

**PROPOSED REGULATION OF THE
CERTIFIED COURT REPORTERS' BOARD OF NEVADA**

LCB File No. R099-16

State of Nevada Certified Court Reporters Board

New language is in bold and italics. Deleted language is in strikethrough.

NAC 656.120 Examination: Administration. (NRS 656.130, 656.160)

1. The Executive Secretary of the Board shall assign a unique identification number to each application that is approved by *a member of* the Board. An applicant must register on the day of the examination by presenting the original of the photo identification that accompanied his or her application and by signing the sheet for registration provided by *a member of* the *staff of the* Board. ~~The~~ *A member of the* Board or a member of the staff of the Board will open the examination room on the day of the examination ~~at 8 a.m.~~ for registration. ~~The~~ *A member of the* Board or a member of the staff of the Board will provide a seat for the applicant in the examination room according to the identification number that is assigned to his or her application.

2. A member of the Board *or a member of the staff of the Board* shall give oral instructions and remarks of introduction ~~at approximately 9 a.m.~~ *immediately prior to administering* ~~on the day of~~ the examination. Unless special arrangements are made pursuant to subsection 8 or 9, all applicants must register and be present for the oral instructions and remarks of introduction.

3. Each applicant must be on time to take the examination. An applicant who arrives late to take the examination:

- (a) Will be denied admission to the examination;
- (b) Forfeits any fees paid to take the examination; and
- (c) Must reregister before taking a subsequent examination.

4. ~~The~~ *A member of the* Board *or a member of the staff of the Board* will administer two sections of the examination. An applicant who takes the examination for the first time must complete both sections of the examination. The name of the applicant or the applicant's identification number, or both, must not be written or otherwise appear on the examination provided by the Board.

5. The examination of an applicant and all other material relating to the examination must not be removed from the examination room during the administration of the examination. If an applicant removes the examination or material relating to the examination, the Board will fail the applicant for the purposes of the current application and will, if deemed appropriate by the Board, disqualify the applicant from participation in future examinations. After an applicant completes the examination, the applicant must return the examination and material to the registration desk.

6. An applicant shall not:

(a) Ask questions during the examination except for questions that are necessary for clarification of the examination; or

(b) Leave the room in which the examination is administered without permission from a person who is monitoring the examination or a member of the staff of the Board who is present at the registration desk.

7. An applicant must bring to the examination room a pen or pencil, stenographic or voice writing equipment and any other equipment required by the Board. The Board will not:

(a) Provide stenographic, voice writing or any other equipment.

(b) Replace equipment for an applicant if the applicant's equipment malfunctions during the examination.

8. Upon the written request of an applicant with a disability at least 10 working days before the examination, the Executive Secretary of the Board shall make special arrangements for the administration of the examination to the applicant if those arrangements are:

(a) Feasible;

(b) Reasonable; and

(c) In compliance with the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 to 12213, inclusive.

9. Upon the request of an applicant whose religious beliefs prevent the applicant from taking the examination on the date of the examination, the Executive Secretary of the Board shall make special arrangements for the administration of the examination to the applicant if the request is made before the date of the examination.

10. If an applicant cheats on the examination, ~~the~~ *a member of the Board or a member of the staff of the Board* will expel the applicant from the examination room and fail the applicant.

11. Questions concerning the administration, procedure or content of the examination must be submitted in writing to the Board.

NAC 656.170 Placement of certificate on inactive status; reactivation of certificate. (NRS 656.130, 656.200)

1. A court reporter who is current in the fees required by the Board and the requirements of continuing education may submit an application in a form prescribed by the Board to place his or her certificate on inactive status. A court reporter whose certificate is on inactive status must pay a fee each year in an amount that is one-half of the fee which is required for renewal of a certificate.

(a) A court reporter may request to appear before the board or file a petition to place his or her certificate on inactive status due to hardship because of a immediate relative as defined by NRS 622.020 or personal medical injury or illness in order to waive the inactive status fee. Each candidate who receives a hardship waiver may reapply for a hardship waiver on an annual basis. A court reporter placed on inactive status with waiver of the inactive status fee must comply with all other provisions of this section.

2. Unless otherwise instructed by the Board, a court reporter shall provide a transcript of a proceeding if:

(a) The court reporter's certificate is placed on inactive status;

(b) The court reporter has not prepared a transcript of a proceeding in which the court reporter provided services as a court reporter before the certificate was placed on inactive status; and

(c) A person has requested a transcript of the proceeding.

3. A court reporter whose certificate has been on inactive status for less than 5 years may reactivate his or her certificate if the court reporter pays the fee for renewal of a certificate and

complies with the requirements for continuing education for the year in which the court reporter reactivates his or her certificate.

4. If the certificate of a court reporter has been on inactive status for 5 years or more, the Board may, in addition to requiring the applicant to comply with the provisions of subsection 3, require the applicant to do one or any combination of the following:

- (a) Take the written section or the section on transcription of the examination, or both.
- (b) If the applicant engaged in the practice of court reporting in another jurisdiction during the time that his or her certificate was on inactive status, submit proof of such practice.
- (c) Submit any other proof that is required by the Board to demonstrate that the applicant possesses the skills that are necessary to practice court reporting.

(Added to NAC by Cert. Court Reporters' Bd. by R120-97, eff. 4-13-98; A by R101-03, 2-18-2004; R030-09, 10-27-2009; R072-12, 4-5-2013)

NAC 656.200 Fees for issuance or renewal of certificate. (NRS 656.130, 656.220) The following fees must be paid:

- 1. For the original issuance of a certificate..... \$200
- 2. For the annual renewal of a certificate *due by May 15th of each calendar year*..... \$200
- 3. *Reinstatement fee of a suspended certificate for failure to renew by May 15th will be fixed by the Board annually.*
- 4. *The licensing year begins on May 16th of each calendar year and ends on May 15th the following year.*
- 5. *Failure to pay renewal fee by May 15th will result in the suspension of certificate.*
- 6. *If a payment is declined by a financial institution due to insufficient funds, the Executive Secretary of the Board will return the application and request the application be resubmitted and all applicable fees must be paid by certified funds.*

(Added to NAC by Cert. Court Reporters' Bd., eff. 11-6-95; A by R101-03, 2-18-2004; R029-07, 10-31-2007)

NAC 656.XXX Fees for issuance or renewal of court reporting firm license. (NRS 656.130, 656.220) The following fees must be paid:

- 1. For the original issuance of a license..... \$250
- 2. For the annual renewal of a license *due by June 30th of each calendar year*..... \$175
- 3. *Reinstatement of a expired license*..... \$175
- 4. *The licensing year begins on July 1st of each calendar year and expires on June 30th of the following year.*
- 5. *If a payment is declined by a financial institution due to insufficient funds, the Executive Secretary of the Board will return the application and request the application be resubmitted and all applicable fees must be paid by certified funds.*

NAC 656.210 Required hours; means to obtain certain credits; applicability of credit. (NRS 656.130, 656.187, 656.200)

1. Each court reporter and designated representative of a court reporting firm shall, every 2 years, complete at least 15 hours of continuing education relating to the practice of court reporting, at least two of which must include a review of the applicable laws, regulations, and court and procedural rules governing the practice of court reporting in this State. ; *the reporting cycle begins on May 16th and ends on every other odd year on May 15th.*

2. The Board will provide each court reporter and designated representative of a court reporting firm with the means to obtain two credits which include a review of the applicable laws, regulations, and court and procedural rules governing the practice of court reporting in this State other than by personal attendance.

3. Credit for continuing education may not be carried forward for any reporting period.

(Added to NAC by Cert. Court Reporters' Bd., eff. 11-6-95; A by R101-03, 2-18-2004; R029-07, 10-31-2007; R030-09, 10-27-2009; R072-12, 4-5-2013)

NAC 656.220 Form for report of compliance; verification by Board. (NRS 656.130, 656.187, 656.200)

1. The Board will mail to each court reporter and designated representative of a court reporting firm with the annual notice of renewal of certification or licensure a form on which to report his or her compliance with the requirements of continuing education set forth in NAC 656.210.

2. Each court reporter and designated representative of a court reporting firm who receives a form pursuant to subsection 1 shall complete and return the form to the Board on or before ~~May 15th~~ **June 30th**

3. The Board may take such action as the Board determines is necessary to verify that a court reporter or designated representative of a court reporting firm has complied with the requirements of continuing education set forth in NAC 656.210.

(Added to NAC by Cert. Court Reporters' Bd., eff. 11-6-95; A by R021-10, 6-30-2010; R072-12, 4-5-2013)

NAC 656.420 Informal complaint: Filing; action by Board and its staff; response; failure of respondent to cooperate or respond. (NRS 656.130)

1. A person may file an informal complaint with the Board or the Board may, on its own initiative, cause an informal complaint to be filed concerning the acts of or services provided by a holder of a certificate.

2. Each informal complaint must be filed with the Board on a form provided by the Board. A complainant shall include in his or her informal complaint information that is sufficiently detailed so as to enable the Board to investigate and verify each accusation set forth in the informal complaint.

3. Upon receipt of an informal complaint, the staff of the Board shall examine the informal complaint to determine whether it:

- (a) Is within the jurisdiction of the Board;
- (b) Has been properly verified; and
- (c) Alleges sufficient facts to warrant further proceedings.

4. If the staff of the Board determines that an informal complaint does not meet the requirements of subsection 3, the Board shall so inform the complainant ~~by certified mail~~. If the staff of the Board determines that an informal complaint meets the requirements of subsection 3, the staff shall notify the respondent by certified mail. The notice must include:

- (a) A statement setting forth each violation of this chapter or chapter 656 of NRS alleged in the informal complaint;
- (b) A copy of the informal complaint; and
- (c) A request for a written response for review by the staff of the Board.

5. The transmission of a notice pursuant to subsection 4 will be deemed to be a notice of intended action pursuant to subsection 3 of NRS 233B.127. Upon receipt of a copy of an informal complaint filed against him or her *or the court reporting firm*, the respondent shall submit to the Board a written response within 30 days after the service of the notice. The written response must:

(a) Address each allegation set forth in the informal complaint; and

(b) Be accompanied by all documentation that would be useful to the staff of the Board in its review.

6. Failure by a respondent to cooperate with the Board or the staff of the Board during an investigation of an informal complaint filed against the respondent, including, without limitation, failure by the respondent to respond in a timely manner regarding the informal complaint, is a ground for disciplinary action.

7. If a respondent fails to respond to an informal complaint pursuant to subsection 5, the respondent shall be deemed to have admitted each allegation set forth in the informal complaint. The Board may, based on such an admission, impose appropriate disciplinary action against the respondent.

8. ~~If a respondent responds to an informal complaint pursuant to subsection 5, and the respondent admits each allegation set forth in the informal complaint and agrees to the imposition of the proposed disciplinary action, the Board shall consider the matter settled and will take no further action regarding the informal complaint.~~

(Added to NAC by Cert. Court Reporters' Bd. by R101-03, 2-18-2004)

NAC 656.430 Informal complaint: Review and investigation; production and copying of records and other evidence. (NRS 656.130)

1. If a response is filed pursuant to subsection 5 of NAC 656.420 and the Board does not settle the matter ~~for impose disciplinary action against the respondent~~, the staff of the Board shall review the informal complaint and the responses made thereto, may enlist the aid of a member of the Board or any other qualified person in conducting the review and may take any other reasonable action required to further the review. After reviewing the informal complaint and the responses thereto, the staff of the Board may:

(a) Investigate each allegation set forth in the informal complaint and employ any person required by the staff to further the investigation;

(b) Consult with a person who is an expert in an appropriate field, including, without limitation, employing such a person for the purpose of an investigation or hearing;

(c) Investigate any new information discovered or allegation made during the course of the investigation;

(d) Enlist the aid of a member of the Board or any other qualified person to conduct the investigation; and

(e) Take any other reasonable action required to further the investigation.

2. During an investigation of an informal complaint, the staff of the Board or any investigator employed by the staff may demand that the respondent produce his or her records or other evidence for inspection or copying, with or without notice to the respondent, and with or without a subpoena. A respondent shall not deny any such demand for records or other evidence if the record or evidence is not confidential as provided by law. If a respondent refuses or fails to cooperate with a request for records in violation of this section, the Board may immediately suspend the certificate *or license* of the respondent until he or she *or the court reporting firm*

complies with the request. If the respondent continues to refuse or fail to comply with a request for records or other evidence in violation of this section, the Board may take such further disciplinary action against the respondent as the Board determines necessary.

3. If the staff of the Board or any investigator employed by the staff determines that a record or other evidence is required for an investigation, the staff or investigator may copy the record or evidence. If the record or other evidence can be readily copied at the location of the record or evidence, the respondent shall copy the record or evidence and submit the copy to the staff or investigator at that location. If a record or other evidence cannot be readily copied at the location of the record or evidence, the respondent shall copy the record or evidence and submit the copy to the staff or investigator within 10 business days after the staff or investigator requests the record or evidence.

(Added to NAC by Cert. Court Reporters' Bd. by R101-03, 2-18-2004)

NAC 656.440 Action following investigation of informal complaint; notice of hearing and formal complaint; answer by respondent; exchange of lists of witnesses and evidence; joining of complaints. (NRS 656.130)

1. When an investigation of an informal complaint is complete, the staff of the Board and any investigator employed by the staff shall determine whether ~~substantial~~ *a preponderance of* evidence exists to sustain the alleged violation of a statute or regulation set forth in the informal complaint. If the staff and the investigator determine that no allegation of a violation of a statute or regulation set forth in the informal complaint is sustainable, the staff shall provide a written notice of that determination to the respondent and the complainant. If the staff and the investigator determine that an allegation of a violation of a statute or regulation set forth in the informal complaint is sustainable, the Board or the legal counsel for the Board shall:

(a) Offer to:

- (1) Engage in mediation;
- (2) Enter into a settlement agreement;
- (3) Stipulate to any fact or to the existence or extent of any liability; or
- (4) Conduct any informal hearing; or

(b) Prepare a notice of hearing and a formal complaint.

2. The notice of hearing and the formal complaint prepared pursuant to subsection 1 must:

(a) Set forth a plain statement of the facts asserted and any applicable provision of the statute or regulation allegedly violated by the respondent;

(b) Include the date, time and place for the hearing; and

(c) Be signed by the legal counsel for the Board and, if a member of the Board participated in the investigation, by that member of the Board.

3. If a notice of hearing and a formal complaint are prepared pursuant to subsection 1, the staff of the Board shall, by certified mail, send the notice of hearing and formal complaint to the respondent named in the notice of hearing and formal complaint.

4. A respondent who receives a notice of hearing and a formal complaint pursuant to subsection 3 ~~shall~~ *may* file an answer to the notice of hearing and the formal complaint not later than ~~15~~ *20* days after the date of service of the notice of hearing and formal complaint.

~~[The answer must respond to each allegation and statement made in the notice of hearing and the formal complaint by admitting to or denying each allegation and statement. If the respondent fails to file an answer as required pursuant to this subsection, he or she shall be deemed to have admitted each allegation and statement set forth in the notice of hearing and the formal~~

~~complaint. The Board may, based on such an admission, enter a finding and impose appropriate disciplinary action against the respondent in the same manner as if the allegation or statement had been proven by substantial evidence at a hearing held by the Board on the formal complaint.~~

~~— 5. Not later than 10 days after the respondent files an answer to a notice of hearing and a formal complaint pursuant to subsection 4, the respondent and the legal counsel for the Board shall exchange a list of the witnesses and any evidence that will be used at the hearing. A party may not present any testimony or other evidence obtained by the party after the date of the exchange required pursuant to this subsection unless the party demonstrates to the Board that:~~

~~— (a) The evidence or witness providing the testimony was not available upon diligent investigation before the date the exchange was required; and~~

~~— (b) The evidence or the name of the witness was given or communicated to the other party immediately after it was obtained.~~

~~— 6} 5. The Board may join two or more formal complaints into a single formal complaint if:~~

~~(a) The causes of action set forth in each formal complaint are against the same person and allege the same or substantially similar violations of statutes or regulations; and~~

~~(b) The joining of the formal complaints will serve the best interests of the Board, complainants and respondent.~~

~~(Added to NAC by Cert. Court Reporters' Bd. by R101-03, 2-18-2004)~~

NAC.XXX Regulation Procedure for posthearing motions

- 1. After the close of the hearing, if a party files a motion pursuant to NRS 622A.390(1), the Chair of the Board is authorized to rule on the motion.*
- 2. Oral argument regarding the motion is not permitted.*