



Alabama Department of Examiners of Public Accounts

Report on the **Board of Court Reporting Montgomery, Alabama**

October 1, 2018 through September 30, 2022

AUDEMUS JURA NOSTRA DEFENDERE
ALABAMA STATE HOUSE

Rachel Laurie Riddle, Chief Examiner



Rachel Laurie Riddle
Chief Examiner

State of Alabama
Department of
Examiners of Public Accounts

P.O. Box 302251, Montgomery, AL 36130-2251
401 Adams Avenue, Suite 280
Montgomery, Alabama 36104-4338
Telephone (334) 242-9200
FAX (334) 242-1775

August 23, 2023

Senator Will Barfoot
Chairman, Sunset Committee
Alabama State House
Montgomery, Alabama 36130

Dear Senator Barfoot:

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the Alabama Board of Court Reporting in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the Alabama Board of Court Reporting in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

Rachel Laurie Riddle
Chief Examiner

Examiner
Gerald Dedon

CONTENTS

PROFILE	1
Purpose/Authority.....	1
Characteristics	1
Operations.....	3
Financial	3
Licensure	4
SIGNIFICANT ISSUES	7
STATUS OF PRIOR FINDINGS/SIGNIFICANT ISSUES	7
ORGANIZATION	7
PERSONNEL	8
PERFORMANCE CHARACTERISTICS	8
COMPLAINT HANDLING	9
REGULATION IN CONJUNCTION WITH OTHER ENTITIES	10
FINANCIAL INFORMATION	11
Schedule of Fees.....	11
Schedule of Receipts, Disbursements and Balances	12
Operating Receipts vs. Operating Disbursements	13
Summary Schedule of Professional Services Disbursements.....	14
Professional Services Disbursements	14
QUESTIONNAIRES	15
Board Member Questionnaire	15
Licensee Questionnaire.....	17
Complainant Questionnaire	19
APPENDICES	20
Appendix I: Applicable Statutes.....	21
Appendix II: Professional Services by Vendor	28
Appendix III: Board Members	29

PROFILE

Purpose/Authority

The Board of Court Reporting was created by Act Number 2006-200, Acts of Alabama. The Board exercises licensing and regulatory authority over the practice of court reporting. The Board operates under the authority of the *Code of Alabama 1975*, Sections 34-8B-1 through 34-8B-18.

There has been no legislation passed since the last sunset review of this agency.

<u>Characteristics</u>	
Members and Selection	<p>Seven members, appointed as follows:</p> <ul style="list-style-type: none">• Three professional members appointed by the Governor selected from a list of three names submitted by the Alabama State Bar Association, the Alabama Court Reporters Association (ACRA), the National Court Reporters Association (NCRA), and the National Verbatim Reporters Association (NVRA).<ul style="list-style-type: none">○ One official court reporter○ One freelance court reporter○ One member of the Alabama State Bar Association• One member of the Alabama State Bar Association, appointed by the Lieutenant Governor selected from a list of three names submitted by the Alabama State Bar Association.• One official court reporter appointed by the President Pro Tempore of the Senate from a list of three names submitted by the ACRA.• One freelance court reporter appointed by the Speaker of the House of Representatives from a list of three names submitted by the ACRA.• One member appointed by the Chief Justice of the Alabama Supreme Court selected from a list of three names submitted by the Administrative Office of Courts. <p><i>Code of Alabama 1975</i>, Section 34-8B-4</p>
Term	<ul style="list-style-type: none">• Four-year staggered terms.• No member shall serve more than two consecutive terms.• Each member shall serve until his or her successor is duly appointed and qualified. <p><i>Code of Alabama 1975</i>, Section 34-8B-4</p>

Qualifications	<ul style="list-style-type: none"> • Four Court Reporters must be certified by the Alabama Board of Court Reporting (ABCR), the NCRA, the NVRA, or by the Board. • Two members in good standing with the Alabama Bar Association. • One additional member from a list submitted by the Administrative Office of Courts. <p>All members must be citizens of the United States and residents of the State of Alabama.</p> <p><i>Code of Alabama 1975</i>, Section 34-8B-4</p>
Consumer Representation	No statutory requirement
Racial Representation	No specific statutory requirement. Two minority members serving.
Geographical Representation	No statutory requirement
Other Representation	The membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state. <i>Code of Alabama 1975</i> , Section 34-8B-4(g)
Compensation	Board members shall receive the same travel expenses and per diem as state employees. <i>Code of Alabama 1975</i> , Section 34-8B-4(j)
Attended Board Member Training	Five Board Members Executive Director

<u>Operations</u>	
Administrator	Victor Biebighauser, an unclassified part-time employee, serves as the Executive Director. He was appointed by the Board, at a rate of \$32.68 per hour not to exceed 19 hours per week. The hourly rate was set by the Board with the approval of the State Personnel Board.
Location	418 Scott Street, Suite 3 Montgomery, AL 36104
Employees	One part-time employee.
Legal Counsel	The Board has a professional services contract with private attorney, Mark D. Wilkerson.
Subpoena Power	The Board does not have subpoena power except as provided by the Alabama Administrative Procedure Act, <i>Code of Alabama 1975</i> , Section 41-22-12 for hearings and contested cases.
Internet Presence	www.abcr.alabama.gov
<u>Financial</u>	
Source of Funds	Licensing fees and fines.
State Treasury	Yes - Special Revenue Fund 1169 <i>Code of Alabama 1975</i> , Section 34-8B-12
Required Distributions	There are no required distributions.
Unused Funds	Any funds remaining in the fund at the end of each fiscal year in excess of two hundred fifty thousand dollars (\$250,000), shall be available to the Board to provide for the education and training of court reporters. At all times the Board shall retain a sum not in excess of two hundred fifty thousand dollars (\$250,000), to meet any emergency which may affect the efficient operation of the Board. <i>Code of Alabama 1975</i> , Section 34-8B-12

<u>Licensee Information</u>	
Licensees	<p>As of April 4, 2023, there were 384 licensed court reporters.</p> <p><i>Source:</i> Executive Director</p>
Licensure Qualifications	<ul style="list-style-type: none"> • Applicant must be a citizen of the United States or legally present. • Pass the Written Knowledge Examination administered by the board, ACRA, NCRA, or NVRA. • Pass an Alabama skills examination or provide documentation of having passed the NCRA Registered Professional Reporter Examination or NVRA Certified Verbatim Reporter (CVR) Examination. <p><i>Code of Alabama 1975</i>, Section 34-8B-10(a)</p>
Examinations	<p>Applicants for licensure must pass the Written Knowledge Examination administered by the National Court Reporters Association (NCRA) and provide documentation of having passed the NCRA Registered Professional Reporter Examination, National Verbatim Reporters Association Certified Verbatim Reporter Examination, or the Alabama Skills Examination administered by the Alabama Court Reporters Association (ACRA).</p> <p>The Alabama Board of Court Reporting does not administer examinations and does not collect examination fees.</p> <p>The Alabama Certified Court Reporter skills exam is given twice per year. The dates are the first Friday in October and the first Friday in April, administered at Gadsden State Community College.</p> <p>The testimony portion of the exam is given at 225 words per minute (WPM). The jury charge portion of the exam is given at 200 WPM, and the literary portion of the exam is given at 180 WPM. Test speeds match the test speeds required by the National Court Reporters Association for a Registered Professional Reporter designation.</p>

Pass/Fail rates for the Alabama Certified Reporter skills examination:

FY2019

	# Taken	# Passed	% Passed
Testimony	19	10	53%
Jury Charge	9	6	67%
Literary	11	5	45%
Total	39	21	54%

FY2020

	# Taken	# Passed	% Passed
Testimony	8	5	63%
Jury Charge	12	5	42%
Literary	12	7	58%
Total	32	17	53%

FY2021

	# Taken	# Passed	% Passed
Testimony	12	2	17%
Jury Charge	15	7	47%
Literary	17	12	71%
Total	44	21	48%

FY2022

	# Taken	# Passed	% Passed
Testimony	26	13	50%
Jury Charge	15	7	47%
Literary	15	6	40%
Total	56	26	46%

FY2023

	# Taken	# Passed	% Passed
Testimony	13	12	92%
Jury Charge	16	5	31%
Literary	10	5	50%
Total	39	22	56%

Pass/fail rates by Alabama Public Educational Institutions are not available.

Source: Executive Director

Reciprocity	<p>The Board shall enter into reciprocal agreements with any state, agency, or other entity that licenses, certifies, or registers court reporters (NCRA or NVRA, or both) if the board finds that the state, agency, or other entity has substantially the same or more stringent requirements than the board.</p> <p><i>Code of Alabama 1975</i>, Section 34-8B-11(a)</p>
Renewals	<p>Licenses shall lapse annually on September 30th of each year. Licenses may be renewed up to sixty days following lapse of licensure. The Board may provide for the late renewal of a license which has lapsed and may require the payment of a late fee or an examination, or both, prior to issuing a renewal license.</p> <p>An individual may not provide court reporting services under a lapsed license.</p> <p>Failure to renew a lapsed license within the period for late renewal shall result in an expired license.</p> <p>100% of renewals were done online in 2022.</p> <p><i>Code of Alabama 1975</i>, Section 34-8B-12 and 34-8B-13 <i>Administrative Rule</i> Section 257-X-3-.04 <i>Source:</i> Executive Director</p>
Licensee Demographics	<p>Data is not collected by the Board.</p> <p><i>Source:</i> Executive Director</p>
Continuing Education	<p>Five hours every year.</p> <p>Additional hours may be rolled over to the next renewal for up to 36 months.</p> <p><i>Code of Alabama 1975</i>, Section 34-8B-13 <i>Administrative Rule</i> Section 257-X-6-.01</p>

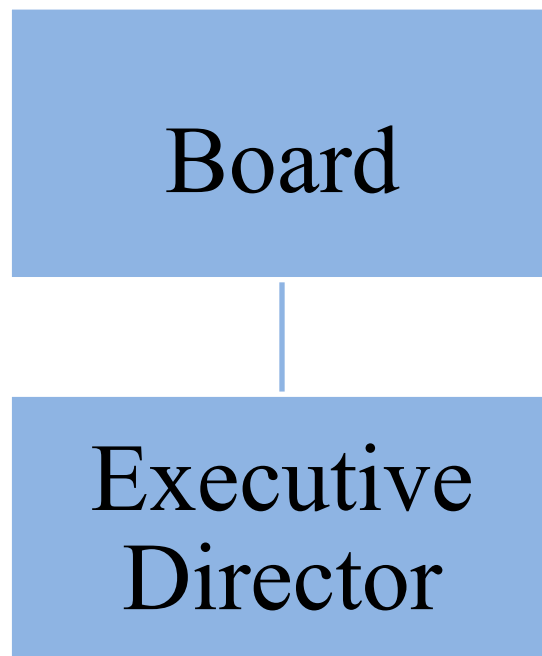
SIGNIFICANT ISSUES

There were no significant issues during the examination period.

STATUS OF PRIOR FINDINGS/SIGNIFICANT ISSUES

All prior findings/significant issues have been resolved.

ORGANIZATION



PERSONNEL

Employees

The Board employs one, white male, part-time employee to serve as the Executive Director. This employee is compensated at a rate of \$32.68 per hour not to exceed 19 hours per week.

Legal Counsel

The Board has a professional services contract with a private attorney, Mark D. Wilkerson, for legal counsel. The legal counsel represents the Board in all matters before the general public, licensees, and legislative and regulatory authorities, excepting matters of litigation. Under the current contract, the Board pays legal counsel \$195.00 per hour not to exceed \$20,000.00 per year for the contract period, plus reimbursement of reasonable and necessary expenses not to exceed \$2,000.00 per contract year. The current contract term is September 20, 2021 through September 19, 2023.

PERFORMANCE CHARACTERISTICS

Number of Licenses for the Past Four Fiscal Years

Type of License	FY2019	FY2020	FY2021	FY2022
Court Reporters	385	372	360	365

Operating Disbursements per Licensees (FY2022) - \$220.88

Fines/Penalties as a Percentage of Operating Receipts

	FY 2022	FY 2021	FY 2020	FY 2019
Total Receipts	\$ 88,915.00	\$ 86,040.00	\$ 84,995.00	\$ 108,947.00
Total Fines	9,500.00	1,750.00	-	11,000.00
Percentage	10.68%	2.03%	-	10.10%

Notification of Board decisions to Amend Administrative Rules

The Board complied with notification procedures prescribed in the Administrative Procedure Act, which includes publication of proposed rules in the Administrative Monthly, and public hearings on proposed rules. Notice is also posted on the Board's website.

COMPLAINT HANDLING

The *Code of Alabama 1975*, Section 34-8B-6 and *Administrative Rules* 275-X-5-.04 through 275-X-5-.13 provide the procedures for documentation, receipt, and investigation of complaints against licensees.

Initial Contact/Documentation	Anyone may file a complaint using the Board’s complaint form, which is available on the Board’s website. Complaints must be signed but are not required to be notarized. Complainants are sent an acknowledgement letter when the complaint is received.
Anonymous Complaints Accepted	Not accepted.
Investigative Process / Probable Cause Determination	An Investigative Committee consisting of the Board’s legal counsel, Executive Director, and a Board member investigates complaints. The Board member is removed from further involvement except as a witness.
Negotiated Settlements	Yes.
Notification of Resolution to the Complainant	The complainant is sent written notification of any action taken in response to the complaint.

Source: Executive Director

Complaint Data

Schedule of Complaints Resolution FY 2019 through FY 2022						
Year/Number of Complaints Received	Year/Number Resolved					Pending
	2019	2020	2021	2022	2023*	
2019 / 0	-	-	-	-	-	-
2020 / 0		-	-	-	-	-
2021 / 3			2	1	-	-
2022 / 3				3	-	-
2023 / 2*					2	-

Source: Executive Director
*As of April 30, 2023

Average Time to Resolve Complaints – 36 business days.

Disposition of Resolved Complaints

# of Complaints	Resolution
3	Complaint resolved between parties
2	No jurisdiction
1	Consent agreement and fine
1	Consent agreement, fine, and continuing education requirements
1	No action taken

REGULATION IN CONJUNCTION WITH OTHER ENTITIES

There is no regulation in conjunction with other state or federal agencies.

FINANCIAL INFORMATION

Source of Funds – License fees and fines are deposited into the Special Revenue Fund 1169 maintained in the State Treasury.

Schedule of Fees

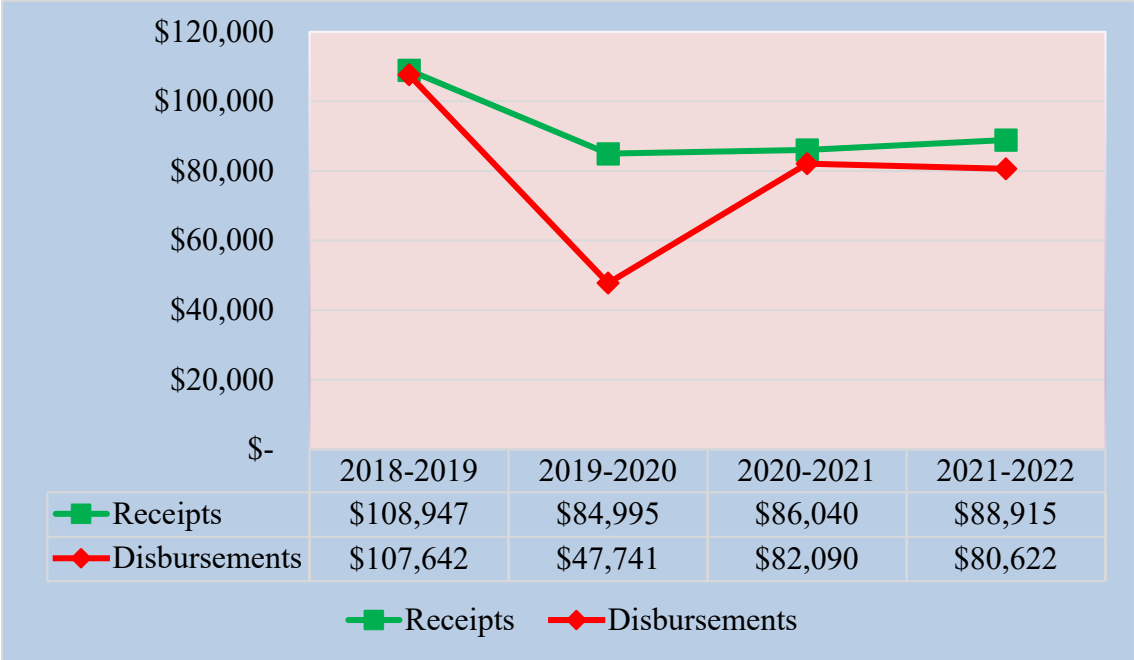
Type of Fee	Code of Alabama	Amount Authorized	Administrative Rule	Amount Collected
Licensee Fee	34-8B-5(3) 34-8B-12	Set by Board	257-X-7	\$200.00
Application Fee	34-8B-17(1)	Set by Board	257-X-7	\$50.00
Renewal Fee	34-8B-13 34-8B-17(3)	Set by Board	257-X-7	\$200.00
Late Renewal Fee	34-8B-17(5)	Set by Board	257-X-7	20% for each month or fraction that payment is delayed
Temporary License	34-8B-15	Set by Board	257-X-7	\$300.00
Reinstatement Fee	34-8B-17(4)	Set by Board	257-X-7	\$300.00
Non-resident Licensure Fee	34-8B-11(c)(d)	Set by Board	257-X-7	\$200.00
Change of Information Fee	34-8B-17(6)	Set by Board	257-X-7	\$25.00
Replacement License Fee	34-8B-17(7)	Set by Board	257-X-7	\$25.00
Inactive Status Fee	34-8B-5(3)	Set by Board	257-X-7	\$10.00
License Verification Fee	34-8B-17(7)	Set by Board	257-X-7	\$25.00
Roster List Fee	34-8B-17(7)	Set by Board	257-X-7	\$25.00
Roster Label Fee	34-8B-17(7)	Set by Board	257-X-7	\$25.00
Return Check Fee	8-8-15	≤ \$30.00	257-X-2-.04(d)	\$30.00

Schedule of Receipts, Disbursements and Balances

October 1, 2018 through September 30, 2022

	2021-2022	2020-2021	2019-2020	2018-2019
<u>Receipts</u>				
License/Permit Fees	\$79,415.00	\$84,290.00	\$84,995.00	\$97,947.00
Fines	9,500.00	1,750.00		11,000.00
Total	<u>88,915.00</u>	<u>86,040.00</u>	<u>84,995.00</u>	<u>108,947.00</u>
<u>Disbursements</u>				
Personnel Costs	24,228.37			
Employee Benefits	1,856.07			
Travel, In-State	891.61	774.35	1,847.93	6,141.86
Repairs & Maintenance	105.00			
Rentals & Leases	80.64	100.80	59.04	46.69
Utilities & Communications	976.77	739.78	538.28	947.27
Professional Services	50,321.46	78,380.89	43,292.36	98,246.52
Supplies, Materials, & Operating Expenses	2,019.87	2,094.50	2,003.63	2,259.37
Other Equipment Purchases	141.90			
Total	<u>80,621.69</u>	<u>82,090.32</u>	<u>47,741.24</u>	<u>107,641.71</u>
Excess of Receipts over Disbursements	8,293.31	3,949.68	37,253.76	1,305.29
Cash Balance at Beginning of Year	<u>113,367.99</u>	<u>109,418.31</u>	<u>72,164.55</u>	<u>70,859.26</u>
Cash Balance at End of Year	121,661.30	113,367.99	109,418.31	72,164.55
Reserved for Year-End Obligations	<u>(6,144.79)</u>	<u>(110,449.67)</u>	<u>(26,659.69)</u>	<u>(17,100.00)</u>
Unobligated Cash Balance at End of Year	<u>\$115,516.51</u>	<u>\$2,918.32</u>	<u>\$82,758.62</u>	<u>\$55,064.55</u>

Operating Receipts vs. Operating Disbursements

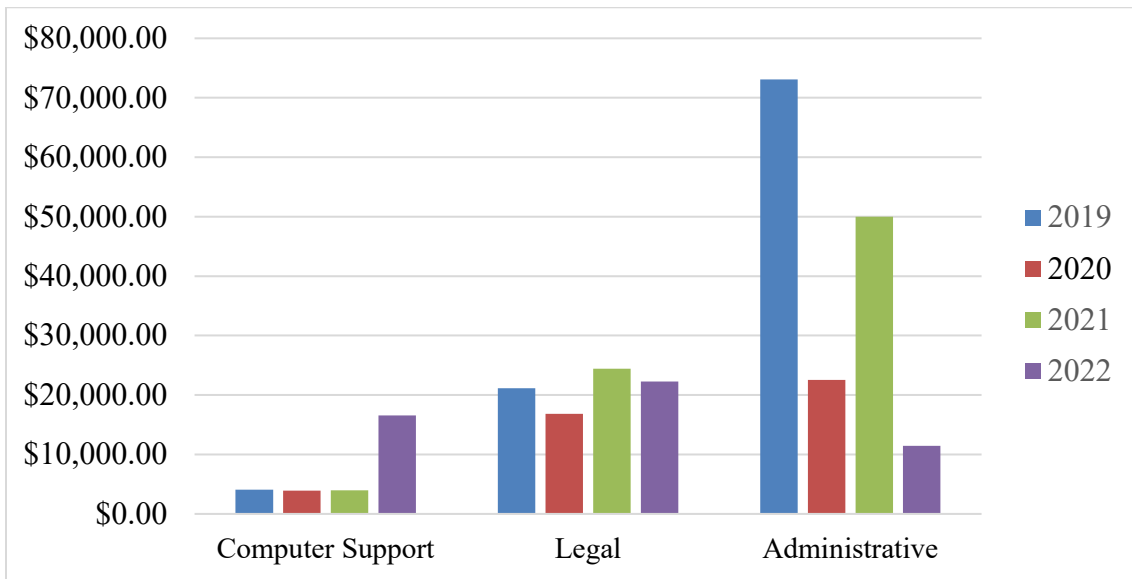


Summary Schedule of Professional Services Disbursements

As of September 30th				
Type of Service	FY 2019	FY 2020	FY 2021	FY 2022
Computer Support	\$ 4,054.60	\$ 3,926.75	\$ 3,979.40	\$ 16,590.71
Legal	21,127.60	16,813.00	24,409.60	22,292.95
Administrative	73,064.32	22,552.61	49,991.89	11,437.80
Total	\$ 98,246.52	\$ 43,292.36	\$ 78,380.89	\$ 50,321.46

Detailed information presented in Appendix II.

Professional Services Disbursements



QUESTIONNAIRES

Board Member Questionnaire

A letter was sent to seven members of the Board of Court Reporting requesting participation in our survey. Five participated in our survey. The percentages shown are based on the number who responded to the question.

1. What are the most significant issues currently facing the Board and how is the Board addressing these issues?

Board Member #1 – “One of the most significant issues is keeping members apprised of renewal dates and maintaining their CEU cycle. We are working with ACRA to have a slot in their annual convention to provide updates to members and answer any questions that members have.”

Board Member #2 – “Digital recordings.”

Board Member #3 – “Maintaining fair and consistent application procedures in licensing rules and regulations. Addressing this issue by running our operations and responsibilities as efficiently as possible. Protecting the public by ensuring court reporting is not being done illegally in Alabama. Addressing this issue by making sure applicants and licensees understand the rules and regulations as well as application of the same.”

Board Member #4 – “Making sure we keep good, licensed court reporters in our state to try to fight AI from coming in and taking jobs. We continue to ensure that we watch who is working in our state and they are abiding by our regulations.”

2. What, if any, changes to the Board’s laws are needed?

Board Member #1 – “We would like to ensure that stenography and voice are the only methods allowed in this state and ensure that digital reporting does not come in the state.”

Board Member #2 – “None.”

Board Member #3 – “None.”

Board Member #4 – “None that I can think of right now.”

Board Member #5 – “None.”

3. Is the Board adequately funded?

Yes	5	100%
-----	---	------

4. Is the Board adequately staffed?

Yes	5	100%
-----	---	------

5. Does the Board receive regular reports on its operations of the Board from the Executive Director?

Yes	5	100%
-----	---	------

6. Has the Board experienced any significant changes to its operations?

No	4	80%
Other	1	20%

Board Member – “Since the Board retained current Executive Director in November 2020 after our former executive director became executive director of the Board of Architects, no other significant changes. .”

7. What, if any, changes does the Board plan to make to its operations?

Board Member #1 – “Not at this time.”

Board Member #2 – “Compliance with the Governor executive order.”

Board Member #3 – “To comply with the Governor’s recent executive orders that apply to our Board.”

Board Member #4 – “NO major changes that I know of. Just abiding by what the Governor has asked us to do.”

Board Member #5 – “None that I am aware of.”

Licensee Questionnaire

A letter was sent to one hundred licensees requesting participation in our survey. Twenty-four participated in the survey. The percentages shown are based on the number who responded to the question.

- 1. Do you think regulation of your profession by the Board of Court Reporting is necessary to protect the public welfare?**

Yes	24	100%
------------	-----------	-------------

- 2. Do you think any of the Board's laws, rules, or policies are an unnecessary restriction of your profession?**

Yes	2	8%
No	22	92%

- 3. Do you think any of the Board's requirements are irrelevant to the competent practice of your profession?**

No	24	100%
-----------	-----------	-------------

- 4. Are you adequately informed by the Board of changes to and interpretations of the Board's positions, policies, rules, and law?**

Yes	24	100%
------------	-----------	-------------

- 5. Are you satisfied with your experience with the Board?**

Yes	24	100%
------------	-----------	-------------

- 6. Do you consider mandatory continuing education necessary for the competent practice of your profession?**

Yes	20	83%
No	4	12%

- 7. Do you think the Board and its staff are satisfactorily performing their duties?**

Yes	24	100%
------------	-----------	-------------

Complainant Questionnaire

A letter was sent to all seven complainants requesting participation in our survey. Two participated in the survey. The percentages shown are based on the number who responded to the question.

1. How was your complaint filed with the Board of Court Reporting?

Mail 2 100%

2. Was receipt of your complaint acknowledged?

Yes 2 100%

3. Approximately how long after you filed your complaint were you contacted by the Board?

Within 20 Days 2 100%

4. Was the Board employee who responded to your complaint knowledgeable and courteous?

Both 2 100%

5. Did the Board communicate the results of the investigation to you?

Yes 2 100%

6. Did you think the Board did everything it could to resolve your complaint?

Yes 2 100%

7. Were you satisfied with your dealings with the Board?

Yes 2 100%

8. Do you have any other comments regarding your experience?

Complainant #1- Did not respond.

Complainant #2- Did not respond.

This Page Intentionally Blank

APPENDICES

Appendix I – Applicable Statutes

Article 1 General Provisions.

Section 34-8B-1 Legislative findings.

The Legislature hereby finds and declares that it is the policy of the state to promote the skill, art, and practice of court reporting in order to assure that court reporters possess the necessary skills and qualifications and that a board be established to prescribe the qualifications of court reporters and to issue licenses to persons who demonstrate their ability and fitness for the licenses. This chapter is intended to establish and maintain a standard of competency for individuals engaged in the practice of court reporting and for the protection of the public, in general, and for the litigants whose rights to personal freedom and property are affected by the competency of court reporters. The examination, licensing, and supervision of the conduct and proficiency of court reporters are integrally related to the effective, impartial, and prompt operation of the judicial system of the State of Alabama.

(Act 2006-200, p. 289, §1.)

Section 34-8B-2 Definitions.

As used in this chapter, the following terms shall have the following meanings:

- (1) ACRA. The Alabama Court Reporters Association.
- (2) BOARD. The Alabama Board of Court Reporting.
- (3) CERTIFIED COURT REPORTER (C.C.R.). Any person licensed pursuant to this chapter to practice verbatim reporting.
- (4) CERTIFIED SHORTHAND REPORTER (C.S.R.). A designation of certification given by the Alabama Court Reporters Association for its certified members.
- (5) COURT REPORTER. Any person who is engaged in the practice of court reporting as a profession, including persons who actually report judicial proceedings in courts and persons who make verbatim records.
- (6) COURT REPORTING. The making of a verbatim record by means of manual shorthand, machine shorthand, closed microphone voice dictation silencer, or by other means of personal verbatim reporting of any testimony given under oath before, or for submission to, any court, referee, or court examiner or by any board, commission, or other body, or in any other proceeding where a verbatim record is required. The taking of a deposition is the making of a verbatim record.
- (7) CVR. Certified verbatim reporter.
- (8) FISCAL YEAR. October 1 through September 30.
- (9) FUND. The Alabama Board of Court Reporting Fund.
- (10) NCRA. The National Court Reporters Association.
- (11) NVRA. The National Verbatim Reporters Association.
- (12) RPR. Registered professional reporter.
- (13) SECRETARY. A person selected by the board to serve as secretary of the board.

(Act 2006-200, p. 289, §2.)

Section 34-8B-3 License required.

No person, except as otherwise provided by law, shall practice or attempt to practice court reporting in this state or hold himself or herself out as a court reporter unless the person is a licensed court reporter.

(Act 2006-200, p. 289, §3.)

Section 34-8B-4 Alabama Board of Court Reporting - Creation; composition; meetings; compensation.

(a) There is created the Alabama Board of Court Reporting. The board shall be operative within 60 days of June 1, 2006. ACRA shall provide administrative support to the board until such time as the board employs sufficient employees to implement and administer this chapter.

(b) The board shall consist of seven members as follows:

(1) Four court reporters certified by ABCR, NCRA, NVRA, or by the board, two of whom shall be employed in official capacities and two of whom shall be employed in a freelance setting.

(2) Two members in good standing with the Alabama State Bar Association.

(3) One additional member.

(c) Appointments to the board shall be made as follows:

(1) The Governor shall appoint one official court reporter, one freelance court reporter, and one member of the Alabama State Bar Association. ACRA, NCRA, NVRA, and the Alabama State Bar Association shall respectively submit a list of three names for each appointment to the Governor for consideration.

(2) The Lieutenant Governor shall appoint one member of the Alabama State Bar Association from a list of three names submitted by the Alabama State Bar Association.

(3) The President Pro Tempore of the Senate shall appoint one member who is an official court reporter from a list of three names submitted by ACRA.

(4) The Speaker of the House of Representatives shall appoint one member who is a freelance court reporter from a list of three names submitted by ACRA.

(5) The Chief Justice of the Alabama Supreme Court shall appoint one member from a list of three names submitted by the Administrative Office of Courts.

(d) All members of the board shall be citizens of the United States and the State of Alabama. The lists of names shall be submitted by the designated organizations on or before June 1, 2006. The initial terms shall begin January 1, 2007, and all appointments shall be made prior to January 1 of every year.

(e) The initial members shall serve the following terms as designated by the Governor:

(1) Three members shall serve for two years.

(2) Two members shall serve for three years.

(3) Two members shall serve for four years.

(f) Subsequent terms of office shall be for four years. No member shall serve more than two consecutive terms. In the event of a vacancy, the appointing authority for the position shall fill the vacancy. Each member shall serve until his or her successor is duly appointed and qualified.

(g) The membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state. The board shall annually report to the Legislature by the second legislative day of each regular session to what extent the board has complied with the diversity provisions provided for in this subsection.

(h) At its first meeting each calendar year, the board shall elect a chair, vice chair, and secretary from its membership. No member shall be elected to serve more than two consecutive years in the same office.

- (i) After the initial appointments have been made, the board shall meet by January 2007, for the purpose of organizing and transacting business. Thereafter, the board shall meet not less than twice annually and as frequently as deemed necessary by the chair or a majority of the members. The board shall meet at such time and place as designated by the board. A quorum shall consist of four members.
- (j) Board members shall receive the same travel expenses and per diem as state employees pursuant to Article 2, commencing with Section 36-7-20, Chapter 7, Title 36. The expenses shall be paid out of the funds of the board. Reimbursement shall not be made if funds are insufficient.
- (Act 2006-200, p. 289, §4; Act 2010-554, p. 1120, §3; Act 2012-493, §1.)*

Section 34-8B-5 Alabama Board of Court Reporting - Duties.

The board shall have all of the following duties and responsibilities:

- (1) Act on matters concerning competency licensure only and the process of granting, suspending, reinstating, and revoking a license.
- (2) Establish a procedure for the investigation of complaints against licensed court reporters and for the conduct of hearings in which complaints are heard.
- (3) Set a fee schedule for granting licenses and renewals of licenses subject to the Alabama Administrative Procedure Act.
- (4) Maintain a current register of licensed court reporters and a current register of temporarily licensed court reporters. Registers shall be matters of public record.
- (5) Maintain a complete record of all proceedings of the board.
- (6) Adopt continuing education requirements no later than October 1, 2007. Requirements shall be implemented no later than January 1, 2008, and shall include all courses approved by the Alabama State Bar for continuing legal education.
- (7) Determine the content of and administer examinations to be given to applicants for licensure as certified court reporters and issue numbered licenses to applicants found qualified.
- (8) Maintain records of its proceedings and a register of all persons licensed by the board which shall be a public record and open to inspection.

(Act 2006-200, p. 289, §5; Act 2010-554, p. 1120, §3; Act 2012-493, p. 1438, §1.)

Section 34-8B-6 Complaints; hearing; penalties; appeal.

- (a) All complaints shall be in writing, signed by the person making the complaint, and addressed to the chair of the board. All complaints shall contain the name and address of the person against whom the complaint is brought and a description of the conduct giving rise to the complaint. Complaints shall be submitted within 90 days of such conduct and a copy shall be provided to the licensed court reporter within five business days of receipt by the board. The copy shall be sent by certified mail or by such other means of delivery to ensure that the licensed court reporter charged in the complaint shall receive actual notice. After investigation of the charges, the board shall conduct a hearing at which time it may dismiss the charges, may impose a fine not to exceed one thousand dollars (\$1,000), or may revoke or suspend the license of the licensee.
- (b) The licensee may appeal a decision of the board imposing an administrative fine or revoking or suspending a license by submitting a request to the board for reconsideration within 90 days following the decision of the board. If no resolution is achieved, further appeals shall be submitted to the circuit court in the jurisdiction of the residence of the licensee. Any licensee whose application for licensure or for renewal of licensure was denied, or whose license was revoked, may reapply after 12 months have elapsed. The board may then reissue a license or rescind any disciplinary action if a majority of the members vote in favor of the action.

(Act 2006-200, p. 289, §6.)

Section 34-8B-7 Promulgation of rules.

The board shall promulgate rules necessary to implement and administer this chapter. The rules shall be adopted pursuant to the Alabama Administrative Procedure Act. The rules shall be published in the standards of professional practice and made available to all licensees.

(Act 2006-200, p. 289, §7.)

Section 34-8B-8 Violations; penalties.

After January 1, 2007, any person who undertakes or attempts to undertake the practice of court reporting for remuneration without first having procured a license, or who knowingly presents or files false information with the board for the purpose of obtaining a license or who violates this chapter shall be guilty of a Class C misdemeanor. A person who is not licensed may not bring or maintain an action to recover fees for court reporting services that he or she performed in violation of this chapter. Whenever it appears to the board that any court reporter has violated this chapter, the board may, in its own name, petition the circuit court of the county in which the violation occurred to enjoin the violation.

(Act 2006-200, p. 289, §8; Act 2010-554, p. 1120, §3.)

Section 34-8B-9 Recovery by board of damages; liability of board members.

(a) The board may sue and be sued in its own name to recover actual or compensatory damages, including interest and court costs, sustained as the result of disciplinary action taken against any licensee or any other person who violates this chapter or rules promulgated hereunder.

(b) All members of the board shall be immune from civil liability while acting within the scope of their duties as board members.

(Act 2006-200, p. 289, §9; Act 2010-554, p. 1120, §3.)

Section 34-8B-10 Examinations and testing; unauthorized use of license number.

(a) To be licensed as a court reporter, an applicant shall be a United States citizen or, if not a citizen of the United States, a person who is legally present in the United States with appropriate documentation from the federal government, and shall pass the Written Knowledge Examination administered by the board, ACRA, NCRA, or NVRA, and shall pass an Alabama skills examination or provide documentation of having passed the NCRA Registered Professional Reporter Examination or NVRA CVR Examination. The board shall examine or establish, or both, examination and testing procedures to enable the board to ascertain the competency of applicants for licensure. Each such skills examination shall be given at least twice each calendar year. Applications for licensure shall be signed and sworn by the applicants and submitted on forms furnished by the board. An applicant who furnishes the board with satisfactory proof of graduation from a court reporting program or its equivalent shall, upon payment of a reasonable fee in an amount determined by the board, be examined by the board. All applicants who are found qualified to engage in the practice of court reporting pursuant to this chapter shall be issued a license as a certified court reporter and an identifying number. The license shall be valid until September 30th of the year of its issuance.

(b) No certified court reporter may authorize the use of his or her license number on any transcript not produced through his or her personal effort or supervision, or both. Violation of this subsection may be grounds for license suspension or revocation.

(c) The board shall approve at least two reporter examinations each year and may hold such additional examinations as are necessary. The secretary shall give public notice of the time and place of each examination at least 120 days prior to the date set for the examination. Any person desiring to take the examination shall file his or her application with the board at least 30 days prior to the date of the examination. The preparation, administration, and grading of the examination shall be governed by the rules prescribed by the board, but the board may engage ACRA to conduct the examination under the supervision of the board. Upon determining the results of the examination, the board shall notify each applicant as to whether the applicant has passed the examination. Notification shall be by written notice mailed to the applicant by certified mail to the applicant's address as indicated on the application.

(Act 2006-200, p. 289, §10; Act 2008-131, p. 189, §3; Act 2012-493, p. 1438, §1.)

Section 34-8B-11 Reciprocity agreements; nonresidential licenses; fees.

(a) The board shall enter into reciprocal agreements with any state, agency, or other entity that licenses, certifies, or registers court reporters (NCRA or NVRA, or both) if the board finds that the state, agency, or other entity has substantially the same or more stringent requirements than the board.

(b) The reciprocity agreement shall provide that the board shall license a person who is currently licensed, certified, or registered in another state or by another agency or other entity if that state, agency, or other entity agrees to license, certify, or register any licensees licensed pursuant to this chapter.

(c) Nonresident court reporters desiring to make a verbatim record of any testimony of a proceeding, the jurisdiction of which is within the courts of Alabama or where appeal to any court of Alabama is allowable by law, shall make annual application for a nonresident license. The applicant shall make application on the same forms as required of other applicants, shall pay a fee in an amount determined by the board, and shall present proof that the applicant is a competent licensed court reporter in another state. The board shall issue a nonresident license upon the finding that the applicant is a competent licensed court reporter in another state. The license shall be valid for a period not to exceed one year from the date of issuance. A nonresident court reporter shall reapply for licensure annually. An annual fee in an amount determined by the board shall be required.

(d) The board shall establish the fees appropriate in processing reciprocal licensing.

(Act 2006-200, p. 289, §11.)

Section 34-8B-12 Licensing fees.

The annual fees for licensure pursuant to this chapter shall be established by the board and shall cover a 12-month period beginning October 1 of each year. All fees collected by the board shall be paid into the State Treasury to the credit of the Board of Court Reporting Fund which is hereby created. Moneys in the fund shall be subject to withdrawal only upon warrant of the state Comptroller to be issued upon certification of the secretary. Any funds remaining in the fund at the end of each fiscal year in excess of two hundred fifty thousand dollars (\$250,000), shall be available to the board to provide for the education and training of court reporters. At all times the board shall retain a sum not in excess of two hundred fifty thousand dollars (\$250,000), to meet any emergency which may affect the efficient operation of the board. No funds shall be withdrawn or expended except as budgeted and allocated pursuant to this chapter and only in amounts as stipulated in the general appropriations bill or other appropriations bills.

(Act 2006-200, p. 289, §12.)

Section 34-8B-13 Renewal of licenses.

Each person licensed pursuant to this chapter shall apply for renewal of his or her license pursuant to dates established by the board. A renewal fee in an amount determined by the board shall be paid and thereupon the board shall issue a numbered license establishing that the holder is entitled to practice court reporting for the period determined by the board. The board shall require specific continuing education as a condition for license renewal. The board may provide for the late renewal of a license which has lapsed and may require the payment of a late fee or an examination, or both, prior to issuing a renewal license. Licensees shall notify the board in writing of any change of address within 30 days of the change.

(Act 2006-200, p. 289, §13.)

Section 34-8B-14 Licensing of current court reporters; certified shorthand reporters.

(a) Any person who is engaged in the practice of court reporting on June 1, 2006, and who provides to the board an affidavit setting forth his or her past education and work experience as a court reporter and an affidavit of a judge for whom he or she has worked as an official court reporter or three licensed attorneys, unrelated by blood or marriage to the person and who have utilized the services of the court reporter, which attests to the court reporter's proficiency in court reporting, upon payment of a fee in an amount determined by the board, shall be licensed to practice as a court reporter. The deadline for receiving applications for grandfathering is December 31, 2012.

(b) Any member in good standing of ACRA licensed as a certified shorthand reporter on June 1, 2006, upon payment of the licensure fee in an amount determined by the board, shall be automatically granted a license pursuant to this chapter and thereby may practice as a court reporter.

(c) Members of ACRA who hold the certified shorthand reporter certification and do not apply for certification within one year of June 1, 2006, shall be required to take the certified court reporter examination in order to become a certified court reporter.

(Act 2006-200, p. 289, §14; Act 2012-493, p. 1438, §1.)

Section 34-8B-15 Temporary license.

(a) Commencing on August 1, 2012, any person who is a graduate of a court reporting program may receive a temporary license to practice as a court reporter from the board. Application for the temporary graduate license shall be made to the board, on forms approved by the board, and the payment of a fee in an amount determined by the board. The temporary license shall be valid for 18 months from the date of issuance.

(b) In the event that a temporary license expires without the temporary licensee having passed the examination for full licensure, court reporting services by the temporary licensee shall cease and desist immediately upon the expiration of the temporary license, and the board may not be held liable for lost income to the temporary licensee or to the court reporting firm.

(Act 2006-200, p. 289, §15; Act 2010-554, p. 1120, §3; Act 2012-493, p. 1438, §1.)

Section 34-8B-16 Inactive status.

The board shall establish an inactive status for persons who are not actively engaged in the practice of court reporting.

(Act 2006-200, p. 289, §16.)

Section 34-8B-17 Disposition of funds; collection of fees.

All moneys collected pursuant to this chapter shall be deposited into the Board of Court Reporting Fund. All expenses incurred by the board in implementing and administering this chapter shall be paid out of the fund provided that the expenses of the board shall not be in excess of the moneys in the fund. The board may charge and collect the following fees which shall be deposited into the fund:

- (1) An application fee for any temporary or regular license.
- (2) An examination fee.
- (3) A renewal fee for any temporary or regular license.
- (4) A reinstatement fee for any application for reinstatement of a temporary or regular license which has been placed on inactive status, revoked or suspended.
- (5) A fee for the renewal of a license after the due date which shall be increased 20 percent for each month or fraction thereof that payment is delayed, unless the delay is caused by conditions resulting from additional requirements imposed by the board. Notwithstanding the foregoing, delinquency of more than 60 days shall result in revocation of licensure.
- (6) A change of information fee.
- (7) Necessary administrative fees including, but not limited to, reasonable costs for copying, labels, and lists.

(Act 2006-200, p. 289, §17; Act 2012-493, p. 1438, §1.)

Section 34-8B-18 Sunset provision.

The board shall be an enumerated board pursuant to Sections 41-20-1 to 41-20-16, inclusive. The board is subject to the provisions of the Alabama Sunset Law of 1981. The board shall automatically terminate on September 30, 2008, and every four years thereafter, unless a bill is passed that the board be continued, modified, or reestablished.

(Act 2006-200, p. 289, §18.)

Appendix II – Professional Services by Vendor

	<u>FY2019</u>	<u>FY2020</u>	<u>FY2021</u>	<u>FY2022</u>
Computer Support				
<i>Data Processing</i>				
Office of Information Technology	\$ 4,054.60	\$ 3,926.75	\$ 3,979.40	\$ 16,464.41
<i>SBS Billing</i>				
Dept. of Finance				112.00
<i>Finance and IT Planning Oversight</i>				
Office of Information Technology				14.30
Total Computer Support	4,054.60	3,926.75	3,979.40	16,590.71
Legal Support				
<i>Legal Services</i>				
Dana Billingsley	18,390.00			
Mark Wilkerson	551.00	16,813.00	24,409.60	22,292.95
<i>Court Reporter Services</i>				
Veritext	429.10			
<i>Hearing Officers</i>				
Eugene W. Reese	1,757.50			
Total Legal Support	21,127.60	16,813.00	24,409.60	22,292.95
Administrative Services				
<i>Advertising</i>				
Legislative Services Agency	1,240.00			300.00
<i>Accounting and Auditing</i>				
Leadership Alliance	70,583.28	21,437.47		
<i>Food Services</i>				
Victor Biebighauser				76.50
<i>Collection Services</i>				
Alabama Interactive			200.00	
<i>Managerial Services</i>				
Victor Biebighauser			48,667.00	10,000.00
<i>Department of Finance</i>				
Mailing Services	23.45	3.90		
<i>Comptroller Services</i>				
Department of Finance	317.59	1,111.24	1,124.89	1,061.30
<i>Inter-Departmental Services</i>				
Legislative Services Agency	900.00			
Total Administrative Services	73,064.32	22,552.61	49,991.89	11,437.80
Total Professional Services	\$98,246.52	\$43,292.36	\$78,380.89	\$50,321.46

Appendix III: Board Members



STATE OF ALABAMA

Alabama Board of Court Reporting

Post Office Box 241565 Montgomery, Alabama 36124-1565
Telephone (334) 328-7708 www.abcr.alabama.gov

April 3, 2023

Mr. Gerald Dedon
Examiners of Public Accounts
Suite 280
401 Adams Avenue
Montgomery, AL 36104

Re: Board Members

Dear Mr. Dedon:

The board member information for the Board of Court Reporting is as follows:

Ms. Jennifer Egbe (member)
Position held: Attorney, Alabama State Bar
Term: 3/31/2022 – 1/1/2026
Race: black; gender: female
Birmingham, AL 35243

The Hon. Claude Hundley (member)
Position held: Judge, AOC
Term: 1/8/2020 – 1/1/2024
Race: black; gender: male
Huntsville, AL 35801

Ms. Mary King (secretary)
Position held: Official Reporter
Term: 2/25/2022 – 12/31/2024
Race: white; gender: female
Prattville, AL 36066

Mr. Dylan Marsh (member)
Position held: Attorney, Alabama State Bar
Term: 3/30/2021 – 1/1/2025
Race: white, gender: male
Birmingham, AL 35209

Mr. Alan Peacock (member)
Position held: Freelance Reporter
Term: 12/19/2022 – 12/18/2026
Race: white; gender: male
Mobile, AL 36606

Ms. Parian Tidwell (chair)
Position held: Official Reporter
Term: 1/21/2022 – 2/15/2025
Race: white; gender: female
Huntsville, AL 35801

Ms. Margaret Turner (vice chair)
Position held: Freelance Reporter
Term: 9/5/2019 – 9/5/2023
Race: white; gender: female
Mobile, AL 36693

Sincerely,

A handwritten signature in black ink that reads "Victor K. Biebighauser". The signature is written in a cursive style with a large, prominent initial "V".

Victor K. Biebighauser
Executive Director

VKB/s