

Board for Professional and Occupational Regulation Meeting

MINUTES

The Board for Professional and Occupational Regulation met on Monday, November 15, 2004, 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
Nancy Finley Barbour
James Demmel
Susan Ferguson (arrived 11:15 a.m.)
Maxime Frias
Walter Fore (arrived 10:20 a.m.)
William Alfred Tucker

The following member was absent from the meeting:

Ronald Lushbaugh

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

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

Chairman Jackson called the meeting to order at 10:12 a.m., noting a quorum was present.

Call to Order

Mr. Tucker made a motion to approve the agenda and Mr. Frias seconded the motion, which passed unanimously (Jackson, Clifford, Barbour, Frias, Demmel, and Tucker voting yes).

Agenda
Approval

Mr. Tucker made a motion to approve the minutes of the September 20, 2004, meeting, and Mr. Frias seconded the motion, which passed unanimously (Jackson, Clifford, Barbour, Demmel, Frias, and Tucker voting yes).

Minutes
Approval

No comments were made to the Board members.

Public
Comment
Period

Director Ware was not present due to a speaking engagement before the Virginia Disability Commission and asked that Deputy Director Ryals give her report.

Louise Fontaine
Ware,
Director's
Report, given by
Chief Deputy
Director Sandra
Whitley Ryals

Chief Deputy Director Ryals welcomed William A. Diamond, legal counsel to the BPOR Board from the Office of the Attorney General, who would later present the Conflict of Interests Training to the Board.

Chief Deputy Director Ryals introduced the new Deputy Director for Compliance and Investigations (formerly Enforcement) and explained that, while Mr. Christner had been at DPOR since July 1, this was the first occasion to introduce him to the Board. Mr. Christner began his career as a Virginia State Trooper, and most recently, he served at the Virginia Racing Commission. He brings a wealth of experience and provides the leadership to implement the changes and reassignment of duties designed by the Process Improvement Team (PIT).

Mr. Christner said he was pleased to be at DPOR, and excited to come into a new process to streamline the investigative and adjudication processes. He told the board that complaints continue to increase, and emphasis is being put on the front end of the complaint. Mr. Christner said DPOR has the opportunity to use consent orders and alternative dispute resolution to more effectively handle the increase in complaints. His division will also emphasize customer service.

Ms. Ryals reported on future studies that may come before the BPOR Board.

The National Glass Association contacted DPOR to advise that they were seeking licensure for glass installers of automobile windshields and glass windows in buildings due to safety issues. The other group seeking possible legislation is Septic Tank Inspectors, which may affect three boards at DPOR, APELSCIDLA, Professional Soil Scientists, and Contractors/Tradesman. Mr. Courtney stated that the Virginia Department of Health (VDH) currently regulates septic system installations; however, the proposed legislation concerns inspections of systems in resale homes. This issue arises from a situation in Prince William County.

Board Member Walter Fore arrived at 10:20 a.m.

Arrival of
Member

Chief Deputy Director Ryals continued with her report on legislation for 2005. Of the DPOR proposals submitted, two have garnered interest: (1) photogrammetry, which was studied by the BPOR Board last year, and (2) alternatives for persons being disciplined – such as remedial education. All boards would be allowed to use that authority.

Sandra Whitley
Ryals, Chief
Deputy Director

Ms. Ryals told the Board that the agency continues in its quest for TQI (Total Quality Improvement) and the work of the PITs (Process Improvement Teams). The first PIT emphasized Enforcement, which came to be known as Compliance and Investigations. The new PITs will study and make recommendations regarding the Contractor and Real Estate Recovery Funds, where a party can receive a judgment through the courts and receive a monetary award, and Fair Housing. DPOR continues to work with Chesterfield University to provide the core curriculum. The agency has now trained five staff members to present the programs. In addition, the Introduction to TQI will be given quarterly to interested employees, to ensure a continual quality culture.

Estheticians may also be seeking possible legislation, as well as related fields such as electrologists.

Mr. Courtney explained the assignments of board members as liaison members to other boards at DPOR. Members are asked to monitor the activity of their assigned liaison boards through those boards' agenda and minutes, both of which can be found on the Department's website.

Liaison
Assignments

Director Ware made a brief appearance in between speaking engagements to report on her early morning speech to the Virginia Disability Commission. DPOR is directly involved with architects, contractors, and realtors, as well as fair housing, all of which are related to accessibility and visitability. Contacts have been made with the schools of architecture at Hampton University, the University of Virginia, and Virginia Tech, who agreed to allow speakers in their professional practice classes. Last year DPOR sponsored a partnership with architect Phil Zook and is expanding the relationship this year with the Virginia Home Builders Association to improve accessibility, in new construction and in remodeling existing homes. A new initiative will be announced at the Governor's Housing Conference in Norfolk on November 16, 2004.

Louise Fontaine
Ware, Director

The Board took a break before the COIA (Conflict of Interests Act) training presented by Assistant Attorney General William A. Diamond.

Break/Arrival of
Member

Board Member Susan Ferguson arrived at 11:15 a.m.

The meeting resumed at 11:30 a.m. for the required COIA (Conflict of Interests Act) training which was provided to all board members present by William A.

Training on
Conflict of

Diamond, Assistant Attorney General.

Interests Act


There was no further business.

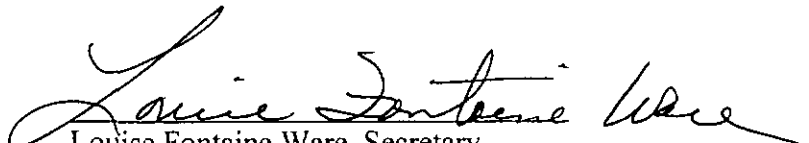
**Other Business/
New Business**

Mr. Fore moved that the meeting be adjourned, Mr. Tucker seconded the motion, and it passed unanimously (Jackson, Clifford, Barbour, Frias, Demmel, Fore, Tucker, and Ferguson voting yes). The meeting adjourned at 1:13 p.m.

Adjournment

The next board meeting is scheduled for March 7, 2005.


Raynard Jackson, Chairman


Louise Fontaine Ware, Secretary