



Chairman

SID L. HARLE

**COURT REPORTERS  
CERTIFICATION BOARD**

Executive Secretary

PEG LIEDTKE

March 24, 1998

Attorney General Dan Morales  
Office of the Attorney General  
Post Office Box 12548  
Austin TX 78711-2548

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FILE

I.D. #

ML-40176-98

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Reference: Request for Attorney General Opinion concerning Section 52.021(h) and (i) of the Texas Government Code

Dear General Morales:

The Court Reporters Certification Board requests your interpretation of Section 52.021, subsections (h) and (i), Texas Gov't Code, which were enacted by the Legislature in 1997. These subsections provide as follows:

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

Our Board has a number of questions concerning the exact authority granted it over court reporting firms. These questions are:

- (1) If a court reporting firm registers with the Board by completing an application in a form adopted by the Board, does the Board have the authority to approve or not approve the application of the court reporting firm, or is the firm merely registering with the Board?
- (2) If the Board does have authority to approve or not approve a court reporting firm's application, does the firm have the authority to continue to operate if its application is not approved by the Board?
- (3) If the Board has authority to not approve a firm's application, what would be the basis for "not approving" an application? The Board assumes it would be noncompliance with rules promulgated by the Supreme Court of Texas concerning court reporting firms and the requirements therein for registration with the Board.

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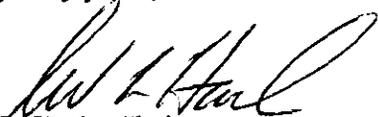
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- (4) If a court reporting firm's application is not approved by the Board, must the Board provide an opportunity for a hearing if the court reporting firm can continue to operate without the Board's application approval?
- (5) Under subsection (i), is the Board restricted to imposing a fee under this subsection for filing the application or is the Board entitled to apply the sanctions available to it under Chapter 52, Texas Gov't Code, against a court reporting firm that has violated its rules? These sanctions, if available, would include injunctive actions against court reporting firms that fail to register with the Board and disciplinary actions against registrant court reporting firms that violate rules promulgated by the Supreme Court for the Board.

For your assistance, I am enclosing copies of the Board's Act and the *Standards and Rules for Certification of Certified Shorthand Reporters* as promulgated by the Supreme Court of Texas along with the form the Board currently sends to court reporting firms for registration purposes.

Thank you for your consideration of this request for an opinion. Please contact Ms. Peg Liedtke at the Board office at 512/463-1624 should you require any further information concerning this matter.

Very truly yours,



Sid L. Harle, Chairman  
Court Reporters Certification Board

enclosure

cc: Members, Court Reporters Certification Board

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