

## OPENING THE DOOR TO A COMMONWEALTH OF OPPORTUNITY

DPOR is a Commerce and Trade agency contributing to the Commonwealth's economic vitality by promoting job creation and protecting the public. We **promote job creation** by helping qualified people to start businesses and work in their chosen fields. We **protect the public** by investigating complaints and ensuring regulated professions are compliant with state law and regulations.

DPOR regulates only those professions and occupations determined by the General Assembly. We strive to perform our duties in the least intrusive, least burdensome, and most efficient way.

In accordance with legislation passed this biennium, all 19 regulatory boards at DPOR revised their Public Participation Guidelines (PPGs) to **promote increased involvement** in the regulatory process. Opportunities include commenting on proposed regulations and attending board meetings. Any licensee, consumer, or other interested person who wishes to participate can **sign up for electronic notifications** about regulatory actions and meetings at the Virginia Regulatory Town Hall: [www.townhall.virginia.gov](http://www.townhall.virginia.gov).

During the 2008-10 biennium, DPOR's **public awareness initiatives** also included 155 media interviews; more than 200 fair housing seminars, conferences, festivals, and trade shows; and partnerships with a variety of law enforcement and consumer education organizations.

With your participation, DPOR will continue to promote a positive business climate, ensure a competent workforce, and provide exceptional customer service. Thank you for working with us to build a **Commonwealth of Opportunity** for all Virginians.



## DEPARTMENT of PROFESSIONAL and OCCUPATIONAL REGULATION

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# LICENSING, REGULATION AND FINANCIAL ADMINISTRATION



To learn more about the responsibilities and activities of each board, including meeting minutes, regulations and announcements, visit [www.dpor.virginia.gov](http://www.dpor.virginia.gov)

REGULATORY PROGRAM	REVENUES	EXPENDITURES	NUMBER OF MEMBERS	NUMBER OF MEETINGS	EXAMINATIONS ADMINISTERED	REGULANT POPULATION (as of 06/30/10)	POPULATION % CHANGE (since last biennium)
Architects, Professional Engineers, Land Surveyors, Certified Interior Designers & Landscape Architects	\$3,256,251	\$3,104,396	13	50	6,285	39,199	5.26%
Asbestos, Lead, Mold and Home Inspectors	\$386,497	\$516,123	15	13	208	5,742	2.01%
Auctioneers	\$105,455	\$145,555	5	8	122	1,676	-6.37%
Barbers and Cosmetology	\$4,922,139	\$6,094,109	10	12	15,797	73,218	4.86%
Branch Pilots	\$1,220	\$7,654	9	14	26	49	6.52%
Cemetery	\$52,766	\$123,888	7	7	N/A	1,614	12.47%
Common Interest Communities	\$1,638,644	\$826,716	11	28	N/A	4,855	Program effective July 1, 2008
Contractors	\$14,503,793	\$15,957,903	15	24	17,933	97,538	-6.41%
Fair Housing	\$60,403	\$60,403	12	18	N/A	2086	18.12%
Geology	\$36,050	\$63,845	5	7	81	881	1.73%
Hearing Aid Specialists	\$38,450	\$104,198	7	6	174	570	3.26%
Opticians	\$231,495	\$209,540	5	4	190	1,938	0.57%
Polygraph Examiners	\$37,130	\$23,185	8	2	26	254	-5.58%
Real Estate Appraisers	\$468,845	\$533,653	9	12	885	4,510	3.65%
Real Estate	\$7,705,338	\$7,902,881	9	45	13,737	68,118	-9.91%
Professional Boxing, Wrestling and Martial Arts	\$412,939	\$402,556	7	2	N/A	580	-30.79%
Professional Soil Scientists and Wetland Professionals	\$74,520	\$22,126	7	6	53	229	6.51%
Waste Management Facility Operators	\$45,260	\$54,162	7	3	354	1,228	1.32%
Waterworks, Wastewater Works Operators and Onsite Sewage System Professionals	\$648,235	\$431,204	11	11	1,380	6,141	26.25%
<b>TOTALS</b>	<b>\$34,625,430</b>	<b>\$36,584,097</b>	<b>172</b>	<b>272</b>	<b>57,251</b>	<b>310,426</b>	<b>-0.71%</b>

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

In accordance with the Callahan Act, the agency adjusts fees so that revenues are sufficient to cover expenses, but not excessive.

# PUBLIC PROTECTION AND CONSUMER AWARENESS

## Efficient, Effective Public Protection

Resolving complaints as efficiently as possible is critical for ensuring qualified professionals continue to work, while protecting the public from licensees who require disciplinary action. During the biennium, the percent of disciplinary cases closed within 150 days increased from 31% in FY 2008 to 66% in FY 2010.

Resolving cases without moving through the full disciplinary process saves time and resources. More than half (54%) of the 1,854 disciplinary orders entered by DPOR boards this biennium were consent order agreements for voluntary settlement. The agency also resolved 121 complaints through alternative dispute resolution, offering parties the opportunity to avoid investigation and board action.

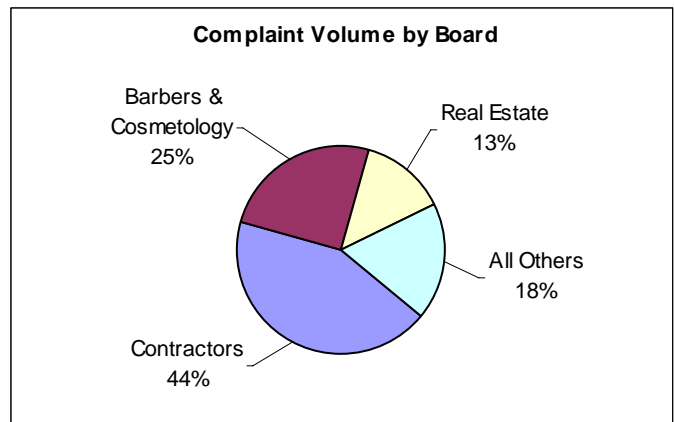
DPOR uses Informal Fact-Finding Conferences (IFFs), in accordance with the Administrative Process Act (APA), to obtain evidence on the record for disciplinary cases and for certain application and recovery fund cases. During the biennium, the agency conducted 787 disciplinary IFFs, 195 recovery fund IFFs, and 664 licensing IFFs.

In the area of unlicensed activity, DPOR worked with local law enforcement in successfully prosecuting 162 cases and securing more than \$750,000 in court-ordered victim restitution.

This biennium, the Compliance and Investigations Division (CID) piloted a random inspection program for licensees of the Board for Barbers and Cosmetology. In addition to regular processing of all complaints received, random inspections allow DPOR to promote compliance among licensed shops, salons, spas, schools, and other facilities.

If sanitation or other regulatory violations are noted during an inspection, the licensee may correct the problems immediately on-site or request a re-inspection to be deemed in compliance. If noted violations are not corrected, however, an investigator will pursue compliance through a consent agreement or refer the matter for disciplinary proceedings as appropriate.

Since the beginning of the program in Fiscal Year 2010, CID completed 1,426 random inspections.



REGULATORY BOARD	COMPLAINTS RECEIVED	PERCENTAGE OF TOTAL
Contractors	4,599	43.40%
Barbers & Cosmetology	2,656	25.06%
Real Estate	1,407	13.28%
Common Interest Community	506	4.77%
Fair Housing	410	3.87%
Real Estate Appraisers	334	3.15%
APELSCIDLA	241	2.27%
Cemetery	164	1.55%
Auctioneers	99	0.93%
Asbestos, Lead, Mold & Home Inspectors	64	0.60%
WWWOOSP	55	0.52%
Hearing Aid Specialists	29	0.27%
Opticians	19	0.18%
Boxing, Wrestling & Martial Arts	5	0.05%
Polygraph Examiners	3	0.03%
Waste Management Facility Operators	3	0.03%
Soil Scientists & Wetland Professionals	2	0.02%
Branch Pilots	1	0.01%
Geology	0	0.00%
<b>TOTAL</b>	<b>10,597</b>	<b>100.00%</b>



# GENERAL ASSEMBLY AND BOARD ACTIVITIES



## NEW REGULATORY PROGRAMS

### **COMMON INTEREST COMMUNITIES**

Created the Common Interest Community Board to license individuals and businesses offering management services to homeowner associations. Granted the Board regulatory authority over property owners', condominium, cooperative, and timeshare associations.

Also established the Office of the Common Interest Community Ombudsman to receive certain complaints, assist association members in understanding and exercising their rights, and issue non-binding explanations (not interpretations) of laws and regulations governing associations. [HB 515/SB 301 (2008)]

### **MOLD INSPECTORS & REMEDIATORS**

Added a licensure program for mold inspectors and remediators to the Board for Asbestos, Lead, Mold and Home Inspectors. [HB 2032 (2009)]

### **EPA RENOVATION, REPAIR & PAINTING**

Enabled the Board for Asbestos, Lead, Mold and Home Inspectors to develop regulations for administering the new federally-mandated licensure program in Virginia. Designed to promote lead-safe practices, the Environmental Protection Agency (EPA) rule requires training and licensure for contractors, real estate firms, property management companies, and rental housing providers that disturb painted surfaces in pre-1978 or child-occupied housing. [HB 2432 (2009)]

## SIGN LANGUAGE INTERPRETER STUDY

At the request of the Advisory Board of the Virginia Department for the Deaf and Hard of Hearing (VDDHH), the Board for Professional and Occupational Regulation (BPOR) conducted a study on the need to regulate the sign language and transliterator industry. (Interpreters transmit spoken English into sign language, while transliterators transmit spoken English into one of several English-oriented varieties of manual communications.)

In considering whether to recommend regulation of a profession or occupation, BPOR observes the Commonwealth's philosophy 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 through research and public comment, the public appeared adequately protected from the risk of harm without a state-mandated licensure program. VDDHH maintains and distributes a Directory of Qualified Interpreters to consumers and service providers seeking qualified professionals. In addition, the Registry of Interpreters for the Deaf (RID), a national professional association, administers a certification program that assists consumers in finding competent practitioners.

As a result, in April 2009, BPOR recommended against a regulatory scheme for the sign language/transliterator industry.

## Online Services

DPOR continues to implement technology innovations allowing for online customer service.

**EAGLES**— Electronic Access to Government Licensing and Enforcement System—is a multi-phase project allowing customers to apply for and maintain licenses via the Internet.

Online transactions result in reduced paper submissions, increased credit card payments, and maximum service efficiencies.

In Fiscal Year 2010, nearly one-third of all license renewals were processed online via the agency website.

