

Administrative Law Advisory Committee
Meeting Summary
April 27, 2010
12:00 P.M.
House Room 2, The Capitol
Richmond, Virginia

Members Present: Chris R. Nolen, Angela P. Bowser, Cindy Berndt, Roger L. Chaffe, Phyllis A. Errico, Katya Herndon, Thomas A. Lisk, Eric M. Page, Karen Perrine, Mike Quinan

I. Welcome and Call to Order, Chris Nolen

- The meeting was called to order at 12:00 P.M.
- The rewrite of the Hearing Officer Handbook has been completed. Eric presented it to the Code Commission at the December 3, 2009 meeting. The handbook was approved by the Code Commission at the meeting.
 - **Eric Page**—*No comments have been received back.*
- Thanked everyone for their work on the rewrite.
- An inquiry was made as to how many years until the handbook must be redone?
 - **Katya Herndon**—*Not for three years, will revisit it then.*

II. Topics for the Interim

- **Chris Nolen**—*The work plan will be presented to the Code Commission at the meeting on June 23, 2010.*
 - *Each year the work groups typically divide into three subject areas, one for practitioners, one for academics, and one that is useful to agencies. The suggested topics for this interim follow the same trend. The following are suggested topics for this interim:*
- Review of University Regulations;
 - Concerning parking regulations; and
 - Which regulations are filed with the Registrar.
- Follow-up from 2009 incorporation by reference;
 - As a result of JLARCs study the issue will not be pursued further.
- Study legislative veto as applied to suspension of regulations; timetable and separation of powers;
 - Created the legislative veto work group. Group comprised of, Chris Nolen, Tom Lisk, Phyllis Errico, and Roger Chaffe.
- Other topics suggested by work group members;
 - **Eric Page**—*The Supreme Court of Virginia recently handed down it's opinion in Volkswagen v. DMV. It was a split decision. In an opinion written by Justice Koontz, the Court held the statute was inherently vague as applied. The statute failed to adequately prescribe what conduct is prohibited. The DMV has broad authority and the Commissioner of the DMV may promulgate rules to provide*

guidance on prescribed conduct. However, the DMV Commissioner has yet to put forth any regulations.

- Created the Supreme Court work group, comprised of Mike Quinan, Angela Bowser, and Eric Page.
- Create the Small Business Review work group. Group comprised of Karen Perrine, Katya Herndon, and Cindy Berndt

III. Public Comment

- **Elizabeth Palen**—*The former chair of the Code Commission, Delegate Steve Landes, will no longer serve on the Commission. There are two new members of the Code Commission, Senator John Edwards and Delegate Jim LeMunyon.*

IV. Adjournment

- The meeting adjourned at 1:30 P.M.