

# PROPOSED REGULATION OF THE CERTIFIED COURT

## REPORTERS' BOARD OF NEVADA

LCB File No. R147-20

August 21, 2020

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1, 2 and 3, NRS 656.130, 656.240, 656.250 and 656.253; §4, NRS 656.130, 656.240, 656.250, 656.253, 656.257 and 656.360.

A REGULATION relating to court reporting; providing that the Certified Court Reporters' Board of Nevada will not restore, reinstate or issue a license or certificate to a firm, court reporter or certain other persons for at least 2 years under certain circumstances; authorizing the Board to refuse to issue or renew the license or certificate of a firm, court reporter or designated representative of a court reporting firm under certain circumstances; providing that the Board may not suspend, revoke or deny the license of a firm for the commission of an unlawful act or a violation of certain regulations or statutes by a designated representative of the court reporting firm, unless the firm knew or should have known of the act or violation; and providing other matters properly relating thereto.

### Legislative Counsel's Digest:

Existing law authorizes the Certified Court Reporters' Board of Nevada to adopt regulations concerning the profession of court reporting and to deny, suspend or revoke a license or certificate of a firm or court reporter under certain circumstances. (NRS 656.130, 656.240, 656.250, 656.253) **Section 2** of this regulation provides that the Board will not restore, reinstate or issue a license or certificate to a firm, court reporter or certain other persons for at least 2 years after the license or certificate was suspended or revoked. **Section 2** provides for the manner in which the Board will restore, reinstate or issue a license or certificate that was suspended or revoked. **Section 2** also prohibits certain persons whose certificate was suspended or revoked from serving as a designated representative of a court reporting firm for at least 2 years.

**Section 3** of this regulation provides that the Board may refuse to issue or renew the license or certificate of a firm, designated representative of a court reporting firm or a court reporter if the person: (1) has committed any act that constitutes a violation of a statute or regulation concerning court reporting; (2) has been disciplined in another jurisdiction for an act that would constitute a violation of a statute or regulations of this State concerning court reporting; or (3) has failed to pay or make arrangements to pay a fine, fee or other money owed to the Board.

**Section 4** of this regulation provides that the Board may not assess a fine against a firm or suspend, revoke or deny the renewal of the license of the firm for the commission of an unlawful act or a violation of certain regulations or statutes committed by a designated representative of the court reporting firm, unless the firm: (1) knew or should have known of the unlawful act or violation; or (2) failed to adequately supervise the designated representative who committed an unlawful act or violation. **Section 4** also establishes that a course of dealing persistently and consistently followed by the designated representative is prima facie evidence that the firm knew or should have known of the violation.

**Section 1.** Chapter 656 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

**Sec. 2. 1.** *Except as otherwise provided in NRS 656.200, the Board will not restore, reinstate or issue a license or certificate for at least 2 years, or for any longer duration prescribed by the Board, after the suspension or revocation of the license or certificate to:*

*(a) A firm or court reporter whose license or certificate, as applicable, was suspended or revoked; or*

*(b) Any owner, shareholder, member or representative of a limited-liability company or partnership or other similar person of the firm whose license was suspended or revoked.*

**2.** *After the applicable period of time described in subsection 1 and before the Board may restore, reinstate or issue a license or certificate that was suspended or revoked, a firm or court reporter described in paragraph (a) of subsection 1 or any person described in paragraph (b) of subsection 1, as applicable, must:*

*(a) Pay all delinquent fines and fees assessed by the Board in conjunction with the revocation or suspension of the license or certificate, as applicable; and*

*(b) Satisfy all requirements for the issuance of an original license or certificate, as applicable.*

**3.** *A court reporter described in paragraph (a) of subsection 1 or any person described in paragraph (b) of subsection 1 shall not serve as a designated representative of a court*

*reporting firm for at least 2 years, or for any longer duration prescribed by the Board, after the suspension or revocation of the license of the firm.*

*4. After the applicable period of time described in subsection 3 and before a court reporter described in paragraph (a) of subsection 1 or any person described in paragraph (b) of subsection 1 may serve as a designated representative of a court reporting firm, the person must:*

*(a) Pay all delinquent fines and fees assessed by the Board in conjunction with the revocation or suspension of the license or certificate, as applicable; and*

*(b) Satisfy all requirements for the issuance of an original license or certificate, as applicable.*

*Sec. 3. The Board may refuse to issue or renew a license or certificate, as applicable, if a firm or court reporter, including a designated representative of a court reporting firm:*

*1. Has violated any provision of this chapter or chapter 656 of NRS;*

*2. Has been disciplined in another state, a territory or possession of the United States or the District of Columbia for conduct that would be a violation of the provisions of this chapter or chapter 656 of NRS if the conduct were committed in this State; or*

*3. Has failed to pay or make arrangements to pay, as approved by the Board, a fine, fee or other money owed to the Board pursuant to this chapter or chapter 656 of NRS.*

*Sec. 4. 1. Any unlawful act or violation of any of the provisions of this chapter or chapter 656 of NRS by a designated representative of a court reporting firm is not cause to suspend, revoke or deny the renewal of the license of the firm, unless it is determined by the Board that the firm knew or should have known of the unlawful act or violation. A course of dealing shown to have been persistently and consistently followed by the designated*

*representative of the court reporting firm constitutes prima facie evidence of such knowledge on the part of the firm.*

*2. If it is determined by the Board that a firm knew or should have known of the unlawful act or violation by a designated representative of the court reporting firm in the course of his or her representation of the firm, the Board may suspend, revoke or deny the renewal of the license of the firm and may assess a fine of not more than \$5,000.*

*3. The Board may suspend, revoke or deny the renewal of the license of a firm and may assess a fine of not more than \$5,000 against the firm if it is determined by the Board that the firm failed to maintain adequate supervision of a designated representative of the court reporting firm and the designated representative of the court reporting firm committed an unlawful act or violated any of the provisions of this chapter or chapter 656 of NRS.*