

Board for Professional and Occupational Regulation Meeting

MINUTES

The Board for Professional and Occupational Regulation met on Monday, June 5, 2006, 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:

Nancy Finley Barbour
E. Wilson Clary, Jr. (arrived at 10:20 a.m.)
Julie Clifford, Chair
James M. Demmel
Walter Fore
Maxime A. Frias
Ronald E. Lushbaugh, Vice-Chair
William Alfred Tucker

The following members were absent from the meeting:

Maxwell B. Larcen

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

Jay W. DeBoer, Director
David B. Ashe, Chief Deputy
Karen O'Neal, Deputy Director for Licensing and Regulation
Steven Arthur, Deputy Director for Administration and Finance
Dawn Z. Waters, Policy, Director of Planning and Records Management
Mark N. Courtney, Executive Director
Judy Spiller, Executive Secretary

There was no representative from the Office of the Attorney General present at the meeting.

Julie Clifford, Chair, called the meeting to order at 10:05 a.m., noting that a quorum was present.

Call to Order

Mr. Tucker moved to approve the agenda. Mr. Demmel seconded the motion, which was unanimously approved by members: Barbour, Clifford, Demmel, Fore, Frias, Lushbaugh, and Tucker.

Agenda
Approval

Mr. Courtney noted that there was a correction to the minutes of March 6, 2006. On page 3, "by the board" at the end of the third paragraph needs to be removed. Mr. Fore moved to approve the March 6, 2006, minutes as corrected and Mr. Demmel seconded the motion, which was unanimously approved by members: Barbour, Clifford, Demmel, Fore,

Minutes
Approval

Frias, Lushbaugh, and Tucker.

No comments were made to the Board members at this time.

Public
Comment

Ms. Clifford introduced the Department's new Director, Jay W. DeBoer, who has been serving since the end of March. She gave a brief history of his experience and mentioned he had been a Jeopardy champion. Mr. DeBoer said he was pleased to be at the Department and elaborated on his years in the State Legislature.

Jay W.
DeBoer,
Director's
Report

Mr. DeBoer introduced David B. Ashe, Chief Deputy.

David B. Ashe, from Virginia Beach, told the Board that he had actually been serving a week longer than the Director and acknowledged his pleasure in being at the Department.

David B. Ashe,
Chief Deputy

Mr. Courtney reminded the BPOR members about the upcoming public hearings for the auto body repair study that were discussed at the March meeting and reviewed the specific guidelines for the current study. The 60-day period for public comment will be June 26, 2006 – August 25, 2006. Notice of the hearings will be sent to 1,900 auto body shops, a survey will be sent to 380 auto body shops, and a survey will be sent to 375 insurance companies that insure automobiles.

Agency
Reports –
Mark
Courtney,
Executive
Director,
BPOR Board

Dates of the public hearings to be held across the state will be: June 28, 2006, in Richmond; June 30, 2006, in Arlington; July 11, 2006, in Hampton; and July 13, 2006, in Roanoke.

Two BPOR members will serve as the presiding members at each of the public hearings:

Richmond – Ronald Lushbaugh and Nancy Finley Barbour;

Arlington – Julie Clifford and Jimmy Demmel;

Hampton – William A. Tucker and Maxime A. Frias; and

Roanoke – E. Wilson Clary, Jr., and Walter Fore.

Board member Clary arrived at 10:20 a.m.

Arrival of Mr.
Clary

Mr. Arthur's announced that, for the sixth consecutive year, the Administration and Finance Division received an audit with no audit points against it. His presentation, "The World of Finance," gave board

Steven L.
Arthur,
Deputy

members an overview of the Department's financial operations and the changes that have occurred over a number of years. The Department now has over 300,000 regulants, processes over 1,200 travel vouchers a year, and continues to show increases in applications, particularly in Real Estate, Real Estate Appraisers, and Contractors. He explained the relationship between appropriations and expenditures, and how the Callahan Act enables the Department to collect sufficient, but not excessive, fees. The current cash balance is over \$12 million. Most fees stay in place for six to ten years, before they are either decreased or increased.

Director for
Administration
and Finance

Dawn Waters reported to the Board on FOIA and the Public Records Program. Ms. Waters explained what composes a public record and the exemptions. Some routine requests are regulant lists, closed complaint files, and license transcripts.

Dawn Z.
Waters,
Director of
Policy,
Planning and
Public Records

Ms. Clifford said the board would take a 10-minute break at 11:17 a.m. The board reconvened at 11:27 a.m.

Break

Ms. Clifford reminded the Board that election of officers would be held at the next meeting on September 18, 2006.

Other Business

Ms. Clifford read a resolution, which was drafted to honor the previous Director, Louise Fontaine Ware. Mr. Demmel moved to accept the resolution and make it a part of the minutes. Mr. Fore seconded the motion, which was unanimously approved by members: Barbour, Clary, Clifford, Demmel, Fore, Frias, Lushbaugh, and Tucker. The resolution reads as follows:

Consideration
of Resolutions
to Louise
Fontaine
Ware, and
Board
Members
Walter Fore,
Maxime A.
Frias, Ron
Lushbaugh,
William A.
Tucker

**BOARD FOR PROFESSIONAL AND
OCCUPATIONAL REGULATION**

RESOLUTION TO

Louise Fontaine Ware

WHEREAS, **Louise Fontaine Ware** retired as Director of the Department of Professional and Occupational Regulation in March 2006; and

WHEREAS, **Ms. Ware** endeavored at all times to serve the citizens

of the Commonwealth, the Department, and her colleagues, and this Board, and

WHEREAS, Ms. Ware has earned the respect and admiration of her colleagues not only for her professional achievements but also for her exceptional dedication to the Department; and

WHEREAS, having faithfully and diligently provided leadership and guidance to the Board for Professional and Occupational Regulation from 2002 to 2006, Ms. Ware devoted generously of her time and talent; and

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

RESOLVED by the Board for Professional and Occupational Regulation that Louise Fontaine Ware be commended and given all honors and respect due her for outstanding service; and, be it

RESOLVED FURTHER, that this resolution be presented to Louise Fontaine Ware and be made 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, and how much she will be missed upon her retirement.

Ms. Clifford likewise read a resolution for the four board members whose terms end on June 30, 2006. Mr. Demmel moved to accept the four resolutions for Mr. Fore, Mr. Frias, Mr. Lushbaugh, and Mr. Tucker and make them part of the minutes. Mr. Clary seconded the motion and it passed unanimously by members: Barbour, Clary, Clifford, Demmel, Fore, Frias, Lushbaugh, and Tucker. The four resolutions are below:

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

RESOLUTION TO

Walter Fore

WHEREAS, Walter Fore, did faithfully and diligently serve as a member of the Virginia Board for Professional and Occupational Regulation from 2004 to 2006;

WHEREAS, Walter Fore, did devote generously of his time,

talent and leadership to the Board;

WHEREAS, **Walter Fore**, 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 5th day of June, 2006, that **Walter Fore**, 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.

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 2006;

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 5th day of June, 2006, 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.

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

RESOLUTION TO

Ronald E. Lushbaugh

WHEREAS, **Ronald E. Lushbaugh**, did faithfully and diligently serve as a member of the Virginia Board for Professional and Occupational Regulation from 2002 to 2006;

WHEREAS, **Ronald E. Lushbaugh**, did devote generously of his time, talent and leadership to the Board;

WHEREAS, **Ronald E. Lushbaugh**, 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 5th day of June, 2006, that **Ronald E. Lushbaugh**, 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.

**BOARD FOR PROFESSIONAL AND
OCCUPATIONAL REGULATION**

RESOLUTION TO

William Alfred Tucker

WHEREAS, **William Alfred Tucker**, did faithfully and diligently serve as a member of the Virginia Board for Professional and Occupational Regulation from 2004 to 2006;

WHEREAS, **William Alfred Tucker**, did devote generously of his time, talent and leadership to the Board;

WHEREAS, **William Alfred Tucker**, 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 5th day of June, 2006, that **William Alfred Tucker**, 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.

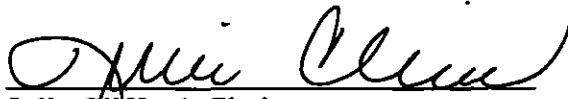
Ms. Clifford thanked all board members for their service to the Commonwealth.

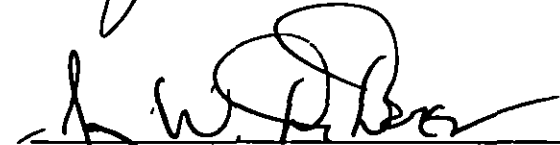
Ms. Barbour welcomed Mr. Fore back after his recent surgery.

**Welcome Back
to Walter Fore**

Mr. Fore moved to adjourn. Mr. Demmel seconded the motion, which was unanimously approved by members: Barbour, Clary, Clifford, Demmel, Fore, Frias, Lushbaugh, and Tucker. The meeting adjourned at 11:34 a.m.

Adjournment


Julie Clifford, Chair


Jay W. DeBoer, Secretary