

# BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

## MINUTES

The Board for Professional and Occupational Regulation met on Monday, November 16, 2015, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia.

The following members were present for all or part of the meeting:

Laurence Benenson  
Matthew Benka  
Suzanne Conrad  
Eugene Goldman  
James Head  
H. Scott Johnson, Jr.  
Shelly Simonds

Board members Patricia Kline and Martin Mooradian were not present at the meeting.

The following Board staff was present for all or part of the meeting:

Jay W. DeBoer, JD, Director  
Kathleen (Kate) R. Nosbisch, Executive Director  
Andrea Overman, Executive Secretary

There were no additional agency staff present at the meeting.

Executive Director Kathleen Nosbisch called the meeting to order at 10:05 a.m. noting there was a quorum. Ms. Nosbisch introduced Director Jay W. DeBoer, and each Board member then individually introduced themselves.

### **Call to Order & Welcome**

Ms. Kathleen Nosbisch advised the Board of the emergency evacuation procedures.

### **Emergency Evacuation Procedures**

Election of Officers was conducted by Ms. Kate Nosbisch for the 2015-2016 term. Mr. Benka moved to nominate Laurence Benenson, as Chair, and there being no further nominations, Ms. Simonds seconded the motion which was unanimously approved by members: Benenson, Benka, Conrad, Goldman, and Simonds. Mr. Benenson moved to nominate Matthew Benka as Vice-Chair, and there being no further nominations, Ms. Conrad seconded the motion which was unanimously approved by members: Benenson, Benka, Conrad, Goldman, and Simonds.

### **Election of Officers**

Ms. Conrad moved to approve the agenda and Ms. Simonds seconded the motion which was unanimously approved by members: Benenson, Benka, Conrad, Goldman, and Simonds.

### **Agenda Approval**

Ms. Conrad moved to approve the September 8, 2014, minutes and Mr. Benka seconded the motion which was unanimously approved by members: Benenson, Benka, Conrad, Goldman, and Simonds.

**Approval of Minutes**

There were no public comments made to the Board. Mr. Johnson arrived at 10:15 a.m.

**Public Comment**

Director DeBoer provided the Director's Report. He explained DPOR is one of two umbrella regulatory agencies and oversees 18 regulatory boards and programs. The Department is governed by the Callahan Act and pays the entire cost of its programs, receives no general funds, and is entirely self-supporting from fees collected. DPOR serves more than 300,000 individuals and businesses by issuing professional credentials - licenses, certificates or registrations - that ensure the minimum competency necessary to practice without harming the public and also enforces standards of professional conduct. Mr. Head arrived at 10:30 a.m.

**Director's Report**

Mr. Benka inquired as to the status of the fraudulent licensing cases that were discussed at the September 8, 2014, Board meeting. Director DeBoer explained that an individual provided fabricated credentials through fraudulent training and exams. This impacted the Board for Contractors and the Real Estate Board. A related enterprise also provided fabricated credentialing in the Board for Barbers and Cosmetology. Approximately 3,000 individuals have been identified and are in the process of being fined and/or de-licensed. This investigation has been ongoing for several years.

The 2016 meeting dates were presented: March 7, 2016; June 6, 2016; September 12, 2016; and November 7, 2016. Ms. Simonds moved to approve the dates as presented and Ms. Conrad seconded the motion which was unanimously approved by members: Benenson, Benka, Conrad, Goldman, Head, Johnson, and Simonds. Ms. Nobsch explained that The Virginia Code § 54.1-309 provides for at least one meeting of the BPOR Board per year. Even though four meetings have been approved, if there is no business to conduct, the meeting will be canceled and Board members will receive notice prior to each meeting date. However, at least one meeting will occur annually.

**2016 Meeting Dates**

Ms. Nobsch presented Board Regulatory Roles and Responsibilities and the APELSCIDLA Board overview.

**Kathleen Nobsch,**  
**Executive Director,**  
**Board for Architects,**

**Professional Engineers,  
Land Surveyors,  
Certified Interior  
Designers and Landscape  
Architects Board; Board  
Regulatory Roles and  
Responsibilities/**

Mr. Zmuda presented "A Day in the Life of a Land Surveyor."

**Mike Zmuda, Land  
Surveyor, Johnson,  
Mirmiran & Thompson**

Ms. Langelotti presented "A Day in the Life of a PE."

**Carolyn B. Langelotti,  
PE, Austin  
Brockenbrough &  
Associates, LLP**

Ms. Croy presented "A Day in the Life of an Interior Designer."

**Heather Croy, Interior  
Designer, KSA Interiors**

Mr. Boynton presented "A Day in the Life of an Architect."

**Robert A. Boynton,  
Architect, Boynton  
Rothschild Rowland  
Architects, PC**

Mr. Scherzer presented "A Day in the Life of a Landscape Architect."

**Andrew M. Scherzer,  
Landscape Architect,  
Balzer & Associates, Inc.**

At this time, Mr. Benenson called for a brief five minute recess.

**Recess**

Ms. Nosbisch reminded the Board that online financial disclosure forms must be completed and are due by December 15, 2015. The online link is sent from the Virginia Conflict of Interest and Ethics Advisory Council which should contain "Conflict of Interests" in the subject line. Ms. Conrad confirmed she had received her email and easily completed and returned the form online.

**Board Member Financial  
Disclosure**

Ms. Nosbisch also reminded the Board that mandatory online biennial Conflict of Interest Act training becomes available December 1 and is due to be completed by December 31, 2015.

**Biennial Conflict of  
Interest Act Training**

Current Board Liaison rosters were provided each member. Mr. Head reported he had attended, as Board Liaison, the Cemetery Board and Polygraph Examiners Advisory Board and suggested other Board Liaisons attend their assigned regulatory Boards as a tool to gain a better knowledge and understanding of the Department and its regulatory Boards. Further, Ms. Nosbisch requested each Board member leave their signed Conflict of Interest and Travel Voucher forms.

**Other Business and  
Conflict of Interest  
Forms/Travel Vouchers**

There being no further business, Mr. Head moved to adjourn and Mr. Johnson seconded the motion which was unanimously approved by members: Benenson, Benka, Conrad, Goldman, Head, Johnson, and Simonds. The meeting adjourned at 12:35 p.m.

**Adjournment**

  
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Laurence A. Benenson, Chair

  
\_\_\_\_\_  
Jay W. DeBoer, JD, Director

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Handwritten signature or name, possibly "J. W. ...", written in dark ink.

**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government

1. Name: Laurence A. Benenson
2. Title: Board Member
3. Agency: BPOR Board
4. Meeting/IFF Date: Board Meeting November 16, 2015

5. I have a personal interest in the following transaction:

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Nature of Personal Interest Affected by Transaction:

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I declare that I am a member of the following business, profession,  
occupation or group, the members of which are affected by the  
transaction:

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I am able to participate in this transaction fairly, objectively, and in  
the public interest.

or

I did not participate in the transaction.

6.  I do not have a personal interest in any transactions taken at this  
meeting.

  
\_\_\_\_\_  
Signature

11/16/15  
\_\_\_\_\_  
Date

STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government

1. Name: Matthew D. Benka  
2. Title: Board Member  
3. Agency: BPOR Board  
4. Meeting/IFF Date: Board Meeting November 16, 2015

5. I have a personal interest in the following transaction:

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Nature of Personal Interest Affected by Transaction:

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I declare that I am a member of the following business, profession,  
occupation or group, the members of which are affected by the  
transaction:

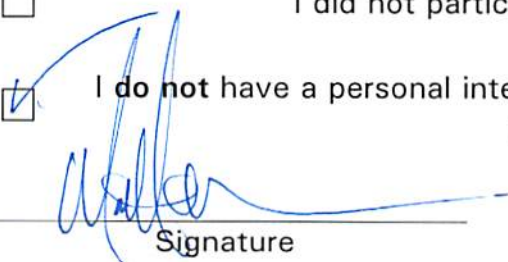
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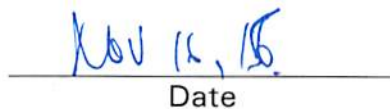
I am able to participate in this transaction fairly, objectively, and in  
the public interest.

or

I did not participate in the transaction.

6.  I do not have a personal interest in any transactions taken at this  
meeting.

  
Signature

  
Date

STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government

1. Name: Suzanne H. Conrad
2. Title: Board Member
3. Agency: BPOR Board
4. Meeting/IFF Date: Board Meeting November 16, 2015

5. I have a personal interest in the following transaction:

\_\_\_\_\_  
\_\_\_\_\_

Nature of Personal Interest Affected by Transaction:

\_\_\_\_\_  
\_\_\_\_\_

I declare that I am a member of the following business, profession,  
occupation or group, the members of which are affected by the  
transaction:

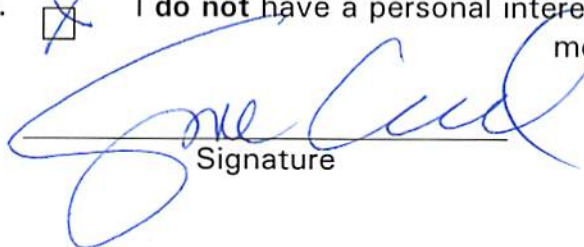
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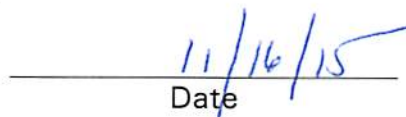
I am able to participate in this transaction fairly, objectively, and in  
the public interest.

or

I did not participate in the transaction.

6.  I do not have a personal interest in any transactions taken at this  
meeting.

  
Signature

  
Date



STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government

1. Name: James W. Head  
2. Title: Board Member  
3. Agency: BPOR Board  
4. Meeting/IFF Date: Board Meeting November 16, 2015

5. I have a personal interest in the following transaction:

N/A

Nature of Personal Interest Affected by Transaction:

N/A

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

N/A



I am able to participate in this transaction fairly, objectively, and in the public interest.

or



I did not participate in the transaction.

6.



I do not have a personal interest in any transactions taken at this meeting.

  
Signature

16 Nov 15  
Date

**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government

1. Name: H. Scott Johnson, Jr.
2. Title: Board Member
3. Agency: BPOR Board
4. Meeting/IFF Date: Board Meeting November 16, 2015

5. I have a personal interest in the following transaction:

\_\_\_\_\_

\_\_\_\_\_

Nature of Personal Interest Affected by Transaction:

\_\_\_\_\_

\_\_\_\_\_

I declare that I am a member of the following business, profession,  
occupation or group, the members of which are affected by the  
transaction:

\_\_\_\_\_

I am able to participate in this transaction fairly, objectively, and in  
the public interest.

or

I did not participate in the transaction.

6.  I do not have a personal interest in any transactions taken at this  
meeting.

H. Scott Johnson, Jr.  
Signature

11/16/15  
Date

STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government

1. Name: Eugene I. Goldman  
2. Title: Board Member  
3. Agency: BPOR Board  
4. Meeting/IFF Date: Board Meeting November 16, 2015

5. I have a personal interest in the following transaction:

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Nature of Personal Interest Affected by Transaction:

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I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6.  I do not have a personal interest in any transactions taken at this meeting.

  
\_\_\_\_\_  
Signature

11/16/15  
\_\_\_\_\_  
Date

STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government

1. Name: Shelly A. Simonds  
2. Title: Board Member  
3. Agency: BPOR Board  
4. Meeting/IFF Date: Board Meeting November 16, 2015

5. I have a personal interest in the following transaction:

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Nature of Personal Interest Affected by Transaction:

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I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6.  I **do not** have a personal interest in any transactions taken at this meeting.

  
Signature

11/16/15  
Date