


<b>Commonwealth of Virginia</b>		
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<b>Administrative Law Advisory Committee</b>		

**SUMMARY**  
**Administrative Law Advisory Committee**  
**August 9, 2017**  
**12:00 PM**  
**House Room 2**  
**Capitol Building**

**MEMBERS PRESENT:** Tom Lisk (chair), Eric Page, Karen Perrine, Kristi Wright, Roger Chaffe, Paul Kugelman, Brooks Smith, Alex Skirpan

**MEMBERS ABSENT:** Edward Mullen, Mike Quinan, Jeff Gore

**STAFF PRESENT:** Andrew Kubincanek

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

**Executive Review Process:** Andrew Kubincanek presented the results of an ongoing effort to update a survey from 2001 related to legislative and executive power over the rulemaking process in all 50 states.

Mr. Lisk stated that he was hoping this survey would demonstrate a national standard or trend, but no such thing is apparent. Roger Chaffe asked what the next steps should be. Brooks Smith suggested that ALAC should attempt to make it easier for citizens to understand why a regulation has been delayed. Mr. Lisk agreed but cautioned against constraining executive privilege.

Mr. Page suggested forming a work group to more examine the results of the survey and determine if any states have a system that would be useful in Virginia. Mr. Smith, Mr. Lisk, and Paul Kugelman volunteered for the work group.

**Administrative Hearings:** John Fisher, a former state employee, presented a powerpoint related to an administrative hearing before the Virginia Retirement System. The purpose of his presentation was to share specific concerns and recommendations' regarding his appeal

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experience under the Virginia Administrative Process Act. His intent was to provide specific information to the committee so we could address and revise the problem areas identified.

**MSAPA Work Group Update:** The MSAPA work group chose to defer action on the reconsideration section and planned to prepare draft language on protective orders for presentation to the full committee at a later meeting.

**Public Comment and Adjournment:** Mr. Lisk opened the floor for public comment. There being none, the meeting was adjourned at 12:48 p.m.

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