



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 10, 1998

Mr. Sid L. Harle
Chair, Court Reporters Certification Board
P.O. Box 13131
Austin, Texas 78711-3131

Letter Opinion No. 98-075

Re: Requirements of a verified complaint
filed with the Court Reporters Certification
Board (RQ-1088)

Dear Mr. Harle:

You ask about the requirements of section 52.027 of the Texas Government Code, which provides the following:

(a) To file a complaint against a certified shorthand reporter, a person must:

- (1) complete a complaint form provided by the board;
- (2) sign the completed form under oath; and
- (3) attach any pertinent documentary evidence to the form.

(b) On receipt of a properly executed complaint, the board shall furnish a copy of the complaint and any attachments to the certified shorthand reporter who is the subject of the complaint.

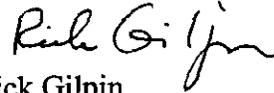
This section gives very little information about the requisites of the complaint—only that it must be on a form provided by the Court Reporters Certification Board (the “board”), signed under oath, and attached to any documentary evidence. The fact that the form is to be provided by the board indicates that the board has discretion about what elements need to be included on the form. Your question specifically concerns the form of the oath: whether it should be phrased in terms of information and belief or in terms of personal knowledge.

The legislature has given no guidance in this matter but instead leaves this determination up to the board, or, more appropriately, the supreme court, which is ultimately responsible for the rules. *See generally* Gov’t Code ch. 52; *id.* § 52.002 (supreme court to adopt rules regarding certification and conduct of court reporters); *see also* Letter Opinion No. 93-87 (1993) at 2 (supreme court authority). Lacking any further statutory guidance, we believe that the board must decide upon the form of the oath on the complaint form.

S U M M A R Y

The Court Reporters Certification Board must decide upon all of the elements on the complaint form including the form of the oath.

Yours very truly,



Rick Gilpin
Deputy Chief
Opinion Committee