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**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**

000. LEGAL AUTHORITY.

These rules are adopted under the authority of Section 54-2808, Idaho Code. (7-1-93)

001. TITLE AND SCOPE.

These rules shall be cited as IDAPA 49.01.01, "Rules of Procedure of the Idaho Certified Shorthand Reporters Board". These rules establish procedures for the organization and operation of the Board. (1-1-97)

002. (RESERVED).

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 Title 67, Chapter 52, Idaho Code. (1-1-97)

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. 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)

02. 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. 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; (1-1-93)
- 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. 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. Quorum. As provided in the Act, a quorum shall be at least three (3) members of the Board legally holding office at the time of meeting. Official business of the Board shall be conducted only at Board meetings with a quorum present. (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. 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. -- 199. (RESERVED).

200. APPLICATION PROCEDURES.

Applications for registration shall be. (7-1-93)

01. Prescribed Forms. Filed on a form or forms prescribed by the Board. (1-1-97)

02. Filing Location. Filed at the Boise office of the Board, accompanied by the required application fee. (1-1-97)

03. Filing Deadline. Received by the Board, not less than thirty (30) days prior to the date of examination. (1-1-97)

04. Incomplete Application. An application which is not fully completed by the applicant need not be considered or acted upon by the Board and shall be returned to the applicant by the executive secretary with a statement of the reason for return. (1-1-97)

201. -- 299. (RESERVED).

300. EXAMINATIONS.

01. Time And Place. (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.** 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. Picture Identification.** Picture identification shall be shown by all applicants before taking an examination. (7-1-93)
- 06. Examination Irregularities.** (7-1-93)
- a.** 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.** Only scheduled examinees, Board members, the executive secretary and authorized personnel shall be admitted to the examination room. (1-1-97)
- 07. 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)
- 08. 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. 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. 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. Retention Of Examinations. The Board shall retain for at least six (6) months, all examination papers and notes submitted by applicants. (1-1-97)

301. -- 399. (RESERVED).

400. TEMPORARY CERTIFICATION.

01. Eligibility. (7-1-93)

a. Any one (1) or more of the following shall be considered as minimum evidence that the applicant is qualified to hold a temporary certificate: (7-1-93)

i. Hold a National Court Reporters Association (NCRA) merit certificate; (7-1-93)

ii. Hold a Certificate of Registered Professional Reporter (RPR) issued by the National Court Reporter Association NCRA); (7-1-93)

iii. Hold a Certified Shorthand Reporter certificate in good standing from another state; (7-1-93)

iv. Hold a diploma or certificate of completion of all requirements to graduate from a National Court Reporter Association (NCRA) approved school; (7-1-93)

v. Has otherwise demonstrated his/her proficiency by a certificate from an agency from another state.

(1-1-97)

b. The applicant shall in addition. (7-1-93)

i. Have graduated from an accredited high school, or have had an equivalent education. (7-1-93)

ii. Be of good moral character, and have filed a complete application with the Board, accompanied by the required fees, as set forth in the Act. (1-1-97)

02. Certificate. All temporary certificates shall be issued for a period of one (1) year and may be renewable for a single additional year upon payment of the required fees, as set forth in the Act, and showing of just cause. (1-1-97)

401. -- 499. (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)

c. 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).

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