


Commonwealth of Virginia		
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Administrative Law Advisory Committee		

SUMMARY
Administrative Law Advisory Committee
November 12, 2014
12:00 p.m.
House Room 2
The Capitol, Richmond

MEMBERS PRESENT: Tom Lisk (chair), Karen Perrine, Alex Skirpan, Jeff Gore, Mike Quinan, Roger Chaffe, Elizabeth Andrews, Eric Page, Kristi Wright

MEMBERS ABSENT: Kristina Stoney, Brooks Smith, Edward Mullen

STAFF PRESENT: Andrew Kubincanek

Welcome and call to order: Tom Lisk called the meeting to order at 12:05 p.m.

Report of EO-17 work group: Karen Perrine summarized the options available to the EO-17 work group and solicited input from the full committee on how to proceed. Ms. Perrine stated that the group could draft amendments to establish timeframes for executive review in the APA or make clear that future executive orders must comply with statutory limitations. The group had also prepared a recommendation on internal policies and timeframes if the committee did not wish to pursue a statutory change.

The group did not form a consensus recommendation. Mr. Lisk asked if executive privilege could be maintained by requiring affirmative action to delay regulations at the NOIRA stage. He asked that the study continue in 2015 and suggested soliciting input from the Virginia State Bar, the Virginia Bar Association, the Office of the Attorney General, and state agencies.

Report of notice provisions work group: Mike Quinan presented amendments to Titles 2.2 and 54.1 regarding the use of third-party commercial carriers. He explained that using the term third-party commercial carriers was meant to ensure that only licensed commercial delivery services were covered under the amendment. Changes were made to the amendment to make clear that requirements for proof of delivery in other titles or the Rules of the Supreme Court would remain in effect.

The group voted unanimously to approve the amendments.

Thomas A. Lisk, Chair
 Elizabeth Andrews
 Roger L. Chaffe
 Jeffrey S. Gore

Edward A. Mullen
 Eric M. Page
 Karen Perrine
 Mike Quinan

Alexander F. Skirpan, Jr.
 Brooks Smith
 Kristina Stoney
 Kristi Wright

Code Commission changes to MSAPA amendments: Mr. Lisk stated that the Code Commission had approved the Ex Parte Communication amendment in concept, but that it had requested changes to subsection c, regarding contact between hearing officers and administrative staff on ministerial matters. The Code Commission requested that any party be allowed to communicate with the hearing officer on ministerial matters. The group agreed to allow Mr. Lisk and Eric Page to amend the language per the Code Commission's wishes and present the amendment for re-approval if necessary.

Public Comment and Adjournment: Mr. Lisk opened the floor for public comment. Hearing no public comment, he adjourned the meeting at 12:30 p.m.

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