


<b>Commonwealth of Virginia</b>		
Christopher Nolen, Chair		General Assembly Building 910 Capitol Street, Second Floor Richmond, Virginia 23219 (Phone) 804-786-3591 (Fax) 804-692-0625 akubincanek@dls.virginia.gov <a href="http://codecommission.dls.virginia.gov/alac/alac.shtml">http://codecommission.dls.virginia.gov/alac/alac.shtml</a>
Andrew Kubincanek, Program Coordinator		
<b>Administrative Law Advisory Committee</b>		

**MEETING SUMMARY**  
**Administrative Law Advisory Committee**  
**Hearing Officer Deskbook Updates Work Group**  
**Wednesday, June 26, 2013**  
**12:00 PM**  
**Capitol Building**  
**House Room 1**

**MEMBERS PRESENT:** Eric M. Page (Work Group Chair), Thomas A. Lisk, Katya Herndon, Michael Quinan, Alexander F. Skirpan, Jr.

**MEMBERS ABSENT:** Brooks Smith

**STAFF PRESENT:** Andrew Kubincanek

**Call to order and Welcome:** Eric Page called the meeting to order at 12:06 PM. Following the previous revisions of the Hearing Officer Deskbook in 2009, the Supreme Court of Virginia had requested that the Administrative Law Advisory Committee (ALAC) review the Deskbook on a regular basis. Prior to the 2009 revisions, the Deskbook had not been updated since 2000.

**Discussion of Questionnaire:** In 2009, ALAC solicited input from hearing officers in the Commonwealth. Mr. Page stated that the response rate on this survey was high and that the committee received a great deal of helpful input from individual hearing officers and the Association of Virginia Hearing Officers (AVHO). Alex Skirpan clarified the difference between AVHO and the Virginia Association of Administrative Law Judges and Hearing Officers (VAALJHO). Members of the AVHO must be on the Supreme Court of Virginia's approved hearing officer list, whereas any hearing officer or administrative law judge in Virginia may be a member of VAALJHO.

While many suggestions from the previous survey were implemented, others were beyond ALAC's authority. For instance, many respondents requested that the recommended hourly rates for hearing officers be raised. Mr. Page raised the question of whose authority such a change would fall under. Katya Herndon stated that agencies could negotiate hourly rates based on recommended rates in the Hearing Officer System Rules of Administration, which were last updated in 2005. The results of the survey indicated that agencies were sticking to the

Christopher R. Nolen, Chair  
Elizabeth Andrews  
Cindy Berndt  
Roger L. Chaffe

Jeffrey S. Gore  
Katya Herndon  
Thomas A. Lisk  
Eric M. Page

Karen Perrine  
Michael Quinan  
Alexander F. Skirpan, Jr.  
Brooks Smith

recommended rates. Ms. Herndon stated that she would investigate whether or not there are plans to update the rules, specifically the recommended hourly rates.

The group discussed grammatical and technical changes to the questionnaire, including corrections to section headings, dates, and proper names. Mr. Page also requested that the group consider if any new questions are necessary.

**Discussion of Updates to Hearing Officer Deskbook:** The group discussed potential changes to the Deskbook itself, including updates related to §2.2-4027 of the Code of Virginia as a result of SB 944. Mike Quinan volunteered to review the statutory changes and make a recommendation. Mr. Page stated that, during the previous revisions, the group changed all mandatory language to “may” or “shall”. He directed all members of the group to note any remaining mandatory language while reviewing the Deskbook. Mr. Page stated that the Deskbook contains case citations and suggested that a member of the group could review these cases. Alex Skirpan volunteered to conduct this review. Mr. Page also directed the group to consider if any new or updated appendices are necessary.

The group discussed plans to circulate a copy of the revised Deskbook to AVHO and VAALJHO. Ms. Herndon and Mr. Skirpan agreed to provide email lists to facilitate this distribution.

Lastly, the group outlined a tentative schedule for the completion of the Deskbook updates:

Circulate current version with revised questionnaire - Mid-July

Meet and finalize draft of the Deskbook - Late August

Present Deskbook to ALAC - Late September/October

Submit final version of Deskbook - December 1

Hearing Officer Training Session - Mid-December (Ms. Herndon stated that she would check on the date for this training session.)

**Public comment; adjournment:** Mr. Page opened the floor for public comment. Hearing no public comment, Mr. Page adjourned the meeting at 12:35 PM.

Christopher R. Nolen, Chair  
Elizabeth Andrews  
Cindy Berndt  
Roger L. Chaffe

Jeffrey S. Gore  
Katya Herndon  
Thomas A. Lisk  
Eric M. Page

Karen Perrine  
Michael Quinan  
Alexander F. Skirpan, Jr.  
Brooks Smith