

Biennial Report 2000-2002

Louise Fontaine Ware, Director

Sandra Whitley Ryals, Chief Deputy Director

Department of Professional and Occupational Regulation

BIENNIUM CHANGES

The General Assembly enacted several legislative changes during 2000-2002, expanding the agency's responsibilities to include:

community association liaison –

An information and referral resource for issues concerning condominiums, cooperatives, and property owners' associations, operating under the Real Estate Board.

home inspectors –

Voluntary certification program for residential home inspectors, as part of the Board for Asbestos, Lead, and Home Inspectors.

tattooists and body piercers –

Licensure of tattoo parlors, body-piercing salons, and individuals who perform those services falls under the Board for Barbers and Cosmetology.

wax technicians –

Licensure program for salons and individuals who remove hair by waxing or tweezing, administered by the Board for Barbers and Cosmetology.

wetland professionals –

Voluntary certification for professional wetland delineators, within the Board for Professional Soil Scientists and Wetland Professionals.

The legislature also transferred the **Board of Accountancy** from the agency into an independent entity.



The Department of Professional and Occupational Regulation (DPOR) serves all citizens of the Commonwealth through public education, administration, and enforcement of those laws and regulations necessary to protect their health, safety, and welfare.

In seeking continually to integrate regulatory efficiency and consumer protection, DPOR promotes a responsible, ethical, and competent workforce.

A Commerce and Trade secretariat agency, DPOR regulates 31 occupations and professions through 18 boards composed of practitioners and citizens appointed by the Governor. DPOR licenses or certifies more than 245,000 individuals and businesses ranging from architects and contractors to cosmetologists and professional wrestlers.



OPERATIONS SUMMARY

Strong Financial Management

As a non-general fund agency, DPOR is supported solely by assessments on licensed practitioners, not by any tax revenues. In its most recent report, the office of the Auditor of Public Accounts examined all agency operations for Fiscal Year 2001 and concluded no negative findings.

State law requires the agency to adjust its cash reserve so that revenues are sufficient to cover expenses, but not excessive. As a result, DPOR reduced license fees accordingly to decrease its excess cash balance.

	Fiscal Year 2001 (July 1, 2000 - June 30, 2001)	Fiscal Year 2002 (July 1, 2001 - June 30, 2002)
Revenues	\$8,330,789	\$7,718,300
Expenditures	\$10,132,858	\$11,257,886
Cash Balance	\$7,256,682	\$3,717,096

Fighting Fraud

The criminal investigation section of DPOR's Enforcement Division protects the public against fraudulent or unlicensed activity. Working jointly with other law enforcement agencies, the department participates in crime prevention programs throughout the Commonwealth.

During the biennium, DPOR obtained:

- 864 arrests
- 676 convictions
- \$2,075,614 in court-ordered victim restitution

Regulatory Programs, Examination, and Enforcement Statistics for 2000-2002 Biennium

Regulatory Board	Revenues	Expenditures	Regulant Population	Examinations Administered	Applicants Examined	Complaints Docketed	Cases Closed/Adjudicated*	Informal Fact Finding (IFF) Conferences
Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects	\$1,743,553	\$2,415,206	31,682	41	6,214	195	344	162
Asbestos and Lead	\$458,603	\$424,566	6,650	24	164	388	448	68
Auctioneers	\$125,479	\$95,944	1,608	37	138	71	121	24
Barbers and Cosmetology	\$2,077,695	\$2,966,012	57,784	84	4,860	399	568	217
Branch Pilots	\$33,200	\$21,558	42	32	8	1	2	0
Boxing and Wrestling Task Force	\$205,297	\$214,411	934	n/a	n/a	16	18	10
Cemetery	\$124,731	\$61,714	1,267	n/a	n/a	166	228	180
Contractors	\$5,557,370	\$7,584,572	81,262	902	13,400	4,401	9,039	1,701
Geology	\$75,060	\$67,403	830	4	79	0	0	0
Hearing Aid Specialists	\$92,515	\$32,145	480	6	69	14	35	14
Opticians	\$127,303	\$139,010	1,812	4	131	14	25	2
Polygraph Examiners Advisory Board	\$14,135	\$12,837	257	4	21	6	11	0
Real Estate Appraisers	\$291,581	\$256,571	3,134	24	496	87	151	95
Real Estate	\$3,435,798	\$4,558,099	55,504	48	15,923	1,542	2,324	786
Professional Soil Scientists	\$20,822	\$12,463	105	4	4	15	9	10
Waste Management Facility Operators	\$90,800	\$118,842	1,112	6	304	5	9	6
Waterworks and Wastewater Works Operators	\$410,626	\$443,761	5,141	6	2,057	22	28	26
TOTALS	\$14,884,568	\$19,425,114	249,604	1,194	43,860	7,342	13,361	3,301

*Cases Closed/Adjudicated for the 2000-2002 biennium includes complaints initiated prior to July 1, 2000. The total number of cases closed or adjudicated for this biennium reflects a 93 percent increase over 1998-2000, demonstrating DPOR's increased efficiency and effectiveness.



To learn more about the responsibilities and activities of each board, visit the DPOR website at www.dpor.state.va.us

BIENNIUM HIGHLIGHTS

Board studies examine diverse professions

In accordance with state law, the Board for Professional and Occupational Regulation (BPOR) evaluates the need for regulation. During the biennium, the Board solicited public comment and conducted studies on:

ARBORISTS — Following a 2001 General Assembly directive, BPOR recommended against a certification or licensure program for arborists.

FORESTERS — In conjunction with the 2001 arborist study, BPOR considered regulation of foresters and instead recommended a title act for the profession. The legislature in 2002 approved such title legislation, restricting use of the term “forester” to those who meet prescribed qualifications.

ESTHETICIANS — At the request of the Board for Barbers and Cosmetology, in 2001 BPOR considered regulation of estheticians and recommended additional study, in consultation with the Department of Health Professions. Following regional public hearings in Fall 2002, BPOR will issue its report on estheticians and related professionals, such as electrologists.

ROLLER SKATING RINKS — The 2002 General Assembly directed BPOR to examine the appropriateness of regulating roller skating rinks. Following public hearings in Fall 2002, BPOR will report its findings and recommendations to the legislature.

DPOR is a leader in mediation initiatives

DPOR is leading the way in alternative dispute resolution (ADR) proceedings. The agency established an ADR program in December 2001 to expedite the resolution of complaints and to reduce costs associated with the processing of those complaints. Parties that resolve disputes through mediation avoid months of a formal DPOR investigation and possible civil litigation.

Mediation is voluntary, confidential, and non-adversarial, with the objective of reaching a mutually acceptable agreement for disputing parties. In 2002 the General Assembly passed a new law requiring all state agencies to adopt ADR policies.

DPOR offers consumers and regulants the opportunity to participate in the mediation process at no cost, using the agency’s dispute resolution coordinator or other trained volunteer mediators certified by the Virginia Supreme Court.

Since the inception of its ADR program, DPOR offered mediation to 144 complainants and successfully resolved 51 cases.

Education, exams ensure competent workforce

Licensing examinations protect the public from incompetent practitioners by ensuring individuals possess necessary knowledge and skills. DPOR’s Office of Education and Examinations oversees the testing of 25,000 applicants each year.

DPOR also is a leader in the state’s multi-agency Professional Licensing Education Task Force. Projects during the biennium include:

- **Basic Contractor Licensing Class** — A one-day community college course used by the Board for Contractors for remedial education and also open to the general public.
- **Land Surveyor Examination Preparatory Seminar** — To assist in preparing candidates to pass the examination and obtain licensure and employment in Virginia.
- **Opticians Tech Prep Curriculum Development** — Model curriculum for high schools or community colleges, to create opportunities for students and to increase the number of licensees entering the profession.

Recovery funds help victimized consumers

DPOR administers two recovery funds which provide monetary relief to consumers who incur losses through the improper and dishonest conduct of licensed contractors or real estate professionals. Both funds are supported entirely by assessments paid by licensed practitioners, not by any tax revenues.

During the biennium, the Contractor Transaction Recovery Fund paid 190 claims totaling \$1.3 million. The Real Estate Transaction Recovery Fund paid \$92,379 toward 23 claims and expenses associated with two receiverships.

Fair Housing Office protects American Dream

Virginia’s Fair Housing Office (VFHO) investigates allegations of housing discrimination based on race, color, religion, sex, national origin, elderliness, familial status, and handicap. VFHO also provides training about fair housing law to housing consumers and providers.

During the biennium, VFHO investigated more than 260 complaints. Of the approximately 25 complaints conciliated, aggrieved parties recovered about \$50,000. VFHO provided over 100 training and outreach activities throughout the Commonwealth to real estate agents, property managers, local government staff, and disability advocacy organizations.

Technology innovations improve customer service

The Internet, electronic document management, and automation innovations continue to improve DPOR staff efficiencies and customer service.

During the biennium, DPOR’s Information Systems Division worked toward the development of EAGLES, the Electronic Access to Government Licensing and Enforcement System.

The web-enabled EAGLES project will allow customers to apply for and renew licenses via the Internet, resulting in reduced paper submissions, increased credit card payments, and maximum service efficiencies. DPOR will coordinate its existing project goals with the Commonwealth’s newly created information technology strategic plan.

Other accomplishments include:

- Website regulant lookup feature allowing citizens instant access to service providers’ license status and disciplinary actions.
- Electronic meeting materials for board members: CD-ROMs by mail prior to all meetings, information online via a secure interface on the agency website, and monitors in the meeting boardroom for each member to navigate files independently.
- Transfer of the existing licensing and enforcement systems from an aging hardware platform to a modern dual-processing platform.

Updated strategic plan guides DPOR into new biennium

DPOR's senior management team began meeting in August 2002 to draft a new strategic plan for the agency. Relying heavily on department-wide employee surveys, the team revised the agency's mission and vision statements to reflect a renewed emphasis on public education and outreach, customer service, and the workplace environment.

MISSION:

We serve all citizens of the Commonwealth through public education, administration, and enforcement of those laws and regulations necessary to protect their health, safety, and welfare.

VISION:

DPOR will be the Commonwealth's most effective agency, discovering creative ways to integrate regulatory efficiency and consumer protection. Our innovations will promote a responsible, ethical, and competent workforce while streamlining regulations and removing unnecessary burdens. We will be known for exceptional customer service to all citizens, effective and efficient business processes, and strong community outreach and public education. Our achievements will be based on empowered employees who are committed to public service and enjoy professional development opportunities.

In consultation with agency employees, the senior management team will develop objectives and strategies to meet each identified goal.

Aging Initiative places special focus on older Virginians

Older Virginians are potential targets for unscrupulous business practices, particularly in five areas under DPOR's purview:

- Construction and home repair
- Fair housing
- Hearing aid specialists
- Cemeteries and pre-need burial contracts
- Opticians

While DPOR is committed to protecting all consumers, because of Governor Mark Warner's specific emphasis on older Virginians, the agency is making outreach to senior citizens a special priority.

By establishing new partnerships with law enforcement, other state agencies, and the private-sector, DPOR will increase public awareness about elder fraud prevention and consumer protection for aging Virginians.

In order to accomplish its objectives, DPOR is launching a comprehensive, statewide public awareness campaign. The agency has posted a special section on its website



specifically for concerns about issues affecting older Virginians, and also established a dedicated telephone hotline.

**Hotline for Older Virginians
(804) 367-2178**

Executive agreement puts emphasis on fair housing

The DPOR Director's executive agreement with the Governor and the Secretary of Commerce and Trade places a strong emphasis on the Virginia Fair Housing Office (VFHO).

Equal housing opportunities for all Virginians must remain a top priority to ensure strong communities and basic fairness. Of particular concern in the new biennium is housing for individuals with disabilities.

Since the U.S. Congress added disability as a protected class for fair housing law in 1998, the number of complaints based on disability has steadily increased. If the trend continues — as is likely as our population ages and experiences legally protected disabilities — reports of disability-based discrimination may eclipse those based on race as the most frequent type of fair housing complaint.

In Fall 2002, the U.S. Department of Housing and Urban Development (HUD) awarded Virginia a significant grant for new fair housing initiatives.

VFHO will use part of the grant to conduct design and construction audits of multi-family housing units. These audits will determine the level of compliance for people with disabilities — whether doorways are sufficiently wide for the wheelchair-bound, for example.

VFHO will partner with architect Phillip Zook, a nationally recognized fair housing and accessibility consultant, for this portion of the project.

VFHO will also partner with HOME (Housing Opportunities Made Equal) during the grant project. HOME is a statewide non-profit housing advocacy organization.

For this part of the HUD grant, VFHO will conduct rental audits, increase education, and provide outreach in select Virginia communities.

Audit-testing involves trained individuals who pose as *bona fide* housing seekers. These trained testers go into the housing market to gather information on housing availability and discriminatory treatment.

Role changes enhance DPOR efficiency and effectiveness

Changes in management roles, initiated at the end of the biennium, will increase efficiency in DPOR's business practices and raise the effectiveness of internal and external communications.

The Chief Deputy Director directs DPOR's legislative package and manages studies assigned to the agency. This executive also supervises agency human resources, professional development, and internship responsibilities.

The Deputy Director for Regulatory Programs, a position absorbed by existing staff, oversees all board operations and activities. This senior management team member joins two other Deputy Directors, one for Administration and Finance and the other for Enforcement.

Responsible for managing DPOR's media relations, public awareness campaigns, and external communications strategy is the Communications Director, a post previously limited to legislative affairs.

To reflect DPOR's renewed commitment, the Fair Housing Director is now a member of the senior management team. The Policy, Planning and Public Records Director, whose prior role focused entirely on records management, now emphasizes strategic planning. The Education and Examinations Director, a position formerly limited to exams, performs expanded responsibilities including educational outreach, multi-agency coordination, and internships.