

TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
DIVISION 24. CERTIFIED SHORTHAND REPORTERS BOARD
ARTICLE 8. DENIAL, SUSPENSION AND REVOCATION OF CERTIFICATES

MODIFIED TEXT

Proposed amendments to the regulatory language are shown in single underline for new text and ~~single strikethrough~~ for deleted text.

Modifications to the proposed regulatory language are shown in double underline for new text and ~~double strikethrough~~ for deleted text.

Amend Section 2470 as follows:

§ 2470. Substantial Relationship Criteria.

(a) For the purpose of denial, suspension, or revocation of the certificate of a shorthand reporter pursuant to section 141, ~~or~~ Division 1.5 (commencing with Section 475), or Section 8025 of the Code, a crime, professional misconduct, or act shall be considered substantially related to the qualifications, functions, and duties of a shorthand reporter if to a substantial degree it evidences present or potential unfitness of a shorthand reporter to perform the functions authorized by ~~his~~the certification in a manner consistent with the public health, safety, or welfare. ~~Such crimes or acts shall include, but are not limited to, the following:~~

(b) In making the substantial relationship determination required under subdivision (a) for a crime, the board shall consider the following criteria:

(1) The nature and gravity of the offense;

(2) The number of years elapsed since the date of the offense; and

(3) The nature and duties of a shorthand reporter.

(c) For the purposes of subdivision (a), substantially related crimes, professional misconduct, or acts shall include, but are not limited to, the following:

~~(a)~~ (1) Any violation of the provisions of Chapter 13 of Division 3 of the Code.

~~(b)~~ (2) Violation of any rule or code provision specifically governing shorthand reporters.

~~(c)~~ (3) Conviction of any crime involving dishonesty or fraud.

Note: Authority cited: Sections 481 and 8007, Business and Professions Code.
Reference: Sections 141, 480, 481, 490, and 493, 8025, and 8026, Business and Professions Code.

Amend Section 2471 as follows:

§ 2471. Criteria for Rehabilitation

(a) Denial of a certificate.

(~~a~~1) When considering the denial of a shorthand reporter's certificate under Section 480 of the Code, on the ground that the applicant ~~was~~ has been convicted of a crime, the board shall consider whether the applicant made a showing of rehabilitation ~~and is presently eligible for a certificate~~, if the applicant completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the board shall consider the following criteria:

(~~4~~A) The nature and gravity of the crime(s).

(~~2~~B) The length(s) of the applicable parole or probation period(s).

(~~3~~C) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.

(~~4~~D) The terms or conditions of parole or probation and the extent to which they bear on the applicant's rehabilitation.

(~~5~~E) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(~~a~~2) If the applicant has not completed the criminal sentence at issue without a ~~showing of rehabilitation based on the criteria in subdivision (a)(1), the denial is based on professional misconduct, or the denial is based on one or more of the grounds specified in Sections 8025 or 8025.1 of the Code, the board shall apply the following criteria in evaluating an applicant's rehabilitation: If subdivision (a) is inapplicable, or the board determines that the applicant did not make the showing of rehabilitation based on the criteria in subdivision (a), the board shall apply the following criteria in evaluating an applicant's rehabilitation. The board shall find that the applicant made a showing of rehabilitation and is presently eligible for a certificate if, after considering the following criteria, the board finds that the applicant is rehabilitated.~~ When considering the denial of a shorthand reporter's certificate under Section 480 of the Code, the board, in

evaluating the rehabilitation of the applicant and his present eligibility for certification, shall consider the following criteria:

~~(1A)~~ (4A) The nature and ~~severity~~ gravity of the act(s), professional misconduct, or crime(s) under consideration as grounds for denial.

~~(2B)~~ (2B) Evidence of any act(s) professional misconduct, or crime(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial ~~which also could be considered as grounds for denial under Section 480 of the Code.~~

~~(3C)~~ (3C) The time that has elapsed since commission of the act(s) professional misconduct, or crime(s) referred to in subdivisions (4A) or (2B).

~~(4D)~~ (4D) ~~The extent to which~~ Whether the applicant has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the applicant.

~~(5E)~~ (5E) The criteria in subdivisions (a)(1)(A)-through (5E), as applicable.

~~(5F)~~ (5F) Evidence, if any, of rehabilitation submitted by the applicant.

(b) Suspension or revocation of a certificate.

~~(b1)~~ (b1) When considering the suspension or revocation of the certificate of a shorthand reporter on the grounds that the ~~person certified~~ certificate holder has been convicted of a crime, the Board ~~shall consider whether the certificate holder made a showing of rehabilitation and is presently eligible for a certificate,~~ if the certificate holder completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the board shall in evaluating the rehabilitation of such person and his present eligibility for certification will consider the following criteria:

~~(1A)~~ (4A) ~~The~~ Nature and severity gravity of the act(s) or offense~~crime~~(s).

~~(2B)~~ (2B) ~~Total criminal record~~ The length(s) of the applicable parole or probation period(s).

~~(3C)~~ (3C) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified ~~The time that has elapsed since commission of the act(s) or offense(s).~~

~~(4D)~~ (4D) The terms or conditions of parole or probation and the extent to which they bear on the certificate holder or company's rehabilitation ~~Whether the~~

licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

~~(5E)~~ The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for the modification. If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

~~(6E)~~ Evidence, if any, of rehabilitation submitted by the licensee.

~~(d2)~~ If the certificate holder has not completed the criminal sentence at issue

holder did not make the showing of rehabilitation based on the criteria in subdivision (b)(1), the suspension or revocation is based on a disciplinary action as described in Section 141 of the code, or the suspension or revocation is based on one or more of the grounds specified in Sections 8025 or 8025.1 of the Code, the board shall apply the following criteria in evaluating the certificate holder's rehabilitation: If subdivision (c1) is inapplicable, or the board determines
criteria in subdivision (c), the board shall apply the following criteria in evaluating the certified person's rehabilitation. The board shall find that the certificate holder made a showing of rehabilitation and is presently eligible for certification if, after considering the following criteria, the board finds that the applicant is rehabilitated:

~~(4A)~~ Nature and gravity of the act(s), disciplinary action(s), or crime(s).

~~(2B)~~ Total criminal record.

~~(3C)~~ The time that has elapsed since commission of the act(s), disciplinary action(s), or crime(s).

~~(4D)~~ Whether the certificate holder has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the certificate holder

~~(5E)~~ The criteria in subdivisions (e)(1)(A)-through (5E), as applicable.

~~(6F)~~ If applicable, evidence of dismissal proceedings pursuant to Section 1203.4 of the Penal Code.

~~(7G)~~ Evidence, if any, of rehabilitation submitted by the certificate holder.

~~(c)c)~~ When considering a petition for reinstatement of the certification of a shorthand reporter, the Board shall evaluate evidence of rehabilitation submitted

by the petitioner, considering those criteria specified in subsection division

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Note: Authority cited: Sections 482 and 8007, Business and Professions Code.
Reference: Sections 480, 482, ~~and~~ 8025, and 8025.1, Business and Professions