



OFFICES OF THE

ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

December 17, 1974

JOHN C. DANFORTH
ATTORNEY GENERAL

OPINION LETTER NO. 353

Missouri Commission on Human Rights
Post Office Box 1129
Jefferson City, Missouri 65101

To the Commission:

In response to your request for an opinion concerning the obligation of the Missouri Commission on Human Rights to prepare a record and transcribe testimony at its public hearings, we have examined the opinion of your then deputy director and concur in the conclusions therein reached. Those conclusions are consistent with the recent case of Sullivan County v. State Tax Commission, 513 S.W.2d 452 (Mo. 1974), which provides general guidelines for situations when an agency is not expressly required to prepare transcripts.

With respect to your opinion request, we expressly agree that:

1. The Missouri Commission on Human Rights is required to record and transcribe testimony taken at hearings held pursuant to Chapters 296 and 314, RSMo 1969, but testimony may be mechanically recorded and later transcribed by the Commission staff.
2. With respect to hearings conducted pursuant to Chapter 213, the Commission is not required to transcribe testimony presented at such hearing absent a request from one of the parties to the hearing.
3. With respect to hearings conducted pursuant to Chapters 296 and 314, costs of recording and transcribing testimony at such hearings is the responsibility of the Commission, but the Commission is not liable for the cost of preparing transcripts of testimony taken at hearings pursuant to Chapter 213.

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4. Even though an appeal is taken from the Commission to the circuit court, the Commission is not required to have the transcript prepared at the time the appeal is filed since Supreme Court Rule 100.06 and Section 536.130, RSMo 1969, provide for the filing of the administrative record with the court after the filing of the appeal.

Yours very truly,

A handwritten signature in cursive script, appearing to read "John C. Danforth".

JOHN C. DANFORTH
Attorney General