

**CERTIFIED SHORTHAND REPORTERS
BOARD MEETING
July 24, 2004**

Roll Call. The Idaho Certified Shorthand Reporters Board met June 24, 2004, at the Certified Shorthand Reporters Office in Boise. Present were: Yvonne Hyde-Gier, Executive Secretary Margaret Odedo, Byrl Cinnamon; Candace Childers; Michael Peacock (via conference call); and guests Kay Manweiller, AG and Maria Barrett, DFM.

President Byrl Cinnamon called the meeting to order at 9:15 a.m. Byrl asked Margaret to introduce guests. Introduction of guests included:

- Kay Manweiller, A.G. Office
- Maria Barrett, DFM Office
- Audience – Jill Duncan, BCRI; Jill Hewson, BCRI; Sandy Mucela, BCRI; Katie Catlin, BCRI; and Glenna Pauli, BCRI

Byrl then asked Board members if one additional item could be added to the agenda.

- Item 1. Board Elections.

Mike asked for opinion from Kay Manweiller if this item would be considered under a “special meeting” and if this was the time to add. After consideration of A.G.’s opinion, Board agreed that this should be added to the next meetings agenda and then discussed at that time.

Reading of Minutes: Byrl asked for motion to accept minutes with one spelling change. Mike moved, Candace seconded. Motion carried.

Financial Report: Byrl asked Margaret to review financial reports ending June 2004.

- Accompanying financial spreadsheets furnished by the State Controllers Office were reviewed with Personnel costs totaling \$7769.63 and operating expenses totaling \$8,207.07. Ending cash balance as of June 30, 2004, is \$24,279.53.

Mike moved that the financial report be accepted. Candace seconded. Motion carried.

Reading of Communications: Nothing to Report

Unfinished Business:

A. Statutes / Rule Changes

A lengthy discussion began around potential Statute and Rule Changes. Byrl suggested that in regards to the Rules, all items that pertain to operating procedures should be taken out. Mike suggested the Board submit minor changes today. Kay explained that her letter of explanation was quite long, but to summarize, she suggested, due to the profession evolving over the last ten to fifteen years, industry changes, schools, and mobility of licensures changes, the Board should look seriously at the following areas within the Statutes.

1. Temporary Licensure
2. Endorsement
3. Reciprocal issues
4. Examination

Kay further asked:

- a. Which examination do you give? Idaho or the National, as this is currently unclear.
- b. How often do you administer the examination?
- c. Is it given 1 or 2 times a year?
- d. What do you require from school graduates, or someone already licensed?
- e. What criteria do you ask for to be licensed in the State of Idaho?
- f. Once licensed, do you require an Ethical Standard to be followed? This too is not referenced in Statute or Rule and if this was a regulatory requirement then it should be correctly reflected.
- g. Kay also suggested that the application process be looked at from start to ending.
- h. Kay also stated that Margaret was asked to go through all of the old minutes to find items that past Board members wanted changed in the Statutes and Rules, and that these items did not get changed.

Byrl then asked Margaret to explain the areas that she has seen that are problematic. Margaret began by stating, that she receives a variety of inquires in regards to working in Idaho but mainly in three areas: first, Idaho's CSR test; second, Idaho's temporary certificate; third, reciprocity with NCRA's certificates. Margaret further explained that currently the Board has asked that individuals who show proof of receiving their RPR within two years automatically qualify for full status. Unfortunately, this was never reflected with a change in statute or rule. The only item pertaining to that issue was an old memo from the Board, not on Board letterhead, dated December 12, 2001, stating that the Board would now accept the RPR if passed within two years. By accepting RPR reciprocity, the Board is at risk of violating its statutes and rules since they never got revised. Margaret also indicated a difficulty that some individuals experience when applying for the temporary, and that their disagreement is with the Board's policy of issuing temporaries to graduates of NCRA approved schools only.

Kay further explained to the Board that, even though discussions may have taken place in the past, the correct procedure must be followed and this is a very good opportunity to make those changes. Kay then referenced housekeeping items, such as the Board currently meets once a year, but business items come up all year long, and it is important for the Board to review these items and make decisions or policies.

Jill Duncan, from BCRI, asked the Board if she could make a comment. Board members agreed, and the following was heard:

The RPR has no time limit on passing as long as you are in good standing with the national association.
 Asked for clarification on passing the Idaho examination legs in a certain time frame.
 Students do not want to take the Idaho examination.

Byrl asked other Board members to comment. . Mike felt that when it came to examinations, there were two different standards. The first being that the NCRA will allow legs or portions of their examination to be carried over, and the Idaho Board only allows for a two- year period for legs or portions of the Idaho examination to be carried over. Mike also mentioned that students may take the Idaho or the national examination.

Jill asked the Board for one additional comment. Board agreed and the following was addressed:

Would the Board reconsider changing the language around the temporary qualifications to reflect acceptance of Idaho schools as an approved school?

Mike stated that he appreciated Jill's comments and viewpoint; however the Board's decision on accepting only NCRA approved schools was based on an assurance that students attending schools must meet a standard. The national association provides that each accepted school must meet the same standards and criteria. Mike also stated that if we open the door for Boise, we could open the door for all, and then the assurances would not be in place.

Jill stated that she disagrees with this based on that BCRI is an accredited school, which receives licensing through the Department of Education. In addition BCRI is a member of ACICS, (Accrediting Council for Independent Colleges and Schools) which also conducts independent audits. Audits require that curriculum and staff certification must be submitted prior to an audit.

After final comments from Jill Duncan, Byrl stated that he felt that the Board had thoroughly considered this issue fairly recently, after several meetings, with many reporters in attendance, and that, after having gone through that process, it was not necessary to reconsider the issue again. Discussion ended.

The following motions were made:

- Byrl suggested that the address change be considered. Margaret explained that this item was a mandatory item and that the current address must be available to the public.
- Byrl asked for motion to take out general provisions related to business operations. Mike moved. Candace second. Motion carried.
- Mike moved that under 54-3110 (d), fee should be increased to 100.00. Candace seconded. Motion carried.
- Mike moved that the concept of Continuing Education should come out. Candace seconded. Motion carried.
- Mike moved that 54-3108 should reflect acceptance of the RPR and all higher equivalences. Candace seconded. Motion carried.
- Mike moved that under 54-3109, experience (b), should be taken out. Candace seconded. Motion carried.
- Byrl asked for a motion in regards to examination legs. Candace moved that the Board allow for the Idaho Examination legs or portion to carry over in the same manner that the NCRA allows. Yvonne seconded. Motion carried.

Further discussion resulted in:

SECTION 1. That Section 54-3102, Idaho Code, be, and the same is hereby amended to read as follows:

54-3102. Definitions. Unless otherwise expressly stated, when used in this act the following words and phrases shall have the following meanings:

(a) "Shorthand reporting" means the making of written symbols or abbreviations in shorthand or machine shorthand writing of a verbatim record of any oral court proceedings, deposition, or proceedings before any grand jury, referee, or court commissioner, contemporaneous with event.

(b) "Certified shorthand reporter" or its abbreviation "C.S.R." means any person holding a valid regular or temporary certificate as a shorthand reporter as provided in this act.

(c) "Board" means the state certified shorthand reporters board.

(d) "Official court reporter" means the official court reporter of a federal district court in the state or the district court reporter of any state district court, but does not include any reporter of the magistrates division of any state district court.

(e) "Freelance reporter" means any shorthand reporter engaged in the practice of shorthand reporting as defined in this act who is not an official court reporter.

(f) "Available" means physically present at the time and place indicated or that the person could be physically present at the time and place indicated if a specific request was made.

SECTION 2. That Section 54-3108, Idaho Code, be, and the same is hereby amended to read as follows:

54-3108. Qualifications -- ~~Certification without~~Required examination -- Renewal of certificates.

(a) Applicants for certification must take and pass the Idaho certified shorthand reporter examination. Alternatively, applicants for certification must provide proof, satisfactory to the board, of having passed one (1) of the following examinations within two (2) years prior to the date of the application:

(1) The registered professional reporter examination (RPR); or

(2) The registered merit reporter examination;(RMR) or

(3) The registered diplomate reporter examination;(RDR) or

(4) The certified real time reporter examination (CRR).

(b) Any applicant who is a citizen of the United States of good moral character, having graduated from an accredited high school or having had an equivalent education, and having passed a reporters' examination as herein provided shall be entitled to receive a certificate as a certified shorthand reporter upon payment of the fees required by this act. All applications shall be in such form as prescribed by the board and filed with the board at least thirty (30) days prior to the announced date of the reporters' examination. The board in its discretion may make such additional investigation and inquiry, or require additional information from the applicant, as it shall deem necessary in determining the qualifications of the applicant. The board shall thereupon notify the applicant as to whether his application to take the reporters' examination is accepted.

~~(b) Any applicant who was an official court reporter within the state of Idaho upon the effective date of this act and any freelance reporter who has been in the active practice of shorthand reporting for at least one (1) year within the state of Idaho immediately preceding the effective date of this act shall not be required to take or pass the reporters' examination but shall be entitled to a regular certified shorthand reporter certificate upon filing a proper application showing that he possesses the other required qualifications and upon paying the fees required by this chapter.~~

(c) All regular certified shorthand reporter certificates shall be issued for a period of one (1) year and shall be renewable upon payment of the renewal fee prescribed in section 54-3110, Idaho Code, for an additional period of one (1) year.

SECTION 3. That Section 54-3109, Idaho Code, be, and the same is hereby amended to read as follows:

54-3109. Qualifications for temporary certification -- Renewal. (1) A temporary certified shorthand reporter certificate may be issued to an applicant who pays the fees required by the provisions of this chapter and who:

(a) Is of good moral character; and

(b) Has graduated from an accredited high school or has an equivalent education; and

~~(e)~~ (e) Is currently licensed in good standing in another state as a certified shorthand reporter, or its equivalent, or has otherwise demonstrated his proficiency by a certificate from an agency of another state; or

(ii) has graduated from a national shorthand court reporter association (NSCRA) approved school; and

~~(d) Meets the experience qualifications that the board may establish by rule.~~

(2) The application shall be upon such form as prescribed by the board and the board may in its discretion make additional investigation and inquiry, or require further information from the applicant, as it shall deem necessary in order to make a determination of the qualifications of the applicant.

(3) All temporary certified shorthand reporter certificates shall be issued for a period of one (1) year and may be renewable for a single additional period of one (1) year upon the payment of the fees prescribed in section 54-3110, Idaho Code, and upon a showing of just cause.

SECTION 4. That Section 54-3110, Idaho Code, be, and the same is hereby amended to read as follows:

54-3110. Fees. The board shall be entitled to charge and collect the following fees:

- (a) The sum of fifty dollars (\$50.00) as an application fee for any temporary or regular certificate.
- (b) The sum of fifty dollars (\$50.00) as an examination fee for the administration of the reporters' examination to any applicant.
- (c) A sum not to exceed seventy-five dollars (\$75.00) as a renewal fee for any regular or temporary certificate.
- (d) A sum not to exceed ~~fortyone~~ hundred dollars (\$4100.00) as a reinstatement fee for any application for reinstatement of a temporary or regular certificate which has been revoked or suspended.
- (e) The failure to renew a certificate annually as provided in this section and sections 54-3108 and 54-3109, Idaho Code, shall not deprive such person of the right of renewal, but the fee to be paid for the renewal of a certificate after the due date shall be increased twenty percent (20%) for each month or fraction of a month that payment of renewal is delayed; provided, however, that the maximum fee for delayed renewal shall not exceed twice the renewal fee for each year delinquent.
- (f) A sum not to exceed twenty dollars (\$20.00) as a fee for examination preparation materials.

SECTION 5. That Section 54-3111, Idaho Code, be, and the same is hereby amended to read as follows:

54-3111. Examinations. ~~(a) The board shall hold conduct the Idaho certified shorthand reporter examination at least once (1) reporters' examination during each every year and may hold such conduct additional examinations as are necessary. The secretary shall give public notice of the time and place of each examination at least one hundred twenty (120) days in advance of the date set for the examination and any person desiring to take the reporters' examination must file his application with the board at least thirty (30) days prior to the date of the examination.~~

~~(b) The preparation, administration and grading of the examination shall be governed by rules prescribed by the board, but the board may, in its discretion, engage the national shorthand Court reporters association to conduct such examination under supervision of the board. Upon determining the results of the examination, the board shall notify each examinee as to whether he passed or failed the examination by written notice mailed to the applicant by certified mail to his address indicated in his application.~~

IDAPA 49
TITLE 01
CHAPTER 01

IDAPA 49 - CERTIFIED SHORTHAND REPORTERS BOARD

49.01.01 - Rules of Procedure of the Idaho Certified Shorthand Reporters Board

(BREAK IN CONTINUITY OF SECTIONS)

002. ~~(RESERVED)~~ WRITTEN INTERPRETATIONS. Written interpretations, if any, of this chapter are available for review at the board office. ()

003. ADMINISTRATIVE APPEALS.
~~The Board shall hold hearings on disputed matters or complaints as provided for in the Act, in these Rules of Procedure, or in Title 67, Chapter 52, Idaho Code. The chairman, or a member of the Board appointed by the chairman, shall Act as presiding officer at all hearings. Rules of procedure for the conduct of such hearings shall be in accordance with the applicable provisions of the Act, of these Rules of Procedure, and of Administrative appeals shall be governed by the Administrative Procedures Act, Title 67, Chapter 52, Idaho Code. (1-1-97)()~~

004. INCORPORATION BY REFERENCE. No documents are incorporated by reference in these rules. ()

005. OFFICE INFORMATION.

01. Street Address. The offices of the Idaho Certified Shorthand Reporters Board are located at 3350 Americana Terrace, Suite 243, Boise, Idaho. ()

02. Mailing Address. The mailing address of the board is P. O. Box 83720, Boise, Idaho 83720-0017. ()

03. Telephone Number. The telephone number of the board is (208) 334-2517. ()

04. Facsimile. The boards FAX number is (208) 334-5211. ()

05. Electronic Address. The board's web address is www2.state.id.us/csr. ()

006. PUBLIC RECORDS ACT COMPLIANCE. These rules are subject to and in compliance with the Idaho Public Records Act. ()

007. FILING OF DOCUMENTS. All written communications and documents that are intended to be part of an official record for decision in a rulemaking or contested case must be filed with the Executive Secretary of the board. One (1) original is sufficient for submission to the hearing officer, with one (1) copy for the board and one (1) copy submitted to the opposing party. Whenever documents are filed by facsimile transmission (FAX), originals shall be deposited in the mail the same day or hand delivered the following business day to the hearing officer or the board, and opposing parties. ()

008. CHANGES IN NAME AND ADDRESS – ADDRESS FOR NOTIFICATION PURPOSES.

01. Change Of Name. Whenever a change of registrant name occurs, the board must be immediately notified of the change. Documentation confirming the change of name must be provided to the board on request. ()

02. Change Of Address. Whenever a change of registrant mailing address occurs, the board must be immediately notified of the change. ()

03. Address For Notification Purposes. The most recent mailing address on record with the board will be utilized for purposes of all written communication with the registrant including, but not limited to, notification of renewal and notices related to disciplinary actions. ()

~~004.—009.~~ (RESERVED).

010. DEFINITIONS.

For the purpose of these rules: (7-1-93)

01. Act. Title 54, Chapter 31, Idaho Code. (1-1-97)

~~02. Shorthand Reporting. The making of written symbols or abbreviations in shorthand or machine shorthand writing of a verbatim record of any oral court proceedings, deposition, or proceedings before any grand jury, referee, or commission. (1-1-97)~~

~~03. Certified Shorthand Reporter Or Its Abbreviation C.S.R. Any person holding a valid regular or temporary certificate as a shorthand reporter as provided in the Act. (1-1-97)~~

04.02. Board. The Idaho Certified Shorthand Reporters Board. (7-1-93)

~~05. Official Court Reporter. The official court reporter of a federal district court in the state or the district court reporter of the state district court, but does not include any reporter of the magistrates' division of the state district court. (7-1-93)~~

~~06. Freelance Reporter. Any shorthand reporter engaged in the practice of shorthand reporting as defined in the Act, who is not an official court reporter. (1-1-97)~~

~~07. Temporary Certified Shorthand Reporter. Any person who possesses the education, character, and proficiency as specified in Section 54-3109, Idaho Code. (7-1-93)~~

011. -- 099. (RESERVED).

100. **GENERAL PROVISIONS.**

~~01. **Offices.** The principal office of the Board shall be maintained at 550 West State Street, Boise, Idaho. The mailing address is P.O. Box 83720, Boise, Idaho 83720-0017, to which all correspondence, and fees shall be directed. The telephone number of the Board is (208) 334-2517. (1-1-97)~~
(This subsection updated, reorganized, and moved to Section 005.)

~~02. **Meetings BOARD MEETINGS.** The Board shall meet at least once a year. In addition to this annual meeting, the president may call special meetings from time to time when it is deemed necessary, or upon request of two (2) or more members of the Board. (1-1-97)(_____)~~

~~03. **Order Of Business.** The order of business at meetings shall be as follows: (7-1-93)~~

~~a. Reading of minutes. (7-1-93)~~

~~b. Financial report. (7-1-93)~~

~~c. Reports of officers. (7-1-93)~~

~~d. Reports of committees. (7-1-93)~~

~~e. Reading of communications. (7-1-93)~~

~~f. Unfinished business. (7-1-93)~~

~~g. New business. (7-1-93)~~

~~h. Consideration of applications and fees. (7-1-93)~~

~~i. Consideration of charges, suspensions and revocations. (7-1-93)~~

~~j. Election of officers for the ensuing year. (7-1-93)~~

~~k. Miscellaneous. (7-1-93)~~

~~l. Adjournment. (7-1-93)~~

~~m. Roberts' Rules of Order shall govern procedure of the Board except as otherwise provided by the Act or these rules and Rules of Procedure. (1-1-97)~~

~~04. **101. Officers OFFICERS.** Officers elected from the Board shall be president, and secretary/treasurer. An executive secretary may be appointed who is not a member of the Board. (1-1-97)(_____)~~

~~a. The president shall be the executive head of the Board and shall: preside at meetings; appoint committees; perform all duties pertaining to the office of the president. (1-1-97)~~

~~b. The secretary/treasurer shall, with the assistance of the executive secretary and under the direction of the Board, perform the following functions and duties: (1-1-97)~~

~~i. Keep correct minutes of the Board and furnish a copy to all members of the Board; (1-1-97)~~

~~ii. Send written notice of all regular and special Board meetings to each certified shorthand reporter member in good standing not less than ten (10) days in advance thereof; (1-1-97)~~

~~iii. Review each application for temporary or regular certification for essential data prior to consideration thereof by the Board; (1-1-97)~~

~~iv. Address inquiries, where deemed necessary, to references of applicants to verify qualification, experience, or character; (1-1-97)~~

- v. ~~Make arrangements, as required by the Board, for examinations, interviews and hearings;~~(1-1-97)
- vi. ~~Report to the Board members the result of every examination;~~ (1-1-97)
- vii. ~~Keep all records, including minutes, register of applicants for examination and a roster of Idaho certificate holders;~~
(7-1-93)
- viii. ~~Receive and deposit all funds and fees, as provided by the Act, and keep records of all deposits and disbursements;~~
(1-1-97)
- ix. ~~Perform all other duties as prescribed by the Act or which normally pertain to the office of secretary/treasurer.~~
(1-1-97)

05. 01. Committees. Regular or special committees may be appointed by the president and shall present reports to the Board at the time specified or at the earliest regular or special meeting of the Board. A special voluntary committee from the public, which may include members of the Board, may be formed to render special services during examinations or as the Board may assign to them. (1-1-97)

06. 02. Quorum. ~~As provided in the Act, a~~ A quorum shall be at least three (3) members of the Board legally holding office at the time of meeting. ~~Official business of t~~The B~~oard president shall be conducted only at Board meetings with a quorum present~~
~~not vote except to break a tie.~~ (1-1-97)()

07. Fees. ~~The Board shall be entitled to charge and collect such fees as authorized in the Act.~~ (1-1-97)

08. 03. Certificates. Certificates of registration shall be issued to each certified shorthand reporter, as prescribed by the Act, on forms adopted by the Board. Certificates shall be displayed by certified shorthand reporters in their place of business. A new certificate may be issued by the Board to replace one lost, destroyed, or mutilated upon receipt of a replacement fee of ten dollars (\$10). Each certificate shall bear an individual number as assigned to that particular C.S.R. by the Board.~~(1-1-97)~~()

09. Amendments. ~~The rules may be amended by a majority vote of Board membership at any regular or special meeting of the Board after prior notice by publication as may be required by the provisions of Title 67, Chapter 52, Idaho Code.~~ (1-1-97)

~~101. 102. -- 199. (RESERVED).~~

(BREAK IN CONTINUITY OF SECTIONS)

300. EXAMINATIONS.

01. Time And Place. Examination Process. (1-1-97)()

~~a. Examinations for certified shorthand reporter shall be held annually or semi annually, the exact time and place to be determined by the Board.~~ (1-1-97)

~~b. a. Late applicants shall not be admitted to the examination room.~~ (1-1-97)

~~02. Examination Required. Every applicant for certification shall take and pass an examination as prescribed by the Board except as may be specifically exempted from such examination under the terms of the Act.~~
(1-1-97)

03. Eligibility. (7-1-93)

~~a. Any person having graduated from an accredited high school or having had an equivalent education shall be entitled to take an examination for certification as a shorthand reporter as provided in the Act.~~
(1-1-97)

~~b. An applicant shall further be of good moral character and shall have filed a complete application with the Board, accompanied by the nonrefundable required fee, as set forth in the Act.~~ (1-1-97)

~~04. Residence. Residency is not required to practice court reporting in Idaho. Nonresidents who pass the Idaho examination shall be issued a valid Idaho certificate.~~ (7-1-93)

~~05. b. **Picture Identification.**~~ Picture identification shall be shown by all applicants before taking an examination.
(7-1-93)()

~~06. **Examination Irregularities.**~~ (7-1-93)

~~a. c.~~ Examinees are forbidden to receive any unauthorized assistance during the examination. Communication between examinees or possession of unauthorized material or devices during the examination is strictly prohibited. (1-1-97)

~~b. d.~~ Only scheduled examinees, Board members, the executive secretary and authorized personnel shall be admitted to the examination room. (1-1-97)

~~07. 02. **Scope Of Examination.**~~ (7-1-93)

a. The complete examining procedure for certification as a certified shorthand reporter consists of two (2) sections. The first section is the written examination covering subjects as are ordinarily given in a school of court reporting and which are common to all fields of practice. The second section is the skills portion which shall consist of the following "takes" and speeds. (1-1-97)

i. Question and Answer - Two hundred twenty-five (225) words per minute. (1-1-97)

ii. Jury Charge - Two hundred (200) words per minute. (1-1-97)

iii. Literary - One hundred eighty (180) words per minute. (1-1-97)

iv. Density of Exam - The syllabic content of the dictated exam shall be one point four (1.4). (7-1-93)

b. Examination prepared and graded by the National Court Reporters Association (NCRA) may be used by the Board. (1-1-97)

c. The examination is the same for all applicants. (7-1-93)

d. The examining committee which shall consist of the three C.S.R. Board members, shall inform applicants of the approximate time allowed for typing the skills portion of the examination. (1-1-97)

e. These "takes" can be passed individually for the Idaho examination. ()

~~08. 03. **Grading.**~~ (7-1-93)

a. Each applicant must attain a grade of seventy-five percent (75%) or above to pass the written examination and ninety-five percent (95%) or above in each "take" to pass the skills portion. (1-1-97)

b. Every applicant receiving a grade of less than seventy-five percent (75%) in the written examination shall be deemed to have failed such examination and shall have the application denied without prejudice. (1-1-97)

c. Every applicant receiving a grade of less than ninety-five percent (95%) in each "take" shall be deemed to have failed such examination and shall have the application denied without prejudice. (1-1-97)

d. An applicant failing either the written section, or the skills portion, and having filed a new application for examination, shall be required to take and pass within a two-year period only the section for which a failing grade was received. (1-1-97)

~~09. 04. **Inspection Of Examination.**~~ (7-1-93)

a. An applicant who fails to obtain a passing grade in the skills portion may inspect his/her examination papers at such times and locations as may be designated by the Board. Inspection of such examination papers shall be permitted within a thirty (30) day period after receipt of notice by the applicant of his/her failure to pass the examination. (1-1-97)

b. At the time of inspection no one other than the examinee or his/her attorney and a representative of the Board shall have access to such examination papers. (1-1-97)

10. 05. Inspection Review.

(7-1-93)

a. Within thirty (30) days after the date notice of the results of the examination has been mailed to him/her, an applicant who was unsuccessful in the examination may petition the Board for a review of his/her examination papers. (1-1-97)

b. The petition for review shall be made in writing stating the reason for such review and citing the item or items against which the request is directed. (7-1-93)

c. The Board shall, upon receiving such petition for review, conduct a hearing at the next scheduled Board meeting. (1-1-97)

11. 06. Retention Of Examinations. The Board shall retain for at least six (6) months, all examination papers and notes submitted by applicants. (1-1-97)

(BREAK IN CONTINUITY OF SECTIONS)

401. -- 499. 999. (RESERVED).

~~500. RULES FOR REVOCATION, SUSPENSION OR REINSTATEMENT OF CERTIFIED SHORTHAND REPORTERS' CERTIFICATES.~~

~~01. **Scope And Purpose.** Pursuant to Title 54, Chapter 31, Idaho Code, the following procedures are adopted to govern the revocation, suspension, or reinstatement of the regular or temporary certificate of a certified shorthand reporter by the Idaho Certified Shorthand Reporters Board. (1-1-97)~~

~~02. **Grounds For Revocation Or Suspension.** The Board may revoke or suspend a certificate for any of the reasons provided by law. (1-1-97)~~

~~03. **Complaint And Preliminary Investigation.** (7-1-93)~~

~~a. Upon receiving a verified complaint in writing, which is not obviously unfounded or frivolous, from a member of the Board, from a reporter, or from any person claiming to have been injured or defrauded, setting forth possible grounds for revocation or suspension of a certificate, the Board shall determine if a preliminary investigation is to be conducted. (1-1-97)~~

~~b. Upon receiving such information from other sources or in forms other than a verified complaint, as provided in Subsection 500.03.a. above, the Board may cause a preliminary investigation to be conducted. (1-1-97)~~

~~c. The preliminary investigation shall be conducted by a person appointed by the Board. A written report of the investigation shall be furnished to the Board. (1-1-97)~~

~~d. The reporter in question shall be notified upon commencement of a preliminary investigation, unless the Board determines that early notice may impair the investigation. In any event, the reporter shall be notified, and afforded an opportunity to provide information to the investigator before completion of the preliminary investigation. The notice shall furnish such information as may be necessary to inform the reporter of the subject matter and purpose of the preliminary investigation. (1-1-97)~~

~~e. Upon receipt of the report of preliminary investigation, the Board shall determine any of the following: (1-1-97)~~

~~i. The matter should be closed for lack of reasonable cause to believe that there exists any grounds for revocation or suspension of the certificate; (1-1-97)~~

~~ii. The matter should be closed upon informal admonition to the reporter; (7-1-93)~~

~~iii. Formal proceedings for revocation or suspension of the certificate should be instituted. The reporter and any complaining party shall be notified promptly of the Board's determination. (1-1-97)~~

~~f. Any papers submitted to, or other information received by the Board before or during the preliminary investigation, shall be confidential and privileged. However, confidentiality shall cease if waived by the reporter or if public statements are made by any party, requiring the Board to respond in order to clear the public record. Moreover, if the Board institutes formal proceedings, it shall cause a formal proceedings file to be created, containing all papers and information relevant to the formal proceedings; and~~

~~such papers and information shall no longer be confidential.~~

~~(1-1-97)~~

~~**04. Interim Suspension Of Certificate.** If the Board institutes formal proceedings, and if the Board finds from the report of preliminary investigation that fraud or injury to any person, or irreparable harm to the administration of justice is likely to result from allowing a certificate to remain in force during formal proceedings, the Board may, upon furnishing the reporter in question a reasonable opportunity to be heard, suspend the certificate or impose conditions for allowing it to remain in force while formal proceedings are pending. The Board may review and modify any such order upon notice and reasonable opportunity to be heard, at any time until formal proceedings are concluded.~~

~~(1-1-97)~~

~~**05. Formal Proceedings.**~~

~~(7-1-93)~~

~~**a.** Upon determining to institute formal proceedings, the Board may appoint an examiner, who may have been the investigator, but who must be the attorney general of the state of Idaho or one of his/her assistants designated by him/her, to prepare and assist in a complaint for revocation or suspension of the certificate.~~

~~(1-1-97)~~

~~**b.** The complaint shall be filed with the Board and served personally upon the reporter, together with a summons to answer. The time and method of answering, all other procedures, and the record compiled, shall be provided in Title 67, Chapter 52, Idaho Code, and as provided in the Idaho Rules of Civil Procedure to the extent that such rules are not inconsistent with the Act or with the rules set forth herein.~~

~~(1-1-97)~~

~~**c.** The Board shall be the hearing body. The secretary of the Board shall maintain the file of formal proceedings. Any member of the Board may administer oaths and affirmances, or subpoena witnesses. The Board may hear and receive evidence at any location in the state of Idaho, upon at least twenty (20) days' notice to the reporter in question. The Board may continue its hearing from time to time, and from place to place, as justice may require.~~

~~(1-1-97)~~

~~**d.** The reporter shall have the right to be represented by counsel at all stages of formal proceedings.~~

~~(7-1-93)~~

~~**06. Disposition.**~~

~~(7-1-93)~~

~~**a.** At any time prior to conclusion of formal proceedings, the Board may dismiss the complaint if it finds that the evidence is unlikely to establish grounds for revocation or suspension of the certificate, or dismissal otherwise would be in the interest of justice.~~

~~(1-1-97)~~

~~**b.** Upon conclusion of formal proceedings, or upon the filing of a stipulation by the reporter, the Board shall prepare written findings of fact and conclusions of law, and shall enter an order of any of the following:~~

~~(1-1-97)~~

~~**i.** Dismissing the complaint;~~

~~(7-1-93)~~

~~**ii.** Revoking or suspending the certificate;~~

~~(7-1-93)~~

~~**iii.** Censuring the reporter and/or allowing the certificate to remain in force, subject to certain conditions.~~

~~(7-1-93)~~

~~**e.** Where grounds for revocation or suspension are established, the Board may consider other circumstances, including any prior actions taken by the Board against the reporter, in selecting the appropriate disposition.~~

~~(1-1-97)~~

~~**d.** Censure or imposition of conditions may be selected where grounds for revocation or suspension have been established, but the Board determines, from all the circumstances, that justice requires a lesser sanction. Suspension may be coupled with imposition of such other concurrent or subsequent conditions as the Board may deem just.~~

~~(1-1-97)~~

~~**07. Change Of Disposition.** The Board may reinstate a certificate that has been revoked or suspended, or may modify or discontinue any conditions imposed, when the reporter submits a verified application with an application fee as set forth in the Act, if the Board finds that.~~

~~(1-1-97)~~

~~**a.** Grounds for revocation, suspension or imposition of condition no longer exists; or~~

~~(7-1-93)~~

~~**b.** The reporter has made adequate restitution for any damages caused by his/her prior actions or omissions, (including the costs of proceedings before the Board), has complied with any other condition imposed by the Board, and has~~

~~demonstrated good moral character sufficient to indicate that the misconduct shall not recur. If the certificate was originally revoked or suspended for incompetency, the reporter shall also be required to take and pass the reporters' examination and to pay an examination fee. (1-1-97)~~

~~**08. Right To Appeal.** Any person who shall be aggrieved by any action of the Board in denying, refusing to renew, suspending or revoking a certified shorthand reporter certificate may appeal to the district court. The appeal shall be as provided in Idaho Code Section 54-3114, and Idaho Code Section 67-5270. (1-1-97)~~

~~**09. Miscellaneous Provisions.** (1-1-97)~~

~~**a.** No reporter member of the Board shall participate as a Board member in any investigation or proceedings in regard to his/her own certificate; nor shall any judge member of the Board participate as a Board member in any investigation or proceedings as to an official reporter appointed by him. (1-1-97)~~

~~**b.** The Board may send any notice required under these rules by certified mail to a reporter at his/her last address indicated in the records of the Board. (1-1-97)~~

~~**501.—999. (RESERVED).**~~

Byrl asked for a motion to accept Statue and Rule changes. Mike motioned, Candace seconded. Motion carried.

B. Review of Violation Policy

Due to time constraints, Byrl asked that the review of Violation Policy be addressed at the next meeting. It was agreed to refer the information to Kay Manweiler for a review.

New Business: Margaret reviewed the need to add an ADA statement to the web site and discussed an additional security method provided by the Department of Administration known as a "Calendaring Event". Mike moved that the ADA statement be added and that the Calendaring Event be added. Candace seconded. Motion carried.

Miscellaneous: Examination date has been set for August 21, 2004. The next Board meeting will be set at the end of August with agenda items to only include Budget Development and Election.

Meeting Adjourned at: 12:15 p.m.