



ON THE MOVE!

After 24 years at 3600 West Broad Street in Richmond, DPOR moved in August 2007 to the Perimeter Center at Deep Run in Henrico County.

DPOR is co-located with other state agencies including the Board of Accountancy, the Department of Conservation and Recreation's State Parks Reservation Division, the Department of Health's Office of Licensure and Certification, the Department of Health Professions, and the Department of Rehabilitative Services' Disability Determination Services.

DPOR's move involved relocating more than 170 employees, replacing all agency furniture with modular systems, donating existing furniture to other state agencies and to state surplus, installing a state-of-the-art electronic records management filing system, and converting to VITA's VOIP telephones (Voice Over Internet Protocol). DPOR leases its Perimeter Center space from the Department of General Services in accordance with the Commonwealth's real estate management initiative.

Biennial Report 2006-2008

Jay W. DeBoer, Director

DEPARTMENT of PROFESSIONAL and OCCUPATIONAL REGULATION

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LICENSING, REGULATION AND FINANCIAL ADMINISTRATION

REGULATORY PROGRAM	REVENUES	EXPENDITURES	APPLICANTS EXAMINED	REGULATION POPULATION (as of 06/30/08)	POPULATION % CHANGE (since last biennium)
Architects, Professional Engineers, Land Surveyors, Certified Interior Designers & Landscape Architects	\$3,088,143	\$2,593,140	6,383	37,240	4.91%
Asbestos, Lead and Home Inspectors	\$390,986	\$447,557	220	5,629	-10.69%
Auctioneers	\$120,025	\$129,409	137	1,790	2.59%
Barbers and Cosmetology	\$4,679,220	\$4,677,573	14,794	69,827	9.05%
Branch Pilots	\$25,520	\$6,950	24	46	2.08%
Cemetery	\$46,255	\$109,325	n/a	1,435	0.07%
Contractors	\$13,868,255	\$13,718,500	28,980	104,223	2.65%
Fair Housing	\$59,645	\$59,645	n/a	1766	-11.12%
Geology	\$34,960	\$55,788	137	866	3.84%
Hearing Aid Specialists	\$36,692	\$81,397	131	552	2.79%
Marital Arts Advisory Board	\$459,461	\$333,759	n/a	838	0.19%
Opticians	\$236,214	\$183,421	148	1,927	0.84%
Polygraph Examiners Advisory Board	\$25,490	\$27,111	37	269	3.07%
Real Estate Appraisers	\$583,886	\$473,303	2,120	4,351	9.21%
Real Estate	\$9,532,419	\$7,475,978	23,762	75,611	-7.50%
Professional Soil Scientists & Wetland Professionals	\$64,763	\$45,150	44	215	16.22%
Waste Management Facility Operators	\$43,650	\$48,442	397	1,212	1.51%
Waterworks, Wastewater Works Operators & Onsite Sewage System Professionals	\$438,359	\$366,245	1,095	4,864	-3.49%
TOTALS	\$33,733,943	\$30,832,693	78,409	312,661	1.22% increase



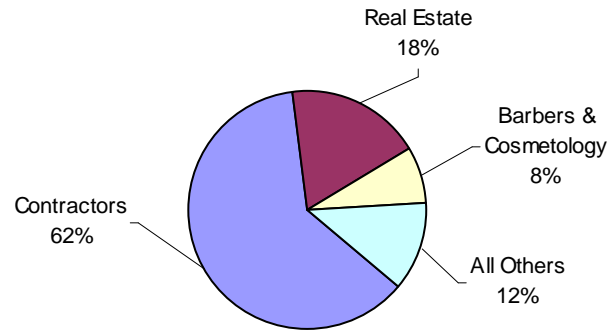
To learn more about the responsibilities and activities of each board, visit the DPOR website at www.dpor.virginia.gov

As a non-general fund agency, DPOR is financed by assessments on regulated practitioners, not by any tax revenues.

PUBLIC PROTECTION AND CONSUMER AWARENESS

REGULATORY BOARD	COMPLAINTS RECEIVED	PERCENTAGE OF TOTAL
Contractors	6,245	62.05%
Real Estate	1,849	18.37%
Barbers & Cosmetology	773	7.68%
Fair Housing	383	3.81%
Real Estate Appraisers	276	2.74%
APELSCIDLA	173	1.72%
Cemetery	109	1.08%
Auctioneers	94	0.93%
Asbestos/Lead/Home Inspectors	91	0.90%
WWWOSSP	18	0.18%
Hearing Aid Specialists	14	0.14%
Opticians	14	0.14%
Martial Arts	12	0.12%
Waste Management Facility Operators	6	0.06%
Soil Scientists & Wetland Professionals	5	0.05%
Geology	2	0.02%
Polygraph Examiners	1	0.01%
Branch Pilots	0	0.00%
TOTAL	10,065	100.00%

Complaint Volume by Board



The **Complaint Analysis & Resolution** Section processes all complaints received by DPOR and, with the **Field Investigations** Section, determines whether evidence supports a probable violation of board regulations or state law. The **Adjudication** Section conducts Informal Fact-Finding (IFF) Conferences in accordance with the Administrative Process Act. Cases resolved through the agency's **Alternative Dispute Resolution (ADR)** Section may avoid formal investigation.

The average number of days disciplinary cases remained open decreased from 229 days in FY 2004 to 142 days in FY 2008. During the biennium, DPOR conducted **630 disciplinary** IFFs and **276 recovery fund** IFFs. Boards entered 1,521 orders, of which 61% were consent orders/agreements. The agency **resolved 217 complaints** through free, voluntary ADR services.

In addition, DPOR worked with local authorities in successfully prosecuting 334 cases of unlicensed activity. DPOR helped consumers receive nearly **\$1.9 million** in court-ordered victim

Public Awareness Initiatives

As part of its ongoing commitment to increase public awareness, DPOR requested legislation to allow the Real Estate Board to use Real Estate Transaction Recovery Fund interest for consumer education initiatives. Prior to the passage of **SB 1185 (2007)**, the Board could use interest earned on deposits to the Fund for research and education on subjects benefiting only real estate licensees (salespersons, brokers and firms).

The agency's public awareness efforts feature a full-time, bilingual consumer education coordinator who travels throughout the Commonwealth and reaches diverse audiences, as well as membership with the Virginia Association of Consumer Agency Administrators, the VDACS Consumer Affairs Advisory Committee, and the statewide TRIAD/S.A.L.T. Council.

During the biennium, DPOR partnered with Housing Opportunities Made Equal (H.O.M.E.), a statewide housing advocacy organization, on a fair housing audit evaluating accessibility compliance. With funding from the U.S. Department of Housing and Urban Development, the fair housing audit assessed new multi-family construction in the greater Richmond and Hampton Roads regions for accessible design features and compliance with legal requirements for reasonable modifications and accommodations.

The Fair Housing Board and Real Estate Board at DPOR administer and enforce fair housing laws, which prohibit discrimination on the basis of race, color, religion, sex, national origin, familial status (children under age 18), disability, or elderliness (persons age 55 or older).

LEGISLATIVE INITIATIVES & BOARD ACTIVITIES



New Regulatory Programs

MARTIAL ARTS

Codifies the previous task force on professional boxing and wrestling, established by regulation, and creates the Martial Arts Advisory Board of five members, appointed by the DPOR Director, to advise on any martial arts competition. [HB 1798 (2007)]

ONSITE SEWAGE SYSTEM PROFESSIONALS

Transfers the regulation of onsite soil evaluators, as well as installers and operators of alternative onsite sewage systems, from the Department of Health to DPOR. The expanded Board for Waterworks and Wastewater Works Operators and Onsite Soil System Professionals (WWWOSSP) administers the new licensure program. [HB 3134/SB 1270 (2007)]

Increased educational requirements for licensees

The General Assembly increased educational requirements for several professions/occupations during the biennium. As a result, the Board for Contractors established a pre-license education program for contractor firms as a condition of initial licensure, specifically to include basic business coursework. [HB 1054 (2007)]

The Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects (APELSCIDLA Board) must require 16 hours of continuing education in order for architects, professional engineers, and land surveyors to renew or reinstate a license. [HB 1118/SB 72 (2007)]

Increased educational requirements for Real Estate Board licensees include: (1) an additional eight hours of continuing education coursework in supervision and management for brokers, and (2) amending the number of mandatory continuing education hours from eight to 10 for brokers and salespersons, with at least three hours in ethics and standards of conduct. [HB 2064 (2007)]

In addition, the Board for Contractors amended its regulations to require continuing education for tradesmen. As a condition for license renewal as of January 1, 2008, journeyman and master plumbers, electricians, HVAC mechanics, and gas-fitters must complete coursework related to the applicable building code in their fields.

Study of Auto Body Repair Industry

At the request of a member of the House of Delegates and the Virginia Auto Body Legislative Committee, in Fiscal Year 2007 the Board for Professional and Occupational Regulation (BPOR) conducted a study on the need to regulate the auto body repair industry. In considering whether to recommend regulation of a profession or occupation, BPOR observes the Commonwealth's philosophy outlined in statute that such regulation is only justified when necessary to protect the public (*Code of Virginia* § 54.1-310).

Based on evidence obtained during the study, the public appeared adequately protected from the risk of harm without a state-mandated regulatory program governing the auto body repair industry. Insurance companies, customer referrals, trade associations, and automobile manufacturers all provide information to the public to assist in finding competent practitioners. In addition, the existing complaint mechanism at the Virginia Department of Agriculture and Consumer Services appeared to satisfy consumer concerns.

As a result, in November 2006, BPOR recommended against a regulatory scheme for the auto body repair industry.