

SUPREME COURT OF OKLAHOMA

State ex rel. State Board of Examiners of Certified Shorthand Reporters v. Hamm

18 P.3d 1077 (Okla. 2001) · Decided January 23, 2001

SUMMARY

The Supreme Court of Oklahoma reviewed disciplinary proceedings against a certified shorthand reporter who had been convicted of multiple felonies. The court adopted the State Board of Examiners' recommendation and revoked the respondent's shorthand reporter license.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Hargrave, C.J.; Watt, V.C.J.; Hodges, J.; Lavender, J.; Opala, J.; Boudreau, J.; Winchester, J.; Kauger, J.; Summers, J.
JURISDICTION	Oklahoma
DECIDED	January 23, 2001
DISPOSITION	other
PROCEDURAL POSTURE	Original disciplinary proceeding before the Supreme Court of Oklahoma on the record and administrative decision of the State Board of Examiners of Certified Shorthand Reporters. The Board recommended revocation of Hamm's certified shorthand reporter license after felony convictions.
STANDARD OF REVIEW	The Supreme Court conducted a complete review of the administrative record and exercised its discretion under Rule 7(C) to adopt or reject the Board's recommendation or impose another disposition.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Oklahoma; precedential value not otherwise specified in the source.

TOPICS

administrative law

agency adjudication

judicial review of agency action

appellate procedure

PRACTICE AREAS

Administrative law

Professional licensing and discipline

Appellate procedure

QUESTIONS PRESENTED

1. Whether certified copies of felony judgments and sentences conclusively established the convictions and constituted a sufficient basis for discipline under the governing disciplinary rules.
2. Whether Hamm's certified shorthand reporter license should be revoked based on her felony convictions.

HOLDINGS

1. Under Rule 5(B), certified copies of the charges and judgments and sentences of felony convictions constitute the charge, are conclusive evidence of commission of the crimes upon which the judgments are based, and suffice as the basis for discipline; the formal proceeding is then limited to the nature of the discipline.
2. Hamm's felony convictions demonstrated unfitness to hold a certified shorthand reporter's certificate, and the Supreme Court revoked her license.

KEY QUOTATIONS

“These convictions of a felony demonstrate an unfitness to hold a certified shorthand reporter's certificate.”
(18 P.3d at 1079)

“Thus, they constitute the charge and are conclusive evidence of commission of the crimes upon which the judgment is based.” (18 P.3d at 1079)

FACTUAL BACKGROUND

Hamm held a certified shorthand reporter license continuously from 1981. She was convicted in Oklahoma County of two felony counts of third-degree arson and in Tulsa County of two felony counts of obtaining a controlled drug by forged prescription; she received suspended sentences in both cases. Certified copies of the judgments and sentences were submitted in the disciplinary proceeding, and Hamm testified under oath confirming the allegations.

PROCEDURAL HISTORY

The Board filed a disciplinary complaint alleging that Hamm had been convicted of two felony counts of third-degree arson and two felony counts of obtaining a controlled drug by forged prescription. After a hearing at which Hamm appeared pro se and verified the allegations, the Board recommended revocation. No party filed a brief contesting the recommendation, and the Supreme Court reviewed the submitted record and adopted the recommendation.

DISPOSITION

other