

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

MINUTES

The Board for Professional and Occupational Regulation met on Monday, November 5, 2018, 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:

Suzanne Conrad
Eugene Goldman
H. Scott Johnson, Jr.
Ryan O'Toole
Shelly Simonds

Board members Chika Anyadike, Laurence Benenson, Martin Mooradian, and Waylin Ross were not present at the meeting.

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

Jay W. DeBoer, JD, Director
Mary Broz-Vaughan, Deputy Director, Communications & Board Operations
Carol Mitchell, Director, Alternative Dispute Resolution
Kathleen (Kate) R. Nosbisch, Executive Director
Amy Goobic, Executive Assistant

There was no representative present from the office of the Attorney General.

Ms. Simonds called the meeting to order at 10:15 a.m. Ms. Simonds stated that Board member and Chair Mr. Mooradian was unable to attend the meeting and sends his regrets. As vice chair Ms. Simonds chaired the meeting. Board members Mr. Anyadike, Mr. Benenson, and Board Counsel, Ms. Peay, were also unable to attend the meeting and sent their regrets.

Call to Order

Ms. Nosbisch welcomed audience member Jerry Gentile, Department of Planning and Budget.

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

Emergency Evacuation Procedures

Ms. Conrad moved to approve the agenda. Mr. Johnson seconded the motion which was unanimously approved by members: Conrad, Goldman, Johnson, O'Toole and Simonds.

Approval of Agenda

Ms. Conrad moved to approve the March 12, 2018, minutes. Mr. Johnson seconded the motion which was unanimously approved by members: Conrad, Goldman, Johnson, O'Toole and Simonds.

Approval of Minutes

There were no public comments made to the Board.

Carol Mitchell, Director, Alternative Dispute Resolution, provided a presentation on the mediation process for the agency. Ms. Mitchell explained to the Board that regulants have the ability to resolve a complaint made against them through mediation. The ADR staff facilitates communication between the parties through face to face meetings, teleconferencing and shuttle diplomacy. Parties involved attempt to find common ground and come to an agreement. Ms. Mitchell stated that the Fair Housing Board and Contractor Board make up the majority of their cases, and that the majority of Fair Housing disputes concern disability issues. Ms. Mitchell informed the Board when mediation is used to resolve a dispute; no violation will appear on a regulant's record. The process may also prevent lengthy investigations or civil litigation.

Mary Broz-Vaughan, Deputy Director of Communications and Board Operations, provided a presentation on HB883 – Regulatory Reduction Pilot Program. HB 883 “directs DPB to administer a three-year regulatory reduction pilot program aimed at reducing by 25% the regulations and regulatory requirements, as defined in the bill, of the Department of Professional and Occupational Regulation and the Department of Criminal Justice Services by July 1, 2021.”

Ms. Broz-Vaughan explained the objective of the bill is to reduce *discretionary* regulatory requirements, compliance costs, and regulatory burden. She further explained that a “regulatory requirement” is action required to be taken or information required to be provided in order to access government services or operate/conduct business. Ms. Broz-Vaughan stated that requirements mandated by state law and/or federal law do not count as a “regulatory requirement.” Additionally, procedural requirements or internal agency policies do not count either.

Ms. Broz-Vaughan stated that as the boards already undergo a regulatory review process every four years to streamline, clarify and update regulations, finding regulations to eliminate will not be easy or obvious. She also pointed out that the recent JLARC report on DPOR, confirmed that DPOR regulatory requirements are not burdensome. Ms. Broz-Vaughan provided statistics collected for a baseline catalog on the number of chapters and regulations for DPOR.

Ms. Nobsch ensured that each Board member received the Joint Legislative Audit & Review Commission (JLARC) report on the operations and performance of DPOR.

Mr. DeBoer provided further insight and specifics on the report, stating that many of the comments contained in the report, rebut the rhetoric of

Public Comment

Presentation – Mediation Overview – Carol Mitchell, Director, Alternative Dispute Resolution

Discussion of HB883 – Regulation Reduction – Mary Broz Vaughan, Deputy Director CaBO

JLARC Report

the red tape/regulatory reduction environment. The report included comments stating that DPOR regulations were not burdensome, entry level requirements were in line with surrounding states, and that application review was done in a timely manner. These were just a sampling of the comments. The report did find objections, including several trades that may not need to be regulated, posing no threat to the health, safety and welfare of the public. Discussion was held on the fact that the legislature determines professions and businesses to be licensed, not the agency. The JLARC report also made recommendations on the agency's need for updated computer systems; and investigative and enforcement procedures. Board members questioned Mr. DeBoer about complaints that were not pursued, which the Director addressed.

<http://jlarc.virginia.gov/pdfs/reports/Rpt509.pdf>

The 2019 tentative meeting dates were presented: March 4, June 17, September 16, and December 9. Mr. O'Toole moved to approve the dates as presented. Ms. Conrad seconded the motion which was unanimously approved by members: Conrad, Goldman, Johnson, O'Toole and Simonds.

Consideration of 2019 Meeting Dates

Election of Officers was conducted for the 2018-2019 term. Ms. Conrad moved to nominate Ms. Simonds as Chair. There being no further nominations, Mr. O'Toole seconded the motion which was unanimously approved by members: Conrad, Goldman, Johnson, O'Toole and Simonds. Mr. Johnson moved to nominate Ms. Conrad as Vice-Chair. There being no further nominations, Mr. O'Toole seconded the motion which was unanimously approved by members: Conrad, Goldman, Johnson, O'Toole and Simonds.

Election of Chair and Vice-Chair

Ms. Nosbisch informed the Board that they will soon receive an email with directions on submitting their Statement of Economic Interest form. She asked that they make sure to have the form submitted by the due date, which will be in January.

Statement of Economic Interest Form

Board members were provided copies of the roster. Ms. Nosbisch asked the members to review and update if needed.


Other Business

Conflict of Interest forms and travel vouchers were completed by all board members present.

Conflict of Interest Forms

The meeting was adjourned at 12:05 p.m.

Adjourn



Shelly Simonds, Chair
Martin Morrison

A handwritten signature in black ink, appearing to read "Jay W. DeBeer". The signature is fluid and cursive, with a long horizontal stroke at the end.

~~Jay W. DeBeer, JD, Director~~

Mary Broz-Vaughan, Acting Director

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: Board for Professional & Occupational Regulation
4. Meeting/IFF Date: Board Meeting November 5, 2018

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

None

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:

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

11/5/18
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Ryan O'Toole
2. Title: Board Member
3. Agency: Board for Professional & Occupational Regulation
4. Meeting/IFF Date: Board Meeting November 5, 2018
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:

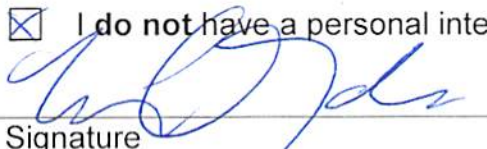
I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

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

Signature



Date

11/5/18

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Suzanne Conrad
2. Title: Board Member
3. Agency: Board for Professional & Occupational Regulation
4. Meeting/IFF Date: Board Meeting November 5, 2018

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

Nature of Personal Interest Affected by Transaction:

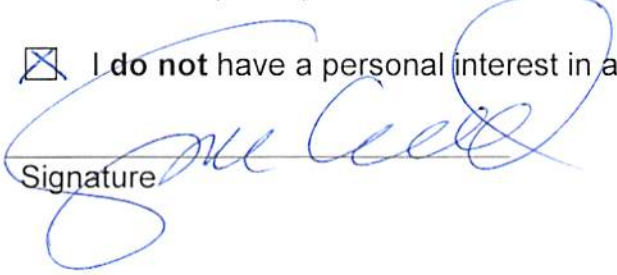
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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.

Signature 

Date 11/5/18

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Eugene Goldman
2. Title: Board Member
3. Agency: Board for Professional & Occupational Regulation
4. Meeting/IFF Date: Board Meeting November 5, 2018

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.



Signature

11/5/18

Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Shelly Simonds
2. Title: Board Member
3. Agency: Board for Professional & Occupational Regulation
4. Meeting/IFF Date: Board Meeting November 5, 2018
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

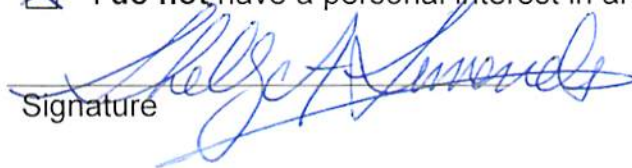
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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.

Signature 

Date Nov 5, 2018