

## Board for Professional and Occupational Regulation Meeting

### MINUTES

The Board for Professional and Occupational Regulation met on Monday, September 19, 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:

E. Wilson Clary, Jr.  
James M. Demmel  
Walter Fore  
William Alfred Tucker

The following members were absent from the meeting:

Julie Clifford, Chair  
Ronald E. Lushbaugh, Vice-Chair  
Nancy Finley Barbour  
Maxime A. Frias  
Maxwell B. Larcen

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

Louise Fontaine Ware, Director  
Brian Hannigan, Chief Deputy Director  
Karen O'Neal, Deputy Director for Licensing and Regulation  
Nick A. Christner, Deputy Director for Compliance and Investigations  
Mary Broz, Communications, Legislation and Consumer Education Director  
Mark N. Courtney, Executive Director  
Bonnie Rhea Adams, Complaint Analysis and Review Director  
Liz Hayes, Fair Housing Director  
Pamela Kamalakkannan, Fiscal Director  
Doug Schroder, Adjudication Director  
Judy Spiller, Executive Secretary

Due to the absence of Julie Clifford, Chair, and Ron Lushbaugh, Vice-Chair, Director Ware asked Mr. Fore to preside at the meeting. Mr. Fore welcomed everyone and called the meeting to order at 10:05 a.m., noting there was not a quorum.

**Call to Order**

Mr. Tucker moved to approve the agenda. Mr. Demmel seconded the motion; however, without a quorum, the agenda was approved by consensus from members: Clary, Demmel, Fore, and Tucker.

**Agenda**  
**Approval**

Approval of the minutes was deferred until the November 14, 2005, meeting.

Minutes  
Approval

There was no public comment.

Public  
Comment

Staff and Board Members introduced themselves to the new Board Member, E. Wilson Clary, Jr., of Emporia. Director Ware welcomed Mr. Clary and introduced the new Chief Deputy Director, Brian Hannigan, who replaced Sandra Whitley Ryals, now Executive Director of the Virginia Tobacco Settlement Foundation. Mr. Hannigan comes to DPOR from Arlington, where he worked for the Virginia Baseball Stadium Authority.

Louise  
Fontaine  
Ware,  
Director's  
Report

Ms. Ware congratulated Mr. Tucker on his 56<sup>th</sup> wedding anniversary (September 19), and his recent 77<sup>th</sup> birthday on September 15.

Ms. Ware announced that DPOR achieved a milestone in September by licensing over 300,000. This represents an increase of 14.5% in the number of licensees since the August 31, 2001. The 2005 General Assembly approved 10 new DPOR positions to handle the increase in licensees.

A 300,000 licensee celebration for employees will be held on September 30, 2005, and will be attended by Secretary of Commerce and Trade Michael J. Schewel.

Ms. Ware asked Ms. Broz to report on legislation. Ms. Broz told the Board that DPOR was submitting one bill, which is under consideration in the Governor's Office. This bill will streamline the administrative process of the recovery fund claims, which is a recommendation of the Process Improvement Team. Despite the fact that DPOR is only submitting one bill, as many as three to four dozen bills will be tracked during the coming session.

Mary Broz,  
Communica-  
tions, Legisla-  
tion, and Con-  
sumer  
Education  
Director

The Real Estate Board is soon completing a study on Common Interest Communities, Condos, and Property Owners Associations, which will be presented to the General Assembly.

A bill may be submitted regarding the regulation of the towing and vehicle recovery industry.

Director Ware gave background information on the Process Improvement Team (PIT) and explained that the first PIT met to find a solution to the backlog in enforcement cases.

**PIT Reports:**  
**Liz Hayes, Fair Housing PIT**

Ms. Hayes reported on the Fair Housing PIT, which met to address the backlog in Fair Housing cases. Fair Housing cases were taking over 100 days to process from intake to closure. HUD's statutory requirement to process a file/complaint is 100 days. Five recommendations were made, three of which have been implemented. The other two recommendations need board approval before they can be applied.

Ms. Kamalakkannan reported to the Board on the Recovery Fund PIT. The Contractor's Recovery Fund has paid over \$11,000,000 to complainants who have not been successful in obtaining relief from a contractor, and the Real Estate Recovery Fund has paid \$1,509,195 to complainants who have likewise had a case that was not resolved concerning a Real Estate professional. The PIT studying the Recovery Funds made five recommendations, including one which would presume the waiver of an Informal Fact-Finding Conference (IFF) in all cases that have judgments. This matter is the subject of the legislation DPOR is putting forth in the next session of the General Assembly to streamline the process for recovery fund applicants.

**PIT Reports:**  
**Pamela Kamalakkannan, Fiscal Director**

Mark Courtney explained Board Liaison Assignments to the members, and asked that they complete the form to select three boards for which they would like to serve as a liaison.

**Other Business**

Mr. Courtney announced the proposed board meeting dates for 2006. The members agreed by consensus to the following dates:

March 6, 2006  
June 5, 2006  
September 18, 2006  
November 13, 2006

Board Members recessed at 10:47 a.m. They returned at 11:08 a.m. to begin the two sessions of Board Member Training. Compliance and Investigations Process training was presented by CAR Director Bonnie Rhea Adams and Adjudication Director Doug Schroder. Deputy Director for Licensing and Regulation Karen O'Neal presented the session on Roles and Responsibilities for Board Members.

**Board Member Training**

Mr. Fore announced that the meeting was adjourned at 12:26 p.m.

Adjournment

Walter M. Fore Jr  
Walter Fore, Acting Chair

Louise Fontaine Ware  
Louise Fontaine Ware, Secretary  
by J. Brian Hennigan