

Board for Professional and Occupational Regulation Meeting

MINUTES

The Board for Professional and Occupational Regulation met on Monday, March 7, 2005, at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. The following members were present for all or part of the meeting:

Raynard Jackson, Chairman
Julie M. Clifford, Vice Chairman
James Demmel
Maxime Frias (arrived at 10:13 a.m.)
Walter Fore
Ronald Lushbaugh
William Alfred Tucker

The following members were absent from the meeting:

Susan Ferguson
Nancy Finley Barbour

The following staff and counsel were present for all or part of the meeting:

Louise Fontaine Ware, Director
Sandra Whitley Ryals, Chief Deputy Director
Nick A. Christner, Deputy Director for Compliance and Investigations
Karen O'Neal, Deputy Director for Licensing and Regulation
Mark N. Courtney, Executive Director
Judy Spiller, Executive Secretary

Chairman Jackson called the meeting to order at 10:10 a.m., noting a quorum was present. Call to Order

Mr. Tucker moved to approve the agenda and Mr. Fore seconded the motion, which passed unanimously (Jackson, Clifford, Demmel, Fore, Lushbaugh, and Tucker voting yes). Agenda Approval

Mr. Fore made a motion to approve the minutes of the November 15, 2004, meeting, and Mr. Demmel seconded the motion, which passed unanimously (Jackson, Clifford, Demmel, Fore, Lushbaugh, and Tucker voting yes). Minutes Approval

No comments were made to the Board members. Public Comment Period

Director Ware reported to the Board on the Fair Housing/Universal Design partnership with Home Builders of Virginia. Because discrimination against persons with disabilities is an important part of the Fair Housing program, DPOR, the APELSCIDLA Board, and the Fair Housing Board began work with architects concerning the design of accessible housing. Director Ware, Executive Director Mark Courtney, and Fair Housing Director John Cancelleri met with the deans at the three architectural schools in Virginia, Hampton University, University of Virginia, and Virginia Tech. All schools showed great interest in the partnership, and the University of Virginia is sponsoring a design contest. DPOR advertised about accessibility, sent mailings, and worked with a private architect famous for his work on accessibility. DPOR was featured in the HBVA magazine, *Home Builder*, and at home shows by Mally Mason, DPOR's bi-lingual Consumer Outreach Coordinator. Ms. Mason will attend home shows in Fredericksburg, Harrisonburg, and Danville, manning booths on accessible housing. The dean at Hampton University showed an interest in having his students work from a wheelchair to see what problems the disabled face. The Department of Rehabilitative Services is providing wheelchairs for the three universities.

**Louise Fontaine
Ware,
Director's
Report**

Director Ware mentioned the three new programs that will be coming to DPOR as a result of the General Assembly session: Photogrammetry, Water Well Drillers, and Estheticians. The BPOR Board previously studied Photogrammetry and Estheticians.

Maxime Frias arrived at 10:13 a.m.

**Arrival of Board
Member**

Ms. Ware asked Karen O'Neal, Deputy Director for Licensing and Regulation, to speak about the requirements for the new programs. Ms. O'Neal outlined the steps needed to set up a new program.

**Karen O'Neal,
Report on New
Programs'
Requirements**

Water Well Drillers and Estheticians need to become established programs by July 1, 2007. Photogrammetry will not become official until the board adopts regulations and the exam is developed.

Chief Deputy Director Ryals reported on the 2005 legislative session, thanking staff for their excellent and successful year. DPOR bills that passed were HB 1932 (patron, Delegate Steve Shannon) that expands board authority for immediate resolution of complaints. This bill has the broadest impact for DPOR. HB 2711 (patron, Delegate Mark D. Sickles) corrected the loophole for Hearing Aid Specialists to increase consumer protection. SB 916 (patron, Senator Henry Marsh), Contractors Recovery Fund, increases the maximum amount a complainant may receive from \$10,000 to \$20,000, matching the Real Estate Recovery Fund.

**Sandra Whitley
Ryals, Chief
Deputy Director**

Another victory was the defeat of HB 1992, the bill DPOR strongly opposed

that would weaken the Virginia Fair Housing law.

Two studies that will come about from this session are: a study of the need to regulate the towing and recovery industry; and a study of the Old Dominion University Report on Condo and Property Owners Associations.

Ms. Ryals also provided an overview of HB 2123 and HB 2843. Other bills were passes which affected: Property Owners Associations; cemeteries; and sales by auctioneers of wild animal parts.

Director Ware acknowledged that, under the Direction of Chief Deputy Director Ryals, the legislation team, including Ms. O'Neal, Mary Broz, Director of Communications, Legislation, and Consumer Education, Mr. Courtney, and other staff members, did an exceptional job.

Chief Deputy Director Ryals also mentioned a bill that did not pass, relating to the sexual molestation of a young child by a regulant of DPOR. The bill would have required registered sex offenders to notify clients of their status. In this particular instance, the sex offender was not previously registered.

In response to a question by Mr. Tucker, Nick A. Christner, Deputy Director for Compliance and Investigations, explained what happens when a formal complaint is received by DPOR, how the complaint is investigated, and how it is adjudicated.

Nick A. Christner,
Deputy Director
for Compliance
and
Investigations

Mr. Courtney distributed Biennial Reports to each member, noting information that might be helpful to them.


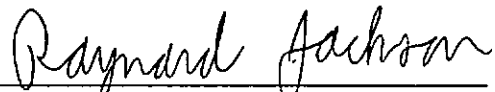
Other Business

Chairman Jackson asked for volunteers to serve on the nominating committee for Board officers for the coming year. Mr. Frias and Mr. Fore volunteered to present a slate of nominees for Chairman and Vice-Chairman at the June meeting.

Mr. Tucker commended Director Ware, Chief Deputy Director Ryals, Chairman Jackson, the secretary, and staff for their part in making the Board run in a professional manner.

Mr. Tucker moved to adjourn, and Mr. Demmel seconded the motion, which carried unanimously (Jackson, Clifford, Demmel, Frias, Fore, Lushbaugh, and Tucker voting yes). The meeting adjourned at 11:13 a.m.

Adjournment

Raynard Jackson, Chairman



Louise Fontaine Ware, Secretary

