 to provide that any revocation or suspension order that was stayed shall be removed and the Respondent's license shall be fully restored upon completion of probation.

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

Add Standard Condition 12 to require Respondents who are on criminal probation or parole to submit written quarterly reports from their criminal probation officer or other supervisory officer regarding their criminal probation progress; a copy of the conditions of the Respondent's criminal probation/parole and the name and contact information for their probation, parole, or other supervisory officer; and a copy of all probation/parole reports to the Board within 10 calendar days, failure of which shall constitute a probation violation. Such Respondents shall provide their probation or parole officer with written notice of the Board's decision in the case within 15 calendar days, including the name and contact information for the Board staff person who is the Respondent's probation monitor. The Respondent shall provide a copy of this written notice to the Board within 15 calendar days. Failure to timely make these submissions by the 15-day deadline shall constitute a probation violation.

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

Add Standard Condition 13 to require Respondents who operate reporting firms to circulate a written copy of the Board's decision to their employees within 30 calendar days. This condition defines "employees" to include all full and part-time, temporary, and relief employees and independent contractors employed or hired by the Respondent. The Respondent shall provide a copy of this written notice to the Board within 10 calendar days.

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

Add Standard Condition 14 to require Respondents who operate reporting firms to submit a written copy of the Board's decision to the owners, officers, and any owner or

holder of 10% or more of the interest in the Respondent or Respondent's stock within 30 calendar days, including the name and contact information for the Board staff person who is the Respondent's probation monitor. The Respondent shall provide a copy of this written notice to the Board within 10 calendar days.

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

Add Standard Condition 15 to require Respondents who operate reporting firms to submit proposed advertising copy, which must comply with CCR section 2406 and contain the Respondent's license number, and a written request for approval to the Board at least 30 calendar days prior to its intended use. The Board shall notify the Respondent of their approval or disapproval of the advertising within 30 calendar days.

## **OPTIONAL CONDITIONS**

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

Add Optional Condition 1 to require the Respondent to notify the employer or firm owner with which the Respondent is associated or subcontracted of the decision in the specified case number and any imposed terms, conditions, and restrictions within 30 calendar days, including the name and contact information for the Respondent's probation monitor with the Board. The Respondent shall provide proof of this written notice to the Board within 30 calendar days or within 15 calendar days if the Respondent undertakes new employment or association. This condition defines "associated" as full-time, part-time, temporary, and relief employment or any position for which a court reporters license is required or criterion for employment.

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

Add Optional Condition 2 to require the Respondent to submit a request for approval for their chosen drug and/or alcohol abuse rehabilitation program to the Board within 30 calendar days. The Board shall notify the Respondent of their approval or disapproval within 30 calendar days based on verification that the program is legitimate and appropriately licensed. The Respondent shall commence the program within 30 calendar days after the Board's approval and provide the Board with a copy of the certification of successful completion within 30 calendar days after completing the program.

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

Add Optional Condition 3 to require the Respondent to pay for and undergo a medical evaluation by a Board-approved physician within 30 calendar days and periodically thereafter, failure of which shall constitute a probation violation. The evaluating physician shall submit a written medical report to the Board within 30 calendar days after the evaluation on a quarterly basis or as required by the Board. The Respondent shall authorize the evaluator to release to the Board a current diagnosis and a written

report regarding the Respondent's ability to function independently and safely, which the Board shall keep confidential. If physical or mental treatment is required, the Respondent shall submit a request for approval for their chosen physician or psychotherapist to the Board within 30 calendar days. The Board shall notify the Respondent of their approval or disapproval within 30 calendar days based on verification that the physician or psychotherapist is actively licensed in good standing and does not have a current or prior personal relationship with the Respondent. The Respondent shall pay for and undergo and continue treatment within 30 calendar days after the Board's approval until the Board's further written notice. The Respondent shall have the treating physician submit written quarterly reports regarding the Respondent's treatment progress to the Board and authorize the treating physician or psychotherapist to release to the Board a current diagnosis and a written report regarding the Respondent's treatment progress, which the Board shall keep confidential. Failure to timely submit a request for approval of a physician or psychotherapist or to schedule physical or mental treatment by the 30-day deadline shall constitute a probation violation. If the Respondent is determined to be unable to practice safely, the physician or psychotherapist shall notify the Board and Respondent within five (5) calendar days, and the Board shall seek to revoke the license or probation. The Respondent shall immediately cease practice upon written notice from the Board and shall not resume practice or otherwise engage in any practice that requires a court reporter's license until notified by the Board that they may resume practice. The nonpractice period shall not apply to the reduction of the probation period.

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

Add Optional Condition 4 to require Respondents whose cases involve a sex crime, serious felony, or history of drug or alcohol abuse or violence to pay for and undergo psychological evaluation by a licensed psychologist or psychiatrist within 30 calendar days after written notice by the Board and periodically thereafter. This condition states that a history of drug or alcohol abuse or violence shall be based on the Board's evaluation of evidence indicating that the Respondent may have a physical or mental ailment or condition, including an addiction, that may have contributed to the violation. The Respondent shall submit a request for approval for their chosen psychologist or psychiatrist to the Board within 30 calendar days, and the Board shall notify the Respondent of their approval or disapproval within 30 calendar days based on verification that the psychologist or psychiatrist is actively licensed in good standing and does not have a current or prior personal relationship with the Respondent. The evaluating physician shall submit a written report to the Board regarding the Respondent's judgment, ability to function independently and safely, and whether they pose a threat to the public within 30 calendar days after the psychological evaluation, which the Board shall keep confidential. The Respondent shall authorize the evaluator to release to the Board a current diagnosis and a written report regarding the Respondent's ability to function independently and safely. Failure to timely submit a request for approval of a psychologist or psychiatrist or to schedule mental treatment by the 30-day deadline shall constitute a probation violation. If the Respondent is determined to be unable to practice safely, the mental health practitioner shall notify the

Board and Respondent within five (5) calendar days, and the Board shall seek to revoke the license or probation. The Respondent shall immediately cease practice upon written notice from the Board and shall not resume practice or otherwise engage in any practice that requires a court reporter's license until notified by the Board that they may resume practice. The nonpractice period shall not apply to the reduction of the probation period.

### **Add Optional Condition 5 – Psychotherapy**

Add Optional Condition 5 to require Respondents whose cases involve a sex crime, serious felony, or history of drug or alcohol abuse or violence to pay for and undergo psychotherapy with a licensed therapist within 30 calendar days after written notice by the Board and periodically thereafter until notified by the Board. This condition states that a history of drug or alcohol abuse or violence shall be based on the Board's evaluation of evidence indicating that the Respondent may have a physical or mental ailment or condition, including an addiction, that may have contributed to the violation. The Respondent shall submit a request for approval for their chosen therapist to the Board within 30 calendar days, and the Board shall notify the Respondent of their approval or disapproval within 30 calendar days based on verification that the therapist is actively licensed in good standing and has not had a prior business, professional, or personal relationship with the Respondent. The Respondent shall have the treating therapist submit written quarterly reports to the Board regarding the Respondent's judgment, ability to function independently and safely, and whether they pose a threat to the public. The Respondent shall authorize the therapist to release to the Board a current diagnosis and a written report regarding the Respondent's ability to function independently and safely, which the Board shall keep confidential. Failure to timely submit a request for approval of a therapist or to schedule psychotherapy by the 30-day deadline shall constitute a probation violation. If the Respondent is determined to be unable to practice safely, the therapist shall notify the Board and Respondent within five (5) calendar days, and the Board shall seek to revoke the license or probation. The Respondent shall immediately cease practice upon written notice from the Board and shall not resume practice or otherwise engage in any practice that requires a court reporter's license until notified by the Board that they may resume practice. The nonpractice period shall not apply to the reduction of the probation period.

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

Add Optional Condition 6 to require the Respondent to pay for and attend a Board-recognized court reporting school, complete the final examination in one or more specified courses, and provide the Board with proof of successful completion within 30 calendar days after completion.

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

Add Optional Condition 7 to require the Respondent to pay for and pass the specified part(s) of the licensing examination at the next scheduled examination administration. If

the Respondent fails the examination, the Board shall order the Respondent to cease practice until they take and pass the examination.

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

Add Optional Condition 8 to require the Respondent to correct any noncompliant advertising within 30 calendar days. The Respondent shall cease practice until proof of advertising correction has been submitted to and approved by the Board and the Board has notified the Respondent within 30 calendar days that they may resume practice.

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

Add Optional Condition 9 to require the Respondent to reimburse the Board for the hourly costs of monitoring their probation program in the specified yearly or monthly dollar amount.

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

Add Optional Condition 10 to require Respondents who have a history of drug abuse or addiction to abstain from controlled substances and dangerous drugs unless lawfully prescribed for an illness or medical condition and to pay for and submit to biological fluid testing or other drug screening within five (5) calendar days after requested by the Board and at the frequency determined by the Board. The Respondent shall ensure that the testing agency submits a written report directly to the Board within 30 calendar days, which shall not be confidential because any confirmed positive findings constitute a probation violation. This condition contains a note to include Optional Condition 11 relating to alcohol use for all cases that include this condition.

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

Add Optional Condition 11 to require Respondents who have a history of alcohol abuse or addiction to abstain from alcoholic beverages and to pay for and submit to biological fluid testing within five (5) calendar days after requested by the Board and at the frequency determined by the Board. The Respondent shall ensure that the testing agency submits a written report directly to the Board within 30 calendar days, which shall not be confidential because any confirmed positive findings constitute a probation violation. This condition contains a note to include Optional Condition 10 relating to drug use for all cases that include this condition.

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

Add Optional Condition 12 to require the Respondent to provide specific records for inspection by the Board within 30 calendar days.

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

Add Optional Condition 13 to require that an actual revocation be included as an optional condition in the event of a probation violation for Stayed Revocation cases.

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

Add Optional Condition 14 to require that an actual suspension be included as an optional condition in the event of a probation violation for Stayed Suspension cases.

### **Add Chapter VI: Model Orders**

Add a chapter on Model Orders to establish consistent language that the Board recommends be used in decisions under the following four categories – Licensee, Petition for Reinstatement, Petition to Revoke Probation/Revocation of Probation, and Applicant.

#### **A. Licensee**

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

Add a Model Order regarding the revocation of a license with fields for the Respondent’s license number and name and the cost recovery dollar amount that must be paid within 30 calendar days or prior to reinstatement of the license, as well as information about the relinquishment of licenses within 10 calendar days and petition for license reinstatement or penalty reduction that may be submitted to the Board after at least one year after the effective date of the decision and no later than three (3) years after the license expiration date. The order also contains an option that may be included relating to cost recovery and reinstatement fee conditions precedent to license reinstatement.

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

Add a Model Order regarding the suspension of a license with fields for the Respondent’s license number and name, the suspension period in calendar days, and cost recovery dollar amount that must be paid within 30 calendar days, as well as information about the relinquishment of licenses within 10 calendar days and petition for license reinstatement or penalty reduction that may be submitted to the Board after at least one year after the effective date of the decision.

##### **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, with fields for the Respondent’s license number and name, the number of years of probation, and all Standard and applicable Optional Conditions of

probation, noncompliance with which shall result in the stay being lifted and the Board recommending actual revocation is imposed.

### **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, with fields for the Respondent's license number and name, the number of years of probation, and all Standard and applicable Optional Conditions of probation, noncompliance with which shall result in the stay being lifted and the Board recommending a one-year actual suspension is imposed.

### **Add Model Order for Public Repeval**

Add a Model Order regarding the public repeval of a license, which constitutes a disciplinary action by the Board, with fields for the Respondent's license number and name.

### **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, which shall be submitted within 10 calendar days and constitutes a disciplinary action by the Board, with fields for the Respondent's name and license number.

## **B. Petition for Reinstatement**

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

Add a Model Order category regarding petitions for reinstatement that may be submitted to the Board after at least one year after the effective date of the decision and no later than three (3) years after the license expiration date.

### **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 with fields for the Respondent's name and license number.

### **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 with fields for the Respondent's name and license number, the number of years of probation, and all Standard and applicable Optional Conditions of probation.

## **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 specified conditions precedent with fields for the Respondent's name and license number, the number of years of probation, and all Standard and applicable Optional Conditions of probation.

## **Add Model Order to Deny Petition**

Add a Model Order regarding denying a petition for reinstatement with fields for the Respondent's name and license number.

## **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 that may be submitted to the Board after at least one year after the effective date of the decision and no later than three (3) years after the license expiration date with fields for the Respondent's license number and name.

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

Add a Model Order regarding an extension of probation with fields for the Respondent's license number and name, the additional number of years of probation, and all Standard and applicable Optional Conditions of probation.

## **D. Applicant**

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

Add a Model Order for use in cases where a Statement of Issues has been filed regarding granting an application for initial licensure with no restrictions on the license after successful completion of all licensing requirements and payment of all fees with a field for the Respondent's name.

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

Add a Model Order for use in cases where a Statement of Issues has been filed regarding granting an application for initial licensure and placing the licensee on probation after successful completion of all licensing requirements and payment of all fees with fields for the Respondent's name, the number of years of probation, and all Standard and applicable Optional Conditions of probation.

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

Add a Model Order for use in cases where a Statement of Issues has been filed regarding granting an application for initial licensure after completion of specified conditions precedent and placing the licensee on probation after successful completion of all licensing requirements and payment of all fees with fields for the Respondent's name, the number of years of probation, and all Standard and applicable Optional Conditions of probation.

## **Add Model Order to Deny Application**

Add a Model Order for use in cases where a Statement of Issues has been filed regarding denying an application for initial licensure with a field for the Respondent's name.

## **ANTICIPATED BENEFITS OF THE PROPOSAL**

The Board has determined that this regulatory proposal will affect the health and welfare of California residents and worker safety as follows: 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, Administrative Law Judges (ALJs), Deputy Attorneys General, 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 laws relating to court reporting 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 regulatory proposal will not affect the state's environment as this proposal is not related to the environment.

## **Evaluation of Consistency and Compatibility with Existing State Regulations**

During the process of developing this regulatory proposal, the Board has conducted a search of any similar regulations on these topics and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

## **Incorporation by Reference**

This proposal would repeal the 1989 Guidelines that are incorporated by reference, and incorporate by reference the document entitled “Disciplinary and Denial Guidelines” (New [effective date to be inserted by the Office of Administrative Law]). The Guidelines are incorporated by reference as they are too lengthy and cumbersome to be included in the CCR.

## **DISCLOSURES REGARDING THIS PROPOSED ACTION**

### **FISCAL IMPACT ESTIMATES**

**Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:** None. The regulations do not result in a fiscal impact to the state.

This proposal updates the Disciplinary Guidelines to provide a more accurate overview of the Board’s processes in formal disciplinary and denial actions, which will provide greater clarity to licensees, applicants, consumers, the Board, the Office of Attorney General, and ALJs by outlining relevant and transparent standards directly related to violations outlined in law.

The Board does not anticipate additional workload or costs resulting from the proposed regulations. Any workload and costs of implementation are a result of current law. In addition, this proposal does not change the fines for violations, so no additional revenues are expected.

The regulations do not result in costs or savings in federal funding to the state.

**Nondiscretionary Costs/Savings to Local Agencies:** None.

**Cost to any Local Agency or School District for which Government Code Sections 17500 – 17630 Require Reimbursement:** None.

**Mandate Imposed on Local Agency or School Districts:** None.

**Significant Effect on Housing Costs:** None.

### **BUSINESS IMPACT ESTIMATES**

The Board has made the initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the following facts/evidence/documents or testimony:

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.

### **Cost Impact on Representative Private Person or Business**

The Board is not aware of any significant cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

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. 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 cost impact on representative private person or business may be avoided simply by complying with the laws and regulations governing the practice of court reporting in California.

## **RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:**

### **Impact on Jobs / Businesses:**

The Board has determined this regulatory proposal will:

- Not create or eliminate jobs in California,
- Not create new businesses or eliminate existing businesses in California, and
- Not expand businesses currently doing business in California.

The Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California. This initial determination is because the proposed regulation only affects licensees that have been disciplined by the Board. Additionally, licensees on probation are currently subject to these Disciplinary Guidelines.

The Board has determined that this regulatory proposal benefits the health and welfare of California residents and worker safety by strengthening the Board's ability to monitor licensees who are on probation for violation of the laws and regulations within the Board's jurisdiction.

Additionally, the Board determined that this regulatory amendment will not impact the state's environment as these changes do not involve the environment.

### **Benefits of Regulation**

The Board has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents and worker safety: The Board has determined that updating its Disciplinary Guidelines through this regulatory proposal will benefit the health, safety, and welfare of California residents and worker safety 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 and 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 as this proposal is not related to the environment.

### **Business Reporting Requirements**

The regulatory action does not require businesses to file a report with the Board.

### **Effect on Small Business**

The Board has determined that the proposed regulation will not have a significant impact on small businesses as it only affects licensees and applicants who, through their own conduct, are disciplined or denied licensure for violations of the statutes and/or regulations relating to court reporting. Businesses, including small businesses operated by licensees and applicants, who comply with the law will not incur any fiscal impact. The Board does not maintain data relating to the number or percentage of licensees who own a small business; therefore, the number or percentage of small businesses that may be impacted cannot be predicted.

This regulatory proposal will not have a significant statewide adverse economic impact directly affecting small businesses including the inability of California small businesses to compete with businesses in other states.

## **CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code section 11346.5, subsection (a)(13), the Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may submit comments to the Board in writing relevant to the above determinations at 2535 Capitol Oaks Drive, Suite 230, Sacramento, CA 95833 or by email to the contact persons named in this Notice during the written comment period or at the hearing if one is scheduled or requested.

## **AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE**

CRB has compiled a record for this regulatory action, which includes the Initial Statement of Reasons, proposed regulatory text, and all the information upon which this proposal is based. This material is contained in the rulemaking file and is available for public inspection upon request to the contact persons named in this Notice.

## **TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations, any document incorporated by reference, the Initial Statement of Reasons, and all of the information upon which the proposal is based may be obtained upon request from the Board at 2535 Capitol Oaks Drive, Suite 230, Sacramento, CA 95833 or by email to the contact persons named in this Notice.

## **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After considering all timely and relevant comments, the Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposal substantially as described herein or may modify such proposal if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal, with the modifications clearly indicated, will be available for review and written comment for 15 calendar days prior to its adoption from the persons designated in this Notice as the "Contact Persons" and will be mailed to those persons who submit written comments or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

## **AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE**

All information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the contact persons named below.

You may obtain a copy of the Final Statement of Reasons once it has been prepared by making a written request to the contact persons named below or by accessing the website listed below.

### **CONTACT PERSONS**

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Betsy Figueira  
Address: Court Reporters Board of California  
2535 Capitol Oaks Drive, Suite 230  
Sacramento, CA 95833  
Telephone No.: (916) 263-3660  
Fax No.: (916) 263-3664  
Email Address: Betsy.Figueira@dca.ca.gov

The backup contact person is:

Name: Yvonne Fenner  
Address: Court Reporters Board of California  
2535 Capitol Oaks Drive, Suite 230  
Sacramento, CA 95833  
Telephone No.: (916) 263-3660  
Fax No.: (916) 263-3664  
Email Address: Yvonne.Fenner@dca.ca.gov

### **AVAILABILITY OF DOCUMENTS ON THE INTERNET**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications noted, as well as the Final Statement of Reasons when completed and modified text, if any, can be accessed through the Board's website at <https://www.courtreportersboard.ca.gov/lawsregs/index.shtml>.