

**Department of Professional and Occupational Regulation
Perimeter Center – Board Room 3
9960 Mayland Drive
Richmond, Virginia 23233**

**BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION
TENTATIVE MEETING AGENDA**

November 27, 2023, 10:00 a.m.

1. Call to Order
2. Emergency Evacuation Procedure
3. Welcome New Director and Chief Deputy Director
4. Approval of Agenda
5. Approval of Minutes
 - September 18, 2023
6. Public Comment Period*
7. Board Liaison Reports
8. Update on DPOR Operations
9. BPOR Objectives Statement
10. Other Business
11. Financial Disclosure Statement
12. Conflict of Interest Forms/Travel Vouchers
13. Conflict of Interest Act Training
14. Adjourn

**NEXT MEETING TENTATIVELY
SCHEDULED FOR March 18, 2024, 10:00 a.m.**

*Five-minute public comment, per person.

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

MINUTES

The Board for Professional and Occupational Regulation met on Monday, September 18, 2023, 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
Nil Eguz
Jemmalyn Hewlett (arrived 10:55 am)
Grace Flores-Hughes
Alice Kendrick
Charles Vaughters

Board members Enid Candelaria-Vega, H. Scott Johnson, and Gaby Rengifo were not present at the meeting.

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

Demetrios J. Melis, Director
Kishore Thota, Chief Deputy Director
Tom Payne, Deputy Director of Compliance and Investigations
Joe Haughwout, Regulatory Affairs Manager
Jennifer Sayegh, Policy and Legislative Affairs Manager
Lata Gupta, OPI Manager
Amy Goobic, Executive Assistant

Elizabeth Peay, Assistant Attorney General, was present from the Office of the Attorney General.

Mr. Benenson called the meeting to order at 10:09 a.m.

Call to Order

Mr. Haughwout reviewed the emergency evacuation procedures.

**Emergency Evacuation
Procedures**

Mr. Benenson welcomed and introduced new Board member, Alice Kendrick. Board members and staff introduced themselves.

**Welcome and
Introductions**

Mr. Vaughters moved to approve the agenda. Ms. Eguz seconded the motion which was unanimously approved by members: Benenson, Eguz, Flores-Hughes, Kendrick, and Vaughters.

Approval of Agenda

Mr. Vaughters moved to approve the December 5, 2022, board meeting minutes. Ms. Kendrick seconded the motion which was unanimously approved by members: Benenson, Eguz, Flores-Hughes, Kendrick, and Vaughters.

Approval of Minutes

Mr. Haughwout presented the following resolutions for Kate Nosbisch, **Resolutions** former Executive Director for the Board, and for Joseph Montano, former Board member:

RESOLUTION TO
Kathleen R. Nosbisch

WHEREAS, **Kathleen R. Nosbisch**, did faithfully and diligently serve as Executive Director of the Board for Professional and Occupational Regulation from 2008 to 2023;

WHEREAS, **Kathleen R. Nosbisch**, did devote generously of her time, talent and leadership to the Board;

WHEREAS, **Kathleen R. Nosbisch**, did endeavor at all times to render decisions with fairness and good judgment in the best interest of the citizens of the Commonwealth and these professions; and

WHEREAS, the Board for Professional and Occupational Regulation wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Board for Professional and Occupational Regulation this eighteenth day of September 2023, that **Kathleen R. Nosbisch**, be given all honors and respect due her for outstanding service to the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to her and be made a part of the official minutes of the Board so that all may know of the high regard in which she is held by this Board.

RESOLUTION TO
Joseph Montano

WHEREAS, **Joseph Montano**, did faithfully and diligently serve as a member of the Board for Professional and Occupational Regulation from 2019 to 2023;

WHEREAS, **Joseph Montano**, did devote generously of his time, talent and leadership to the Board;

WHEREAS, **Joseph Montano**, did endeavor at all times to render decisions with fairness and good judgment in the best interest of the citizens of the Commonwealth and these professions; and

WHEREAS, the Board for Professional and Occupational Regulation wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Board for Professional and Occupational Regulation this eighteenth day of September 2023, that **Joseph Montano**, be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held by this Board.

Ms. Eguz moved to accept the resolutions as presented. Ms. Flores-Hughes seconded the motion which was unanimously approved by members: Benenson, Eguz, Flores-Hughes, Kendrick, and Vaughters.

Board members reviewed correspondence received regarding issues with the complaint process, and also reviewed the response from Director Melis. Mr. Melis stated that the initial correspondence was copied to the BPOR Board, therefore it was provided for their review. No action was taken.

Board Communications

Board members also reviewed correspondence received during the public comment period for the periodic review of the regulations for certification of geologists. The commenter favors amending the law to require mandatory licensure for geologists instead of certification. The information was provided to the members, as the BPOR Board has the responsibility for studying and giving feedback for any new occupational licensing. No action was taken.

There were no public comments.

Public Comment

Mr. Melis provided a brief Director's report. Mr. Melis reported on the regulatory review process each board is undertaking, in compliance with the Governor's regulatory reduction initiative. He explained that each board, along with staff, is reviewing regulations line by line to ensure regulations are necessary for the health, safety and welfare of the citizens.

Director's Report

Mr. Melis provided staffing updates. Mr. Melis also reported on the technological advances throughout the agency.

In Mr. Kirschner's (Deputy Director of Licensing and Regulation) absence, Mr. Haughwout provided a Licensing and Regulatory Operations report. Mr. Kirschner sent his regards.

Licensing and Regulatory Operations Report

Mr. Haughwout provided an in-depth presentation on the regulatory

process and how it works within the agency and the various boards. He also reported on the current state of the regulatory review process with regards to the regulatory reduction in initiative.

Mr. Haughwout provided information on the Universal Licensing Recognition (ULR) that became effective July 1, 2023. ULR is a new pathway to licensure in Virginia. This new provision allows those licensed in another state to become licensed in Virginia, provided they meet certain criteria. It also allows for those practicing in states that do not require licensure of a Virginia-regulated profession, to become licensed in Virginia.

Ms. Hewlett arrived at 10:55 am.

Arrival of Board Member

Mr. Thota provided a report on technological advances at the agency. He informed the Board that DPOR is in the process of procuring a new licensing program. The Request for Proposal (RFP) was completed in nine months, something that typically can take up to two years. DPOR is currently negotiating with two vendors. Mr. Thota stated that the new program will replace three separate systems currently in use at the agency.

State of Technology Report

Tom Payne, Deputy Director of Compliance and Investigations, provided a presentation and update of the Compliance and Investigations division of the agency. Mr. Payne provided information and statistics from the different sections including: Complaint Analysis and Resolution, Adjudication, Investigations, Alternative Dispute and Resolution, Post-Adjudication Licensing, the CIC Ombudsman office, and the Fair Housing office.

Enforcement Update

Jen Sayegh, Policy and Legislative Affairs Manager, provided updates on the agency bills submitted in the 2023 General Assembly session. Ms. Sayegh also provided information on other legislative bills affecting DPOR professions.

2023 General Assembly Report

Mr. Melis informed the Board that Kerri O'Brien, Communications and Digital Media Manager, was unable to attend the meeting. In her absence, Mr. Melis reported that contractor applications and exams are now offered in Spanish, the agency is looking into offering additional exams and applications in other languages.

Consumer Outreach Report

Mr. Melis also advised the Board that DPOR was providing information on several social media apps.

Lata Gupta, Office of Performance and Innovation Manager, provided a presentation on the Office of Performance and Innovation (OPI). Ms. Gupta explained that the OPI team focuses on creating collaborative work environments, provides Agile project management methodologies, and optimizes operations to deliver efficient and effective services. The team assists in all sections of the agency helping to ‘work smarter not harder.’

Office of Performance and Innovation Report

Mr. Haughwout provided information on the liaison roles and responsibilities. Mr. Haughwout explained that each Board member will be assigned a portfolio of DPOR boards, that they should familiarize themselves with and, if feasible, attend the Board meetings. Board members are asked to provide a brief report at the following BPOR meeting.

BPOR Liaisons to DPOR Boards

Mr. Haughwout informed the Board that Chair and Vice-Chair would need to be elected. Mr. Haughwout opened the floor for nominations. Mr. Vaughters nominated Ms. Flores-Hughes as Chair. There were no other nominations for Chair. Ms. Flores-Hughes nominated Mr. Vaughters as Vice-Chair. There were no other nominations for Vice-Chair. The Board agreed by consensus for Ms. Flores-Hughes to serve as Board Chair and Mr. Vaughters to serve as Board Vice-Chair for the coming year.

Election of Chair and Vice-Chair

Board members considered the following meeting dates for 2024:

- March 18
- June 10
- September 16
- December 9

Consideration of 2024 Meeting Dates

Mr. Vaughters moved to accept the 2024 meeting dates as presented. Ms. Eguz seconded the motion which was unanimously approved by members: Benenson, Eguz, Flores-Hughes, Hewlett, Kendrick, and Vaughters.

There was no other business.

Other Business

Board members signed Conflict of Interest forms and travel vouchers.

Conflict of Interest Forms & Travel Vouchers

The meeting was adjourned at 12:08 pm.

Adjourn

Grace Flores-Hughes, Chair

Demetrios J. Melis, Director

DRAFT

Department of Professional and Occupational Regulation

*State of DPOR Regulatory Operations
September 18, 2023*

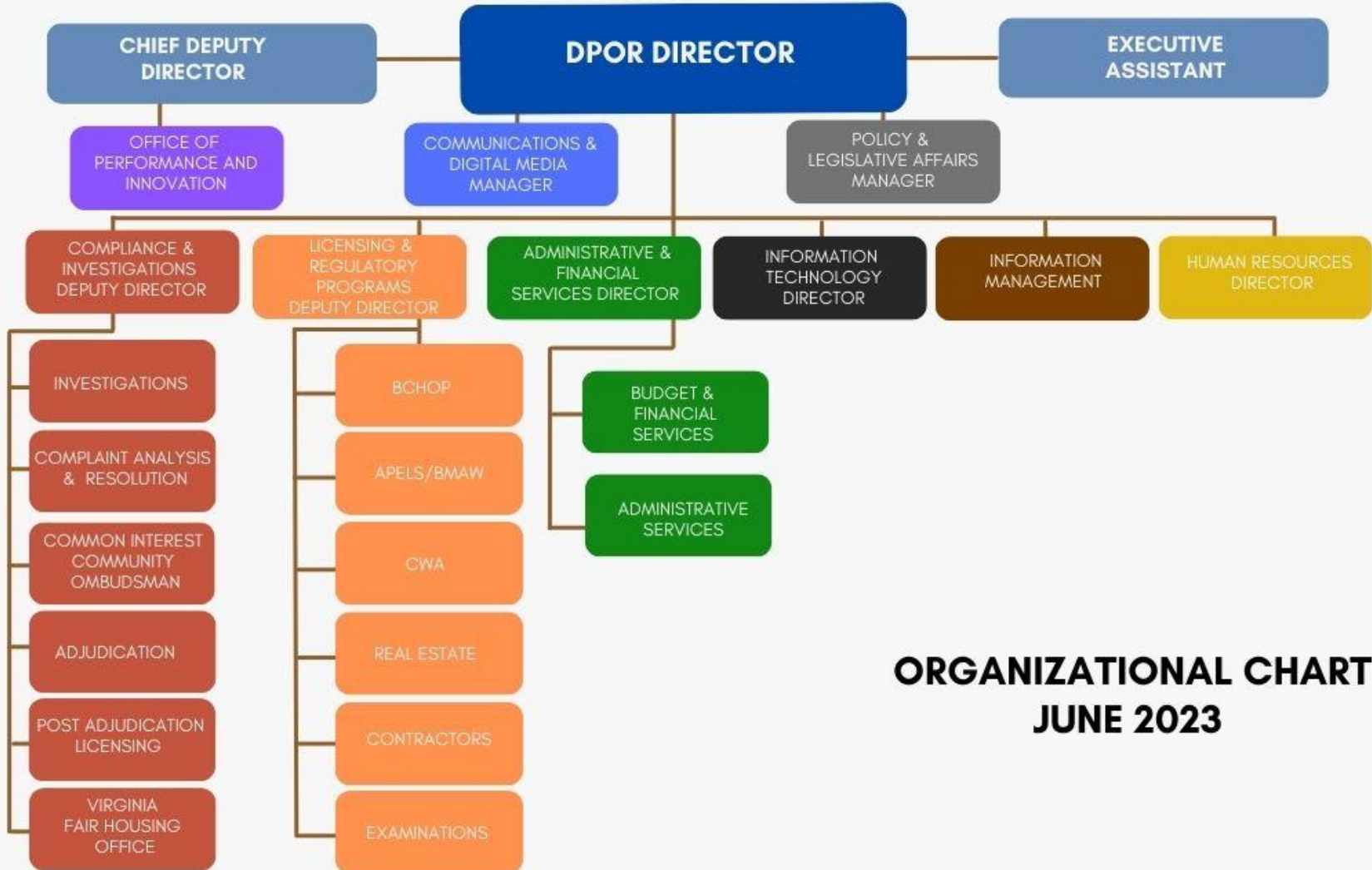


Department of Professional and Occupational Regulation



Department of Professional & Occupational Regulation

ORGANIZATIONAL CHART



ORGANIZATIONAL CHART JUNE 2023

DPOR's Current Regulatory Operations

- Five Board Sections – under one Deputy Director
 - Each Staffed by an Executive Director (program manager), Regulatory Administrator, Licensing Administrator, Administrative Coordinator, and Front-Line Licensing Staff (55) (Total Staff: 92)
 - Primary Functions:
 - Administer Licensing Programs: Issuing, renewing, reinstating licenses; communicate with licensees/public
 - Administer Regulatory Boards: Planning and organizing board meetings, setting agendas
 - Administer Regulatory Changes: Assist the boards in developing policy, drafting regulations, implementing regulations, coordinate with other agencies (e.g. VDH, DOLI)

DPOR's Current Regulatory Operations

- Previously, regulatory development somewhat decentralized
 - Driven by Board priorities, requests from the public, staff initiatives, agency-wide & Administration initiatives, and statutory mandates
 - Recruited an agency Regulatory Affairs Manager to centralize and coordinate board regulatory activities across the agency, track regulatory actions, and provide consultation and assistance to boards
- Finance Section – assesses board finances and recommends fee actions to maintain balanced revenues and expenditures
- Office of Regulatory Management (ORM)

Agency-wide Actions - 2022



- Cataloged all regulations
- Identified all statutory mandated regulations
- Identified statutory evaluation standards for creating new regulations
- Created standard review framework for boards to utilize during line-by-line review
- Created conceptual framework so that boards would be on same page for goals and objectives of the reviews
- Created Projected Timeline for all reviews – projected effective dates no later than then end of 2025

DPOR's Current Regulatory Items

- 18 Regulatory/Advisory Boards
 - Staff led Regulatory Review Committees
 - Uniform framework to review and reduce unnecessary burdens
- 33 Chapters of Regulations
 - 30 currently under Executive Directive 1 Review
 - 15 comprehensive review/reduction actions underway
- 40 Pending Regulatory Actions on Town Hall (as 9/14/23)
 - 12 Actions Directly from Executive Directive 1
 - 9 Fee Actions (Review required every 2 years)
 - 3 Actions Resulting from Legislative Mandate/Change
- 18 Upcoming NOIRAs from Executive Directive 1
- 5 Upcoming Actions Resulting from Legislative Mandate/Change
- 14% of all regulatory actions across the state are DPOR actions (out of 100 state agencies).

DPOR's Current Regulatory Items

- Unified Regulatory Plan for FY 24 – Filed July 6, 2023.
- Regulatory Requirements Catalog
 - ORM provided guidelines for counting all requirements, including statutory, discretionary, and guidance documents
 - Initial Baseline Count – Filed on July 31, 2023
 - Regulatory requirements as of 1/15/22
 - 18,826 total requirements
 - 17,121 regulatory requirements (including both statutory and discretionary)
 - Catalog Update – Filed on August 29, 2023
 - Any changes between 1/15/22 and 8/31/23
 - 18,918 total requirements (+92)
 - Increase mostly due to new/amended guidance documents.
 - Next Update – Expected to be due January 5, 2024

Universal License Recognition (ULR)

- Effective July 1, 2023
- New pathway to licensure
- Common requirements for all boards
- Still protects health, safety, welfare
- 2 Paths:
 1. Coming from state that does license profession
 2. Coming from state that does not license profession

Part A – Licensed in Another State

- Held license in other state for three years
- Obtained original license via exam and training requirements
- Disclose prior discipline and convictions
- Pay fee
- Real Estate Exam

Part B – No License in Other State

- Only applies to individuals coming from state where no license is required
- Allows exam eligibility based on three years of experience in the scope of practice of Virginia's license
- Disclose prior discipline and convictions
- Pay fee

ULR Applicants as of 9/15/23

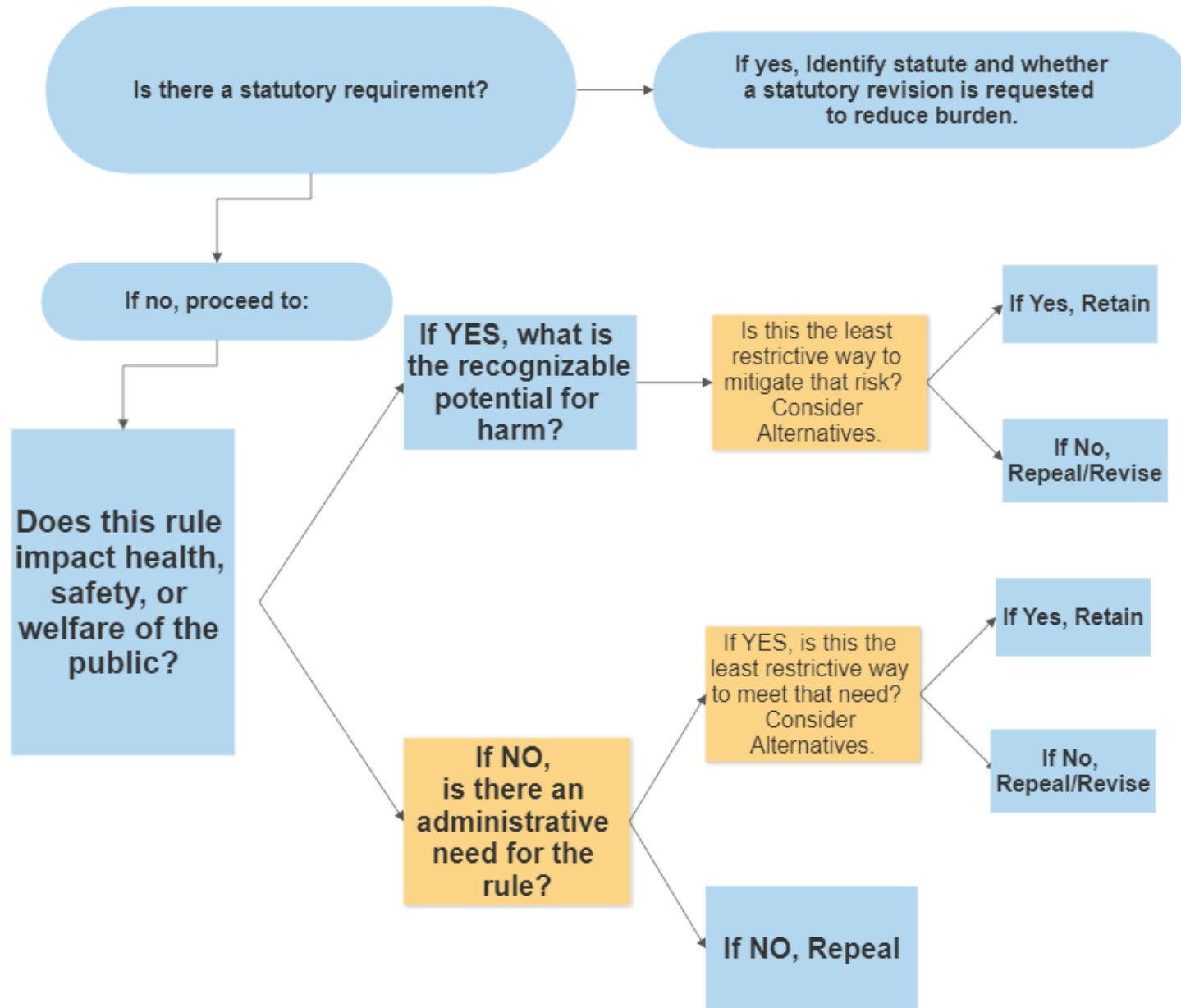
Profession	Count
Real Estate Individual:Broker	2
Real Estate Individual:Salesperson	9
Interior Designer Certification: CIB	1
Cosmetologist License: COS	6
Nail Technician License: NAILT	1
Tattooer License: TAT	1
Esthetician License: ESTH	1
Master Esthetician License: MESTH	4
Barber Individual: Barber	1
Onsite Sewage System Installer License: Master Alt	1
Onsite Sewage System Installer License: Master Con	2
Waterworks Operator License: Class 1	3
Waterworks Operator License: Class 4	1
Wastewater Works Operator License: Class 3	1
Optician License: Optician	1
Hearing Aid Specialist License: HAS	1
Tradesman: Tradesman	18
Backflow Prevention Device Worker: Backflw Prev DV	4
Asbestos Project Monitor	1
Home Inspector: Lic Home Inspec	4
Certified Professional Geologist	1
Professional Wetland Delineator	2
<u>Total</u>	<u>66</u>

Review Framework

- **General Regulatory Review Matrix**

1. Is this a state or federal statutory requirement?
 - a. If yes –Identify Statute
 - i. If state, do you want to request a statutory change to reduce burden/clarify?
 - b. If no, continue
2. Does the regulation affect the health, safety, and welfare of the public?
 - a. If yes, what is the recognizable potential for harm?
 - i. Is this the least restrictive way to mitigate that risk? Consider alternatives whereby the public is protected by other means.
 1. If yes, retain
 2. If no, revise/repeal
 - b. If no, is there an administrative need for the rule?
 - i. If yes, is this the least restrictive way to meet that need? Consider alternatives whereby the public is protected by other means.
 1. If yes, retain
 2. If no, revise/repeal
 - ii. If no, repeal

Review Framework



Internal Tracking – All reviews to be completed by end of 2025

	Comm. Start Date	NOIRA File Date	Comm. Finish Date	Proposed Regs to Board	File Proposed	File Final	Eff. Date	Formed Committee	Started Review	Filed NOIRA	Comm. Complete d Review	Proposed Regs To Board	Eff Da
<u>APELSCIDLA</u>													
Agency 10													
Ch. 20 - APELSCIDLA	9/12/2022	11/1/2023	11/1/2023	5/8/2024	7/18/2024	6/4/2025	10/22/2025	Yes	Yes	No	No	No	
<u>Auctioneers</u>													
Agency 25													
Ch. 21 - Auctioneers	9/13/2022	12/13/2022	9/13/2022	7/11/2023	9/11/2023	9/26/2024	2/13/2025	Yes	Yes	Yes	Yes	Yes	
<u>BarberCosmo</u>													
Agency 41 - Order of Review: Ch. 20 -> 50 -> 60 -> 70													
Ch. 20 - BarCos	9/26/2022	10/1/2023	9/1/2023	1/1/2024	6/17/2024	5/4/2025	9/21/2025	Yes	Yes	No	No	No	
Ch. 50 - Tattoo	6/15/2023	10/1/2023	6/15/2023	1/1/2024	6/17/2024	5/4/2025	9/21/2025	No	No	No	No	No	
Ch. 60 - Body Piercing	6/15/2023	10/1/2023	6/15/2023	1/1/2024	6/17/2024	5/4/2025	9/21/2025	No	No	No	No	No	
Ch. 70 - Esthetics	7/1/2023	10/1/2023	10/1/2023	1/1/2024	6/17/2024	5/4/2025	9/21/2025	No	No	No	No	No	
<u>Branch Pilots</u>													
Agency 45													
Ch. 20 - Branch Pilots	4/3/2023	8/31/2023	5/22/2023	9/15/2023	5/17/2024	4/3/2025	8/21/2025	Yes	Yes	No	Yes	No	
<u>Cemetery</u>													
Agency 47													
Ch. 20 - Cemetery	6/12/2023	10/1/2023	6/12/2023	3/1/2024	6/17/2024	5/4/2025	9/21/2025	Yes	Yes	No	Yes	No	
<u>CIC</u>													
Agency 48 - Order of Review: Ch. 50 -> 70 -> 30 -> 60 -> 45													
Ch. 30 - Condominium	10/1/2023	10/1/2023			6/17/2024	5/4/2025	9/21/2025	No	No	No	No	No	
Ch. 45 - Time-Share	12/1/2023	10/1/2023			6/17/2024	5/4/2025	9/21/2025	No	No	No	No	No	
Ch. 50 - CIC Manager	8/4/2021	6/11/2021	2/14/2022	3/1/2024	4/1/2024	7/30/2024	12/17/2024	Yes	Yes	Yes	Yes	Yes	
Ch. 60 - CIC Association	9/21/2023	10/1/2023	9/21/2023	3/1/2024	6/17/2024	5/4/2025	9/21/2025	N/A	Yes	No	Yes	No	
Ch. 70 - CIC Ombudsman	6/2/2023	7/21/2023	6/2/2023	12/14/2023	4/6/2024	2/21/2025	7/11/2025	Yes	Yes	Yes	Yes		
<u>Fair Housing Board</u>													



Department of Professional and Occupational Regulation

A collage of images including a brown file folder, a DPOR form, a magnifying glass, a wooden gavel, and a black pen. The text 'Compliance & Investigations Division' is written in a large, teal, italicized font with a white outline, and 'CID' is written in a similar font below it.

Compliance & Investigations Division

CID

About CID:



- The **Compliance and Investigations Division (CID)** is the division of the agency dedicated to complaint resolution, regulatory compliance, enforcement, and recommending disciplinary actions.
- CID is made up of seven sections:
 - **Complaint Analysis and Resolution (CAR);**
 - **Investigations (INV);**
 - **Adjudications (ADJ);**
 - **Post Adjudication Licensing (PAL);**
 - **Fair Housing (FHO);**
 - **Alternative Dispute Resolution (ADR);** and
 - **the Common Interest Community Ombudsman (CICO)**

Strategic Plan:



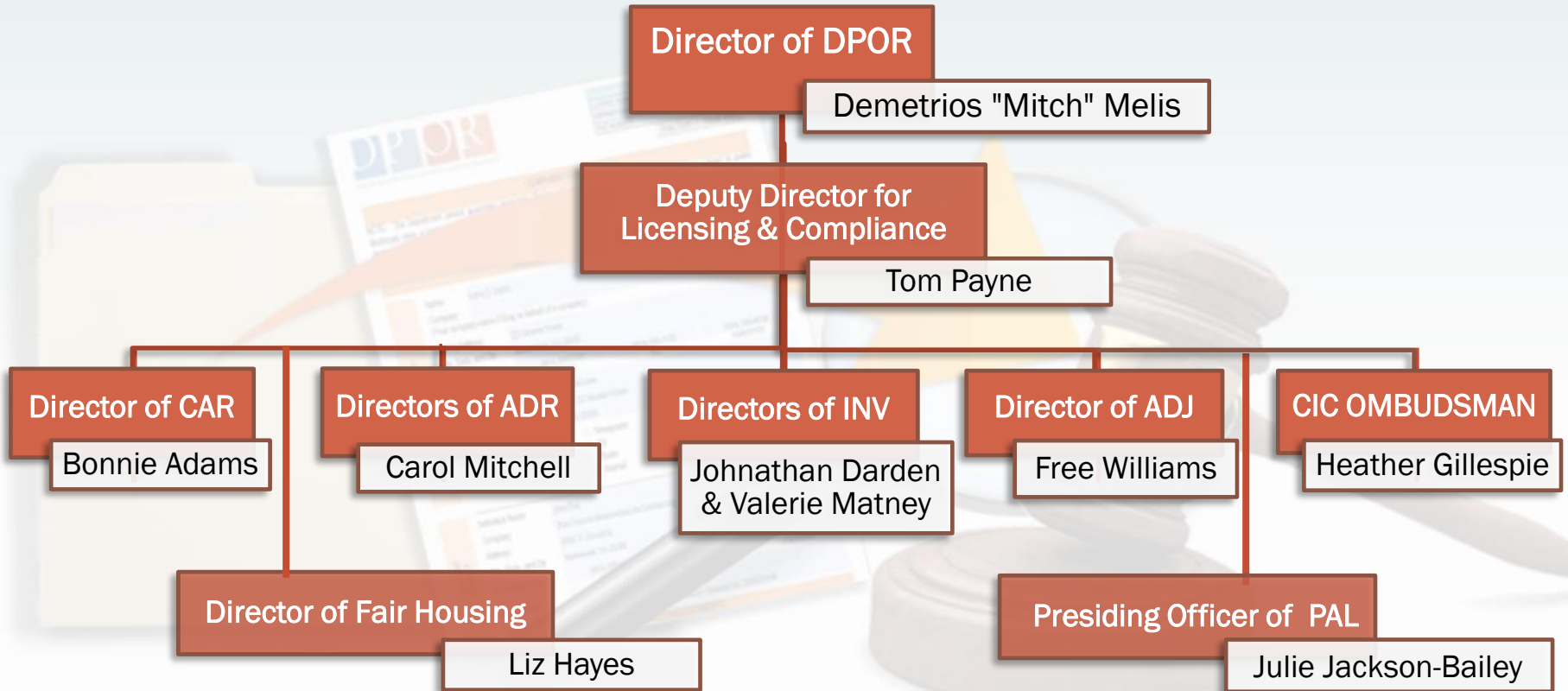
- **CID** receives, analyzes, and when necessary, investigates and adjudicates complaints of failure to comply with legal or regulatory professional requirements. Rather than primarily emphasizing board-imposed sanctions against the respondent, the Department of Professional and Occupational Regulation (DPOR) will use a variety of alternatives to formal enforcement, including voluntary correction of administrative deficiencies and alternative dispute resolution.

Strategic Plan:



- Alternatives to the formal disciplinary process often offer respondents and complainants faster resolution with flexible terms more favorable to both parties.
- Customer service (to the regulant, complainant, and consumer customer bases) is improved by expeditious resolution of complaints.
- Offers licensees an opportunity to be in compliance with the regulations.

CID Org Chart:

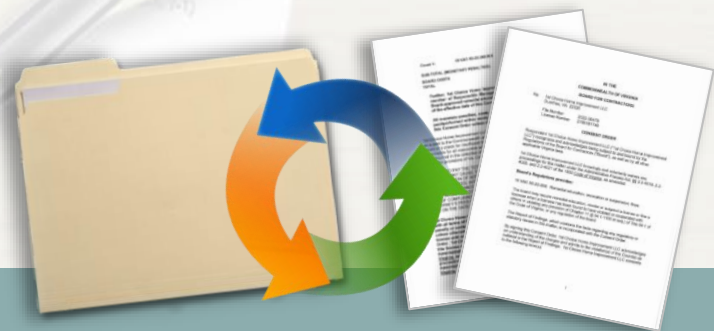


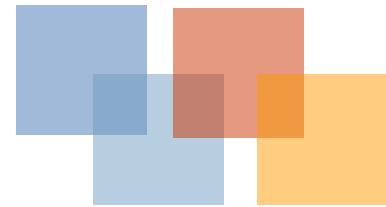
Complaint Analysis & Resolution (CAR):

Director: Bonnie Adams

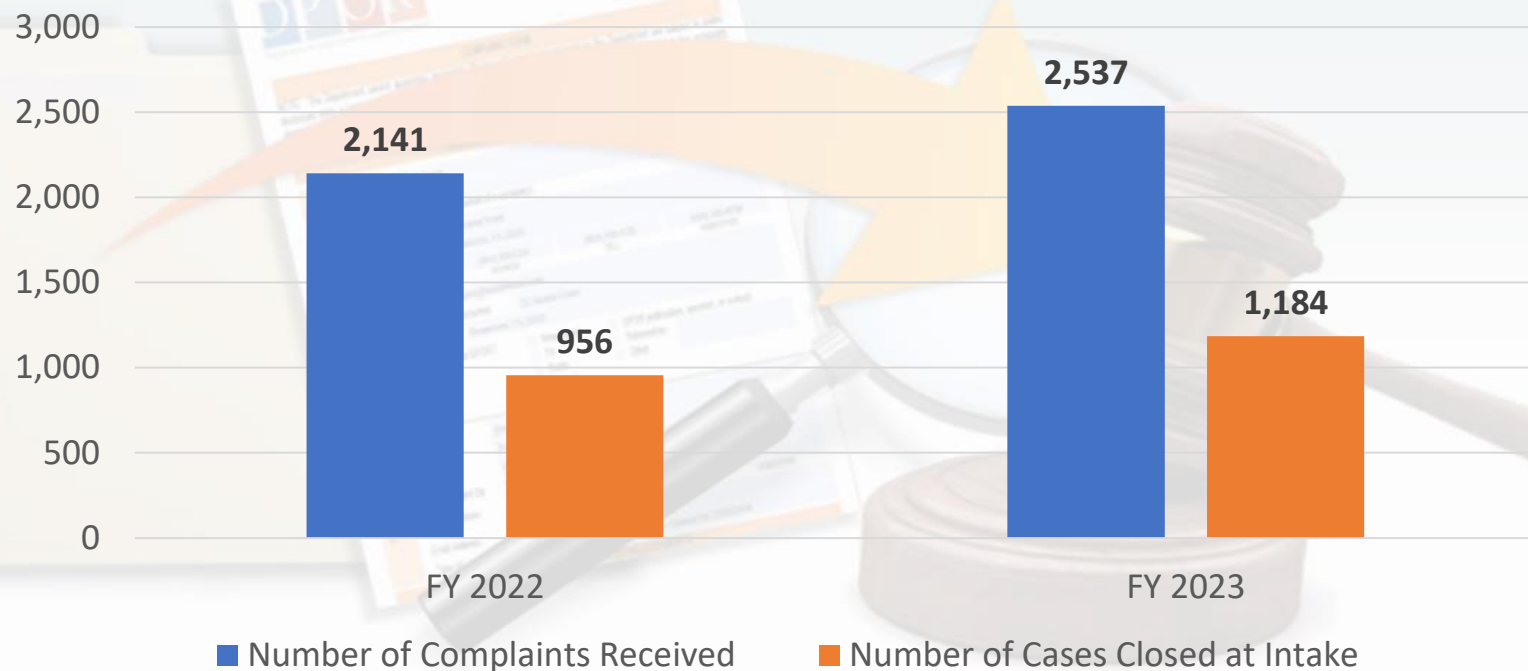


- The **Complaint Analysis and Resolution (CAR)** section is broken into two teams that assist in the complaint intake and resolution processes.
 - **CAR Intake** - made up of **Investigative Analysts** and **Intake Analysts**, who receive all complaints, make contact with involved parties, and performs the initial analysis and composition of the case file; &
 - **CAR Legal** - made up of **Legal Analysts**, who receive investigated complaints and work to compose and offer **Consent Orders** to resolve complaints using the information obtained during the investigation.



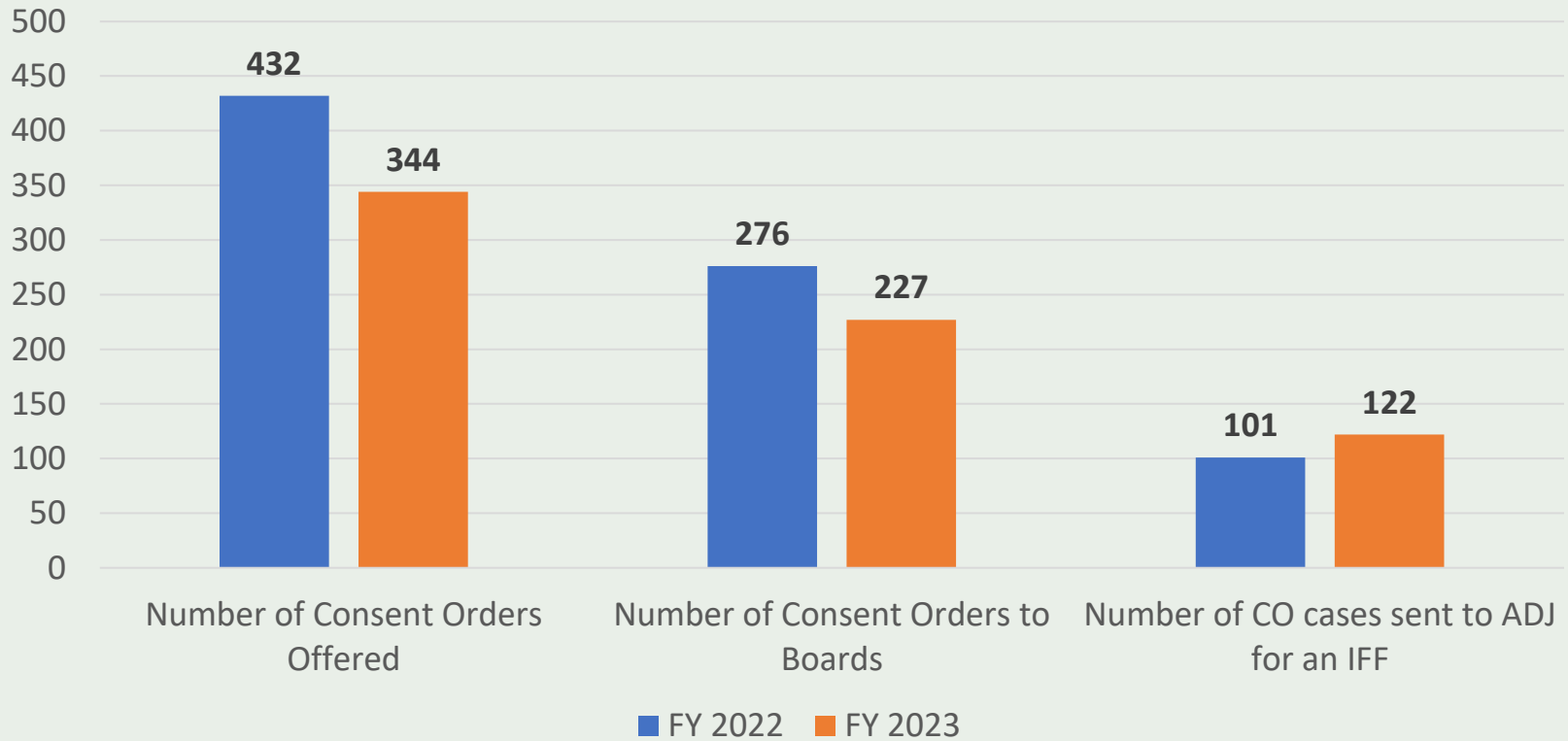


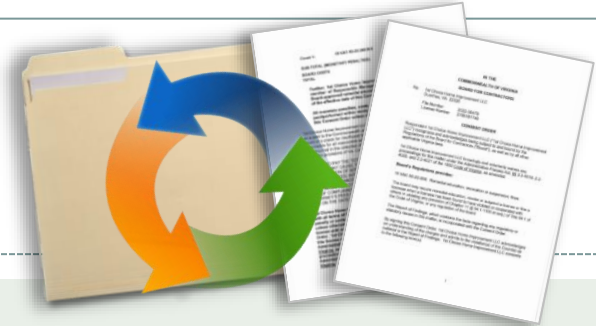
CAR Complaint Intake





CAR Consent Orders





Example of Sanction Guideline Chart used to determine discipline:

Regulation = 18 VAC 50-22-

Conduct = abbreviated text of Regulation or Statute

Min-Max Range = range of sanctions per previous Board orders

Average = average sanction per previous Board orders rounded down/up to the nearest \$50

P/S/R = Probation, Suspension, or Revocation has been imposed in at least one prior case (only the highest level of license action that has been taken is listed; for these purposes, revocation is considered the highest level of action while probation is considered the lowest level). If dashes

("-----") appear in the cell for a particular regulation, a search of ETS did not reveal license action taken for that regulation/statute.

CO = Consent Order

Staff = Board delegated authority for staff to offer Consent Order

NDA = No Data Available within the past 10 years

WBMA = Consent Order appropriate with Board member approval

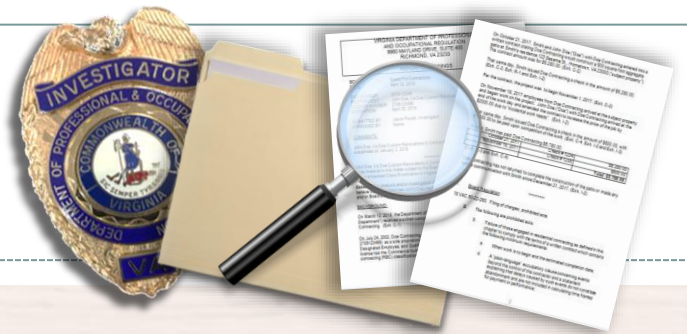
NF = monetary sanctions are not appropriate for this regulation

= proposed sanction for Consent Order offer since no data available within the past 10 years

Regulation or Statute	Conduct	Min-Max Range	Avg	P/S/R	CO
200	Enabling regulation	NDA	NDA	NDA	
210	Change of business entity requires new license	50-2500	550	R	Staff
220.A	Failure to report change of RM	350-2500	550	R	Staff
220.B	Failure to report change of DE	350-800	500	R	Staff
220.C	Failure to report change of QI	200-1000	500	R	Staff
230.A	Failure to operate under licensed name / report name change	50-1000	350	R	Staff
230.B	Failure to report change of address	100-2500	600	R	Staff
260.B.1	Failure to comply w/ Title 54.1	500-1500	950	R	WBMA
260.B.2	Give inaccurate information in obtaining . . . a license	100-2500	1100	R	Staff
260.B.3	Failure to report revocation of license	1300-1300	1300	R	Staff
260.B.4	Publish misleading/false ads	200-1250	600	R	Staff
260.B.5	Negligence and/or incompetence	100-2500	1350	R	WBMA
260.B.6	Misconduct	50-2500	850	R	Staff
260.B.7	Improper or dishonest conduct by a court	250-1500	1150	R	Staff
260.B.8	Failure to use written contract <i>or</i> have all parties sign contract	50-2500	400	R	Staff

Investigations (INV):

Directors: *Johnathan Darden*
& *Valerie Matney*

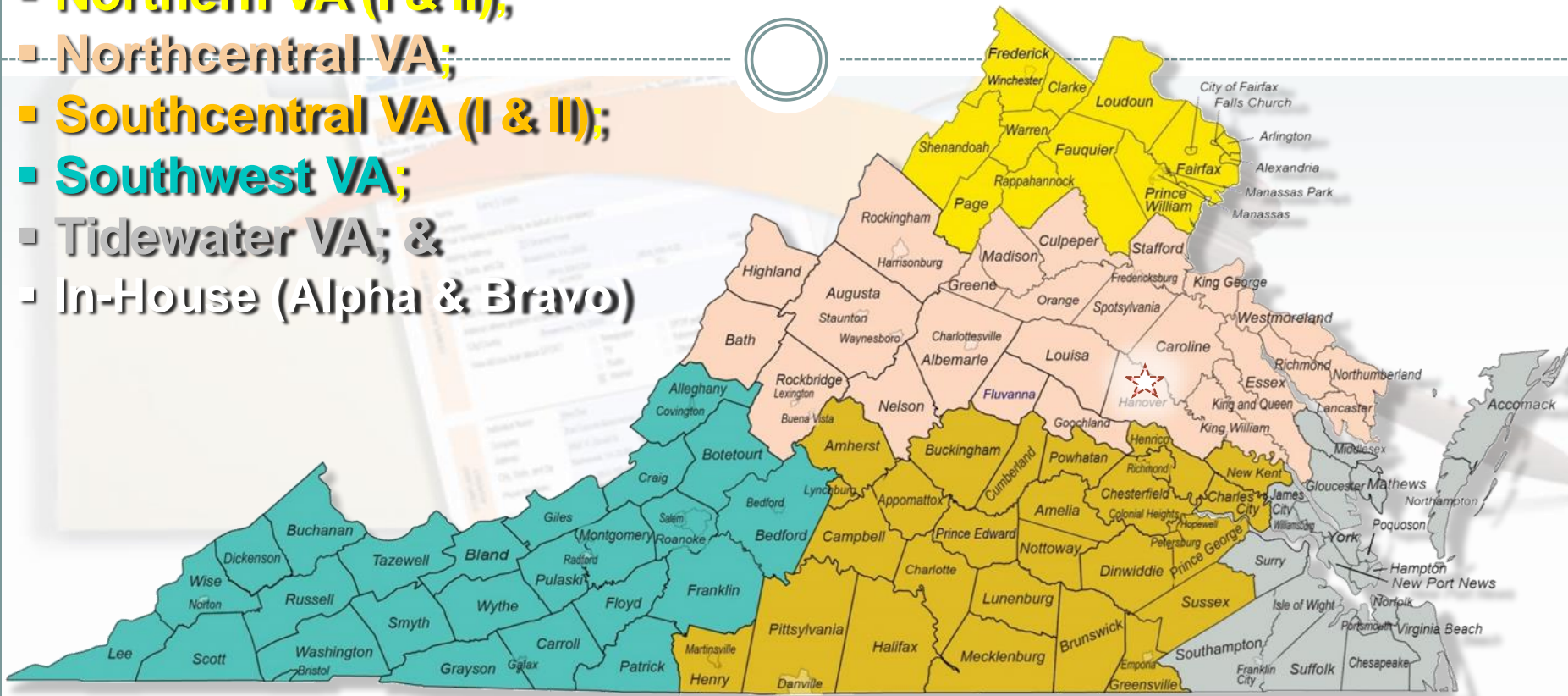


- The **Investigations (INV)** section receives complaints forwarded from CAR Intake that require further investigation to either sustain or close a complaint. Investigators also perform site inspections on certain board regulants (e.g. cosmetology and real estate firms) to ensure regulatory compliance when complaints are received.
- Investigations staff may:
 - Close complaints if no sufficient evidence is gathered to support the complaint;
 - Assist in bringing a regulant into compliance;
 - Refer a complaint to the Alternative Disputes & Resolution section;
 - Issue Cease & Desist Notices; or
 - Recommend a Consent Order or disciplinary action.

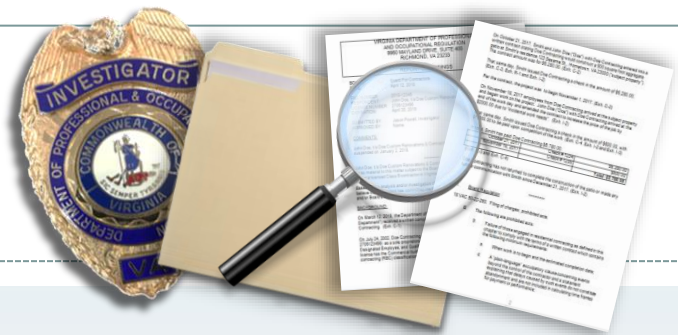
DPOR Investigations Regions:



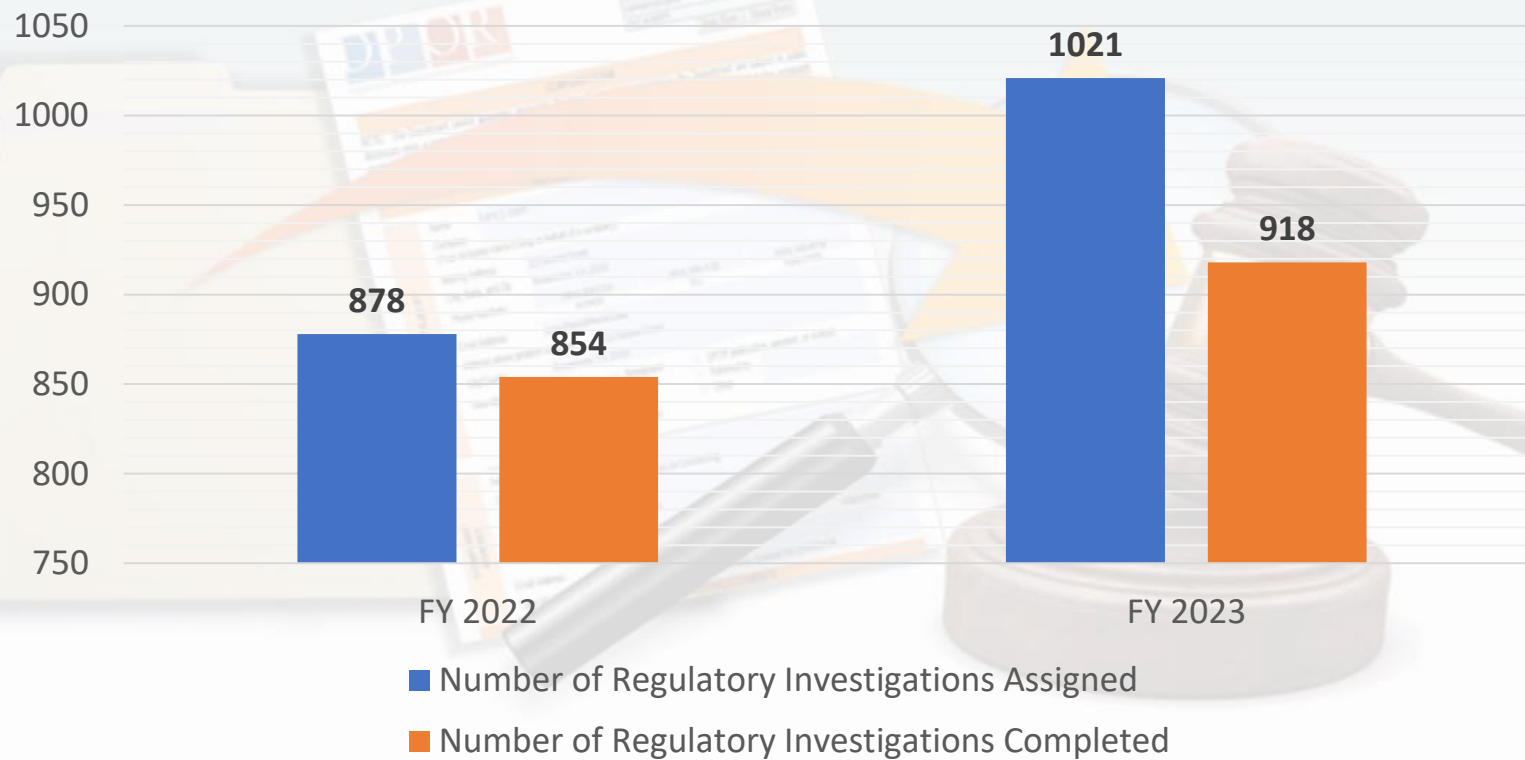
- **Northern VA (I & II);**
- **Northcentral VA;**
- **Southcentral VA (I & II);**
- **Southwest VA;**
- **Tidewater VA; &**
- **In-House (Alpha & Bravo)**



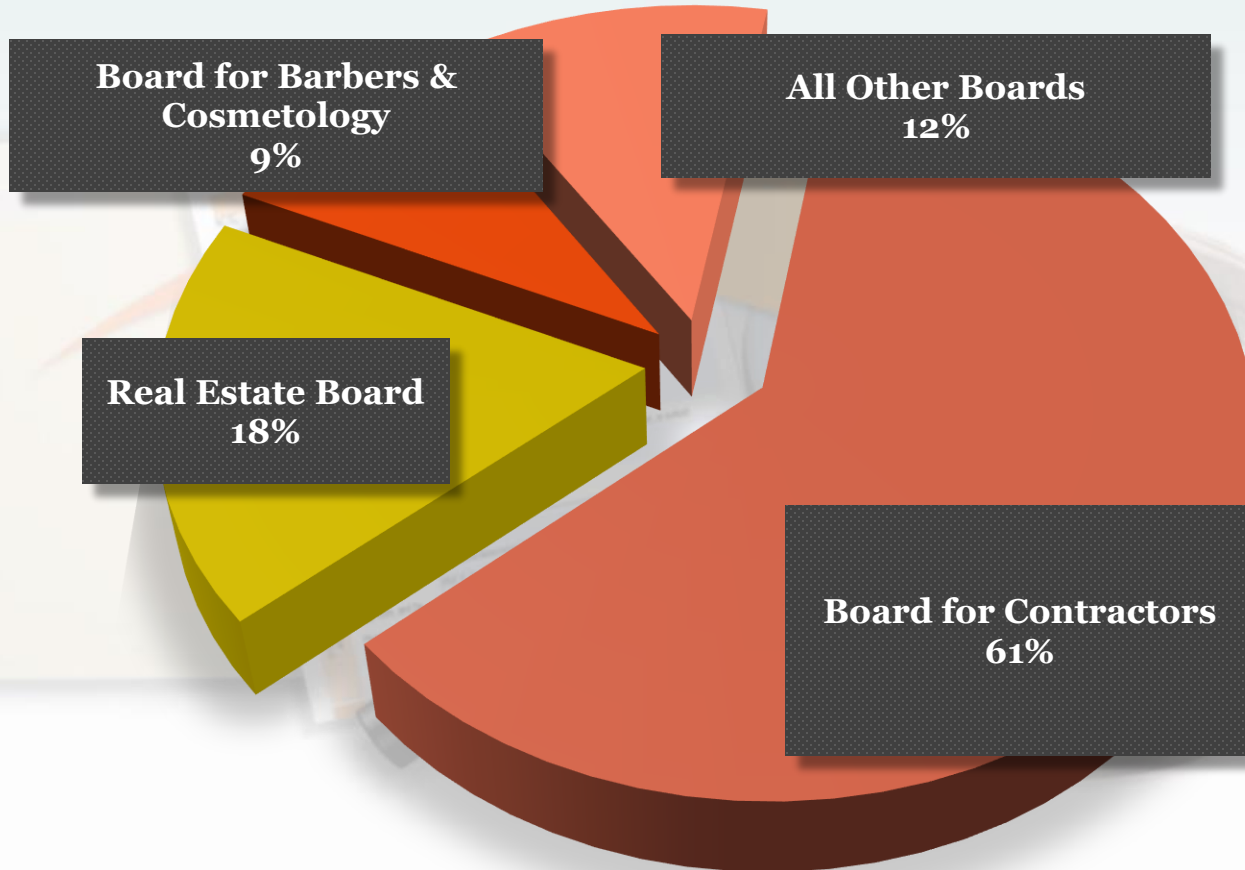
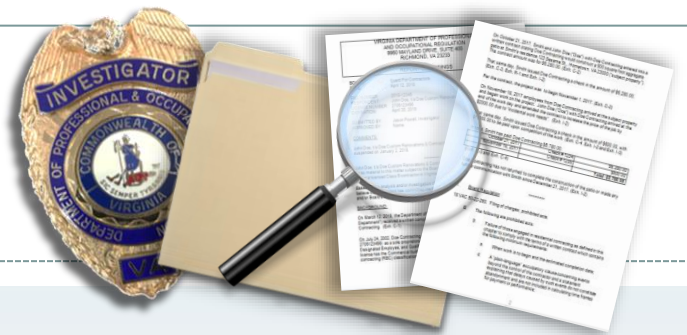
Investigations (INV):



INV - Regulatory Case Volume

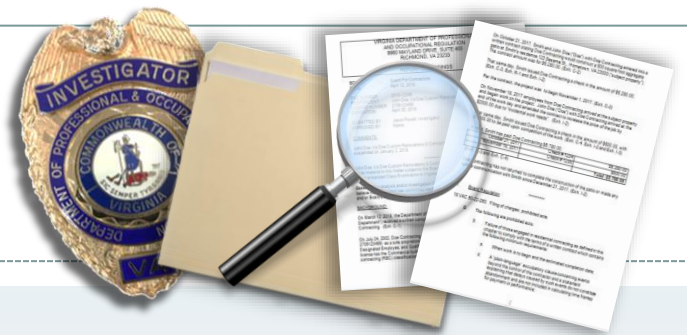


Investigations (INV):

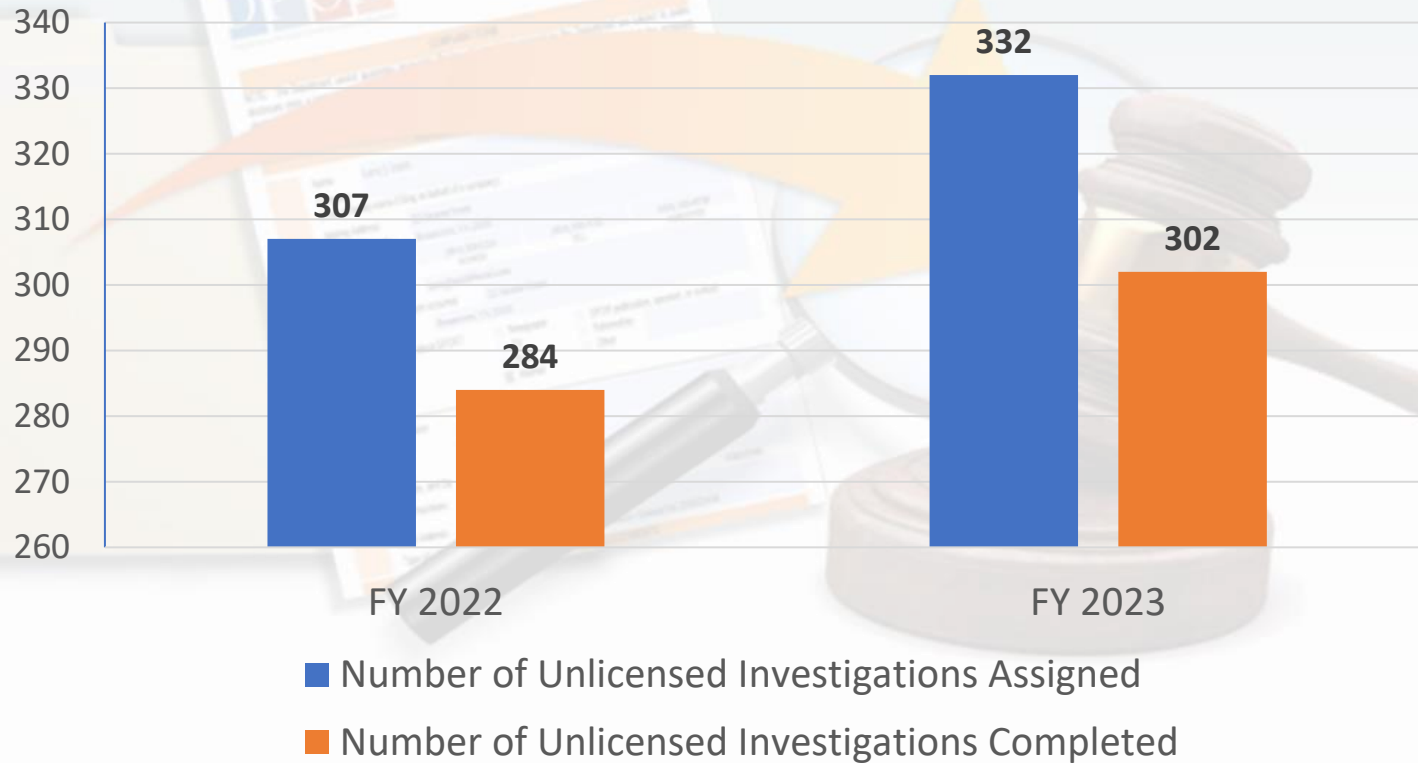


FY 2022, % of Regulatory Cases

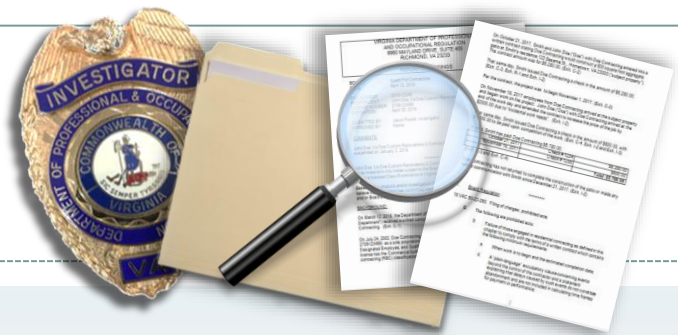
Investigations (INV):



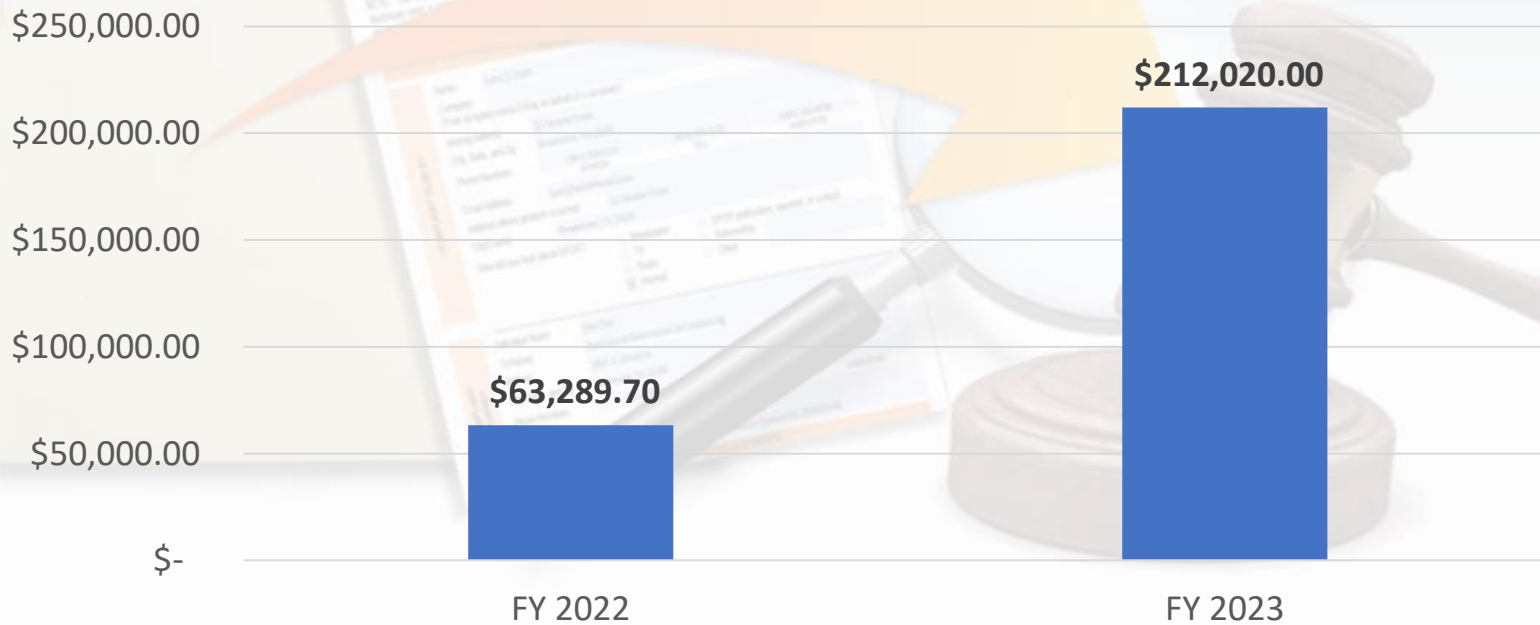
INV - Unlicensed Case Volume



Investigations (INV):

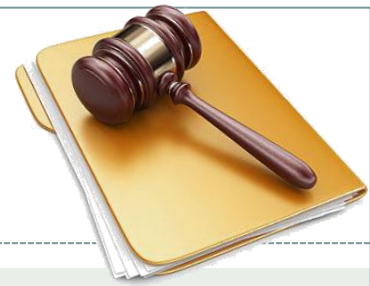


INV - Total Amount of Restitution Ordered by Courts, UL Cases



Adjudication (ADJ):

Director: Free Williams



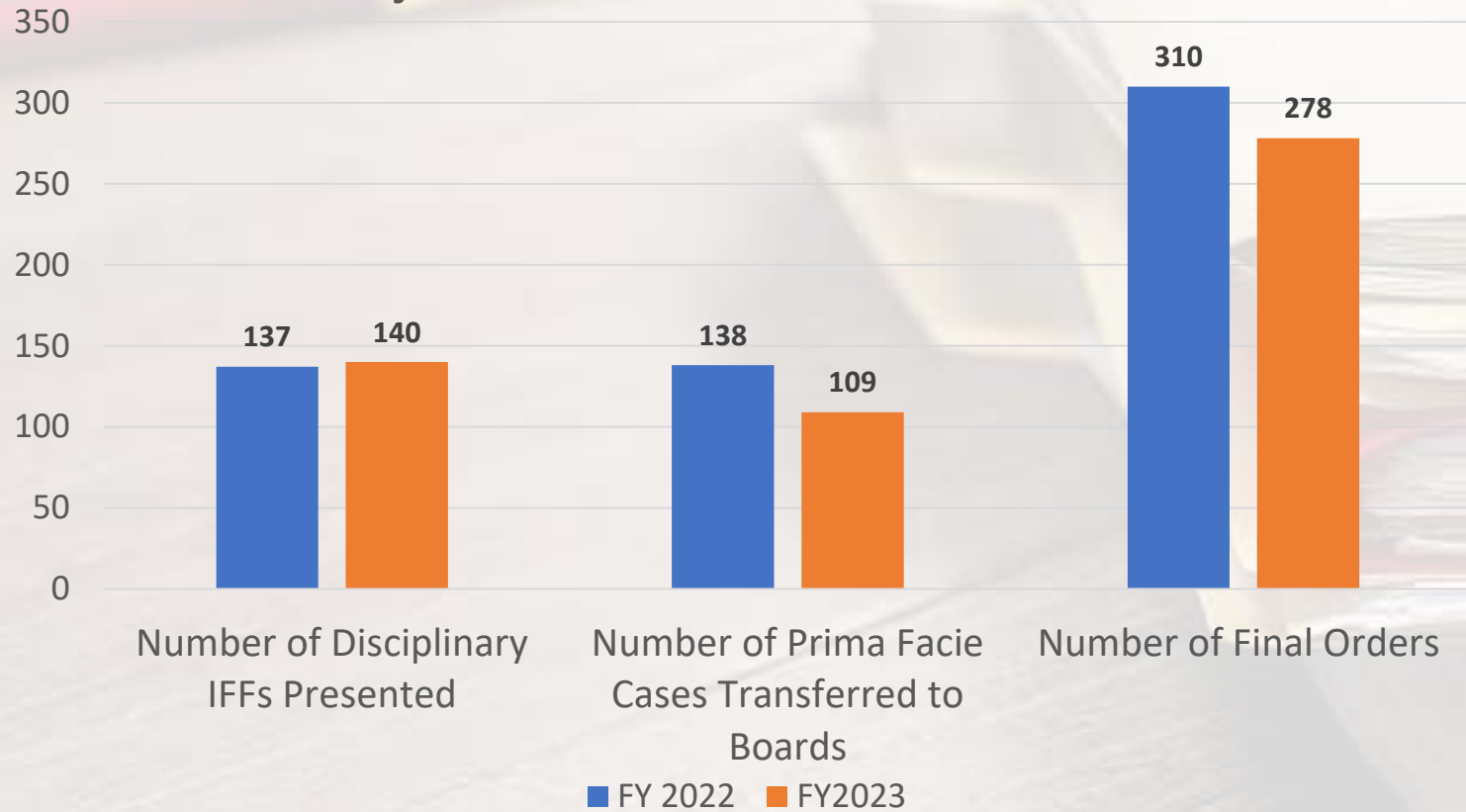
- The **Adjudication (ADJ)** Section's primary role is processing disciplinary cases through Informal Fact-Finding Conferences (IFFs)
- ADJ's other roles include:
 - Preparing prima facie cases (PFs);
 - Administering the Contractor Recovery Fund and the Real Estate Recovery Fund (RF);
 - Preparing Final Orders for the Boards' disciplinary cases; and
 - Docketing and processing disciplinary cases based on Recovery Fund claims



ADJ Case Stats:



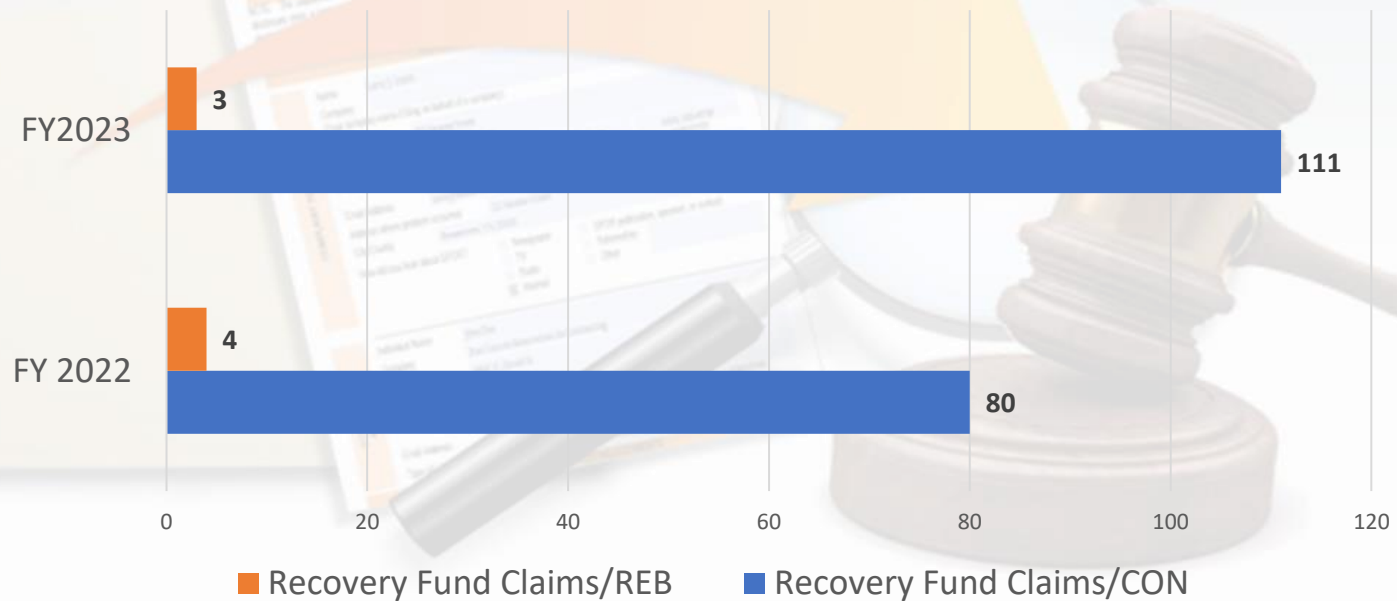
Adjudication - Cases and Final Orders



ADJ Recovery Fund Stats:



Adjudication - Recovery Fund Claims Processed by Board



Post-Adjudication & Licensing (PAL):

Director: Julie Jackson-Bailey

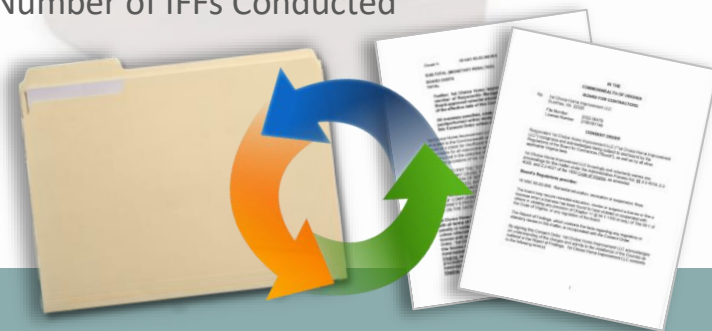
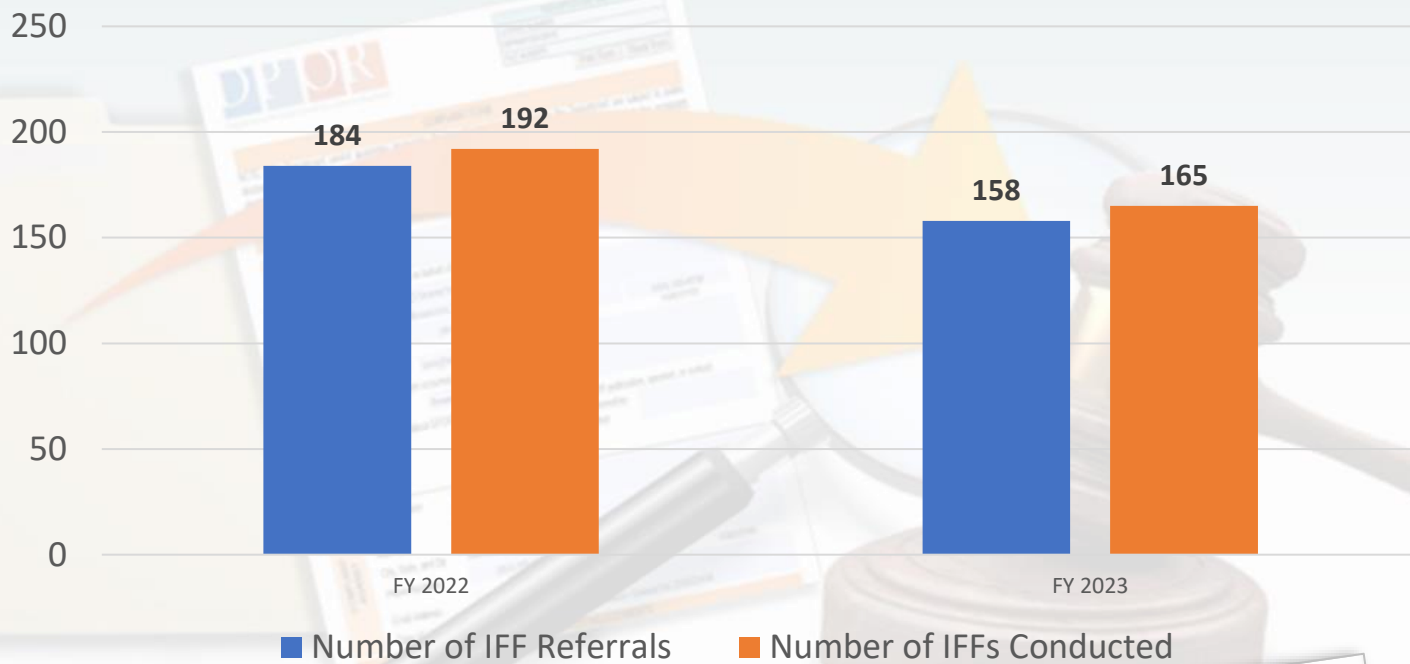


- DPOR's PAL section conducts Informal Fact-Finding (IFF) Conferences when there are issues reported with the application, such as criminal convictions, past professional discipline, adverse financial history, etc.
- IFFs allow the boards to obtain facts "on the record" about specific matters. It is also an opportunity for an applicant to present evidence and provide the Board with information relating to their application.
- PAL staff draft Summaries to provide a recommendation based on the facts given by the applicant so that the Board can make an informed decision about whether to approve or deny the applicant's license.
- PAL utilizes board members to act as Presiding Officers over certain licensing IFFs, but the majority are handled by a staff member.

PAL Case Stats:



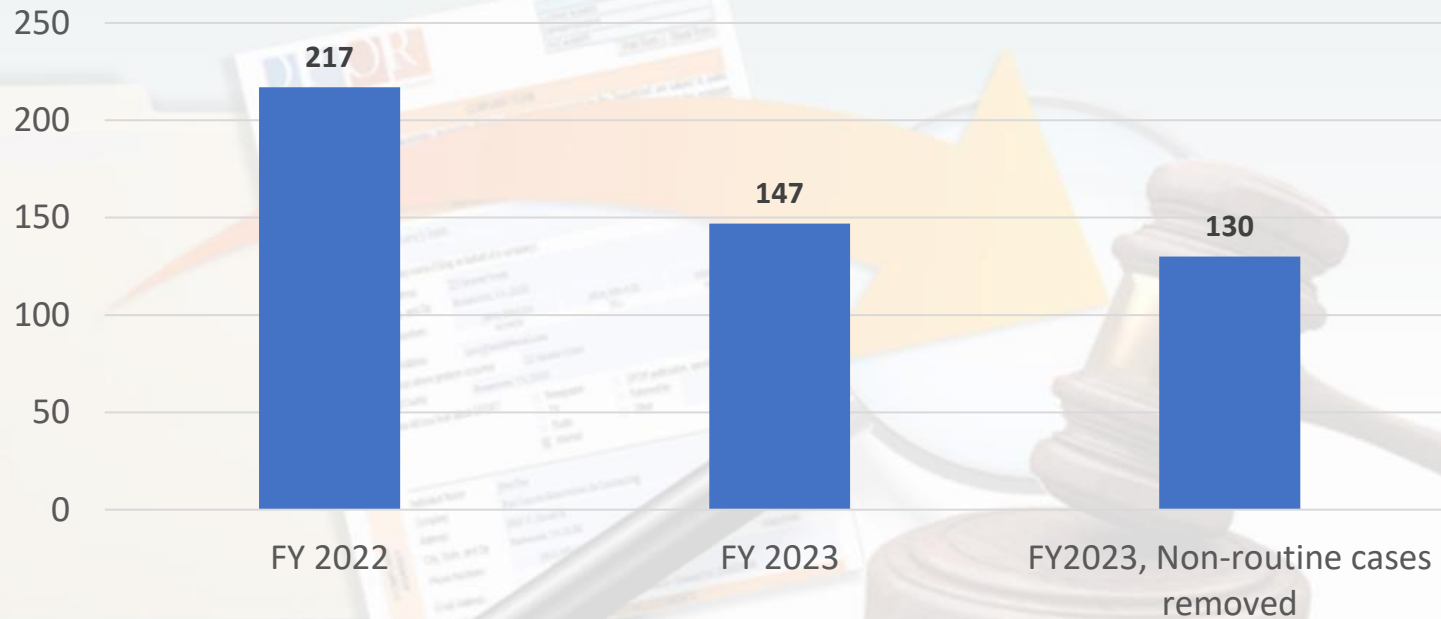
PAL - IFF Referrals and IFFs Conducted



PAL Case Stats:

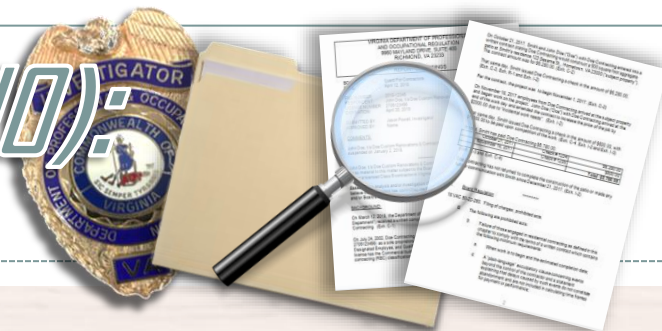


PAL - Average Time to Complete IFF (days)

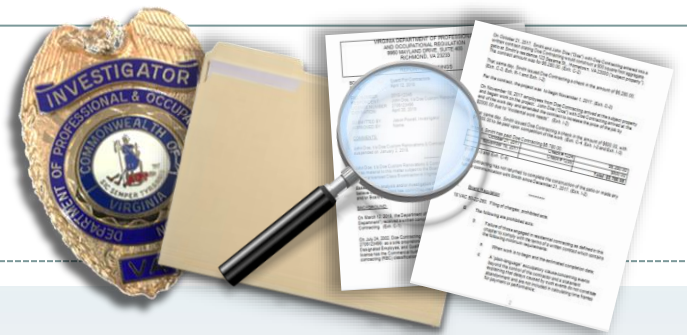


Fair Housing Office (FHO)

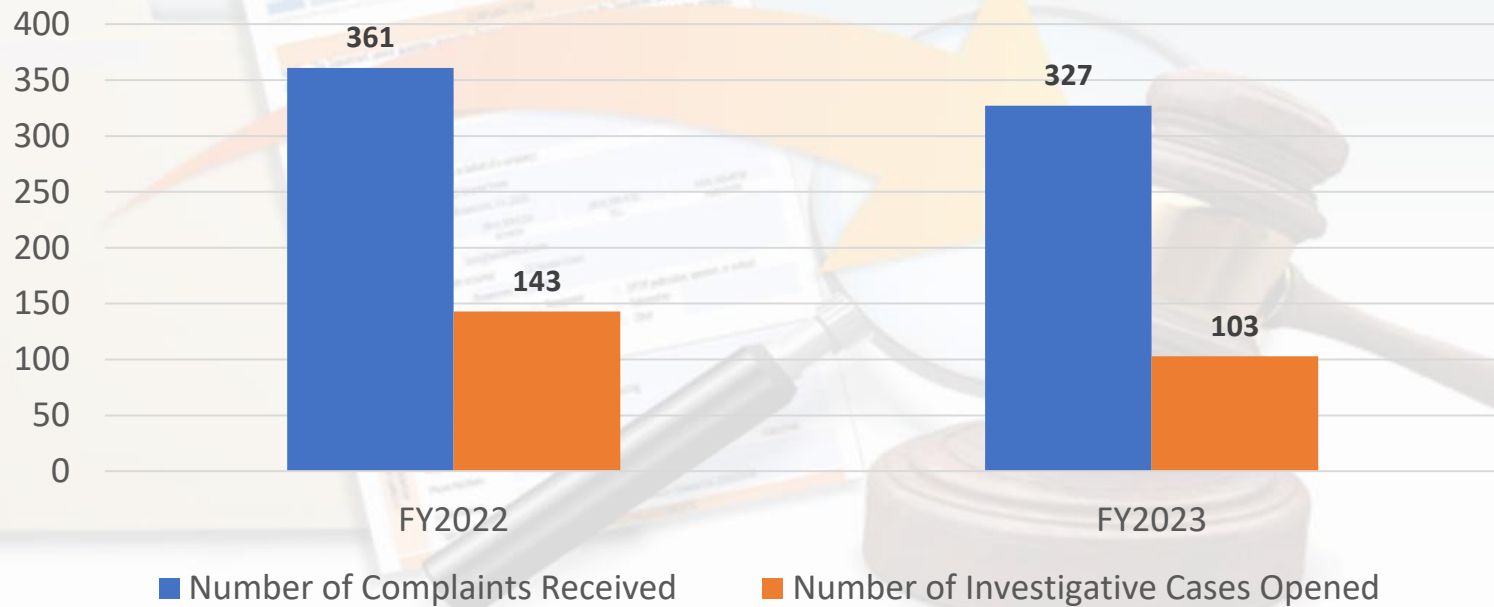
Director: Lizbeth Hayes

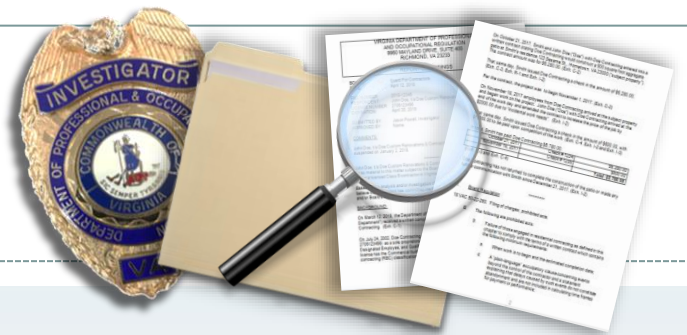


- **Intake:** Receive, review and analyze complaints involving discrimination in residential housing to determine if the FHO has jurisdiction to investigate the allegations.
- **Investigate:** Investigate allegations of housing discrimination to develop factual data necessary for the Real Estate or Fair Housing Board to determine whether or not reasonable cause exists to believe that a discriminatory housing practice occurred or is about to occur.
- **Education and Outreach:** Provide training to real estate professionals, property management professionals, Common Interest Community members, private landlords, housing advocates, local and state government agencies and the general public on the Fair Housing Law. Raise public awareness of the Law through participation in conferences and community events throughout the Commonwealth.

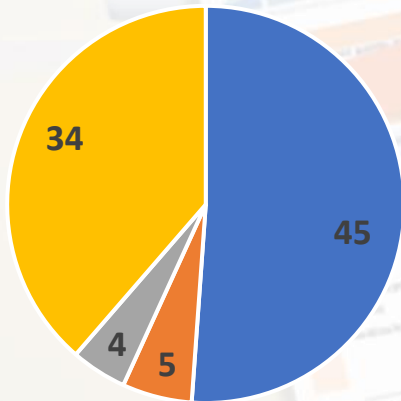


FHO - Complaints and Cases



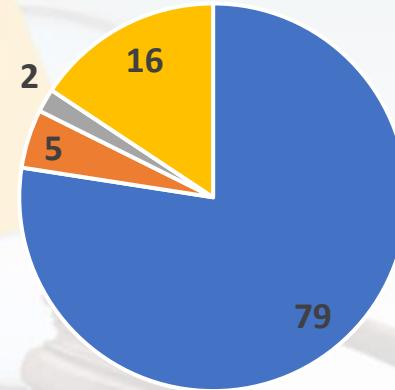


FY 2022 Fair Housing Case Resolutions



- Number of Cases Closed - No Reasonable Cause
- Number of Cases - Reasonable Cause Determination
- Number of Charges of Discrimination Issued
- Number of Cases Closed - ADR

FY 2023 Fair Housing Case Resolutions



- Number of Cases Closed - No Reasonable Cause
- Number of Cases - Reasonable Cause Determination
- Number of Charges of Discrimination Issued
- Number of Cases Closed - ADR

Alternative Dispute Resolution (ADR)

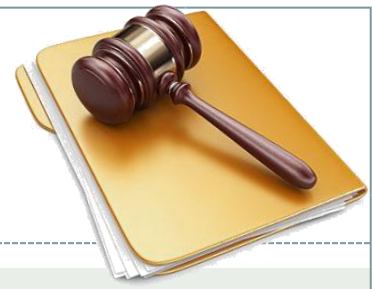


Director: Carol Mitchell

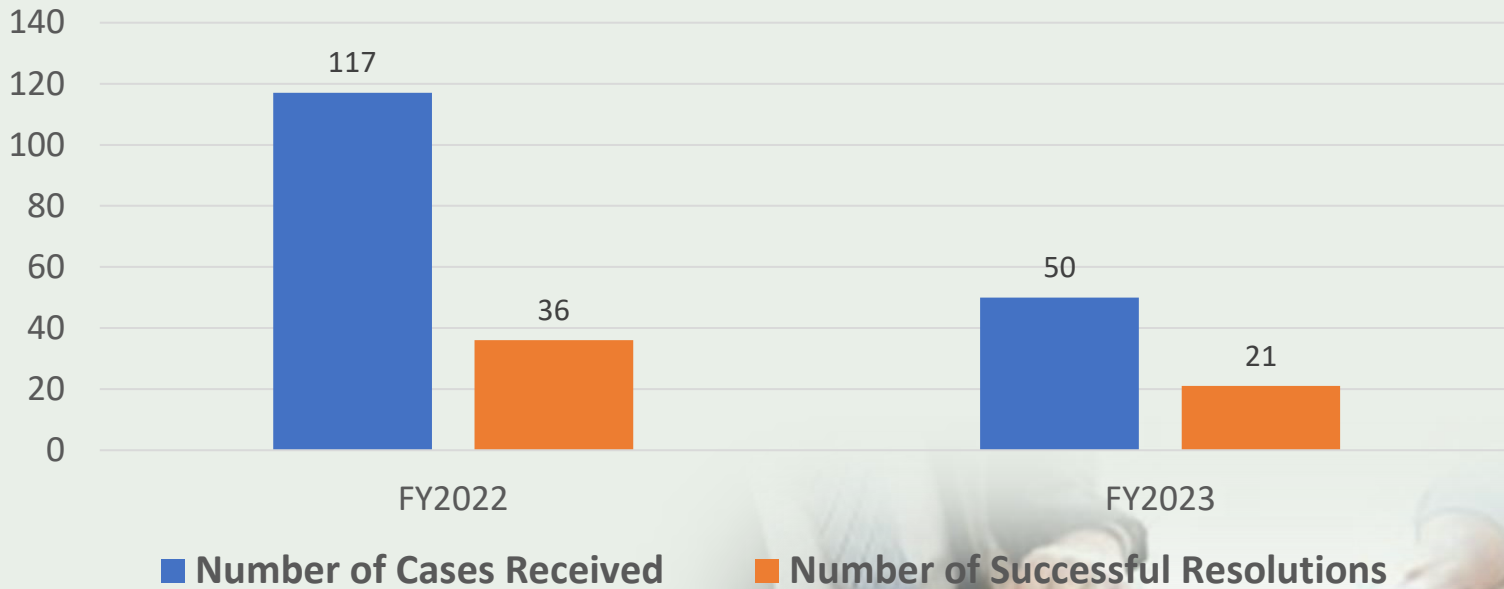


- DPOR'S ADR program is designed to offer disputants in complaints filed with DPOR alternative methods, such as conciliation and mediation, to resolve disputes.
- ADR is offered to parties involved in all Fair Housing complaints and some regulatory complaints filed with DPOR.
- ADR staff are trained mediators who provide orientation to parties, conducts conciliations/mediations, and prepares appropriate settlement agreements.





ADR - Cases Assigned



ADR Stats:

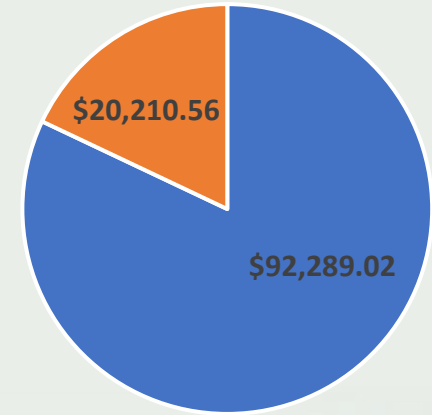


ADR - FY 2022 Recoveries



■ FH Resolutions ■ Regulatory Resolutions

ADR - FY 2023 Recoveries



■ FH Resolutions ■ Regulatory Resolutions



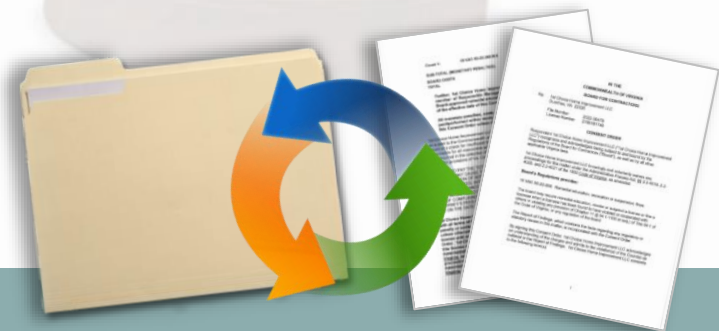
Common Interest Community Ombudsman

(CICO):



Ombudsman: Heather Gillespie

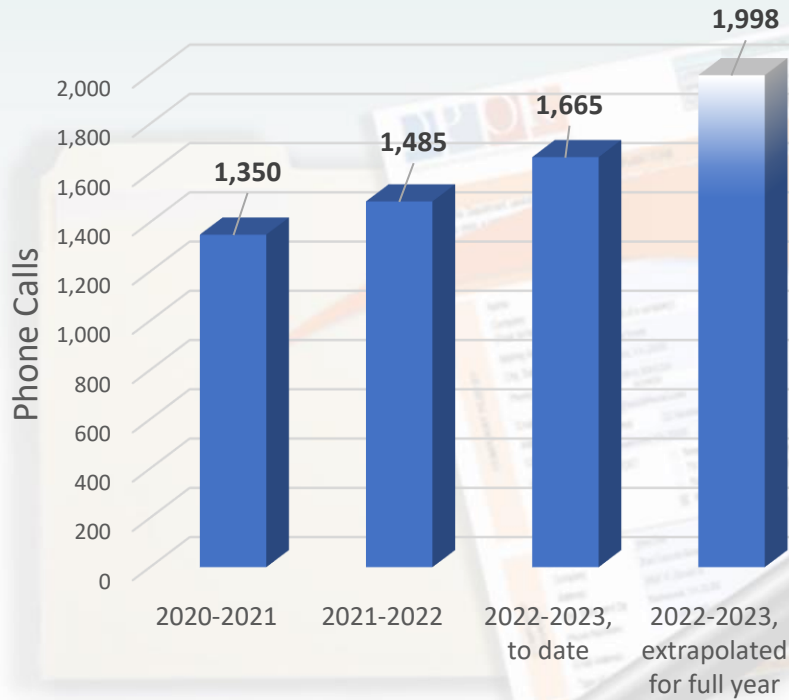
- Created by the General Assembly in 2008, the CICO provides guidance and resources related to common interest community law.
- Maintain data on activities of office and report annually to the General Assembly.
- Receive Notices of Final Adverse Decisions
 - Association Complaint Procedure
 - Violations of common interest community law
 - Appeal process to CICO.



CICO Stats:

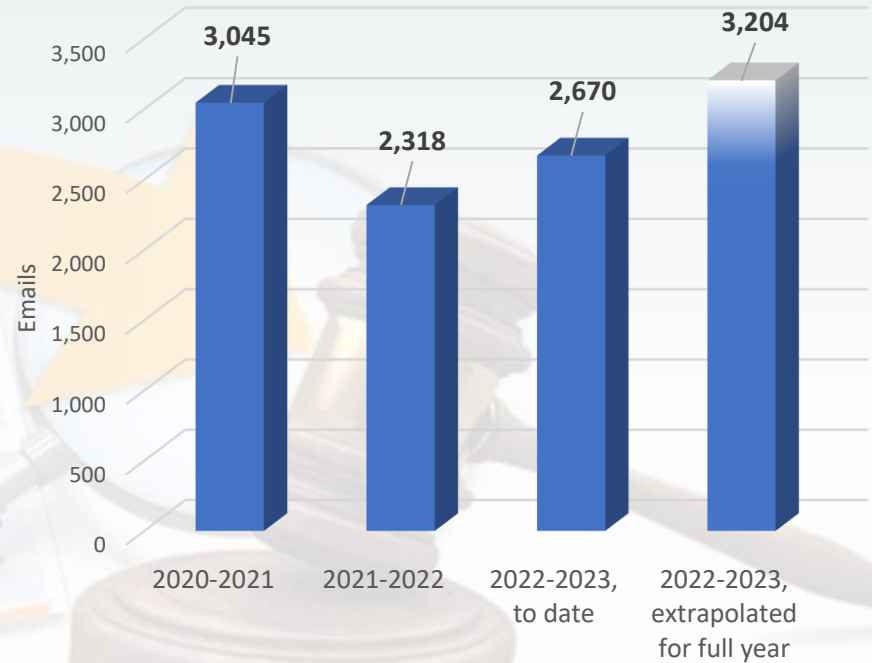


CICO - Phone Calls

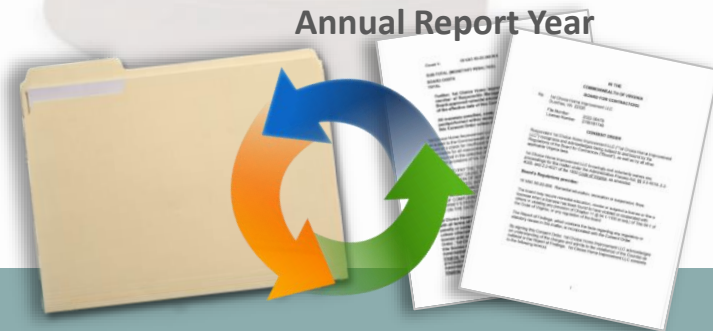


Annual Report Year

CICO - Emails



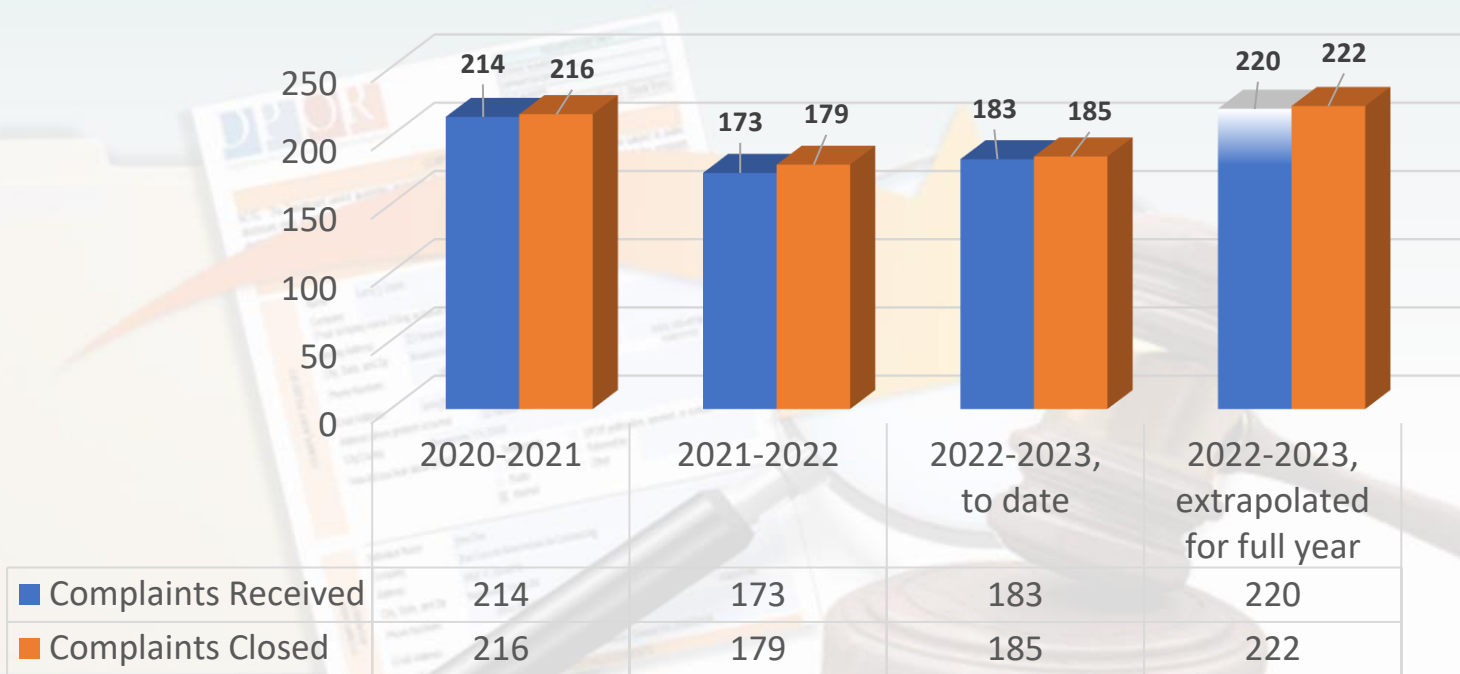
Annual Report Year



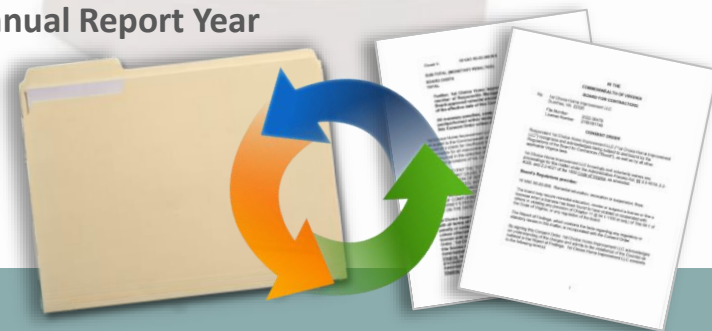
CICO Stats:



CICO - Complaints Received/Completed



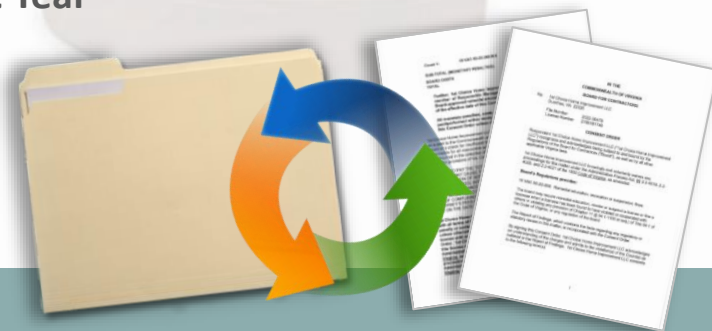
Annual Report Year



CICO Stats:



CICO - Notices of Final Adverse Decision



In conclusion:

The Compliance & Investigations Division of DPOR performs a wide array of duties designed to ensure the professional conduct and regulatory compliance of the regulant population in order to ensure the safety and welfare of the general public through sound investigative and enforcement practices that provide due process to regulants.



Policy and Legislative Affairs

- ▶ **Coordinates Legislative Affairs**
 - Drafting and developing the annual legislative package
 - Tracking all agency-related legislation
 - Researching and writing legislative reports
- ▶ **Maintains Relationships with External Stakeholders**
 - Developing and maintaining collaborative relationships with external governmental stakeholders
 - Serves as the primary POC for offices of members of the Virginia General Assembly, Virginia State Senate, US Congress, and other similar offices
- ▶ **Assists with Other Policy and Legislative Initiatives**
 - Providing policy oversight and direction on the agency FOIA program
 - Maintaining an agency wide official roster of board members
 - Serves as a liaison to the Secretary of the Commonwealth

2023 General Assembly Session Agency Bills

Bill	Summary
<p><u>HB 2180</u> Del. Will Morefield</p> <p><u>SB 1213</u> Sen. Ryan McDougle</p>	<p>Department of Professional and Occupational Regulation; universal license recognition.</p> <p>What it does: ULR creates a uniform process for recognizing out-of-state professional licenses for people who have been licensed for at least a 3 years in another state and passed a competency exam. It would simplify and speed up the license transfer process for applicants and regulators. It would eliminate costly, time-intensive and often unnecessary barriers to work that can deter professionals from doing business in the Commonwealth. ULR will also help to attract and keep veterans and their spouses in Virginia.</p>
<p><u>HB 1833</u> Del. Wendell Walker</p> <p><u>SB 1279</u> Sen. Jennifer Boysko</p>	<p>Department of Professional and Occupational Regulation; over-the-counter and prescription hearing aids.</p> <p>What it does: Removes language from the Code of Virginia that conflicts with federal law. These changes ensure state licensing laws continue to protect the public in the purchase of prescription hearing aids, while modifying the law to allow for OTC hearing aids to be sold without a license.</p>
<p><u>HB 2179</u> Del. Will Morefield</p> <p><u>SB 1126</u> Sen. T. Travis Hackworth</p>	<p>Department of Labor and Industry; Department of Professional and Occupational Regulation; notice of disciplinary action; method of delivery to allow for confirmation of delivery.</p> <p>What it does: Allows DPOR to use commercial alternatives for mailings. Allows DPOR to focus more on analysis of regulatory cases rather than spending time tracking or resending lost USPS packages.</p>
<p><u>HB 2284</u> Del. Bill Wiley</p>	<p>Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals; membership.</p> <p>What it does: Removes from the Board a faculty member of a public institution of higher education in the Commonwealth, adds a local or regional representative of the Department of Health. This change will enhance the expertise and perspective on the Board include permitting authorities for the industry like VDH and DEQ.</p>

2023 General Assembly Session

Other Legislation

Bill No:	Description
HB 1418	Department of Professional and Occupational Regulation; Real Estate Appraiser Board; appraisal experience
HB 1519	Common Interest Communities; professionally managed associations
HB 1627 / SB 1042	Common Interest Community Board; enforcement power over continuing violations of common interest community associations.
HB 1633	Department of Professional and Occupational Regulation; Virginia Contractor Transaction Recovery Fund; recovery; arbitration
HB 1638 / SB 1060	Department of Professional and Occupational Regulation, Department of Health Professions, and health regulatory boards; disclosure of information regarding examinations, licensure, certification, registration, or permitting.
HB 1725	Virginia Fair Housing Law; use of assistance animal in a dwelling; penalties.
HB 1940 / SB 999	Waterworks and wastewater works operators; license reciprocity.
HB 1955 / SB 969	Virginia Real Estate Time–Share Act; alternative purchases.

2023 General Assembly Session Other Legislation Con't

Bill No:	Description
HB 2235 / SB 1222	Common interest communities; Resale Disclosure Act.
SB 1363	Voluntary apprenticeships; persons 16 years of age or older; cosmetology salon.

Office of Performance and Innovation (OPI)
at
DPOR, Virginia

What is OPI?

The Office of Performance & Innovation (OPI) is a one-of-a-kind team empowering the culture of the entire agency to operate, transform and innovate as an internal transformation force focused on:

- Creating collaborative work environments to generate new ideas
- Providing Agile project management methodologies to drive transformation
- Optimizing operations to deliver efficient and effective services

Serving as facilitators and Agile project managers, OPI helps DPOR's *Change Teams* achieve results through a commitment to collaboration, transparency, and innovation.

OPI Goal and Vision

OPI Goal



Accelerate the rate of
Transformational Change
At DPOR

OPI Vision

Establish DPOR as a *Modern* organization- designed to be responsive, collaborative, & adaptive

WHAT does OPI do?

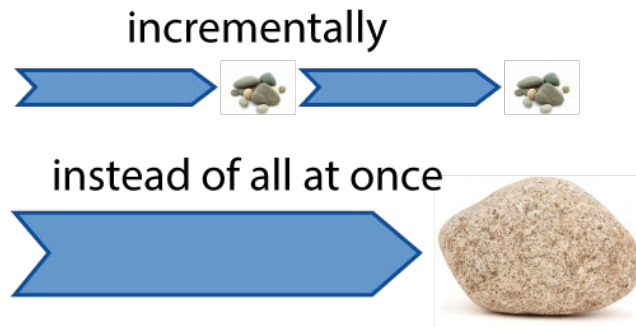
OPI Services

- Business Process Analysis
- Project Planning
- Process Improvement
- Technology Innovation
- Performance Management
- Technology Transformation

- Project Prioritization
- Thought Brainstorming
- Increase Collaboration
- Build Business Insights
- Change Management
- Strategic Planning



OPI Methodology



It's a *creative way of getting things done faster*



This method *divides all the tasks into short phases*



Ultimately means *being focused on delivering value* to the customer

Role of OPI at DPOR



ENVISION

OPI leads strategic planning sessions to help internal *Change Teams and Divisions* identify the priorities and streamline activities to accomplish their goals.



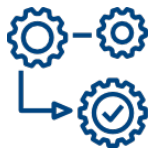
EVALUATE

Once a plan is in place, OPI helps *Change Teams* create, collect, and analyze their performance and ensure teams are working “smarter” not “harder.”



INNOVATE

OPI collaborates with *Change Teams* to identify areas for improvement by asking questions such as “How might we do things better?” and “If nothing stood in your way how would you want to accomplish things?”



SPECIAL PROJECTS

OPI assists *Change Teams* in advancing important and time-sensitive projects by providing frameworks of success to help keep all members of the team focused on accomplishing their goals in an efficient and effective manner.

Current OPI Change Management Projects

LRPD & CID Division –

- Review 2018 JLARC report recommendations and identify the areas related to licensing and compliance that needed to be addressed. Worked with CID/LRPD sections to implement changes recommended in JLARC 18,19 and 20 recommendations.
- Develop MS Forms based Roster for Fair Housing Onsite Training Events to collect real-time attendance and establish a more robust online training attendance tracking process.
- Create a centralized tracker to record & measure progress on JLARC 20 recommendation related cases.

Barbers & Cosmetology –

- Develop and implement checklist-based Inspection process for Licensed Schools
- Implement automated process for collection of school rosters.

DPOR's Investigations Division –

- Brainstorm on efforts to move toward electronic cases, assess the current and future state processes and conduct a cost benefit analysis between the current process and proposed future state process.

DPOR Director's Office Projects -

- Work with individual teams to establish OKR's for their work areas/departments
- Assist Individual teams with Interim Technological Solutions such as usage of Microsoft tools for project management and internal team collaboration.

Current OPI Eagles (Licensing Software) Update Projects

- **Universal License Recognition (ULR)** – Partnering with LRPD section to implement Eagles changes, and updates to current application forms to reflect changes resulting from the new Universal Licensing Regulation that impacts approx. 77 ranks across various Boards and License types.
- **ULR Tracking Comparison Report** – to analyze the application volume changes before and after ULR
- **Military Spouse Regulation Changes** – Working with LRPD to implement Eagles and forms/application changes resulting from Military Spouse Regulation Changes.
- **New Eagles Change Request process** – Working with LRPD and CID sections to implement a standard process to request Eagles system configuration changes from OPI. This new process would also help us in establishing one unified way to handle change requests when new licensing and enforcement combined SaaS solution is implemented.
- **Day to day Eagles application support and online mailbox monitoring-**
 - Assist teams with Entity Merge Requests, License Fee Changes, implementing regulatory changes, Forms and application changes etc.



OPI's Role in EPICx and other Miscellaneous Projects

EPICx- Efficient Processing Intuitive Customer Experience (DPOR's new Licensing and Enforcement SaaS Solution initiative)

- **Current Process Documentation** - OPI continues to make progress on the "As-Is" process documentation project (part of EPICx initiative) with internal reviews completed on Real Estate Board, BCHOP, Exams, Finance and CID Section (CAR, PALS) process flows. This exercise will help DPOR in reengineering of current processes and ensure ease of interaction at **Internal** (Agency) and **External** (customer) level.
- **Vendor SOW (Statement of Work) Review** – As part of the RFP evaluation committee, OPI has been involved in every step of EPICx project from the inception. OPI is currently reviewing the EPICx Statement of Work which details project requirements, project deliverables, implementation timelines and milestones along with contract SLA's (Service Level Agreements).
- **Identify Project Resource needs** – Working with DPOR IT, LRPD and CID sections to assess current resource availability, identify resource gap, needs and look for possible avenues and external vendor partnership opportunity to create a functioning team for project kick-off and successful delivery, once the selected vendor comes onboard.
- **DPOR Website Change Management** – Working with DPOR's website vendor and communications team as a website change coordination support resource to implement website changes and weekly/periodic content updates.

Questions?



OPI is here to be a catalyst for positive change. If you have any questions or If you are interested in learning more about how the OPI team can help you and your section, feel free to email us at

[OPI@dpor.virginia.gov.](mailto:OPI@dpor.virginia.gov)

Presented by:

Lata Gupta

OPI Director, DPOR

Board Member Liaison Assignments

Board Member Name	Board Assignments	Email Address
Larry Benenson	<ul style="list-style-type: none"> • Fair Housing Board • Board for Waste Management Facility Operators 	lbenenson@immigrationforum.org
Enid Candelaria-Vega	<ul style="list-style-type: none"> • Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals • Auctioneers Board 	ecvega.lpc@gmail.com
Nil Eguz	<ul style="list-style-type: none"> • Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects (APELSCIDLA) • Board for Hearing Aid Specialists and Opticians 	nil.eguz@capitalone.com
Grace Flores-Hughes	<ul style="list-style-type: none"> • Virginia Board for Asbestos, Lead, and Home Inspectors • Board for Professional Soil Scientists, Wetland Professionals, and Geologists 	harley45@aol.com
Jemmalyn Hewlett	<ul style="list-style-type: none"> • Board for Barbers and Cosmetology • Board for Branch Pilots 	wecare.csmail@gmail.com
Scott Johnson	<ul style="list-style-type: none"> • Real Estate Appraiser Board • Polygraph Examiners Advisory Board 	hscottjohnson@gmail.com
Alice Kendrick	<ul style="list-style-type: none"> • Real Estate Board • Boxing, Martial Arts, and Professional Wrestling Advisory Board 	arkendrick01@gmail.com
Gaby Rengifo	<ul style="list-style-type: none"> • Board for Contractors 	gabyrenlo@gmail.com
Charles Vaughters	<ul style="list-style-type: none"> • Common Interest Community Board • Cemetery Board 	charlievaughters@gmail.com