

January 8, 2016

The Honorable Charles W. Carrico
Senate of Virginia
General Assembly Building, Room 330
Richmond, VA 23218

The Honorable Ronald A. Villanueva
House of Delegates of Virginia
General Assembly Building, Room
Richmond, VA 23218

Dear Chairman Carrico, Chairman Villanueva:

The 2015 General Assembly in SB 1118 requested the Department of Motor Vehicles (DMV) submit an interim report on our hiring practices for hearing officers that conduct hearings concerning requests or petitions from motor vehicle dealers, manufacturers, factory branches, distributors, or distributor branches. In particular, the interim report must address the feasibility of hiring hearing officers that: have at least five years of experience as a hearing officer in administrative hearings in the Commonwealth; have telephone and email capabilities; and are active members of the Virginia State Bar. We have compiled the following information.

Since 1995, the Commissioner has been authorized by *Code of Virginia* § 46.2-1573 to utilize the hearing officer list maintained by the Executive Secretary of the Supreme Court of Virginia. To qualify for a position on the hearing officer list, a hearing officer must: be an active member in good standing of the Virginia State Bar; been active in the practice of law for at least five years, two of which must be within the Commonwealth; have prior experience with administrative hearings or knowledge of administrative law; have demonstrated legal writing ability and a willingness to travel to any area of the state to conduct hearings; and have completed required training for administrative hearing officers sponsored by the Office of the Executive Secretary. The hearing officer list is maintained by geographic region.

When a hearing is commenced by the DMV, I, or my designee, requests that the Executive Secretary assign a hearing officer from the appropriate region and with the appropriate special training, if needed. Through this process, DMV has appointed three hearing officers, Robert Hartsoe, Rhonda

Mitchell, and Jane Schroeder, who conducted three hearings for DMV in 2015. As is required by the Supreme Court of Virginia, the hearing officers are active members in good standing of the Virginia State Bar. They also have telephone and email capabilities. Finally, all three hearing officers have been hearing officers for over five years in the Commonwealth of Virginia. Mr. Hartsoe and Ms. Schroeder have conducted hearings for DMV since the late nineties and mid-2000s respectively. Ms. Mitchell is conducting her first hearing for DMV, but has been a hearing officer for the Commonwealth since 2001.

Through 2016, DMV will continue to determine whether the hearing officers assigned to commence DMV hearings meet the requirements of SB 1118. We will be happy to report this information and to comment on the feasibility of continuing to hire hiring officers that meet these requirements in a final report to the Chairs of House and Senate Transportation in January, 2016.

Sincerely,

Richard D. Holcomb

CC: The Honorable Aubrey Lane
The Honorable Stephen Newman