

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 11- **9081**

ORDER APPROVING RULES GOVERNING COURT REPORTER CERTIFICATION AND COURT REPORTING FIRM REGISTRATION

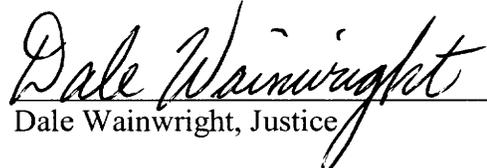
ORDERED that:

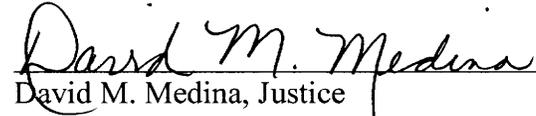
Pursuant to Chapter 52 of the Texas Government Code, this Court approves the following Rules Governing Court Reporter Certification and Court Reporting Firm Registration. This Order repeals and supersedes prior Orders relating to the Standards and Rules for Certification of Certified Shorthand Reporters and the Orders in Misc. Docket Nos. 96-9210, 03-9197, 04-9111, and 04-9112.

Dated: April 26, 2011.


Wallace B. Jefferson, Chief Justice

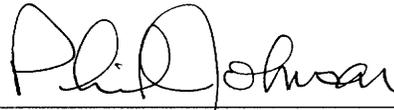

Nathan L. Hecht, Justice


Dale Wainwright, Justice

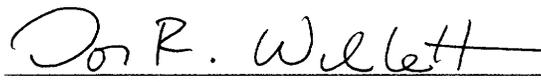

David M. Medina, Justice



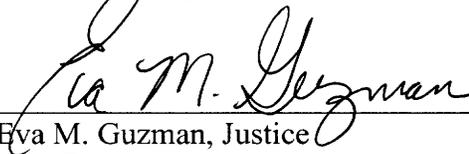
Paul W. Green, Justice



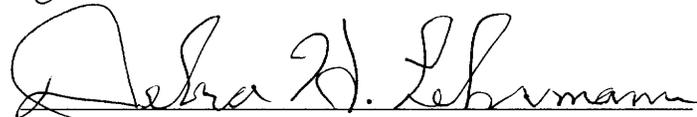
Phil Johnson, Justice



Don R. Willett, Justice



Eva M. Guzman, Justice



Debra H. Lehrmann, Justice

RULES GOVERNING COURT REPORTER CERTIFICATION AND COURT REPORTING FIRM REGISTRATION

I. PURPOSE

The purpose of these rules is to provide a mechanism to certify court reporters and register court reporting firms and to ensure that these individuals and firms perform their responsibilities in a professional and competent manner. The Supreme Court of Texas prescribes these rules pursuant to its authority under Chapter 52 of the Texas Government Code.

II. DEFINITIONS

- (a) “Board” means the Court Reporters Certification Board.
- (b) “Certification” means a certification issued by the Supreme Court of Texas on the Board’s recommendation.
- (c) “Code of Professional Conduct” means the Code of Professional Conduct for Certified Shorthand Reporters and Court Reporting Firms adopted by the Board and approved by the Supreme Court of Texas.
- (d) “Court reporter” and “shorthand reporter” mean a person who engages in shorthand reporting.
- (e) “Court reporting” and “shorthand 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.
- (f) “Court reporting firm,” “shorthand 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. A court reporting firm, shorthand reporting firm, or affiliate office is considered to be providing court reporting or other related services in this State if:
 - (1) Any act that constitutes a court reporting service or shorthand reporting service occurs wholly or partly in this State;
 - (2) The firm or office recruits a resident of this State through an intermediary located inside or outside of this State to provide court reporting services, shorthand reporting services, or other related services in this State; or
 - (3) The firm or office contracts with a resident of this State by mail or otherwise and either party is to perform court reporting services, shorthand reporting services, or other related services wholly or partly in this State.
- (g) “Director” means the Director of the Board.
- (h) “Official court reporter” means the shorthand reporter appointed by a judge under Section 52.041 of the Texas Government Code as the official court reporter for a particular court.
- (i) “Registration” means a registration issued by the Board.
- (j) “RPR” means the Registered Professional Reporter certification issued by the National Court Reporters Association.

- (k) “Uniform Format Manual” means the manual approved by the Supreme Court of Texas that governs the form of official reporters’ records and freelance transcriptions.

III. GENERAL PROVISIONS

- (a) Board Responsibilities. The Board shall develop or oversee the following:
 - (1) The application process used for court reporter certification and court reporting firm registration;
 - (2) Administration of the examination required by Rule V;
 - (3) Determination whether applicants have met the requirements for certification and renewal;
 - (4) Certification to the Supreme Court of the name of each qualified applicant who passes the examination required by Rule V;
 - (5) Administration and enforcement of these rules;
 - (6) Review and determination of complaints regarding court reporters and court reporting firms;
 - (7) Maintenance of all appropriate records relative to certification and registration;
 - (8) Approval of curriculum for court reporter career schools and colleges and court reporter programs in technical institutes and public community colleges; and
 - (9) Approval of continuing professional education courses for certified court reporters.
- (b) General Provisions.
 - (1) General Procedure.
 - (A) A majority of members of the Board shall constitute a quorum.
 - (B) After a quorum has been established at a Board meeting, the Board may decide, upon a majority vote of those present, any matter properly before it.
 - (C) The Chair or his/her designee shall preside at Board meetings.
 - (D) The Chair may grant continuances with regard to hearings and other matters before the Board.
 - (2) Methods of Service.
 - (A) Service of any written notice or other document required to be served under these rules may be accomplished:
 - (i) By delivering a copy to the person to be served, or their attorney, either in person or by agent or by courier receipted delivery or by registered or certified mail, to the person’s last known address; or
 - (ii) By fax, to the person’s current fax number.
 - (B) Service by mail shall be complete upon deposit of the notice or other paper, enclosed in a postage-paid, properly addressed envelope, in a post office or official depository under the care and custody of the United States Post Office.

Service by fax shall be complete upon confirmation of receipt. Service by fax after 5:00 p.m. local time of the recipient shall be deemed served on the following day.

- (C) The Board may give a person the option of being served by electronic mail.

IV. REQUIREMENT OF CERTIFICATION OR REGISTRATION

- (a) Certification of Court Reporters.
 - (1) A person may not engage in shorthand reporting in this State or be appointed an official court reporter or deputy court reporter unless that person is certified as a shorthand reporter by the Supreme Court of Texas.
 - (2) A certification must be for one or more of the following methods of shorthand reporting:
 - (A) Written shorthand;
 - (B) Machine shorthand;
 - (C) Oral stenography; or
 - (D) Any other method of shorthand reporting authorized by the Supreme Court.
 - (3) 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 of Texas. Nothing in this rule 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 of Texas.
- (b) Registration of Court Reporting Firms.
 - (1) A court reporting firm and its affiliate offices must register with the Board.
 - (2) A court reporting firm may not use the title or designation “court recording firm,” “court reporting firm” or “shorthand reporting firm” or any abbreviation, title, designation, words, letters, sign, card, or device tending to indicate that the firm is a court reporting firm or shorthand reporting firm, or offer services as a court reporting firm or shorthand reporting firm, unless the firm and its affiliate offices are registered with the Board.
- (c) Expiration. A certification or registration expires at 12:01 a.m. on January 1 following the second anniversary of the date on which it was issued unless the certification or registration is renewed before that time pursuant to Rule VII. Thereafter, the certification or registration expires at 12:01 a.m. on each second January 1 unless renewed.
- (d) Exemptions. These rules do not apply to:

- (1) A party to the litigation involved, the party's attorney, or a full-time employee of either; or
 - (2) Court reporting services performed outside of this State by a 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.
- (e) Employment of Non-Certified Court Reporters. Subject to the requirements of Rule IX(b)(3) and (4), nothing in these rules shall be construed to prohibit the employment of a non-certified shorthand reporter until a certified shorthand reporter is available in the judicial district where services of a shorthand reporter are desired.

V. CERTIFICATION

- (a) Certification Requirements. To qualify for certification, a person must pay all required fees, comply with the application procedures, and comply with the following requirements:
- (1) Pass an examination as required by the Board in one or more of the methods of shorthand reporting authorized by Rule IV(a)(2).
 - (2) Provide the Board with his or her Texas and national criminal history records by having his or her fingerprints submitted to the Texas Department of Public Safety (DPS), to be used by DPS for a Texas criminal history search and forwarded to the Federal Bureau of Investigation for a national criminal history search. The criminal history records will then be forwarded to the Board. The Texas and national criminal history searches must be conducted no earlier than 90 days preceding the date the application is submitted.
 - (3) Beginning on September 1, 2011, a person must also be a high school graduate or possess the GED equivalent to qualify for certification.
- (b) Criminal History Evaluation Letter.
- (1) A person may request the Board to issue a criminal history evaluation letter regarding the person's eligibility for certification if the person:
 - (A) Is enrolled or planning to enroll in an educational program that prepares a person to be a certified court reporter or is planning to take the certification examination required by the Board; and
 - (B) Has reason to believe that the person is ineligible for certification due to a conviction for a felony or misdemeanor offense.
 - (2) A request under section (b)(1) must be in writing and must state the basis for the person's potential ineligibility. The requestor must provide the Board with his or her criminal records pursuant to section (a)(2). The Board may request additional information from the requestor.

- (3) If the Board determines that a ground for ineligibility does not exist, the Board shall notify the requestor in writing of the Board's determination on each ground of potential ineligibility.
 - (4) If the Board determines that the requestor is ineligible, the Board shall issue a letter setting out each basis for potential ineligibility and the Board's determination as to eligibility.
 - (5) The Board must provide notice under section (b)(3) or issue a letter under section (b)(4) not later than the 90th day after the date the Board receives the request.
- (c) Application Procedures.
- (1) Requirements. A person seeking certification shall file all required forms and pay all required fees, as determined by the Board.
 - (2) Application. An application for certification shall be either typewritten or computer-generated on forms furnished by the Board. The application must state whether the applicant has been convicted of a felony or misdemeanor other than a minor traffic offense or juvenile offense. The application and the information it contains shall be sworn to by the applicant as being true and complete.
 - (3) Supplementary Information. In appropriate circumstances, the Board may require an applicant to submit information in addition to that called for on the application form, including requiring an applicant to submit to a personal interview before the Board, any of its individual members, or any authorized representatives.
 - (4) Application Fee. An applicant shall submit a non-refundable application fee as required by Rule XIV along with the completed application form.
 - (5) Application to Take Examination. To take an examination, an applicant for certification must file the required forms and pay the required fees according to the deadlines established by the Board.
 - (6) Statement of Proficiency. Prior to or simultaneously with the submission of an applicant's application to take Part A of the examination, the applicant shall submit a statement of proficiency.
 - (A) The statement of proficiency shall be on the form provided by the Board and shall contain the certification of a court reporting school instructor.
 - (B) If the applicant attended and learned court reporting skills at a court reporting school, the statement of proficiency shall be countersigned by the appropriate administrative officer of the school.
 - (C) The person making the certification required in (A) above shall certify that the applicant has satisfactorily passed at the rate of ninety-five percent (95%) accuracy at least two tests on new material of each of the following:
 - (i) Five minutes of two-voice dictation of questions and answers given at 225 words per minute;

- (ii) Five minutes of dictation of jury charge given at 200 words per minute; and
 - (iii) Five minutes of dictation of selected literary material given at 180 words per minute.
 - (D) The tests required by (C) shall be administered and graded by the person so certifying and shall be taken by the method of shorthand reporting for which the applicant has applied for examination. The two tests must have been taken and passed no more than one year apart.
 - (E) The applicant may not be assigned to an examination until the Board receives the statement of proficiency.
 - (F) If the Board has on file a valid statement of proficiency for an applicant, the applicant is not required to file a new statement of proficiency. A statement of proficiency is valid for one year from the date of the last proficiency test in (C) above and must be valid on the date of the examination for which the applicant has applied.
 - (G) In lieu of the statement of proficiency, an applicant who is certified as an RPR, or certified pursuant to a national examination that the Board determines is of equivalent or greater degree of difficulty than the RPR examination, may submit a letter from the certifying organization.
 - (H) The letter submitted under (G) must:
 - (i) Be an original on the certifying organization's letterhead;
 - (ii) State the certification that the applicant has attained and the date the certification expires; and
 - (iii) Attest to the fact that the applicant has passed the exam for the certification and is currently certified and in good standing. The national certification must be valid on the date of the Texas examination for which the applicant has applied.
 - (I) The letter submitted pursuant to (G) is valid until the next expiration date of the applicant's national certification.
- (7) Filing Timeliness.
- (A) The completed certification and application forms, statement of proficiency, and application and examination fees shall be submitted to the Board no later than midnight on the date(s) established by the Board. For the purpose of determining filing timeliness, the required forms and fees shall be deemed submitted when actually received at the Board office or when postmarked as having been mailed prior to midnight on the date established by the Board.
 - (B) If an applicant timely files the forms required to take the examination but the forms are incomplete or are otherwise insufficient, the Board may consider the forms if, within

seven (7) days of receiving notice that the forms have been rejected, the applicant corrects the insufficiency and pays a late fee as set out in Rule XIV.

- (8) Processing of Application. Upon receipt, Board staff will check each application to determine whether the form is complete and whether the applicant has indicated compliance with all requirements. The Board's staff may verify the information in the application. An incomplete application will be returned to the applicant for completion or for explanation of any omission.
- (d) Examination.
 - (1) Examination Components. Each test will be given in two (2) parts to be designated Part A and Part B.
 - (2) Part A Component.
 - (A) Part A will be composed of five (5) minutes of two-voice dictation of questions and answers given at 225 words per minute, five (5) minutes of dictation of jury charge given at 200 words per minute, and five (5) minutes of dictation of selected literary material given at 180 words per minute.
 - (B) Each applicant shall personally take down the test and shall reduce the takedown to writing on a manual or electric typewriter or computer.
 - (C) The minimum passing grade on each section of Part A is ninety-five percent (95%) accuracy. An error shall be charged for:
 - (i) Each wrong word;
 - (ii) Each omitted word;
 - (iii) Each added word not dictated;
 - (iv) Each contraction where read as two (2) words;
 - (v) Two (2) words where read as a contraction;
 - (vi) Each misplaced word;
 - (vii) Each misplaced period that materially alters the sense of a group of words or a sentence;
 - (viii) Each misspelled word;
 - (ix) Each plural or singular if the opposite was dictated; and
 - (x) Each wrong number.
 - (D) Applicants may use a dictionary during Part A.
 - (E) Applicants will be allowed three (3) hours to complete the transcription of Part A of the test. If time permits, an applicant may review his or her transcript but may use only the original takedown from which the transcript was prepared to review the transcript.
 - (3) Part B Component.
 - (A) Part B of the test shall consist of objective questions touching on elementary aspects of court reporting, spelling, and grammar and Texas rules and procedure.

- (B) Applicants may not use a dictionary during Part B.
- (C) The minimum passing grade on Part B is seventy-five percent (75%).
- (4) **Passing One Component.** An applicant who passes Part A or Part B of the examination but fails the other part will not be required to be re-examined on the part that the applicant passed.
- (5) **Cheating.** An applicant who cheats on the examination shall be disqualified and may not take the examination again until two (2) years have elapsed from the date of the examination at which the applicant was disqualified.
- (6) **Notification of Results of Examination.** The Board will notify applicants of the results of an examination as follows:
 - (A) If the examination is graded by members of the Board, within 30 days of the date of the examination; or
 - (B) If the examination is graded or reviewed by a testing service, not later than the 30th day after the date the Board receives the results from the testing service.
 - (C) Successful examinees will be notified of the number of errors on their examination; unsuccessful examinees will be notified of the number of errors made on the component of the examination that they failed.
- (7) **Request for Analysis.** If requested in writing by a person who fails an examination administered under these rules, the Board will furnish the person with an analysis of the person's performance on the examination.
- (8) **Re-grading Procedure.**
 - (A) An applicant who fails an examination may request that the examination be re-graded by sending a written request to the Board office within twenty (20) days of the date of notice that the applicant has failed the examination.
 - (B) If an applicant's examination is re-graded, the Board will inform the applicant of the results of the re-grading for all portions of the exam.
- (9) **Request for Review.** Upon receipt of the re-grading results, the applicant may request a personal review of the examination with a member of the Board Certification Committee. The request for a personal review must be in writing and must be filed with the Board within twenty (20) days of the notice of the re-grading results.
- (e) **Certification to Supreme Court.** The Board shall certify to the Supreme Court of Texas the names of applicants who have completed all application requirements and are determined on examination by the Board to be qualified in professional shorthand reporting. In its certification, the Board shall specify the method or methods of reporting used by each successful applicant in taking the examination.

- (f) Refusal to Certify. After notice and an opportunity for a hearing, the Board may refuse to certify to the Supreme Court the application of a person who:
- (1) Was finally convicted of an offense that directly relates to the duties and responsibilities of a certified court reporter as stated in Rule XI; or
 - (2) Was finally convicted of an offense that does not directly relate to the duties and responsibilities of a certified court reporter under Rule XI and that was committed less than five years before the person applies to be certified; or
 - (3) Was finally convicted of an offense listed in Section 3g, Article 42.12, Code of Criminal Procedure; or
 - (4) Was finally convicted of a sexually violent offense, as defined by Article 62.001, Code of Criminal Procedure; or
 - (5) Submits false representations or misstatements of material fact as part of the application process, including omission of information about prior criminal convictions.
 - (6) The hearing under this section (f) shall be conducted using the procedures in Rule X(i) and (j).
- (g) Provisional Certification.
- (1) The Board may issue provisional certification for a term of six months to an otherwise qualified applicant who has been convicted of an offense other than an offense described by section (f)(1) through (f)(4) above.
 - (2) The Board shall revoke the provisional certification issued under section (g)(1) after notice and hearing using the procedures in Rule X(i) and (j) if the provisionally-certified court reporter:
 - (A) Commits a new offense;
 - (B) Commits an act or omission that causes the person's community supervision, mandatory supervision, or parole to be revoked, if applicable; or
 - (C) Violates Chapter 52 of the Texas Government Code or the Board's rules.
 - (3) The Board shall certify the provisionally-certified court reporter on the expiration of the provisional license term if the provisionally-certified court reporter does not engage in conduct described by section (g)(2).
 - (4) If the Board revokes provisional certification under section (g)(2), the provisionally-certified court reporter is disqualified from receiving certification.
 - (5) A provisionally-certified court reporter who is on community supervision, mandatory supervision, or parole shall provide the Board the name and contact information of the probation or parole department to which the person reports and shall notify the Board immediately of any change in this information.

- (h) Reciprocal Certification or Certification by Endorsement. The Board may waive any prerequisite to certification for an applicant:
 - (1) After reviewing the applicant's credentials and determining that the applicant holds a license or certification issued by another jurisdiction that has licensing or certification requirements substantially equivalent to those of this State; or
 - (2) If the applicant holds a license or certification issued by another jurisdiction with which this State has a reciprocity agreement.
- (i) Grandfathering Provision. A person certified under Chapter 52 of the Texas Government Code prior to September 1, 1983, may retain a general certification authorizing the person to use any method of shorthand reporting authorized in Rule IV(a)(2), provided that the person keeps the certification in continuous effect.

VI. REGISTRATION

- (a) Registration. To register, a court reporting firm or affiliate office shall pay all fees required by Rule XIV and register on a form provided by the Board. The registration form must state whether the firm or office or any officers, directors, or managerial employees have been finally convicted of a felony or misdemeanor other than a minor traffic offense or juvenile offense.
- (b) Each firm shall submit a non-refundable registration fee along with the completed registration form.
- (c) Processing of Application for Registration. Upon receipt, Board staff will check each registration form to determine whether the form is complete. The Board's staff may verify the information in the registration form. An incomplete form will be returned to the firm for completion or for explanation of any omission.
- (d) Refusal to Register. After notice and an opportunity for a hearing, the Board may refuse to register a court reporting firm or affiliate office:
 - (1) If the firm or office was finally convicted of a felony or misdemeanor that directly relates to the provision of court reporting services as stated in Rule XI; or
 - (2) If the firm or office was finally convicted of an offense that does not directly relate to the provision of court reporting services as stated in Rule XI and that was committed less than five years before the person applies to be certified; or
 - (3) Submits false representations or misstatements of material fact as part of the registration process, including omission of information about prior criminal convictions.
 - (4) The hearing under this section (d) shall be conducted using the procedures in Rule X(i) and (j).

VII. RENEWAL

- (a) Nonrenewal (Student Loan Default; Child Support Arrearages)

- (1) The Board shall not renew the certification of a certified shorthand reporter who is designated to be in default on loans guaranteed by the Texas Guaranteed Student Loan Corporation (TGSLC) under Section 57.491(c) of the Texas Education Code unless the reporter presents to the Board a certificate issued by TGSLC certifying that:
 - (A) The reporter has entered a repayment agreement on the defaulted loan; or
 - (B) The reporter is not in default on a loan guaranteed by TGSLC.
 - (2) The Board shall not renew the certification of a certified shorthand reporter who is designated to be in default on a repayment agreement with TGSLC under Section 57.491(g) of the Texas Education Code unless the reporter presents to the Board a certificate issued by TGSLC certifying that:
 - (A) The reporter has entered another repayment agreement on the defaulted loan; or
 - (B) The reporter is not in default on a loan guaranteed by TGSLC or on a repayment agreement.
 - (3) Pursuant to Section 57.491(i) of the Texas Education Code, the Board shall provide a certified shorthand reporter an opportunity for a hearing under the procedures set out in Rule X(i) and (j) prior to taking action concerning nonrenewal of certification for default on a student loan.
 - (4) The Board shall refuse to accept a certified shorthand reporter's application for renewal if the Board receives notice of child support arrearages pursuant to Section 232.0135 of the Texas Family Code. Upon receipt of further notice under Section 232.0135 that the arrearages have been satisfied, the Board shall accept an application for renewal subject to all requirements of this Rule VII.
- (b) Qualification for Renewal. To qualify for renewal of certification or registration, a court reporter, court reporting firm, or affiliate office shall pay all required fees, submit all required forms, and comply with renewal procedures. In addition, a court reporter shall comply with the Board's continuing education requirements. An application for renewal must state:
- (1) If the applicant is a court reporter, whether the applicant has been finally convicted of a criminal offense other than a minor traffic offense since the reporter's last certification;
 - (2) If the applicant is a court reporting firm or affiliate office, whether an officer, director, or managerial employee has been finally convicted of a criminal offense other than a minor traffic offense since the firm's or office's last registration; and
 - (3) If the applicant is a court reporter, whether the applicant has ever been the subject of a disciplinary action by a licensing authority in another jurisdiction requiring certification, registration or licensure to provide court reporting services, and whether the applicant is the

subject of a pending Board disciplinary action, including actions in which the Board imposed a sanction that has not been completed.

- (c) Notice of Impending Expiration. Not later than 30 days prior to the date a certification or registration is scheduled to expire, the Board will send written notice of the impending expiration to the last known address of the court reporter, court reporting firm, or affiliate office listed in the Board's records.
- (d) Renewal before Expiration. A person who is otherwise eligible to renew a certification or registration may renew an unexpired certification or registration by paying the required renewal fee and submitting the required forms to the Board before the expiration of the certification or registration.
- (e) Effect of Expiration. A person whose certification or registration has expired may not engage in activities that require a certification or registration until the certification or registration has been renewed.
- (f) Expiration for Less than One Year. A person whose certification or registration has been expired for less than one year may renew the certification or registration by paying to the Board the appropriate renewal fee set out in Rule XIV.
- (g) Expiration for One Year or More. A person whose certification or registration has been expired for one year or more may not renew the certification or registration. The person may obtain a new certification or registration by complying with the requirements and procedures for obtaining an original certification or registration, including the examination requirements.
- (h) Move to Another State. A person who was certified as a court reporter in this State, moved to another state, and is currently certified and has been in practice in the other state for the two years preceding the date of application may obtain a new certification without re-examination if the person:
 - (1) Submits appropriate renewal forms and documentation showing that the person has complied with the continuing education requirements in the Board's rules;
 - (2) Pays the appropriate renewal fee set out in Rule XIV;
 - (3) Submits documentation from the other state indicating that the person is currently licensed, has been licensed for the two years immediately preceding the application for renewal in Texas, and is in good standing; and
 - (4) Submits documentation from his/her employer showing that the person has been working for at least two consecutive years prior to the date of application in Texas.
 - (A) Documentation shall include the beginning date of the person's employment and shall be original, notarized, and on the employer's letterhead.
 - (B) If the person has been employed by more than one employer during the two-year period, the person shall submit documentation from each employer showing the beginning and ending date of the person's employment.

- (i) Processing of Application for Renewal. Subject to section (a)(4), upon receipt of an application for renewal of certification or registration, Board staff will check the application to determine whether the form is complete and whether the applicant has indicated compliance with all requirements. The Board's staff may verify the information in the application. An incomplete application will be returned to the applicant for completion or for explanation of any omission.

VIII. RECONSIDERATION OF CERTIFICATION DENIAL

- (a) Notice of Deficient Application. If the Board or a committee appointed by the Board determines that an application is deficient or does not comply with these rules, the applicant shall be notified in writing of the determination and the nature of the deficiency.
- (b) Petition for Reconsideration. Within fifteen (15) days of notice that an application has been rejected, the applicant may petition the Board for reconsideration. The petition may be informal but shall be in writing and shall state the date on which notice was received, identify each point or matter about which reconsideration is requested, and set forth the grounds for the request for reconsideration.
- (c) Reconsideration Procedure. At its next meeting, the Board shall consider the petition and may allow the applicant or other witnesses to appear at the meeting and present sworn testimony. The Board may limit the number of witnesses appearing and the time allotted for a witness's testimony.
- (d) Board Action on Petition. After reconsidering a decision, the Board may:
 - (1) Take favorable action on the petition; or
 - (2) Affirm its previous decision.
- (e) Final Decision. The Board shall notify the applicant in writing of its decision on reconsideration.
- (f) This Rule VIII does not apply to refusals to certify under Rule V(f) or refusals to register under Rule VI(d).

IX. RESPONSIBILITIES OF CERTIFIED COURT REPORTERS AND COURT REPORTING FIRMS

- (a) A certified court reporter is entitled to use the title "Certified Shorthand Reporter" or the abbreviation "CSR." A certified shorthand reporter may administer oaths to witnesses anywhere in this State.
- (b) Certification of Transcriptions.
 - (1) The transcription of any oral court proceeding, deposition or proceeding before a grand jury, referee or court commissioner, or any other document certified by a certified shorthand reporter for use in litigation in the courts of Texas, shall contain a signed certification in the form required by the Uniform Format Manual.
 - (2) A certification of a transcript of a court proceeding by an official court reporter shall contain a signed certificate in the form required by the Uniform Format Manual.

- (3) A non-certified shorthand reporter may report an oral deposition only if:
 - (A) The non-certified reporter delivers an affidavit to the parties or to their counsel present at the deposition stating that a certified shorthand reporter is not available; or
 - (B) The parties or their counsel stipulate on the record at the beginning of the deposition that a certified shorthand reporter is not available.
 - (C) This subsection (b)(3) does not apply to depositions taken outside this State for use in this State.
- (4) A non-certified shorthand reporter who is employed pursuant to Section 52.031 of the Texas Government Code when a certified shorthand reporter is not available shall include with the certification of a transcription of a court proceeding an affidavit that no certified shorthand reporter is available to perform the duties of the court reporter.
- (c) Official Court Reporters. Official court reporters, deputy court reporters, and substitute court reporters shall comply with Chapter 52 and applicable provisions of the Texas Rules of Appellate Procedure in the conduct of the business of their offices.
- (d) A certified court reporter must notify the Board in writing of a change in name or business name, address, email address, telephone number, or fax number within thirty (30) days of any change.
- (e) A court reporting firm and affiliate office must notify the Board in writing of any change in firm name, address, email address, telephone number, fax number, or contact person as required by the Code of Professional Conduct.

X. COMPLAINTS AND DISCIPLINARY PROCEDURE

- (a) Disciplinary Actions against Shorthand Reporters. After notice and an opportunity for a hearing, the Board may reprimand, assess a reasonable fine against, or suspend, revoke, or refuse to renew a shorthand reporter's certification for:
 - (1) Fraud or corruption;
 - (2) Dishonesty;
 - (3) Willful or negligent violation or failure of duty;
 - (4) Incompetence;
 - (5) Fraud or misrepresentation in obtaining certification;
 - (6) A final conviction of:
 - (A) An offense that directly relates to the duties and responsibilities of a certified shorthand reporter, as determined under Rule XI;
 - (B) An offense that does not directly relate to the duties and responsibilities of a certified shorthand reporter under Rule XI and that was committed less than five years before the person applied to be certified;

- (C) An offense listed in Section 3g, Article 42.12, Code of Criminal Procedure; or
 - (D) A sexually violent offense, as defined by Article 62.001, Code of Criminal Procedure.
- (7) Engaging in the practice of shorthand reporting using a method for which the reporter is not certified or while certification is suspended;
- (8) Unprofessional conduct, including but not limited to:
- (A) Failing to deliver a transcript or statement of facts to a client or court in a timely manner as determined by statute, court order or agreement;
 - (B) Producing an inaccurate transcript or statement of facts;
 - (C) Producing an incomplete transcript or statement of facts except upon order of a court, agreement of the parties or request of a party;
 - (D) Failing to disclose as soon as practical to the parties or their attorneys existing or past financial, business, professional, family, or social relationships, including contracts for court reporting services, which might reasonably create an appearance of partiality;
 - (E) Advertising or representing falsely the qualifications of a certified shorthand reporter or that an unlicensed individual is a certified shorthand reporter;
 - (F) Failing to charge all parties or their attorneys to an action the same price for an original transcript or statement of facts and failing to charge all parties or their attorneys the same price for a copy of a transcript or statement of facts or for like services performed in an action;
 - (G) Failing to disclose in writing to all parties or their attorneys upon request at any time an itemization of all rates and charges to all parties or their attorneys;
 - (H) Reporting any proceeding if the reporter is related to a party or their attorney within the second degree by affinity or consanguinity unless:
 - (i) As soon as practicable, the reporter discloses the relationship in writing to all parties and the court; and
 - (ii) Either
 - A. No objection to the use of the reporter on the grounds of the relationship is made by any party or the court within a reasonable period after the disclosure; or
 - B. The court enters an order finding that, under the circumstances, the relationship does not create an appearance of partiality and that

good cause exists to permit use of the reporter.

- (I) Reporting a proceeding if the reporter is financially interested in the action or is associated with a firm that is financially interested in the action;
 - (J) Failing to notify all parties or their attorneys of a request for a transcript or statement of facts, or any part thereof, in sufficient time for copies to be prepared and delivered simultaneously with the original;
 - (K) Going "off the record" during a deposition when not agreed to by all parties or their attorneys unless ordered to do so by the court;
 - (L) Giving, directly or indirectly, benefiting from or being employed as a result of any gift, incentive, reward or anything of value to attorneys, clients, or their representatives or agents, except for nominal items that do not exceed \$100 in the aggregate per recipient per year;
 - (M) Charging for a copy at a rate more than one-third (1/3) the per page cost of the original and first copy; and
 - (N) Failing to comply with the requirements of the Uniform Format Manual for Texas Court Reporters;
 - (9) Entering into or providing services under a prohibited contract described by Section 52.034 of the Government Code;
 - (10) Committing any other act that violates Chapter 52 of the Government Code, a rule adopted under Chapter 52, or the Code of Professional Conduct; or
 - (11) Other sufficient cause.
- (b) Disciplinary Actions against Firms. In this rule, an officer, director, or managerial employee of a shorthand reporting firm or affiliate office will be referred to as "a principal." After notice and an opportunity for a hearing, the Board may reprimand, assess a reasonable fine against, or suspend, revoke, or refuse to renew the registration of a shorthand reporting firm or affiliate office for:
- (1) Fraud or corruption;
 - (2) Dishonesty;
 - (3) Conduct on the part of a principal if the principal orders, encourages, or permits conduct that the principal knows or should have known violates this chapter;
 - (4) Failure of a principal to take reasonable remedial action to avoid or mitigate the consequences of conduct by a person who the principal knows or should have known violated this chapter and over whom the principal has direct supervisory authority;
 - (5) Fraud or misrepresentation in obtaining registration;
 - (6) A final conviction of a principal of a felony or misdemeanor that directly relates to providing court reporting services, as determined under Rule XI;

- (7) Engaging the services of a reporter that the shorthand reporting firm or affiliate office knew or should have known was using a method for which the reporter is not certified;
 - (8) Knowingly providing court reporting services while the shorthand reporting firm's or affiliate office's registration is suspended or engaging the services of a shorthand reporter whose certification was suspended if a principal knew or should have known of the suspension;
 - (9) Unprofessional conduct, including a pattern of giving directly or indirectly or benefiting from or being employed as a result of giving any gift, incentive, reward, or anything of value to attorneys, clients, or their representatives or agents, except for nominal items that do not exceed \$100 in the aggregate for each recipient each year; provided, however, that nothing in this subsection (b)(9) shall be construed to define providing value-added business services, including long-term volume discounts, such as the pricing of products and services, as prohibited gifts, incentives, or rewards;
 - (10) Entering into or providing services under a prohibited contract described by Section 52.034 of the Government Code;
 - (11) Committing any other act that violates Chapter 52 of the Government Code, a rule adopted under Chapter 52, or the Code of Professional Conduct; or
 - (12) Other sufficient cause.
- (c) **Initiation of Complaint.** A person with personal knowledge of an alleged violation may initiate a complaint against a certified shorthand reporter or a court reporting firm. The Board or a court of this state may initiate a complaint against a certified shorthand reporter or court reporting firm with or without personal knowledge. A complaint shall be submitted on the Board's complaint form, signed, and accompanied by pertinent documentation, if any.
- (d) **Information about Alleged Violation.** When a certified shorthand reporter or court reporting firm reports an alleged violation to the Board pursuant to the reporting obligation in the Code of Professional Conduct, the information shall be provided in writing and shall be signed by the person providing the information and accompanied by pertinent documentation, if any.
- (e) **Review Panel.** When the Board receives a complaint filed under Rule X(c) or information of an alleged violation reported under the Code of Professional Conduct and Rule X(d), unless the complaint is dismissed administratively pursuant to Section 52.0271 of the Government Code, the Director shall notify the Board Chair, who shall appoint a Review Panel, consisting of Board members, to address the complaint or information. The Board Chair shall appoint at least one shorthand reporter Board member to the Review Panel. The Board Chair shall also designate one of

the Review Panel members to serve as Review Panel Chair. The Review Panel shall act by majority vote.

- (f) Notice; Answer.
 - (1) Notice to Respondent. At the same time the Director notifies the Board Chair, the Director shall also inform the Respondent in writing that a complaint has been submitted or that the Board has received information about an alleged violation, provide the Respondent with a copy, including all supporting materials, as well as a copy of these rules, and direct that the Respondent submit a written answer, to be postmarked or delivered to the Board via facsimile or hand-delivery no later than the fifteenth (15th) day after the Respondent's receipt of the notice. Respondent is presumed to have received notice within three (3) days of mailing. Respondent, for good cause shown, may request an extension of time to file an answer. The request must be made before the expiration of the fifteen (15) day period. The Review Panel or its designee may extend the Respondent's time to answer for such period as it may determine. Pursuant to Section 52.028(a), the Director also shall notify the Respondent of a tentative hearing date for a complaint.
 - (2) Failure to Submit Answer. If the Respondent fails to submit an answer within the required time, the Review Panel may take that failure into account in its recommendation to the Board, and the Board may take that failure into account in its deliberations.
- (g) Ex Parte Contacts
 - (1) After a complaint has been filed against a shorthand reporter or a court reporting firm, the Complainant, the Respondent, any person who may be a witness regarding the complaint, and any attorney representing a party may not contact any Board member regarding the complaint or any matter related to the complaint while the complaint is pending.
 - (2) Any communication regarding a complaint must be directed to the Board staff, with a copy sent to the Complainant and Respondent (or counsel, if represented by an attorney).
 - (3) If a Board member receives a communication that does not comply with this rule, the Board member shall immediately send the communication to the Board staff, who will forward the communication to the parties or counsel, together with a copy of this rule and a letter advising the communicator to cease all ex parte contacts.
 - (4) If a Board member is going to be called as a witness regarding the complaint, the Complainant or Respondent (or counsel, if represented by an attorney) is permitted to contact that person only with regard to the Board member's testimony.
- (h) Review and Recommendation by Review Panel.
 - (1) Review by Review Panel.

- (A) The Review Panel Chair shall schedule at least one meeting to review the complaint or information and answer, if any. Additional meetings may be held as deemed necessary by the Review Panel Chair.
 - (B) The parties to the complaint may attend and be represented by legal counsel at Review Panel meetings. Respondent may be heard at a meeting at the discretion of the Review Panel Chair, who may establish limits for any such participation.
 - (C) The Review Panel may seek additional information in its discretion, but it has no obligation to do so. The Review Panel is not an investigatory body and will generally render its recommendation to the Board based on the submissions of the Complainant and Respondent.
 - (D) Staff or legal counsel for the Board or the Office of Court Administration may advise the Review Panel as to the recommended disposition of the complaint or information about an alleged violation.
- (2) Review Panel's Recommendation.
- (A) The Review Panel shall make a recommendation to the Board within forty-five (45) days after the Review Panel receives the Respondent's answer or after the Respondent's answer is due.
 - (B) The Review Panel shall make a recommendation regarding whether to proceed with disciplinary action on the complaint or, if the Review Panel is considering information about an alleged violation, whether the Board should file a complaint. If the Review Panel recommends that the Board proceed with disciplinary action on a complaint, the Review Panel shall recommend a particular sanction.
 - (C) The recommendation of the Review Panel shall be in writing and shall be furnished to the Respondent and Complainant. However, if the Review Panel requests additional information from the Complainant or Respondent, its recommendation is due forty-five (45) days after it receives the additional information or after the information was due. The Board Chair may extend the time for making a recommendation for good cause.
- (i) Hearing Procedures. If the Review Panel recommends that the Board file a complaint, the Board shall consider the recommendation at its next meeting. If the Review Panel recommends disciplinary action, the complaint shall be scheduled for a formal hearing at the next regularly-scheduled Board meeting, subject to the requirement of 30 days notice in subsection (i)(2) of this rule. If the Review Panel recommends dismissal

of a complaint and the Board does not adopt such recommendation, or if the Board decides to file a complaint, the Board shall schedule a hearing.

- (1) Hearing Date and Location. The date and location of the hearing shall be determined by the Board.
- (2) Notice of Hearing; Requirements. The Board shall give notice of the hearing to the Complainant and Respondent not later than the 30th day before the date on which the hearing is scheduled. The notice shall include a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing is to be held; a reference to the particular sections of the statutes and rules involved; and a short statement of the matters asserted and disciplinary action recommended. The Board shall also provide the Respondent a copy of the Review Panel's recommendation.
- (3) Costs of Attending Hearing. The Respondent and Complainant are each responsible for their own costs of preparing for and attending the hearing, including any costs associated with witnesses called on their behalf.
- (4) Subpoenas, Testimony under Oath, and Production of Records.
 - (A) The Board may designate one or more Board members to administer oaths, subpoena witnesses and compel their attendance, take evidence, and require the production of records relating to a matter within the Board's jurisdiction.
 - (B) The Respondent and Complainant may make requests under subsection (4)(A) of this rule. Such requests shall be in writing and directed to the Board office.
 - (C) The Chair may establish limits and deadlines as necessary for such requests and responses.
- (5) The Chair may conduct a prehearing conference by telephone or videoconferencing upon adequate notice to the parties, even in the absence of a party motion filed under (6) below.
- (6) Participation by Telephone or Videoconferencing.
 - (A) A party may request to appear by telephone or to present the testimony of a witness by telephone, upon timely motion stating the reason(s) for the request, containing the pertinent telephone number(s), and affirmatively stating that the proposed witness will be the same person who appears telephonically at the hearing. A timely motion for telephone appearance will not be deemed granted unless granted by written order of the Chair.
 - (B) A party may request to appear by videoconferencing or to present the testimony of a witness by videoconferencing, upon timely motion stating the reason(s) for the request and the city of residence of the party or witness. In deciding whether or not to grant the request, the Chair shall consider

- all relevant matters, including the availability of videoconferencing facilities at the time of the hearing.
- (C) For purposes of (A) and (B), a motion is timely if it is filed no later than 30 days before the hearing. The Chair may grant an exception to this requirement on good cause shown. Good cause must clearly appear from specific facts shown in writing that compliance with the deadline was not reasonably possible and that failure to meet the deadline was not the result of the negligence of the party.
 - (D) All substantive and procedural rights apply to telephone and videoconferencing prehearings and hearings, subject only to the limitations of the physical arrangement.
 - (E) Documentary evidence to be offered at a telephone or videoconferencing prehearing conference or hearing shall be served on all parties and filed with the Board at least 14 days before the prehearing or hearing unless the Chair, by written order, amends the filing deadline. If a party intends to utilize such evidence with a witness at a telephone or videoconferencing prehearing or hearing, it is the offering party's responsibility to ensure that the witness has the document.
 - (F) For a telephone or videoconferencing hearing or prehearing conference, the following may be considered a failure to appear and grounds for default if the conditions exist for more than ten minutes after the scheduled time for hearing or prehearing conference:
 - (i) failure to answer the telephone or videoconference line;
 - (ii) failure to free the line for the proceeding;
 - (iii) failure to be ready to proceed with the hearing or prehearing conference as scheduled.
- (7) Respondent's Rights at Hearing. At the hearing, the Respondent shall be permitted to testify and present evidence, respond to questions from the Board, and examine witnesses who are present. The Respondent may be represented by legal counsel at the hearing.
 - (8) Conduct of the Hearing. The Board may establish rules for the conduct of the hearing. The Board shall apply the general rules of evidence applicable in a district court. Testimony of witnesses shall be given under penalty of perjury.
 - (9) Recommendation by Staff or Legal Counsel. Board staff or counsel for the Board or the Office of Court Administration may advise the Board as to the recommended disposition of the complaint or information about an alleged violation.
 - (10) Failure to Appear. If the Respondent fails to appear at the hearing:

- (A) Upon proof that notice of the hearing was given to Respondent, the Board may proceed in the Respondent's absence; and
 - (B) The factual allegations in the complaint may be deemed admitted.
- (j) Board Decision.
- (1) Notice of Decision. The Board shall deliberate and announce its decision at the conclusion of the hearing. The Board shall notify the Respondent and the Complainant in writing of its decision. The written notification shall include a summary of the evidence, findings of fact, an explanation of the basis for the decision, and the Board's decision as to any disciplinary action to be imposed.
 - (2) Complaints Involving Incompetence. In complaints involving alleged incompetence, the Board's decision may include a requirement that the certified shorthand reporter take the standard examination provided for in Rule V. The Board's decision shall indicate whether the Board will dismiss the complaint if the Respondent passes the examination, revoke Respondent's certification if Respondent refuses to take or fails the examination, and/or require Respondent to reappear before the Board for consideration of examination results.
 - (3) Suspension.
 - (A) The Board may suspend a certification or registration:
 - (i) For a designated period of time, provided that for a suspended certification, the designated period of time may not exceed 12 months;
 - (ii) Until the person, court reporting firm, or affiliate office corrects the deficiencies that were the grounds for suspension; or
 - (iii) Until the person, firm, or office complies with any conditions imposed by the Board.
 - (B) A suspended shorthand reporter, court reporting firm, or affiliate office may apply for reinstatement by presenting proof that:
 - (i) The designated time has expired;
 - (ii) The person, firm, or office has corrected the deficiencies; or
 - (iii) The person, firm, or office has complied with the conditions imposed by the Board.
 - (C) The Board on its own motion may conduct a hearing to inquire into a suspension and may revoke the certification of a shorthand reporter or the registration of a court reporting firm or affiliate office if it finds that the person, firm, or office has not corrected the deficiencies that were the grounds for the suspension or has not complied with the conditions imposed.

- (D) The Board may place on probation a person whose certification is suspended or a court reporting firm or affiliate office whose registration is suspended.
 - (i) If a suspension is probated, the Board may require the person, firm, or office to report regularly to the Board on matters that are the basis of the probation, or limit practice to the areas prescribed by the Board.
 - (ii) The Board may require a person whose certification suspension has been probated to continue or review professional education until the person attains a degree of skill satisfactory to the Board in those areas that are the basis of the probation.
 - (iii) The Board may require the principals of a firm or affiliate office whose registration suspension has been probated to continue or review professional education until those persons attain a degree of skill satisfactory to the Board in those areas that are the basis of the probation.
- (4) The Board may assess an administrative penalty pursuant to Rule XIII.
- (5) Publication. The Board may publish or otherwise provide public notice of the final result of any disciplinary proceeding or action.
- (k) Appeal. An aggrieved shorthand reporter or shorthand reporting firm or affiliate office may appeal a disciplinary action of the Board pursuant to Section 52.030 of the Texas Government Code.
- (l) Suspension of Certification (Child Support Arrearages). Notwithstanding Sections (a) through (k) above, the Board shall suspend a certified or provisionally-certified reporter's certification pursuant to the provisions of Section 232.011 of the Texas Family Code upon receipt of a final order issued under Chapter 232 of the Texas Family Code. Pursuant to Section 232.011, the Board shall take such action without a hearing or additional review.

XI. CONSEQUENCES OF CRIMINAL CONVICTIONS

- (a) In determining whether a criminal conviction directly relates to the court reporting profession, the Board shall consider the following factors:
 - (1) The nature and seriousness of the crime;
 - (2) The relationship of the crime to the purposes for requiring certification;
 - (3) The extent to which certification 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 a certified shorthand reporter.

- (b) In determining the fitness to perform the duties and discharge the responsibilities of a certified shorthand reporter of a person who has been convicted of a crime, the Board shall consider, in addition to the factors listed in section (a):
 - (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.
- (c) In addition to fulfilling the requirements of sections (a) and (b), the applicant or certified reporter shall furnish proof to the Board, and the Board may consider, that he/she has:
 - (1) Maintained a record of steady employment for the past five years;
 - (2) Supported his/her 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 he/she has been convicted.
- (d) Offenses. The following offenses directly relate to the practice of court reporting:
 - (1) Any offense as defined in the Texas Penal Code of which dishonesty, fraud, deceit, misrepresentation, obstruction of justice, or deliberate violence is an essential element; and
 - (2) Any criminal violation of Chapter 52 of the Texas Government Code.
- (e) An applicant who gives false information on an application form or omits information regarding previous criminal behavior will be automatically disqualified.

XII. RESERVED

XIII. ADMINISTRATIVE PENALTIES

- (a) The Board may assess an administrative penalty against a person who violates Chapter 52 of the Texas Government Code, a Board rule, or a provision of the Code of Professional Conduct. Imposing an administrative penalty is but one option available to the Board. In lieu of or in addition to an administrative penalty, the Board in its discretion may impose any other disciplinary action permitted by these Rules, including but not limited to, continuing education, reprimand, refusal to renew, suspension, and revocation.

- (b) In determining the amount of an administrative penalty assessed under this Rule, the Board shall consider:
 - (1) The seriousness of the violation, including, but not limited to, the nature, circumstances, extent, and gravity of the prohibited acts;
 - (2) The harm caused by the violation;
 - (3) The history of previous violations;
 - (4) The amount necessary to deter future violations;
 - (5) Efforts made to correct the violation; and
 - (6) Any other matters that justice may require.
- (c) The Board shall assess the amount of the administrative penalty pursuant to (c)(1), (2), or (3) below, but the total administrative penalty assessed may not exceed \$10,000. The Board may consider each day that a violation continues or occurs to be a separate violation and may impose a separate penalty for each violation.
 - (1) For the first complaint resulting in disciplinary action, the Board may assess a penalty not exceeding \$1,000 per violation.
 - (2) For the second complaint resulting in disciplinary action, the Board may assess a penalty not exceeding \$3,000 per violation.
 - (3) For the third and subsequent complaints resulting in disciplinary action, the Board may assess a penalty not exceeding \$5,000 per violation.
- (d) Rule X, including its notice and hearing requirements, shall govern proceedings in which the Board seeks to impose administrative penalties under this Rule.

XIV. FEES

- (a) Applicants for Certification and Certified Reporters.
 - (1) Certification Application Fee. Each applicant must submit a certification fee of \$85 with the completed application.
 - (2) Examination Fee. Each applicant who is taking the certification examination must submit an examination fee of \$75 for Part B, \$125 for Part A, or \$190 for Parts A and B combined by the date established by the Board.
 - (3) Examination Late Fee. The late fee that must be paid by an applicant whose application to take the examination is rejected and corrected under the circumstances set out in Rule V(b)(7)(B) is \$25.
 - (4) Renewal Fee (Before Expiration of Certification). Each certified court reporter must submit a renewal fee of \$200 on or before the expiration date of the certification. If this fee is not timely paid, the certification will expire pursuant to Rule IV.
 - (5) Renewal Fee (Expired for Ninety Days or Less). A person whose certification has been expired for 90 days or less may renew the certification by paying to the Board a renewal fee of \$300.

- (6) Renewal Fee (Expired More than Ninety Days but Less than One Year). A person whose certification has been expired for more than 90 days but less than one year may renew the certification by paying to the Board a renewal fee of \$400.
 - (7) Re-Certification Fee (Moved to Another State). A person who was certified in this State, moved to another state, and is currently certified and has been in practice in the other state for the two years preceding the date of application may obtain a new certification without re-examination by paying a fee of \$400.
 - (8) Subscription Fee. A subscription fee of ten dollars (\$10) shall be paid to the Board, along with each fee paid under (a)(4), (5), (6), or (7) to fund a common Internet licensing system pursuant to Section 2054.2591 of the Texas Government Code.
 - (9) Re-grading Fee. A person who requests that an examination be re-graded must pay a re-grading fee of \$35.
 - (10) Replacement Fees. A person who requests a replacement for his/her certificate must pay a fee of \$15. A person who requests a replacement for his/her ID card must pay a fee of \$5.
- (b) Court Reporting Firms.
- (1) Registration Fee. Each registrant must submit a registration fee of \$200 along with the completed registration form.
 - (2) Renewal Fee (Before Expiration of Registration). Each registered court reporting firm and affiliate office must submit a renewal fee of \$200 on or before the expiration date of the registration. If this fee is not timely paid, the registration will expire pursuant to Rule IV.
 - (3) Renewal Fee (Expired for Ninety Days or Less). A firm whose registration has been expired for 90 days or less may renew the registration by paying to the Board a renewal fee of \$300.
 - (4) Renewal Fee (Expired More than Ninety Days but Less than One Year). A firm whose registration has been expired for more than 90 days but less than one year may renew the registration by paying to the Board a renewal fee of \$400.
 - (5) Replacement Fee. A firm that requests a replacement registration certificate shall pay a fee of \$15.
- (c) Payment of Fees. Payment of each fee shall be in the form of a money order, cashier's check, or bank-certified check made payable to the Board or the State of Texas. The Board will not accept uncertified personal checks or cash. All fees are non-refundable.