

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

MINUTES

The Board for Professional and Occupational Regulation met on Monday, November 17, 2008, 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:

Laurie Buchwald
Elizabeth G. Cake, Vice-Chair
Julie Clifford
James M. Demmel, Chair
Walter Fore
Heather L. Martin
William Alfred Tucker

The following members were absent for all or part of the meeting:

Ronald Lushbaugh

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

Jay W. DeBoer, Director
Mark N. Courtney, Deputy Director for Licensing and Regulation
Kathleen R. Nosbisch, Executive Director
Christine Martine, Executive Director
Pamela Kamalakkannan, Finance Director
Marian Brooks, Board Administrator
Steven P. Jack, Assistant Attorney General
Judy Spiller, Executive Secretary

Vice-Chair Demmel welcomed everyone and called the meeting to order at 10:08 a.m., noting that a quorum was present.

Call to Order

Mr. Fore made a motion to approve the agenda as presented. Mr. Tucker seconded the motion, which was unanimously approved by members: Buchwald, Cake, Clifford, Demmel, Fore, Martin, and Tucker.

Agenda Approval

Ms. Cake made a motion to approve the September 8, 2008, minutes, as presented. Ms. Buchwald seconded the motion, which was unanimously approved by members: Buchwald, Cake, Clifford, Demmel, Fore, Martin, and Tucker.

Approval of Minutes

There was no public comment made to the Board.

Public Comment

Director DeBoer welcomed everyone to the meeting. He reported that the Common Interest Community board has met a number of times and emergency regulations have been approved. Director DeBoer told the group that this has been an extremely rapid start-up for a new board. There is still no regulatory framework for the Ombudsman, Heather Gillespie. As of now, the Ombudsman has no legal authority to issue an opinion.

Jay W. DeBoer,
Director's Report

Director DeBoer announced the resignation of the current Chair, Maxime A. Frias, noting that a new Chair would need to be elected.

Resignation of
Maxime A. Frias

The Department's staff increased in the past few months to over 200 personnel, including a number of P-14 employees in the increase.

Staff Increase

EAGLES software is not operational; however, additional testing is ongoing. VERSA representatives are working on the problems.

EAGLES

Signage at the Perimeter Center has improved at both entrances.

Signage at
Perimeter Center

DPOR must obtain preapproval at the Secretariat level for hiring. Travel is limited to essential meetings, and training has been reduced.

Budget
Constraints

Pamela Kamalakkannan, Finance Director, reported on the APA (Auditor of Public Accounts) Audit for the years ended June 30, 2006, and June 30, 2007. The audit summary for these years found proper recording and reporting of transactions in the Commonwealth Accounting and Reporting System and the Department's internal licensing system. It also mentioned matters involving internal control and operations necessary to bring to management's attention; and it found instances of non-compliance with applicable regulations that are required to be reported.

Agency Reports:
Pamela
Kamalakkannan,
Finance Director

The two recommendations were to improve the IS security policies and to properly complete employee eligibility verification forms. The EAGLES project, which has been proceeding for a number of years, has hired a fulltime project manager and the project is going forward. VITA is fully compliant, and VERSA representatives are working with the Department. The latter matter relating to new employees may suggest a greater emphasis on immigration control.

Deputy Director Mark Courtney updated the Board on the Study of Sign Language Interpreters and Translitterators. The 60-day comment period will end on December 12, 2008. To date, there have been four email comments and six comments from the five public hearings.

Mark Courtney,
Deputy Director
for Licensing and
Regulation -
Update on Study
of Sign Language
Interpreters and
Translitterators

In addition to Department staff, Board members attending the public hearings are listed below:

Hampton – Elizabeth Cake, William Tucker, and Maxime Frias
Richmond – Heather Martin
Roanoke – Walter Fore
Arlington – Julie Clifford
Fishersville – Heather Martin

Leslie Prince, Policy Manager and Interpreter Services Coordinator from the Virginia Department for the Deaf and Hard of Hearing (VDDHH) and who assisted Mr. Courtney with the coordinated study, gave a presentation to the Board about interpreters and transliterators. The VDDHH certifies levels of competency by interpreters from Level 1 to Level 4. Most of the interpreters are Levels 2 and 3, with only a few Level 4s. Several community colleges in Virginia offer sign language interpreter training. The VDDHH fields approximately 500 requests for interpreters per month and is able to fill 98% of these. Interpreters are certified by the National Association of the Deaf (NAD) and Registry of Interpreters for the Deaf (RID).

**Leslie Prince –
Virginia
Department for
the Deaf and
Hard of Hearing**

A draft report will be presented to the Board in March with recommendations from the study.

Executive Director Christine Martine gave a presentation on the Board Academy for the Cemetery Board. The Cemetery Board consists of seven members, four of whom must be an operator of a cemetery. There are more unlicensed cemeteries (state, city, county, town, church, non-profit, family and community) than those licensed in the Commonwealth. The Department licenses cemetery companies and sales personnel. A cemetery company can have two trust funds – a perpetual care trust fund is required, and cemetery companies may also have a pre-need trust fund.

**Christine
Martine,
Executive
Director –
Cemetery Board –
Board Academy**

A Resolution for Board Member Maxime A. Frias was read, thanking him for his service to the Board as a board member. A motion was made by Mr. Tucker to adopt the Resolution for Mr. Frias and have it made a part of the minutes. The motion was seconded by Mr. Fore, which was unanimously approved by members: Buchwald, Cake, Clifford, Demmel, Fore, Martin, and Tucker.

**Other Business:
Adoption of
Resolution for
Board Member
Maxime A. Frias
and Deputy
Director Mark N.
Courtney**

A Resolution for Board Executive Director Mark N. Courtney was read, thanking him for his service to the Board. There were two changes to be made in the Resolution. A motion was made by Mr. Tucker to adopt the Resolution for Mr. Courtney, with amendments, and have it made a part of the minutes. The motion was seconded by Mr. Fore, which was unanimously approved by members: Buchwald, Cake, Clifford, Demmel, Fore, Martin, and Tucker.

Director DeBoer conducted the election of officers. A motion was made by Mr. Tucker to accept the resignation of Maxime A. Frias and elevate Vice-Chair Demmel to Chair. Ms. Buchwald seconded the motion, which was unanimously approved by members: Buchwald, Cake, Clifford, Demmel, Fore,

**Election of
Officers**

Martin, and Tucker.

A motion was made by Mr. Tucker to nominate Mr. Fore as Vice-Chair. Mr. Fore declined and Mr. Tucker withdrew his nomination. A motion was then made by Mr. Tucker to nominate Ms. Cake as Vice-Chair. Mr. Fore seconded the motion, which was unanimously approved by members: Buchwald, Cake, Clifford, Demmel, Fore, Martin, and Tucker.

Mr. Fore moved to adjourn. Mr. Tucker seconded the motion, which was unanimously approved by members: Buchwald, Cake, Clifford, Demmel, Fore, Martin, and Tucker. The meeting adjourned at 11:45 a.m.

Adjournment

James M. Demmel, Chair

Jay W. DeBoer, Director

DRAFT



Commonwealth of Virginia

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

RESOLUTION TO

Maxime A. Frias

WHEREAS, **Maxime A. Frias**, did faithfully and diligently serve as a member of the Virginia Board for Professional and Occupational Regulation from 2002 to 2008;

WHEREAS, **Maxime A. Frias**, did devote generously of his time, talent and leadership to the Board;

WHEREAS, **Maxime A. Frias**, 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 Virginia 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 Virginia Board for Professional and Occupational Regulation this 17th day of November, 2008, that **Maxime A. Frias**, 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.

Commonwealth of Virginia
**BOARD FOR PROFESSIONAL AND
OCCUPATIONAL REGULATION**



RESOLUTION TO

Mark N. Courtney

WHEREAS, **Mark N. Courtney** did faithfully and diligently serve as Executive Director of the Virginia Board for Professional and Occupational Regulation from 2003 to 2008;

WHEREAS, **Mark N. Courtney** did devote generously of his time, talent and leadership to the Board;

WHEREAS, **Mark N. Courtney** 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 Virginia 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 Virginia Board for Professional and Occupational Regulation this seventeenth day of November 2008, that **Mark N. Courtney** 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.