



Department of Professional and Occupational Regulation

# BIENNIAL REPORT

## 2014 - 2016

www.dpor.virginia.gov

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DIRECTOR

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**117,500**  
ONLINE  
TRANSACTIONS



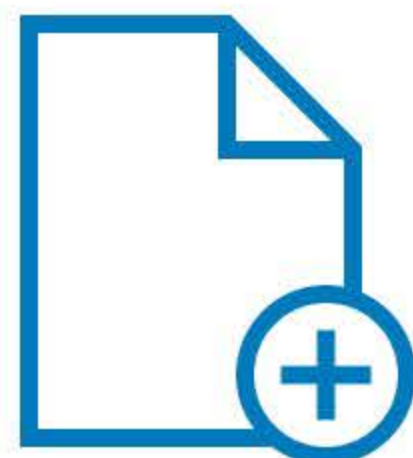
**416,000**  
PHONE CALLS  
RECEIVED



**268,200**  
RENEWALS &  
REINSTATEMENTS



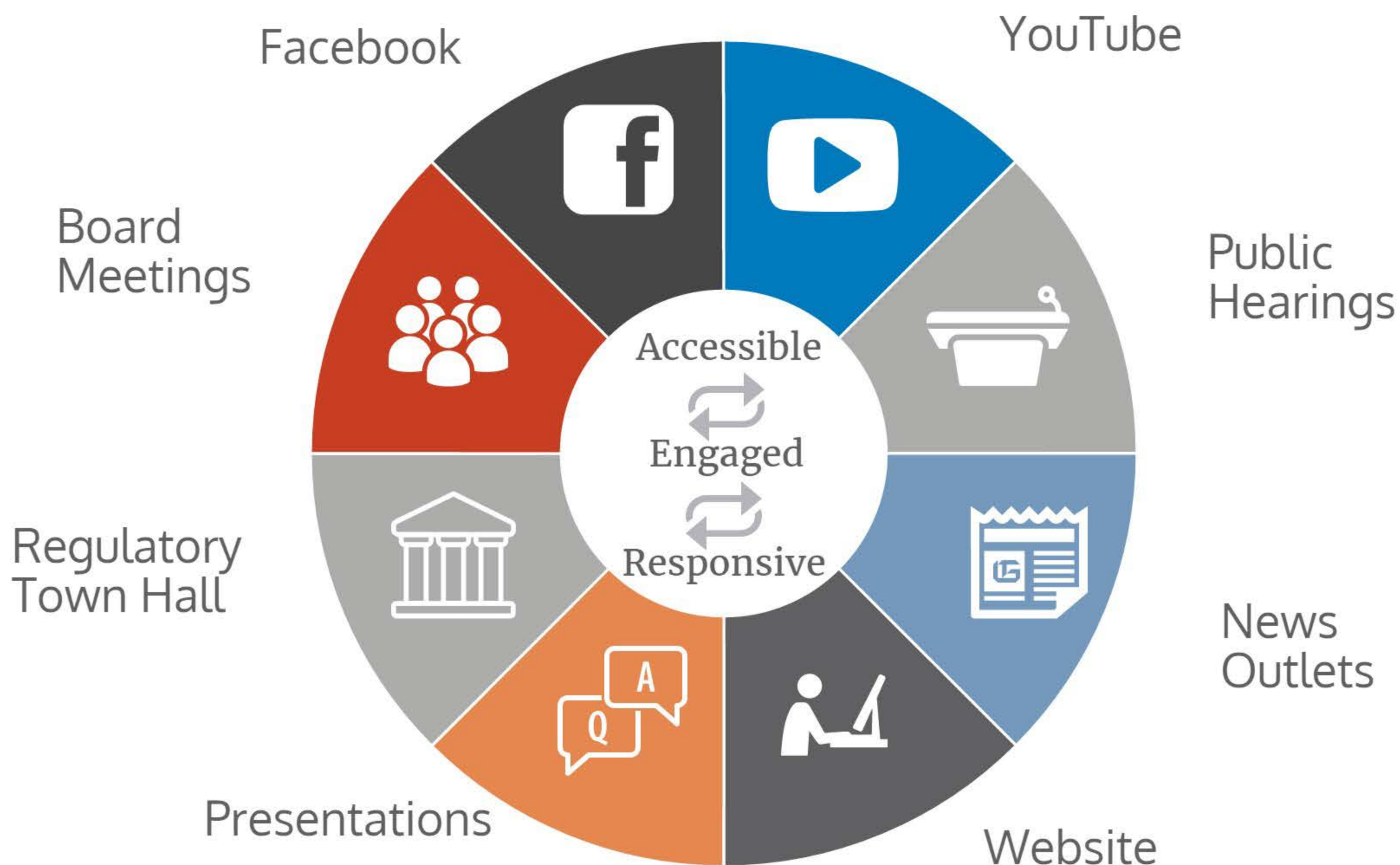
**111,600**  
E-MAILS RECEIVED



**49,200**  
APPLICATIONS



**56,500**  
NAME & ADDRESS  
CHANGES







# ADMINISTRATIVE LAW DUE PROCESS

**92**   
**LICENSING ORDERS**

**786 IFFs**  
Applicants with criminal history evaluated against nine factors on case-by-case basis.

**527**   
**DISCIPLINARY ORDERS**

**226 IFFs**  
Prima facie cases result in 20% fewer disciplinary IFFs.

**874**   
**CONSENT ORDERS**

**0 IFFs**  
60% of disciplinary cases resolved through ratified consent orders without need for IFF.



DPOR boards cannot deny anyone's license application, or discipline a licensee, without documenting the facts behind the case decision.

An **INFORMAL FACT-FINDING (IFF)** conference is the due process administrative proceeding that puts those facts "on the record," giving applicants and licensees the opportunity to present evidence about their case.

  
**Licensing IFFs**

Allow applicants to provide additional documentation or clarification in support of their qualifications.

Also used for evaluation of applicants who disclose prior criminal convictions.

  
**Disciplinary IFFs**

Occur after a complaint investigation suggests a potential regulatory violation.

Afterward, board reviews IFF transcript, summary, and entire case file before rendering its decision.

  
**Prima facie cases**


Files forwarded directly to the board without the need for an IFF. (Board may remand for IFF at any point prior to case decision.)

Permissible if respondent fails to acknowledge IFF notifications or affirmatively waives the right.

  
**Consent Orders**

Voluntary, negotiated settlement agreements that bypass an IFF, often saving time and resources.

If the board ratifies the terms, the licensee waives the right to appeal and the case is closed without further action.

 A prior conviction is not an automatic barrier to licensure.

When considering an applicant with criminal history, Section 54.1-204 of the *Code of Virginia* directs DPOR boards to consider **nine factors**:

- 1)** nature and seriousness of the crime;
- 2)** the crime's relationship to the profession;
- 3)** if being licensed gives opportunity to engage in similar criminal activity;
- 4)** the crime's connection to the ability to engage in the profession;

- 5)** age at the time of the offense;
- 6)** amount of time since applicant's criminal offense;
- 7)** extent of past criminal history;
- 8)** applicant's conduct and work activity;
- 9)** efforts toward rehabilitation while incarcerated or after release.





# COMPLAINTS & COMPLIANCE PUBLIC PROTECTION



**MONETARY PENALTY**



**REMEDIAL EDUCATION**



**SUSPENSION OR REVOCATION**



Boards cannot order a licensee to refund money, correct deficiencies, or provide other personal remedies.



DPOR jurisdiction extends only to regulated entities and individuals; unlicensed activity is a misdemeanor criminal offense.

## TOP 3 Complaint Areas



**Contractors**  
(44%)



**Real Estate + Fair Housing**  
(23%)



**Barbers + Cosmetology**  
(15%)

CONTRACTOR RECOVERY FUND



**\$ 1.6 MILLION**  
105 CLAIMS PAID



REAL ESTATE RECOVERY FUND



**\$ 59,000**  
5 CLAIMS PAID



**250**

CRIMINAL WARRANTS OBTAINED BY DPOR FOR UNLICENSED ACTIVITY



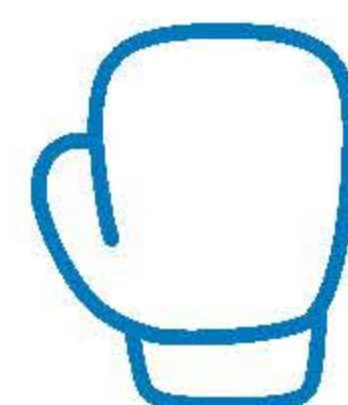
**\$367,300**

COURT-ORDERED VICTIM RESTITUTION IN DPOR-ASSISTED UNLICENSED PROSECUTIONS

## NEW PROGRAMS



**NATURAL GAS  
AUTO MECHANICS  
& TECHNICIANS**



**AMATEUR  
MARTIAL ARTS  
SANCTIONING**



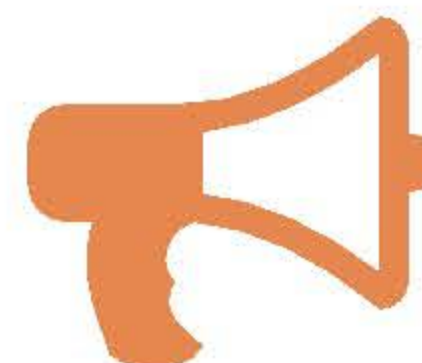


# BOARD ACTIVITIES & FISCAL AFFAIRS BY THE NUMBERS

REGULATORY PROGRAM	REVENUES	EXPENDITURES	NUMBER OF MEETINGS	EXAMINATIONS ADMINISTERED	COMPLAINTS RECEIVED	POPULATION (6/30/16)
Architects, Professional Engineers, Land Surveyors, Certified Interior Designers & Landscape Architects	\$3,377,239	\$3,379,494	24	6,986	131	41,989
Appraisers (Real Estate)	\$611,360	\$502,910	10	246	215	4,170
Asbestos, Lead & Home Inspectors	\$593,249	\$524,068	7	102	62	5,812
Auctioneers	\$90,486	\$125,778	5	97	41	1,508
Barbers & Cosmetology	\$9,092,680	\$7,052,813	9	17,805	1,025	72,325
Boxing, Martial Arts & Professional Wrestling	\$407,846	\$425,767	3	N/A	13	1,047
Branch Pilots	\$5,820	\$4,117	7	13	0	46
Cemetery	\$216,070	\$170,594	5	N/A	85	1,911
Common Interest Communities	\$1,958,312	\$1,407,377	12	N/A	491	6,759
Contractors	\$16,257,475	\$15,100,229	21	33,070	2,928	88,306
Fair Housing	\$76,775	\$76,775	8	N/A	369	2,676
Hearing Aid Specialists & Opticians	\$257,815	\$274,379	5	837	25	2,621
Natural Gas Auto Mechanics & Technicians (regulations effective 7/1/2016)	N/A	\$593	3	N/A	N/A	N/A
Polygraph Examiners	\$41,595	\$17,251	4	48	9	299
Real Estate	\$7,639,137	\$8,433,776	26	39,417	1,188	68,254
Soil Scientists, Wetland Professionals & Geologists	\$89,335	\$102,407	3	103	0	1,169
Waste Management Facility Operators	\$41,570	\$45,607	3	144	1	664
Waterworks, Wastewater Works Operators & Onsite Sewage System Professionals	\$597,335	\$493,851	12	2,237	89	5,720
<b>TOTALS</b>	<b>\$41,354,099</b>	<b>\$38,137,786</b>	<b>167</b>	<b>101,105</b>	<b>6,672</b>	<b>305,276</b>



DPOR is funded by license fees, not by any tax revenues. We adjust fees in accordance with the Callahan Act to make sure revenues are sufficient to cover expenses, but not excessive. Fee-setting is conducted pursuant to the Administrative Process Act's public comment and executive branch review requirements.



**We welcome public participation!** Board meetings are open to the public and minutes are posted online. Sign up on the **Virginia Regulatory Town Hall** to receive notification of meetings and regulatory actions: [www.townhall.virginia.gov](http://www.townhall.virginia.gov)