

**ORDER OF THE SUPREME COURT
Of TEXAS**

IT IS ORDERED by the Supreme Court of Texas that the attached four pages of proposed rules on consequences of criminal convictions that apply “to an applicant for or a holder of a certification or registration”, be adopted pursuant to Sunset Recommendation 2.1 in conformity with § 52.0211 of the Texas Government Code as part of the Standards and Rules for Certification of Certified Shorthand Reporters as Promulgated by the Supreme Court of Texas.

§ 52.0211. RULES ON CONSEQUENCES OF CRIMINAL CONVICTION.

(a) Chapter 53, Occupations Code, applies to an applicant for or a holder of a certification or registration under this chapter, notwithstanding Section 53.002, Occupations Code.

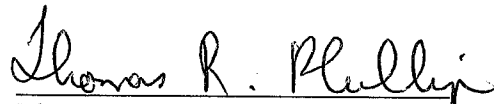
(b) **The supreme court shall adopt rules necessary to comply with Chapter 53, Occupations Code.**

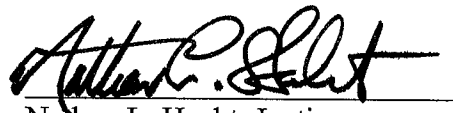
Added by Acts 2003, 78th Leg., ch. 813, § 11, eff. Sept. 1, 2003.

SUNSET RECOMMENDATION

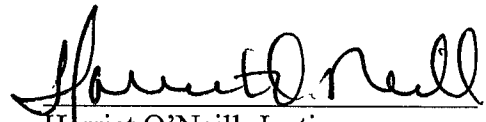
2.1 Require the Board to define which convictions disqualify an applicant from certification

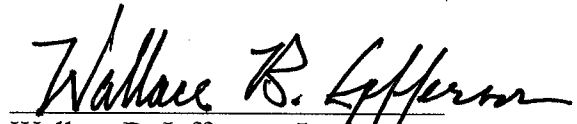
SIGNED this 14th day of JUNE, 2004.


Thomas R. Phillips, Chief Justice

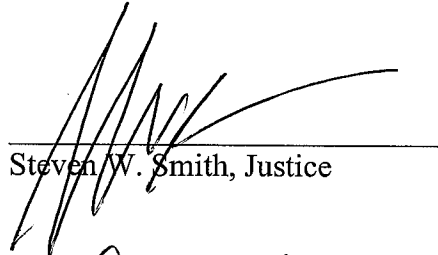

Nathan L. Hecht, Justice



Priscilla R. Owen, Justice



Harriet O'Neill, Justice


Wallace B. Jefferson, Justice


Michael H. Schneider, Justice


Steven W. Smith, Justice


J. Dale Wainwright, Justice


Scott A. Brister, Justice

MEMORANDUM

To: Justice Dale Wainwright
Supreme Court of Texas

From: Michele L. Henricks - Director, Court Reporters Certification Board
A Division of the Office of Court Administration

CC: Alicia Key - Administrative Director, OCA

Subject: **PROPOSED MISCELLANEOUS ORDER**
Request for Approval – Sunset Recommendation 2.1

Date: May 21, 2004

Dear Justice Wainwright:

The Board requests consideration by the Supreme Court of the following proposed *Miscellaneous Order*:

SUNSET RECOMMENDATION

2.1 Require the Board to define which convictions disqualify an applicant from certification

Effective September 1, 2003, Section 52.0211 requires the Supreme Court to adopt rules necessary to comply with Chapter 53, Occupations Code.

The Board has approved and is proposing rules that once adopted, will become part of the Standards and Rules for Certification of Certified Shorthand Reporters as Promulgated by the Supreme Court of Texas.

We respectfully request the Court's consideration as soon as possible so that the Board may operate under these rules.

If I may be of further assistance, please do not hesitate to contact me by phone at (512)463-1747, or by e-mail at: Michele.henricks@crcb.state.tx.us

Thank you very much for the Court's kind assistance in this matter.

Attachment(s): Miscellaneous Order, Proposed Rules on Criminal Convictions (4 pgs), Excerpts from Chapter 52 (§ 52.0211), Excerpts from Code of Professional Conduct Approved by Supreme Court in December 2003 (referenced in proposed rules for felonies), Occupations Code – Chapter 53, Excerpt from Sunset Recommendations (item 2.1)

IMPACT OF CRIMINAL CONVICTIONS ON THE LICENSING PROCESS

The Board may refuse to certify to the Supreme Court the application of a person who has been convicted of a felony or misdemeanor that directly relates to the duties and responsibilities of a Certified Shorthand Reporter.

In determining whether a criminal conviction directly relates to the court reporting profession and the fitness of the applicant to carry out the responsibilities and maintain the standards of the profession, the Board may consider the following factors:

1. the nature and seriousness of the crime;
2. the extent to which a license might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously had been involved; and
3. the relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of a Certified Shorthand Reporter-;
4. the extent and nature of the person's past criminal activity;
5. the age of the person when the crime was committed;
6. the amount of time that has elapsed since the person's last criminal activity;
7. the conduct and work activity of the person before and after the criminal activity;
8. evidence of the person's rehabilitation or rehabilitative effort while incarcerated or after release; and
9. other evidence of the person's fitness, including letters of recommendation.

In addition to fulfilling the requirements above, the applicant shall furnish proof to the Board that the applicant has:

1. maintained a record of steady employment for the past five years;
2. supported the applicant's dependents; and
3. paid all outstanding court costs, supervision fees, fines, and restitution ordered in any criminal case in which the applicant has been convicted.

DRAFT

**MISDEMEANORS MOST REASONABLY RELATED
TO THE COURT REPORTING PROFESSION
THAT MAY DISQUALIFY AN APPLICANT**

The following guidelines shall be considered in the definition of misdemeanors related to the court reporting profession:

1. crimes that are misdemeanors as defined by the Texas Penal Code including, but not limited to dishonesty, fraud, deceit, misrepresentation, deliberate violence, or that reflect on the applicant's honesty, trustworthiness, or fitness as a Certified Shorthand Reporter;
2. a misdemeanor that indicates a clear and rational likelihood that the applicant will not properly discharge the responsibilities of a Certified Shorthand Reporter.

DRAFT

**EFFECT OF FELONY CONVICTIONS
ON A COURT REPORTER'S LICENSE**

Refer to the Code of Professional Conduct, Section 9, Misconduct, regarding the effect of felony convictions on a court reporter's license. Refer also to the Code of Professional Conduct, Section 12, Reportable Events.

Any violation of the Code of Professional Conduct is subject to disciplinary action by the Board pursuant to the proposed Penalty Matrix as contained in the Rules of the Supreme Court of Texas.

DRAFT

DISQUALIFICATION FOR FALSE APPLICATION

Applicants would be automatically disqualified should they present false information on an application form, including omitting information regarding previous criminal behavior.

BACKUP

FOR

SUNSET

RECOMMENDATION 2.1

GOVERNMENT CODE - CHAPTER 52
COURT REPORTERS AND SHORTHAND REPORTING FIRMS

Effective 09/01/2003

SUBCHAPTER A. GENERAL PROVISIONS

§ 52.001. DEFINITIONS.

In this chapter:

- (1) "Board" means the Court Reporters Certification Board.
- (2) "Certification" means a certification issued by the state supreme court on the board's recommendation.
- (2-a) "Director" means the administrative director of the board's employees.
- (3) "Official court reporter" means the shorthand reporter appointed by a judge as the official court reporter.
- (4) "Shorthand reporter" and "court reporter" mean a person who engages in shorthand reporting.
- (5) "Shorthand reporting" and "court reporting" mean the practice of shorthand reporting for use in litigation in the courts of this state by making a verbatim record of an oral court proceeding, deposition, or proceeding before a grand jury, referee, or court commissioner using written symbols in shorthand, machine shorthand, or oral stenography.
- (6) "Shorthand reporting firm," "court reporting firm," and "affiliate office" mean an entity wholly or partly in the business of providing court reporting or other related services in this state.
- (7) "Registration" means a registration issued by the board.

Acts 1985, 69th Leg., ch. 480, § 1, eff. Sept. 1, 1985. Amended by Acts 1993, 73rd Leg., ch. 1037, § 1, eff. Sept. 1, 1993; Acts 2001, 77th Leg., ch. 29, § 2, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 813, § 1, eff. Sept. 1, 2003.

§ 52.002. RULES.

The supreme court may adopt rules consistent with this chapter, including rules governing:

- (1) the certification and conduct of official and deputy court reporters and shorthand reporters; and
- (2) the registration and conduct of court reporting and shorthand reporting firms.

Acts 1985, 69th Leg., ch. 480, § 1, eff. Sept. 1, 1985. Amended by Acts 2001, 77th Leg., ch. 29, § 3, eff. Sept. 1, 2001.

§ 52.003. RULES REGARDING ADVERTISING OR COMPETITIVE BIDDING.

- (a) Subject to Sections 52.021(i), 52.029, 52.0295, and 52.034 and any rules related to ethics or professional conduct promulgated by the supreme court, the supreme court may not adopt rules restricting advertising or competitive bidding by a certification or registration holder except to prohibit false, misleading, or deceptive practices.
- (b) In its rules to prohibit false, misleading, or deceptive practices, the supreme court may not include a rule that:
 - (1) restricts the use of any medium for advertising;
 - (2) restricts the use of a certification or registration holder's personal appearance or voice in an advertisement;
 - (3) relates to the size or duration of an advertisement by the certification or registration holder; or
 - (4) restricts the certification or registration holder's advertisement under a trade name.

Added by Acts 2003, 78th Leg., ch. 813, § 2, eff. Sept. 1, 2003.

SUBCHAPTER B. COURT REPORTERS CERTIFICATION BOARD, ADMINISTRATIVE PROVISIONS

§ 52.011. ORGANIZATION.

- (a) The Court Reporters Certification Board is appointed by the supreme court and is composed of:
 - (1) one active district judge who serves as chairman;

(3) oral stenography; or

(4) any other method of shorthand reporting authorized by the supreme court.

(d) A person certified under this chapter before September 1, 1983, may retain a general certification authorizing the person to use any authorized method of shorthand reporting. The person must keep the certification in continuous effect.

(e) A person may not assume or use the title or designation "court recorder," "court reporter," or "shorthand reporter," or any abbreviation, title, designation, words, letters, sign, card, or device tending to indicate that the person is a court reporter or shorthand reporter, unless the person is certified as a shorthand reporter by the supreme court. Nothing in this subsection shall be construed to either sanction or prohibit the use of electronic court recording equipment operated by a noncertified court reporter pursuant and according to rules adopted or approved by the supreme court.

(f) Except as provided by Section 52.031 and by Section 20.001, Civil Practice and Remedies Code, all deposition conducted in this state must be recorded by a certified shorthand reporter.

(g) The board may enforce this section by seeking an injunction or by filing a complaint against a person who is not certified by the supreme court in the district court of the county in which that person resides or Travis County. Such action for an injunction shall be in addition to any other action, proceeding, or remedy authorized by law. The board shall be represented by the attorney general and/or the county or district attorney of this state, or counsel designated and empowered by the board.

(h) A court reporting firm shall register with the board by completing an application in a form adopted by the board.

(i) Rules applicable to a court reporter are also applicable to a court reporting firm. The board may enforce this subsection by assessing a reasonable fee against a court reporting firm. This subsection does not apply to court reporting services performed outside of this state by a foreign shorthand reporter who is not certified in this state for use in a court proceeding in this state, provided that the work resulting from those services is produced and billed wholly outside of this state.

Acts 1985, 69th Leg., ch. 480, § 1, eff. Sept. 1, 1985. Amended by Acts 1989, 71st Leg., ch. 367, § 1, eff. Aug. 28, 1989; Acts 1991, 72nd Leg., ch. 799, § 1, eff. Sept. 1, 1991; Acts 1993, 73rd Leg., ch. 1037, § 2, eff. Sept. 1, 1993; Acts 1997, 75th Leg., ch. 122, § 1, eff. Sept. 1, 1997; Acts 2001, 77th Leg., ch. 29, § 8, 9, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 813, § 10, eff. Sept. 1, 2003.

§ 52.0211. RULES ON CONSEQUENCES OF CRIMINAL CONVICTION.

(a) Chapter 53, Occupations Code, applies to an applicant for or a holder of a certification or registration under this chapter, notwithstanding Section 53.002, Occupations Code.

(b) The supreme court shall adopt rules necessary to comply with Chapter 53, Occupations Code.

Added by Acts 2003, 78th Leg., ch. 813, § 11, eff. Sept. 1, 2003.

§ 52.022. APPLICATION FOR EXAMINATION.

A person seeking certification must file an application for examination with the board not later than the 30th day before the date fixed for the examination. The application must be accompanied by the required fee.

Acts 1985, 69th Leg., ch. 480, § 1, eff. Sept. 1, 1985.

§ 52.023. EXAMINATION.

(a) The examination for certification in one or more of the authorized methods of shorthand reporting consists of two parts, designated Part A and Part B.

(b) Part A consists of five minutes of two-voice dictation of questions and answers given at 225 words per minute, five minutes of dictation of jury charges given at 200 words per minute, and five minutes of dictation of selected literary material given at 180 words per minute. Each applicant must personally take down the test material, either in writing or in voice, and must prepare a transcript of the material taken down. The minimum passing grade for each section of Part A is 95 percent. A dictionary may be used during Part A. Each applicant has three hours to complete the transcription of Part A. If an applicant finishes before the three hours have elapsed, the applicant may review the transcript but may use only the test material taken down by that applicant to review the transcript. An error is charged for:



APPROVED

***CODE OF PROFESSIONAL
CONDUCT***

FOR

**CERTIFIED SHORTHAND REPORTERS
AND
COURT REPORTING FIRMS**

Court Reporters Certification Board

Approved December 30, 2003



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MISCONDUCT

APPROVED

A CSR or CRF shall not violate this Code, knowingly assist or induce another to do so, or violate this Code through the acts of another.

A CSR shall not engage in fraud or deceit in obtaining a certificate as a CSR.

A CSR shall not use or represent that he or she possesses any certificate, college degree, or title to which he or she is not entitled.

A CRF shall not engage in fraud or misrepresentation in obtaining registration as a CRF.

A CSR or CRF shall not commit any criminal act that reflects adversely on the CSR's honesty, trustworthiness, or fitness as a CSR.

A CSR or CRF shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.

A CSR or CRF shall not engage in conduct constituting obstruction of justice.

A CSR or CRF who has been held in contempt by a state or federal court is subject to review and/or disciplinary action by the Board.

With regard to a complaint or disciplinary proceeding, a CSR or CRF shall furnish to the CRCB a response or other information within the time frame requested unless the CSR or CRF in good faith timely asserts a privilege or other legal ground for failure to do so.

APPROVED

A CSR or CRF shall not engage in the practice of court reporting when the CSR or CRF is on inactive status or when the right to practice has been suspended or terminated, including but not limited to situations where a CSR's or CRF's right to practice has been administratively suspended for failure to timely pay required fees or assessments or, in the case of a CSR, for failure to comply with the continuing education requirements as stated in the Continuing Education Rules for Court Reporters as promulgated by the Supreme Court of Texas.

A CRF shall not engage the services of a CSR when the CSR is on inactive status or when the CSR's right to practice has been suspended or terminated.

A CSR shall not work for a CRF that has been placed on inactive status or when the CRF's registration has been suspended or terminated.

A CSR or CRF shall be considered to have engaged in misconduct upon violation of a Board order or negotiated settlement issued as a result of a complaint against the CSR or CRF, unless the Board order or negotiated settlement has been lawfully stayed.

A CSR or CRF shall not violate any other laws of the State of Texas, other states, or of the United States, relating to the professional conduct of CSRs or CRFs or to the practice of court reporting.

A CSR or CRF shall not violate any Rule promulgated by the Supreme Court of Texas.

A CSR or CRF shall be considered to have engaged in misconduct upon a final conviction of a felony, or imposition of community supervision in connection with a criminal prosecution of a felony, under the laws of any state or the United States.

APPROVED

A CSR or CRF shall be considered to have engaged in misconduct upon a final conviction of any crime, or imposition of community supervision in connection with a criminal prosecution, an element of which is dishonesty or fraud, or involving a crime of moral turpitude, under the laws of any state or the United States.

A CSR or CRF may be considered to have engaged in misconduct upon the imposition of deferred adjudication in connection with a felony, any crime of moral turpitude, or any crime an element of which is dishonesty or fraud.

A CSR or CRF shall not fail to comply with a final order of any state or federal court unless said order has been lawfully stayed.

A CSR or CRF shall respond to a party's inquiry within a reasonable time. Repeated failure to respond without good cause shall be misconduct.

A CSR or CRF shall not misrepresent facts, qualifications, or make misleading or deceitful statements to parties.

A CSR or CRF shall not falsely swear or commit perjury in any communication to the Board or any other federal or state regulatory or licensing authority or court.

A CSR or CRF shall not threaten or commit assault or retaliation against parties, make libelous or slanderous statements, or make public allegations of a lack of mental capacity regarding parties, which cannot be supported in fact.

A CSR shall not cause or be party to, directly or indirectly, a breach in the security of the CSR examination or any court proceeding.

APPROVED

A CSR or CRF shall not enter into or provide services under a prohibited contract described by Section 52.034 of the Texas Government Code.

APPROVED

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REPORTABLE EVENTS

A CSR or CRF shall report in writing to the Board the occurrence of any of the following events within thirty (30) days of the date the CSR or CRF has knowledge of these events:

1. Conviction or imposition of community supervision or deferred adjudication of the CSR or CRF of any of the following:
 - a. a felony or any crime of which fraud or dishonesty is an element; or
 - b. any crime involving moral turpitude; or
 - c. any crime related to the qualifications, functions or duties of a CSR or CRF.
2. Any disciplinary action, including but not limited to revocation or suspension of a license, registration, or other authority to practice.
3. Refusal by another authority to renew a license, registration, or other authority to practice court reporting or provide court reporting services in another jurisdiction.
4. Finding of contempt by a state or federal court.

As used in this Section, a conviction includes the initial plea, verdict, or finding of guilt, plea of no contest, or pronouncement of sentence by a trial court even though that conviction may not be final or sentence may not be actually imposed until all appeals are exhausted.

CHAPTER 53. CONSEQUENCES OF CRIMINAL CONVICTION**SUBCHAPTER A. GENERAL PROVISIONS****§ 53.001. Applicability of Certain Definitions**

The definitions provided by Chapter 2001, Government Code, apply to this chapter.

Acts 1999, 76th Leg., ch. 388, § 1, eff. Sept. 1, 1999.

§ 53.002. Applicability of Chapter

This chapter does not apply to:

(1) the Supreme Court of Texas, a person licensed under the court's authority on behalf of the judicial department of government, or an applicant for a license issued under the court's authority on behalf of the judicial department of government;

(2) a peace officer or an applicant for a license as a peace officer described by Article 2.12, Code of Criminal Procedure; or

(3) a person who:

(A) is licensed by the Texas State Board of Medical Examiners, the Texas State Board of Pharmacy, the State Board of Dental Examiners, or the State Board of Veterinary Medical Examiners; and

(B) has been convicted of a felony under Chapter 481 or 483 or Section 485.033, Health and Safety Code.

Acts 1999, 76th Leg., ch. 388, § 1, eff. Sept. 1, 1999.

SUBCHAPTER B. INELIGIBILITY FOR LICENSE**§ 53.021. Authority to Revoke, Suspend, or Deny License**

(a) A licensing authority may suspend or revoke a license, disqualify a person from receiving a license, or deny to a person the opportunity to take a licensing examination on the grounds that the person has been convicted of a felony or misdemeanor that directly relates to the duties and responsibilities of the licensed occupation.

(b) A license holder's license shall be revoked on the license holder's imprisonment following a felony conviction, felony community supervision revocation, revocation of parole, or revocation of mandatory supervision.

Acts 1999, 76th Leg., ch. 388, § 1, eff. Sept. 1, 1999.

§ 53.022. Factors in Determining Whether Conviction Relates to Occupation

In determining whether a criminal conviction directly relates to an occupation, the licensing authority shall consider:

- (1) the nature and seriousness of the crime;
- (2) the relationship of the crime to the purposes for requiring a license to engage in the occupation;
- (3) the extent to which a license might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously had been involved; and
- (4) the relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of the licensed occupation.

Acts 1999, 76th Leg., ch. 388, § 1, eff. Sept. 1, 1999.

§ 53.023. Additional Factors for Licensing Authority to Consider

(a) In determining the fitness to perform the duties and discharge the responsibilities of the licensed occupation of a person who has been convicted of a crime, the licensing authority shall consider, in addition to the factors listed in Section 53.022:

- (1) the extent and nature of the person's past criminal activity;
- (2) the age of the person when the crime was committed;
- (3) the amount of time that has elapsed since the person's last criminal activity;
- (4) the conduct and work activity of the person before and after the criminal activity;
- (5) evidence of the person's rehabilitation or rehabilitative effort while incarcerated or after release; and

(6) other evidence of the person's fitness, including letters of recommendation from:

(A) prosecutors and law enforcement and correctional officers who prosecuted, arrested, or had custodial responsibility for the person;

(B) the sheriff or chief of police in the community where the person resides; and

(C) any other person in contact with the convicted person.

(b) The applicant has the responsibility, to the extent possible, to obtain and provide to the licensing authority the recommendations of the prosecution, law enforcement, and correctional authorities as required by Subsection (a)(6).

(c) In addition to fulfilling the requirements of Subsection (b), the applicant shall furnish proof in the form required by the licensing authority that the applicant has:

- (1) maintained a record of steady employment;
- (2) supported the applicant's dependents;
- (3) maintained a record of good conduct; and

(4) paid all outstanding court costs, supervision fees, fines, and restitution ordered in any criminal case in which the applicant has been convicted.

Acts 1999, 76th Leg., ch. 388, § 1, eff. Sept. 1, 1999.

§ 53.024. Proceedings Governed by Administrative Procedure Act

A proceeding before a licensing authority to establish factors required to be considered under this subchapter is governed by Chapter 2001, Government Code.

Acts 1999, 76th Leg., ch. 388, § 1, eff. Sept. 1, 1999.

§ 53.025. Guidelines

(a) Each licensing authority shall issue guidelines relating to the practice of the licensing authority under this chapter. The guidelines must state the reasons a particular crime is considered to relate to a particular license and any other criterion that affects the decisions of the licensing authority.

(b) A state licensing authority that issues guidelines under this section shall file the guidelines with the secretary of state for publication in the Texas Register.

(c) A local or county licensing authority that issues guidelines under this section shall post the guidelines at the courthouse for the county in which the licensing authority is located or publish the guidelines in a newspaper having countywide circulation in that county.

(d) Amendments to the guidelines, if any, shall be issued annually.

Acts 1999, 76th Leg., ch. 388, § 1, eff. Sept. 1, 1999.

SUBCHAPTER C. NOTICE AND REVIEW OF SUSPENSION, REVOCATION, OR DENIAL OF LICENSE

§ 53.051. Notice

A licensing authority that suspends or revokes a license or denies a person a license or the opportunity to be examined for a license because of the person's prior conviction of a crime and the relationship of the crime to the license shall notify the person in writing of:

- (1) the reason for the suspension, revocation, denial, or disqualification;
- (2) the review procedure provided by Section 53.052; and
- (3) the earliest date the person may appeal the action of the licensing authority.

Acts 1999, 76th Leg., ch. 388, § 1, eff. Sept. 1, 1999.

§ 53.052. Judicial Review

(a) A person whose license has been suspended or revoked or who has been denied a license or the opportunity to take an examination under Section 53.021 and who has exhausted the person's

administrative appeals may file an action in the district court in the county in which the licensing authority is located for review of the evidence presented to the licensing authority and the decision of the licensing authority.

(b) The petition for an action under Subsection (a) must be filed not later than the 30th day after the date the licensing authority's decision is final and appealable.

Acts 1999, 76th Leg., ch. 388, § 1, eff. Sept. 1, 1999.

Recommendation

Change in Statute

Licensing

2.1 Require the Board to define which convictions disqualify an applicant from certification.

This recommendation would require the Board to create a process, modeled after the guidelines in Occupations Code, Chapter 53, for dealing with criminal convictions, in place of the current statutory provision on moral turpitude. The recommendation would also require the Board to propose rules to the Supreme Court defining the misdemeanors most reasonably related to the court reporter profession that would disqualify an individual from being certified as a court reporter. Based on these requirements, the Board would develop guidelines explaining how a particular crime relates to a court reporter license. This recommendation would also require the Board to propose rules to the Supreme Court to clearly define its policy regarding the effect of felony convictions on a court reporter license.

As established in state law, applicants would be automatically disqualified should they present false information on an application form, including omitting information regarding previous criminal behavior. These guidelines would be published using the Court's standard rules process, with the opportunity for public comment.

2.2 Require the Board to adopt a Court Reporter's Code of Ethics.

This recommendation would enable the Board to discipline court reporters for practices that do not violate statutes or current rules, but compromise the ethical practice of court reporting. Adopting a Code of Ethics would help to ensure the integrity of the profession. The Board could use the Texas Court Reporters Association and the National Court Reporters Association codes of ethics as guides in developing the court reporter's Code of Ethics. The Board would propose to the Supreme Court a rule stating that violations of the Code of Ethics would be a punishable administrative offense, and would update the Code as necessary to account for changes in technology or other factors affecting the profession.

Enforcement

2.3 Remove the requirement that complainants file notarized complaint forms.

This recommendation would eliminate onerous requirements on individuals wanting to file complaints. The form and content of the complaint forms would be left to the discretion of the Board.

2.4 Authorize the Board to adopt a policy allowing staff to dismiss baseless cases without Board approval.

Board staff should have the ability to dismiss cases that do not violate the statute. Board members should rely on staff expertise and experience to determine when cases should be dismissed. Checks and balances, such as a Board member acting as a consultant, would ensure that the agency does not