

Commonwealth of Virginia		
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Administrative Law Advisory Committee		

SUMMARY
Administrative Law Advisory Committee
Notice Provisions Work Group
September 24, 2014
11:00 a.m.
House Room 2
The Capitol, Richmond

MEMBERS PRESENT: Mike Quinan (work group chair), Tom Lisk (chair), Karen Perrine

MEMBERS ABSENT: Alex Skirpan

STAFF PRESENT: Andrew Kubincanek

Welcome and call to order: Work group chair Mike Quinan called the meeting to order at 11:10 a.m. Mr. Quinan noted that the importance of the issue of notice provisions, as electronic and commercial means of communication have become more convenient or reliable than traditional mail. Andrew Kubincanek, Karen Perrine, and Tom Lisk provided background on the Code Commission’s efforts to address notice provisions, including studies by the Division of Legislative Services, the Supreme Court of Virginia, and the Boyd-Graves Conference.

Discussion: Similar Legislation and Department of Professional and Occupational Regulation (DPOR) Sections

Mr. Quinan reviewed proposed amendments to Titles 16.1, 17.1, 18.2, and 19.2 of the Code of Virginia, which had been drafted for the Code Commission, and asked if commercial delivery services adequately satisfy the applicable requirements in the Code of Virginia or the Rules of Supreme Court of Virginia. He suggested that a statutory change allowing the use of commercial or electronic delivery methods when certain conditions are met could address those requirements if necessary.

Mr. Lisk stated that commercial and electronic delivery methods could be considered separately. Mark Courtney of DPOR stated that his agency was primarily interested in allowing commercial delivery services and suggested minor changes to the proposed legislation. Mr. Courtney also stated his preference for one amendment applicable to the entire title over multiple amendments

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each applicable to a relevant section. Mr. Lisk agreed that the best way to address the issue in the VAPA would be to create a new section.

Mr. Quinan asked the group what, if any, unintended consequences might arise from an amendment allowing commercial delivery services. Mr. Lisk observed that such language would not compel any agencies to use commercial delivery services, and the group agreed that agencies would prefer to the greater flexibility such an amendment offers.

Mr. Quinan stated that he would draft language to present to the full committee on October 8, 2014. The group also agreed to further review the reports of the Supreme Court and the Boyd-Graves Conference prior to that meeting.

Public Comment and Adjournment

Mr. Quinan opened the floor for public comment. Hearing no public comment, he adjourned the meeting at 11:45 a.m.

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