

Board for Professional and Occupational Regulation Meeting

MINUTES

The Board for Professional and Occupational Regulation (BPOR) met on Tuesday, October 7, 2003, 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, Chair
Julie M. Clifford
Maxime A. Frias
Susan T. Ferguson
Dana Martin
Thomas J. Meany, Sr.
Leroy O. Pfeiffer, Sr.

Board members absent from the meeting were:

Keela Boose-Jackson
Ronald Lushbaugh

Also present for all or part of the meeting were:

Louise Fontaine Ware, Director
Sandra Whitley Ryals, Chief Deputy Director
Karen O'Neal, Deputy Director for Regulatory Programs
John Cancelleri, Fair Housing Director
Mark Courtney, Executive Director for BPOR
Eric Olson, Executive Director for Polygraph Examiners Advisory Board
Judy Spiller, Executive Secretary

Raynard Jackson, Chairman, called the meeting to order at 9:23 a.m., noting that a quorum was present.

Call to Order

Dana Martin moved to approve the agenda and Leroy Pfeiffer seconded the motion, which passed unanimously.

Agenda
Approval

Chairman Jackson asked that the Board approve the minutes of the June 2, 2003, meeting. Mr. Meany moved to approve the minutes, and Mr. Martin seconded the motion. The minutes were approved unanimously.

Minutes
Approval

Mr. Pfeiffer made a motion to reconsider the vote on the resolution of Morris Nunes adopted at the June 2, 2003, meeting regarding the Computer Voice Stress Analyzer, because the motion was long and he

Reconsidera-
tion of
Previous Vote

(Pfeiffer) may have voted the wrong way. Mr. Martin asked Mr. Pfeiffer if he previously voted on the prevailing side. Mr. Pfeiffer acknowledged that he had. Mr. Martin then seconded the motion. There was some discussion concerning the page numbering and paragraph numbering. The motion to reconsider the previous resolution passed unanimously.

Mr. Pfeiffer moved to rescind the Amended Resolution involving the Computer Voice Stress Analyzer with the exception of paragraphs 5 and 6, which authorized the study.

Mr. Pfeiffer's motion reads:

**That this Board proceed with a study to further verify the utility and reliability of the tool; and
That upon the consideration of such study, any data and recommendations flowing there from be promptly considered by the Director for possible amendment or refinement of such conditions.**

Mr. Meany seconded the motion. There was no further discussion. The motion passed unanimously.

There was no public comment.

Public
Comment

Director Louise Ware reported that the DPOR continues to experience a backlog in adjudication cases. DPOR contracted with consultant Dr. Robert Colvin to conduct a study of the entire enforcement process. Dr. Colvin's report was received with his recommendations and was distributed to staff. The Process Improvement Team (PIT) was formed to study ways to improve the processes, and is being led by Chief Deputy Director Sandra Whitley Ryals. PIT recently conducted a full day of Quality Improvement Training for staff. As part of the PIT effort, some suggestions made by Dr. Colvin have already been implemented: (1) Marion Cooper, Hearing and Legal Services Officer, is a new staff person who will soon begin hearing application cases. This should lighten the burden on the Informal Fact-Finding (IFF) process. (2) Several of the boards have approved using former board members to hold IFFs. Current board members are not always free to conduct these hearings.

Director's
Report

The 2003 Strategic Planning Retreat was held in Charlottesville in August and Goal Groups are now meeting to achieve the five goals for the agency. Executive Director Eric Olson is the "producer" for the

unveiling of the Agency's Strategic Plan to all employees the end of October.

On-line renewals began on July 1, 2003. The Information Technology Division made great strides to achieve this deadline, particularly following the fire in March. Approximately 10% of renewals are coming in on-line (800-900 per month). On-line applications will follow in December 2004. This is a more expensive and complicated process.

Board Members Maxime Frias and Susan Ferguson arrived for the meeting.

Chief Deputy Director Sandra Whitley Ryals reported that the legislation process was progressing. The Legislative Team fielded multiple suggestions for possible legislation, some of which have been reviewed by the Office of the Attorney General and the Secretary's office. DPOR is waiting to see which bills will be allowed to move forward.

Chief Deputy
Director's
Report

Karen O'Neal reported on the status of the Fair Housing Board which became official on July 1, 2003. She introduced John (J. C.) Cancelleri as the Fair Housing Director. The new Fair Housing Board met on July 23-24, 2003, to train under two federal judges. The Board had its first official board meeting in August. The Fair Housing Education Committee also met to adopt emergency regulations. The Real Estate Board Fair Housing regulations remain valid until the Fair Housing Board adopts its own regulations.

Agency
Reports –
Karen O'Neal,
Deputy
Director for
Regulatory
Programs

Mark Courtney reported on the Photogrammetry Hearings. There have been three and a half public hearings. On September 22, 2003, the Monday following Hurricane Isabel, the BPOR meeting and public hearings were cancelled; however, testimony was taken from those individuals who appeared to testify at the hearing. Other hearings have been held in Roanoke, Chesapeake, and Arlington. Mr. Courtney explained that the binder distributed to board members contained the written transcripts of the previous hearings, as well as the public and written comments. Another binder will be given to board members prior to the November meeting, which will include the transcript of today's hearing, as well as other additional materials.

Mark
Courtney,
Executive
Director/Board
Administrator
for BPOR

Eric Olson reported that there were limited resources on the web concerning the Computer Voice Stress Analyzer (CVSA), and a small number of written comments have been received. The informational

Eric Olson,
Executive
Director for

studies and statistics were polarized, with not much middle ground; groups were either for or against CVSA.

**Polygraph
Examiners
Advisory
Board**

Board members were given a list of board meeting dates for 2004. Maxime Frias moved to adopt the dates for 2004 as follows:

**Board Meeting
Dates for 2004**

Monday, March 1, 2004;
Monday, June 7, 2004;
Monday, September 20, 2004; and
Monday, November 15, 2004.

Mr. Pfeiffer seconded the motion. The vote was unanimous to adopt the above proposed meeting dates.

Mr. Courtney explained that Board Members were being asked to fill out the Board Member Direct Deposit form, allowing finance to send their travel voucher monies directly to the bank.

Other Business

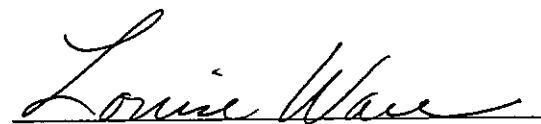
Mr. Courtney also explained the New Board Member Training CD given to all board members. This replaces the former October training for new board members.

Chairman Jackson thanked the Director, Chief Deputy Director, and staff for their assistance and efficiency in the preparation of documents.

Chairman Jackson adjourned the meeting at 9:48 a.m. He announced that there would be a short break and board members who wished to stay were invited to attend the Photogrammetry Public Hearing at 10:00 a.m. and the Computer Voice Stress Analyzer Public Hearing at 1:30 p.m.

Adjournment


Raymond Jackson, Chairman


Louise Ware, Director

COPY TESTE:

Custodian of Record