

**CHAPTER 46**

**RULES OF THE BOARD OF EXAMINERS OF  
SHORTHAND REPORTERS**

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## CHAPTER 46

### RULES OF THE BOARD OF EXAMINERS OF SHORTHAND REPORTERS

**Rule 46.1 Authorization and scope.** The rules in this chapter are adopted in conjunction with Iowa Code sections 602.3101 through 602.3302. They apply to all proceedings, functions, and responsibilities of shorthand reporters and the board of examiners.  
[Court Order June 5, 2008, effective July 1, 2008]

**Rule 46.2 Definitions.**

*“Certified shorthand reporter”* is an individual who has demonstrated by examination administered by the board of examiners that such individual has achieved proficiency in shorthand equivalent in the discretion of the board to the standard of the National Court Reporters Association for the earned designation of Registered Professional Reporter, namely, the demonstrated ability to write dictated tests at 180 words per minute (question and answer — technical dictation), 200 words per minute (multivoice dictation for transcription or readback), and 225 words per minute (question and answer dictation), or such equivalents thereof as the board may select, each at 95 percent accuracy or better, and demonstrated written knowledge of the reporter’s duties, legal procedure, and correct English usage at 70 percent accuracy or better. The Iowa designation of certified shorthand reporter is not granted by reciprocity. However, individuals who hold the designation of Registered Professional Reporter from the National Court Reporters Association by passing said association’s examination on or after May 1, 1973, and are in good standing with such association, may, upon application to the board of examiners, become certified shorthand reporters upon successfully passing a written examination concerning a reporter’s duties, legal procedure, and correct English usage at 70 percent accuracy or better.

*“Shorthand”* is a method of writing rapidly with stenographic machine by substituting characters, abbreviations, or symbols for letters, words, or phrases.

*“Shorthand reporting”* as used in this chapter is the professional skill whose practice by official shorthand reporters and freelance shorthand reporters serves the judicial branch of state government in courts of record, references by such courts or the law, depositions taken by shorthand reporters, or proceedings of like character, with the end in view of ensuring the accuracy and integrity of the record upon which courts rely for evidence, trial, and appellate review.

[Court Order June 5, 2008, effective July 1, 2008]

**Rule 46.3 Organization, meetings, and information.**

**46.3(1)** The officers of the board shall be a chairperson, selected by the supreme court of Iowa, and a secretary elected at the September meeting, each to serve for a term of one year, or until a successor is elected. Each shall perform the duties incumbent upon the office.

**46.3(2)** The board shall hold regular meetings for examination of applicants and the transaction of other business on the second Saturday of March and September of each year in Des Moines, Iowa, commencing at 9 a.m., or at such other times or places as the board may hereafter designate. Special meetings may be held upon the call of any two members of the board. A majority of three or more members of the board shall constitute a quorum. Business shall not be conducted unless a quorum is present. All actions of the board shall require a simple majority vote of those present.

**46.3(3)** The board shall, at least 60 days prior to the start of each fiscal year, submit to the court for consideration and approval a budget, covering the board’s operations for the upcoming fiscal year. Approval of the budget by the court shall authorize payment as provided in the budget. A separate bank account designated as the certified shorthand reporter operating account shall be maintained for payment of authorized expenditures as provided in the approved budget. Fees or other funds received or collected as directed in this chapter or in accordance with an approved interagency agreement shall be deposited in the certified reporter operating account for payment of the board’s authorized expenditures.

**46.3(4)** The director of the office of professional regulation shall serve as the administrator for the board. Information may be obtained from the director at the Office of Professional Regulation, Iowa Judicial Branch Building, 1111 East Court Avenue, Des Moines, Iowa 50319, by mail or in person during office hours.

[Court Order June 5, 2008, effective July 1, 2008]

**Rule 46.4 Applications.** Candidates for examination shall make written application on the form approved by the board and provided by the board's office. An application must be on file with the administrator at the board's office at least 30 days before the date of the examination, unless the board for good cause shown grants an applicant additional time to file or otherwise waives the 30-day filing deadline. Good cause for this purpose shall include illness, military service, unavoidable casualty or misfortune or other grounds beyond the control of the applicant. A new application is required for each examination. An applicant to become a certified shorthand reporter shall not be examined until said applicant has satisfied the board that the applicant's educational and special training includes at least one of the following:

**46.4(1)** The applicant has attained proficiency of 200 words per minute or more in a shorthand reporting course.

**46.4(2)** The applicant has had at least two years of experience as a shorthand reporter in making verbatim records of judicial or related proceedings.

**46.4(3)** The applicant has graduated from a shorthand reporting school approved by the National Court Reporters Association.

[Court Order June 5, 2008, effective July 1, 2008]

**Rule 46.5 Examination.**

**46.5(1)** Applicants shall be required to write shorthand from dictation of regular court proceedings, or such other matter as may be selected by the board of examiners, for such periods as shall be required at varying speeds within the standard.

**46.5(2)** Applicants shall be examined with respect to their knowledge of the statutory duties of a court reporter, general court procedure, and correct English usage.

**46.5(3)** Applicants shall be required to transcribe such part of the dictation as the board of examiners may indicate.

**46.5(4)** Applicants shall be required to read aloud such part of the dictated matter as the board of examiners may indicate.

**46.5(5)** Applicants shall be required to furnish their own equipment and supplies for taking shorthand. Applicants shall make their own transcript on a provided computer or typewriter unless the applicant is otherwise notified.

**46.5(6)** Upon completion of the examination, all shorthand notes, transcripts, and other papers used in connection with an examination shall be returned to the board.

**46.5(7)** Testing rules and guidelines of the National Court Reporters Association and the Board of the Academy of Professional Reporters for Registered Professional Reporters shall be used as a guide to procedure.

[Court Order June 5, 2008, effective July 1, 2008]

**Rule 46.6 Certification.** Each person who has achieved the designation of certified shorthand reporter shall be issued a certificate by the board of examiners. The certificate may be signed by the chairperson and secretary or by all of the board members.

[Court Order June 5, 2008, effective July 1, 2008]

**Rule 46.7 Fees.**

**46.7(1)** The fee for each examination is \$200.

**46.7(2)** The fee for annual renewal is \$85.

**46.7(3)** The fee for late filing of an annual report is \$100.

**46.7(4)** The fee for reinstatement from a suspension is \$100.

**46.7(5)** The fee for reinstatement for one granted a certificate of exemption is \$50.

**46.7(6)** The fee for an extension for obtaining continuing education credit is \$50.

[Court Order June 5, 2008, effective July 1, 2008; July 17, 2013, effective September 1, 2013]

**Rule 46.8 Continuing education requirement.**

**46.8(1)** Units of continuing education credits as approved by the board of examiners of shorthand reporters shall be completed by each reporter in active practice in Iowa. Failure to comply with the continuing education requirements shall be grounds for disciplinary action under rule 46.11. In order to comply, a reporter shall meet the requirements of rule 46.8(1)(a) or 46.8(1)(b):

a. Obtain at least three continuing education units (CEUs) within a three-year period by attending or participating in seminars, workshops, or courses, integrally relating to the field of shorthand

reporting, and which contribute directly to the professional competency of the shorthand reporter. One hour of continuing education credit shall equal .1 continuing education unit.

Continuing education activities shall be conducted by individuals who have special education, training, and experience, and the individuals should be considered experts concerning the subject matter of the program. Attendance at any approved national, regional or state seminar will be acceptable.

Continuing education units earned in any one reporting period may be carried over for credit in one or more succeeding reporting periods, constituting the three-year period previously provided, but can not be carried over to any successive three-year period.

Commencing October 1, 2002, the annual reporting cycle shall run from October 1 through September 30. Continuing education requirements and the three-year reporting cycle for newly certified shorthand reporters will commence October 1 of the year following the year of their certification.

*b.* In lieu of the requirements set forth in rule 46.8(1)(a), the board will accept satisfactory evidence of compliance with the current continuing education requirements of the National Court Reporters Association for retention on its Registry of Professional Reporters.

**46.8(2)** The board may, in individual cases involving disability, hardship, or extenuating circumstances, grant waivers of the minimum education requirements or extensions of time within which to fulfill the same or make the required reports. No waiver or extension of time shall be granted unless written application is made and signed by the reporter. The board may, as a condition of any waiver granted, require the applicant to make up a certain portion or all of the minimum educational requirements waived by such methods as may be prescribed by the board.

**46.8(3)** Reporters who are not actively engaged in practice may obtain from the board a certificate of exemption from continuing education requirements. Application for such exemption shall contain a statement that the applicant will not engage in the practice of shorthand reporting in Iowa without first complying with the regulations governing reinstatement after exemption.

**46.8(4)** Inactive practitioners who have been granted a certificate of exemption from these regulations shall, prior to engaging in the practice of shorthand reporting in Iowa, satisfy the following requirements for reinstatement:

*a.* Submit written application for reinstatement to the board upon forms prescribed by the board together with a reinstatement fee of \$50, and

*b.* Furnish in the application evidence of one of the following:

(1) Active shorthand reporting in another state of the United States or the District of Columbia and completion of continuing education requirements that are the substantial equivalent to the requirements set forth in these rules for court reporters in Iowa as determined by the board.

(2) Completion of continuing education units (CEUs) sufficient to satisfy education requirements for the period of inactivity if seeking reinstatement within three years of being granted a certificate of exemption.

(3) Successful passing of either the state of Iowa's certificate examination or the National Court Reporters Association's examination within one year immediately prior to the submission of such application for reinstatement.

[Court Order June 5, 2008, effective July 1, 2008]

**Rule 46.9 Approval of activity.** A reporter seeking credit for attendance and participation in an educational activity other than those sponsored or approved by the National or Iowa Court Reporters Associations shall submit to the board, within 30 days after completion of such activity, a request for credit, including a brief résumé of the activity, its dates, subjects, instructors and their qualifications, and the number of credit hours requested therefor. Within 60 days after receipt of such application, the board shall advise the reporter in writing by ordinary mail whether the activity is approved and the number of hours allowed therefor. A reporter not complying with the requirements of this rule may be denied credit for such activity.

[Court Order June 5, 2008, effective July 1, 2008]

**Rule 46.10 Continuing education reports.**

**46.10(1)** On or before December 1 of each year, each reporter shall file with the board, on forms provided by the board, a signed report concerning completion of continuing education for the prior reporting period. Said report, along with the annual renewal fee, shall be sent to the board's office, Office of Professional Regulation, Iowa Judicial Branch Building, 1111 East Court Avenue, Des

Moines, Iowa 50319. The board may prescribe an electronic report form and require submission of the report in that form.

**46.10(2)** All active reporters who fail to file the annual report on or before December 1 of each year shall pay a penalty of \$100.

[Court Order June 5, 2008, effective July 1, 2008]

**Rule 46.11 Penalty for failure to satisfy continuing education requirements.** The board may revoke or suspend the license of any reporter who fails to comply with rule 46.10 or who files a report showing a failure to complete the required number of education credits; provided that at least 30 days prior to the suspension or revocation, notice of the delinquency has been served upon the reporter in the manner provided for the service of original notices in Iowa R. Civ. P. 1.305 or has been forwarded to the reporter by restricted certified mail, return receipt requested, addressed to the reporter's last-known address. The reporter shall be given the opportunity during the 30 days to file in the board's office an affidavit establishing that the noncompliance was not willful and tender the documents and sums and penalties which, if accepted, would cure the delinquency. Alternatively, the reporter may file in the board's office a request, in duplicate, for hearing to show cause why the reporter's certificate should not be suspended or revoked. The board shall grant a hearing if requested. If the board orders a suspension or revocation it shall notify the reporter by either of the methods provided above. The suspension or revocation shall continue until the board has approved the reporter's written application for reinstatement.

[Court Order June 5, 2008, effective July 1, 2008]

**Rule 46.12 Disciplinary action.** The board may, upon its own initiative, or at the request of the supreme court of Iowa, or complaint by a third party, begin disciplinary procedures for violations of the board rules or the Code of Iowa against any reporter.

**46.12(1)** Charges against a reporter brought by a third party must be in writing, signed by the complainant, filed with the board, and contain substantiating evidence to support the complainant's allegations. The complaint shall include complainant's address and telephone number, be dated, identify the reporter, and give the address and any other information about the reporter which the complainant may have concerning the matter.

**46.12(2)** Such complaint, which will be held in confidence as required by law, shall be reviewed by the board. If the board concurs in the seriousness of the allegations made by the complainant, the board shall, in writing, advise the reporter of the charges involved. The reporter shall have 30 days from the receipt of the board's notice to answer the charges in writing. The reporter may request a personal appearance before the board. The board shall then review again the charges made and determine whether the complaint can be disposed of informally or if contested case proceedings should be commenced.

[Court Order June 5, 2008, effective July 1, 2008]

**Rule 46.13 Causes for disciplinary action.** The board may revoke or suspend a certificate, or impose any of the disciplinary sanctions included in this chapter for any of the following reasons:

**46.13(1)** All grounds listed in Iowa Code section 602.3203.

**46.13(2)** Failure to file an annual report showing satisfaction of the current requirement of continuing education or submission of a false report of continuing education.

**46.13(3)** Conviction of a misdemeanor related to the profession or occupation of the reporter.

**46.13(4)** Unless otherwise required by law, a violation of Iowa R. Civ. P. 1.713(1) or 1.713(2) in any state, federal, administrative, or other proceeding.

**46.13(5)** The board's receipt of a certificate of noncompliance from the Child Support Recovery Unit, pursuant to the procedures set forth in Iowa Code chapter 252J.

**46.13(6)** The board's receipt of a certificate of noncompliance from the College Student Aid Commission, pursuant to the procedures set forth in Iowa Code chapter 261.

**46.13(7)** The board's receipt of a certificate of noncompliance from the Centralized Collection Unit of the Department of Revenue, pursuant to the procedures set forth in Iowa Code chapter 272D.

[Court Order June 5, 2008, effective July 1, 2008; December 12, 2011]

**Rule 46.14 Contested case proceedings.**

**46.14(1)** Contested case proceedings which involve possible disciplinary sanctions shall be set for hearing on not less than ten days' notice to all parties. Notice of hearing shall be in writing and shall be served either by personal service or certified mail, return receipt requested.

**46.14(2)** The notice shall include all of the following information:

- a. A statement of the time, place, and nature of the hearing.
- b. A statement of the legal authority and jurisdiction under which the hearing is to be held.
- c. A reference to the particular sections of the statutes and rules involved.
- d. A concise statement of the matters asserted, or if the board is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved.

**46.14(3)** If a party fails to appear in a contested case proceeding after proper service of notice, the presiding officer may, if no adjustment is granted, proceed with the hearing and make a decision in the absence of the party.

**46.14(4)** Opportunity should be afforded all parties to respond and present evidence and argument on all issues involved and to be represented by counsel at their own expense.

**46.14(5)** Unless precluded by statute, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, default, or by another method agreed upon by the parties in writing.

**46.14(6)** After the conclusion of a hearing, the board shall take any of the actions set forth in rule 46.15. The board's actions shall be set forth in writing, and a copy of the conclusions and decisions shall be served upon all parties and the supreme court of Iowa. The board may permit a reasonable time for the parties to file posthearing briefs and arguments. The report of the board shall be made within 60 days after the date set for the filing of the last responsive brief and argument. If the board cannot reasonably make its determination or file its report within such time limit, it shall report that fact and the reasons therefor to the parties and to the clerk of the supreme court. Any determination or report of the board need only be concurred in by a majority of the board members sitting, and any member has the right to file a dissent from the majority determination or report.

**46.14(7)** Procedures for the handling of all contested case proceedings shall, to the extent not specifically set forth in this chapter, be governed by the Iowa Administrative Procedure Act. [Court Order June 5, 2008, effective July 1, 2008]

**Rule 46.15 Disciplinary sanctions.** The board may, based upon the evidence presented, take one or more of the following actions:

**46.15(1)** Dismiss the charges.

**46.15(2)** Informally stipulate and settle any matter relating to the reporter's discipline.

**46.15(3)** Require additional professional education.

**46.15(4)** Issue a citation and warning regarding the reporter's behavior.

**46.15(5)** Reprimand.

**46.15(6)** Impose a period of probation.

**46.15(7)** Suspend the certificate.

**46.15(8)** Revoke the certificate.

[Court Order June 5, 2008, effective July 1, 2008]