

**Vermont Secretary of State
Office of Professional Regulation
PROFESSIONAL REGULATION REPORT**

Pursuant to 2016, No. 156, §§ 20-21, agencies and departments identified by the General Assembly were directed to report particular information concerning professional and occupational licensing to the Senate and House Committees on Government Operations, and to the Office of Professional Regulation.

The General Assembly sought this information for two reasons. First, by surveying the regulatory landscape affecting professional and occupational licensing, policymakers may be able to identify opportunities to provide Vermonters more efficient and effective government. Second, new developments in federal antitrust law require that the State understand and assess the role active market participants play in regulating the professions and occupations.

The attached report compiles responses received.

Respectfully submitted to the House and Senate Committees on Government Operations.

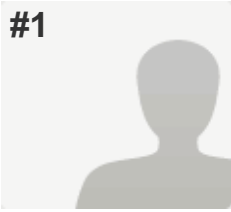
STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION



Colin Benjamin, Director

January 23, 2017

#1

**COMPLETE**

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Q1: In the following survey, you will be asked to answer a series of questions regarding the regulatory practices of your given state agency/department. It is recommended that you prepare answers to the following questions prior to starting this survey. NOTE: only one device may be used for the survey, per profession. Therefore, while the survey may be discontinued and then resumed at a later date, all answers for a given profession must be entered through the same computer. As a result, it is recommended that for each profession, a single individual be elected to compile and enter information. Choose from the following options:

Begin Survey

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Q2: Please select an occupation from the following list.

Polygraph Examiners (Department of Public Safety)

Q3: What is the name of the agency, department and/or division responsible for the regulation of this occupation?

Vermont State Police

Q4: Regulation Type. Please check all that apply for this occupation.

Licensing, Certification, Registration

Q5: What is the number of regulated persons in this occupation?

15

Q6: Is there statutory authority as a legal basis for regulation of this occupation?

No

Q7: If "yes" to the above, please provide a citation to said statute.*Respondent skipped this question***Q8: Please provide a citation to any administrative rules associated with the regulation of this occupation.**

VSP Directive 609. Polygraph examinations

Q9: Please provide any and all agency or department policies for the regulation of this occupation.

VSP Directive 609
 Certification of Good Standing
 Background investigation
 Authorization to release personal information

Q10: Please describe the purpose of regulating this occupation.

Regulating the examiners ensures the integrity of the practice allowing only the most qualified and entrusted person to practice in the State.

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Q11: Regarding stakeholder groups, please describe how this regulation affects those subject to regulation.

All members must adhere to strict standards of ethical behavior or this could lead to de-certification.

Q12: Regarding stakeholder groups, please describe how this regulation affects State entities.

This allows for integrity of the profession. The licensing builds a standard in the profession

Q13: Regarding stakeholder groups, please describe how this regulation affects consumers or clients of this occupation's services.

Professionalism and standardization.

Q14: Regarding stakeholder groups, please describe how this regulation affects employers.

N/A

Q15: Regarding stakeholder groups, please describe how this regulation affects the public.

Allowing for standardization. Keeps the profession as a whole accountable for the actions of others.

Q16: Regarding stakeholder groups, please describe how this regulation affects any other applicable group.

N/A

Q17: Please describe the governance structure for the regulation of this occupation, including but not limited to: the use of a board; a commission; an agency or division head; a panel; or a hearing officer.

N/A

Q18: Who sets application requirements and practice standards?

Major polygraph examiners certification boards.
American Association of Police Polygraphers
American Polygraph Association

Q19: Who makes decisions on applicants, enforcement, and discipline?

Vermont State Police

Q20: Are any decision makers active participants in this regulated occupation? If so, please describe if the decision maker has taken a hiatus from the profession, and if so, whether the decision maker plans to return to the profession.

No

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Q21: What are the regulated qualifications for this occupation? Check all that apply.

Education Requirements, Examination

Q22: How are applications received?

Advanced training through a certified school

Q23: How are applications reviewed?

N/A

Q24: How are applications rejected?

N/A

Q25: How are application rejections appealed?

N/A

Q26: How are licenses/certifications/registrations issued?

Granted through DPS after a background investigation and a review of application forms

Q27: What is the average time to process license/certification/registration applications?

1 Week

Q28: Once issued, what is the duration of the license, certification, or registration for this occupation?

1 Year

Q29: Please describe the license, certification, or registration, renewal process and requirements therein.

Applicant re-submits required forms

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Q30: Please provide a citation to the standards of practice or codes of conduct for regulated persons in this occupation. These include any and all of the following: A) Statutes B) Rules C) Policies E) Other

N/A

Q31: Please describe the enforcement process for receiving and evaluating complaints.

Once a complaint is received, it is reviewed by the Commanding officer of the unit. If wrongdoing was found the process of de-certification is started.

Q32: Please describe the enforcement process for performing investigations.

N/A

Q33: Please describe the enforcement process for prosecutions.

N/A

Q34: Please describe the enforcement process for hearings.

N/A

Q35: Please describe the enforcement process for discipline.

N/A

Q36: Please describe the enforcement process for follow-up or monitoring of previously disciplined individuals.

N/A

Q37: Please describe the average time to process complaints and disciplinary cases

Unknown. This is dependent on the allegation and the seriousness of the allegation.

Q38: Please describe any inspection process relevant to this occupation.

N/A

Q39: Regarding this occupation, please describe the annual average count of the following:

Complaints	0
Investigations	0
Prosecutions	0
Hearings	0
Cases Resulting in Disciplinary Action	0
Cases Resulting in Follow-up or Monitoring	0

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Q40: Please describe any systems, such as information technology systems, that are used to enable licensing, certification, registration, renewal, enforcement and inspection.

None

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Q41: Please provide the number of full-time staff related to the regulation of this occupation, including job titles and duties.

None

Q42: Please provide the number of part-time staff related to the regulation of this occupation, including job titles and duties.

1 Detective Lieutenant, commanding officer of the polygraph unit.

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Q43: Please provide the following information:

Average Annual Expenses	0
Average Annual Revenues	0
Average Annual Fees Charged	0

Q44: Please describe any recent or unexpected budget variations which may skew answers in the above question.

Respondent skipped this question

Q45: Please describe the fee structure associated with the regulation of this profession. This includes the following:A) The fee amount charged;B) How fee amounts are determined and set;C) The authority to establish those fees; andD) How revenues from fees are used, indicating the specific uses if those revenues are used for purposes other than regulating the profession.

A) \$15.00 fee for annual certification

Q46: Please describe any General Fund or Special Fund deposits

Unknown

Q47: Please describe any appropriations from the General Fund

Unknown

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Q48: Please describe the qualifications of any supervisor responsible for the oversight of the agency's department's professional regulatory entity and whether that supervisor has the ability to veto or modify any decision by that professional regulatory entity.

The commanding officer of the unit has the ultimate responsibility of the unit and the oversight of the day to day operations. The commanding officer has no veto authority.

Q49: Please provide any additional information you feel is relevant for the purpose of this report.

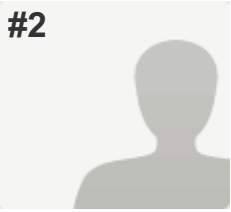
Respondent skipped this question

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Q50: Thank You for completing this survey.

End

#2

**COMPLETE**

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Q1: In the following survey, you will be asked to answer a series of questions regarding the regulatory practices of your given state agency/department. It is recommended that you prepare answers to the following questions prior to starting this survey. NOTE: only one device may be used for the survey, per profession. Therefore, while the survey may be discontinued and then resumed at a later date, all answers for a given profession must be entered through the same computer. As a result, it is recommended that for each profession, a single individual be elected to compile and enter information. Choose from the following options:

Begin Survey

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Q2: Please select an occupation from the following list.

Electricians (Department of Public Safety)

Q3: What is the name of the agency, department and/or division responsible for the regulation of this occupation?

Department of Public Safety – Division of Fire Safety

Q4: Regulation Type. Please check all that apply for this occupation.

Licensing

Q5: What is the number of regulated persons in this occupation?

Approximately 3850

Q6: Is there statutory authority as a legal basis for regulation of this occupation?

Yes

Q7: If "yes" to the above, please provide a citation to said statute.

Title 26 V.S.A Chapter 15 – Electricians and Electrical Installers

Q8: Please provide a citation to any administrative rules associated with the regulation of this occupation.

2014 Vermont Electrical Safety Rules
http://firesafety.vermont.gov/sites/firesafety/files/files/rules/dfs_rules_electrical_current.pdf

Q9: Please provide any and all agency or department policies for the regulation of this occupation.

2014 Vermont Electrical Safety Rules

Q10: Please describe the purpose of regulating this occupation.

The purpose of these rules is to protect the people of the State of Vermont from the risk of fire or electrocution from unsafe electrical installation, by the adoption and enforcement of nationally recognized safety codes and by the licensure, education and training, of people doing electrical installation work.

PAGE 4: Act 156 of 2016: Professional Regulation Report**Q11: Regarding stakeholder groups, please describe how this regulation affects those subject to regulation.**

The regulation details the requirements for licensure and the requirements to maintain the license. Additionally, the regulation provides information on the consequences of not following the regulation and due process regarding suspension or revocation. The rules provide changes and amendments to the national electrical code which the licensed trade must adhere to when performing their duties in the field.

Q12: Regarding stakeholder groups, please describe how this regulation affects State entities.

All State agencies who hire electricians are required to hire Vermont licensed electricians.

Q13: Regarding stakeholder groups, please describe how this regulation affects consumers or clients of this occupation's services.

The regulation establishes and prescribes the minimal acceptable installation requirements for electrical wiring. Licensing ensures the consumers and clients receive a level of professional service resulting in safe electrical systems. The regulation in part reduces the likelihood an unlicensed individual will engage in electrical wiring in buildings under the jurisdiction of the State. Clients can be assured when they hire a licensed electrician the trade person has the education, training and practical skills necessary to safely complete the work.

Q14: Regarding stakeholder groups, please describe how this regulation affects employers.

The regulation establishes the minimum qualifications necessary for a trade person to become licensed in the field. Employers can be assured a licensed electrician has the credentials to properly install, service and maintain electrical systems. The division maintains records on all licensed electricians.

Q15: Regarding stakeholder groups, please describe how this regulation affects the public.

The regulation establishes the minimum professional standards by which all trades people may be compared. This regulation ensures competency and professionalism within the trade by holding licensees to a standard. The public is impacted because when they hire a licensed electrician they can be assured the individual is qualified and has met a comprehensive standard of competency.

Q16: Regarding stakeholder groups, please describe how this regulation affects any other applicable group.

This regulation impacts the entire construction industry because the trade group plays a vital role in all aspects of building construction. Installation of equipment such as; solar panels, explosive gas metering equipment, fire alarm systems, lighting, outlets, electrical meters and many other components. Wiring must be inspected prior to concealment thus, electricians must complete rough electrical wiring and receive an inspection prior insulating and sheet rocking. This puts pressure on the electricians to meet tight time lines.

Q17: Please describe the governance structure for the regulation of this occupation, including but not limited to: the use of a board; a commission; an agency or division head; a panel; or a hearing officer.

The regulation is governed by the Vermont Electrician's Licensing Board. Rules are promulgated by the Board and the Department of Public Safety. The Chief Electrical Inspector for the Division of Fire Safety is the Chair of the Board.

Q18: Who sets application requirements and practice standards?

Vermont Electrician's Licensing Board sets application requirements while both the board and public safety promulgate rules to set practice standards.

Q19: Who makes decisions on applicants, enforcement, and discipline?

Vermont Electrician's Licensing Board renders decisions over applicants and discipline and the Commissioner of Public Safety makes decisions on enforcement of the National Electrical Code. Public safety may assist in the investigation.

Q20: Are any decision makers active participants in this regulated occupation? If so, please describe if the decision maker has taken a hiatus from the profession, and if so, whether the decision maker plans to return to the profession.

The Vermont Electrician's Licensing Board is comprised of 5 members: the Commissioner of Public Safety or designee; a representative from the Fire Insurance Industry; a master electrician; a journeyman electrician; a representative from the public power utilities. It is not required for members of the Board to take a hiatus from the profession, however there may be times where recusal is necessary during the decision making process.

PAGE 5: Act 156 of 2016: Professional Regulation Report**Q21: What are the regulated qualifications for this occupation? Check all that apply.**

Education Requirements, Examination,
Experience Requirements (exclusive from education)

Q22: How are applications received?

An Electrical application must be received at the Division of Fire Safety's Central Office (1311 US Route 302 – Suite 600 Barre, VT 05641). The application must be original, completed electronically or in ink and have the original applicants signature on the application.

Q23: How are applications reviewed?

Once an application is received it is date stamped and reviewed to verify all required documents are included and complete. The Licensing Specialist then looks up the applicant in the Fire Safety Database to make sure they haven't previously applied and already hold a Vermont license. If the applicant is in compliance with the Vermont Departments governing Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. §795, Unemployment Compensation required by 21 V.S.A. § 1378 , and Fine or Penalty required by 4V.S.A. § 1110 and has all the required documents then the application for Vermont License can be accepted and processed. In addition, the applicant is required to show employment information, at least 3 references to qualifications, education information, documented hours of experience, and an affidavit if required based on the application type.

.....FROM RULES: 3.4 APPLICATION; EXAMINATIONS AND FEES(a) Each applicant for a license shall submit to the board, on forms furnished by it, a written application containing such relevant information as the board may require, accompanied by the required examination fee. The examination fee shall be established by the board but shall be no greater than the cost associated with administering the examination. The examination fee may be paid directly to a testing agency under contract to provide examinations for the board.[Note: The current examination fee is \$65 for the standard test, or \$100 for the computer based test, paid directly to the testing agency.](b) Examinations shall be conducted in writing and shall include a practical skills examination. The examination shall cover theoretical and practical aspects of electrical work, together with pertinent laws and rules. In addition, the master electrician's examination shall contain questions on all specialty fields designated for type-s journeyman electricians.(c) The board, in determining the qualifications of an applicant for a license, may in its discretion give recognition, in the case of an application for a master's license, to the applicant's experience as a licensed journeyman in another state, or in the case of an application for a journeyman's license, to an apprenticeship served in another state, or may otherwise give recognition to experience or prior qualifications.(d) The approval to an applicant for a license to take the required examination is valid for three years from the date of the approval by the board.(e) An applicant who fails the examination may, upon payment of the required fee to the testing agency, retake the examination. The board shall require that an applicant obtain a minimum of 8 hours of education on the National Electrical Code or National Fire Alarm Code before retaking the examination where the applicant has failed the examination on three attempts.(f) A person to whom a master electrician's license or a journeyman electrician's license has been previously issued by another state, whose standards are equivalent to those of this state, if under the laws or regulations of the state issuing the license a similar privilege is granted to electricians licensed under the laws of this state, shall be issued a reciprocal license without examination on payment of the required fee.[Note: Current reciprocal agreements include the States of New Hampshire, and Maine.](g) Electrical license fees are established by the Vermont Legislature. The current license fees are listed in Appendix I.

Q24: How are applications rejected?

If an applicant fails to include or complete any of the required documents then their information is added into the database and noted that the application was returned as incomplete and needs to include or correct what was missing. If the applicant submits all the required supporting documents but is not in compliance with the Vermont Departments governing Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. §795, Unemployment Compensation required by 21 V.S.A. § 1378 , and or Fine or Penalty required by 4V.S.A. § 1110 then the application is enerted and noted as returned and they must contact the appropriate Vermont Agency to rectify their outstanding obligation before they may reapply.A return letter is attached to explain everything that is missing or incomplete to best assist the applicant with an approved submission on their next mailing to the office.

Q25: How are application rejections appealed?

If an application is rejected it is clearly explained what is missing. If an applicant feels that their submission was complete and the rejection is not valid it is explained to them that they may resubmit the application for reconsideration to the board. They are invited to attend the next board meeting and sit before the board to discuss any questions the board members may have.

Q26: How are licenses/certifications/registrations issued?

Once an application is verified complete and satisfies all required documentation and passes the proper International Code Council State of Vermont Examination (if required based on application type) then the information is recorded and updated within the Departments database and a three year license is printed and mailed to the License holder;

.....2014 Vermont Electrical Safety Rules : 3.1 MASTER ELECTRICIAN(a) To be eligible for licensure as a master electrician, an applicant shall:(1) have been licensed as, and working as, a journeyman electrician under this chapter for at least two years; or(2) have had comparable experience and training, within or without this state, acceptable to the board; and(3) pass an examination to the satisfaction of the board.(b) Upon successful completion of the examination and payment of the required fee, the applicant shall receive a master electrician's license in the form of a wallet-size card. This license shall be carried by the master electrician at all times while performing his or her trade and shall be displayed upon request. Upon the request by the licensee and upon payment of the required fee, the board shall issue a license certificate suitable for framing.(c) A person licensed under this chapter as a master electrician is entitled to design, install, repair, maintain and replace electrical installations including work in the specialty fields designated in Section 3.3 of these rules, as his or her principal business or in the course of another business conducted by him or her, and may employ other persons licensed under this chapter or electrician's helpers to perform work in connection with electrical installations under his or her direction. In the case of an apprentice or helper, "under his or her direction" means either that the master is physically present on the work site and is immediately available to direct and supervise that apprentice or helper, or that a journeyman under the master's direction is immediately available to direct and supervise that apprentice or helper.3.2 JOURNEYMAN ELECTRICIAN(a) To be eligible for licensure as a journeyman electrician an applicant shall:(1) provide verification by the Vermont apprenticeship council of completion of an apprenticeship in electrical wiring which included both instruction and practice in work processes; or(2) have had equivalent training and acceptable to the board; and(3) pass an examination to the satisfaction of the board.(b) The board may approve an applicant who has completed the instruction portion of the apprenticeship program to take the examination prior to completion of the practice in work experience. Where an applicant has successfully completed the examination, but not the practice in work experience, a license shall not be issued until the practice in work experience portion of the apprenticeship program has been completed.(c) Upon successful completion of the examination and payment of the required fee, the applicant shall receive a journeyman electrician's license in the form of a wallet-size card. This license shall be carried by the journeyman at all times while performing his or her trade and shall be displayed upon request. Upon request by the licensee and payment of the required fee, the board shall issue a license certificate suitable for framing.5 | Page(d) A person licensed under this chapter as a journeyman electrician is entitled to perform electrical installations under the direction of a master electrician or a type-s journeyman in connection with that specialty field, and may supervise an apprentice electrician or an electrician's helper employed by a master electrician under the master electrician's direction. In the case of an apprentice or helper, "supervise" means that the journeyman is physically present on the work site and is immediately available to direct and supervise that apprentice or helper.3.3 TYPE-S JOURNEYMAN ELECTRICIAN(a) To be eligible for licensure as a Type-S Journeyman an applicant shall:(1) Complete an accredited training and experience program recognized by the board; or(2) Have had training and experience, within or without this state, acceptable to the Board; and(3) Pass an examination to the satisfaction of the board in one or more of the following fields:(A1) Automatic gas or oil heating, including geo-thermal;(B2) Outdoor advertising;(C3) Refrigeration or air conditioning;(D4) Appliance and motor repairs;(E5) Well pumps;(F6) Farm Equipment;(G7) Any miscellaneous specified area of specialized competence. This class includes:(G7)c Commercial fire alarm systems(G7)g Gas pump installation, including electrical work involving a canopy over gas pumps, and bulk plant work(G7)k Electrical lock installation including delayed egress and access control(G7)l Lightning rod installation(b) Upon successful completion of the examination and payment of the required fee for each field in which a license is to be issued, the applicant shall receive a license in the form of a wallet-size card which shall be carried at all times while performing his or her trade and shall be displayed upon request. Upon request of the licensee and upon payment of the required fee, the board shall issue a license certificate suitable for framing.(c) A person licensed under this Chapter as a Type-S Journeyman Electrician is entitled to design, install, repair, maintain and replace electrical installations as an employee or an independent contractor only in connection with the specialty field designated on the person's license, and may only install branch circuits from the existing electrical service. A Type-S Journeyman Electrician may employ other persons licensed under this chapter and may supervise an apprentice or an Electrician's helper. In the case of an apprentice or helper, "supervise" means that the Type-S journeyman is physically present on the work site and is immediately available to direct and supervise that apprentice or helper.(d) No person, other than a licensed master electrician, shall engage in the business of installing lightning rods, fire alarms or fire detection equipment or systems for another unless that person holds an appropriate type-s journeyman electricians' license, issued by the Board under this section.

Q27: What is the average time to process license/certification/registration applications?

Every application is slightly different since some have affidavits needing review and approval by the governing board, others have completed the apprenticeship program with the Department of Labor and have a fairly quick turn around time. Complete submissions with no errors or omissions and also not requiring board review or examination can take as few as 20 minutes, while an application showing on the job experience only, no formal training, problems with the application being incomplete and verifying compliance with Vermont Departments governing Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. §795, Unemployment Compensation required by 21 V.S.A. § 1378 , and Fine or Penalty required by 4V.S.A. § 1110. Depart of Tax, and passing of examination if required, could take months, and a couple years in rare circumstances.

Q28: Once issued, what is the duration of the license, certification, or registration for this occupation?

An Electrical License when issued is valid for 3 years from the date of issue and expiring at the end of the month.

Q29: Please describe the license, certification, or registration, renewal process and requirements therein.

2014 Vermont Electrical Safety Rules (a) All licenses expire on the last day of a month designated by the board. A license shall be valid for three years. A notice of renewal and application for renewal is sent to each licensee prior to the expiration of the license. The signed application for renewal, the certification of continuing education and the appropriate fee must be returned prior to the date that the license expires. The board shall renew the license of a person holding a valid license issued under this chapter on receipt of an application for renewal, certification of continuing education, child support certification, tax certification and the required fee, on or before the expiration date of his license.(b) All journeyman and master electricians shall, as a condition of license renewal, complete 15 hours of instruction, approved by the board, on the national electrical code during the preceding 36-month period. All holders of a type-S journeyman license shall, as a condition of renewal, complete eight hours of instruction, approved by the board, on the subject of the license holder's specialty during the preceding 36 months. A person who is licensed in more than two fields of specialized competence shall not be required to complete more than a total of 15 hours of instruction. (c) If a license is allowed to lapse it may be renewed within one year of its expiration date by the payment of \$25.00 in addition to the renewal fee. A licensed electrician whose license has lapsed shall not accomplish any unsupervised electrical installation work covered by these rules until the license has been renewed. (d) If a license is not renewed within one year of its expiration date the inactive licensee shall make application for a new license and shall follow the appropriate licensing procedure. The Board may waive the requirement for reexamination where there is an undue hardship or other unusual circumstance.

PAGE 6: Act 156 of 2016: Professional Regulation Report**Q30: Please provide a citation to the standards of practice or codes of conduct for regulated persons in this occupation. These include any and all of the following:A) StatutesB) RulesC) PoliciesE) Other**

Title 26: Chapter 15: ELECTRICIANS AND ELECTRICAL INSTALLATIONS
2014 Vermont Electrical Safety Rules

Q31: Please describe the enforcement process for receiving and evaluating complaints.

2014 Vermont Electrical Safety Rules 9.1 INITIATING A COMPLAINT AGAINST A LICENSE(l) Form of complaint: filing. A person may register a complaint against an electrician licensed by the electricians' licensing board by filing a written complaint with the Department of Public Safety, Division of Fire Safety, 1311 U.S. Route 302, Suite 600 Barre, VT 05641-2351. The written complaint must set forth, at a minimum, the nature, date and place of the alleged violations. The board may also initiate a license review procedure on its own motion by filing a complaint with the department.(2) Verification: Upon receipt of a complaint, the department will verify the Vermont license number of the person against whom the complaint is lodged. If the person is unlicensed and the complaint alleges criminal conduct, the department will refer the complaint to the office of the attorney general. If the person is a licensee of the board, the department will docket the complaint and open an investigation file under the name and license number of the person.(3) Investigating Panel: An investigating panel consisting of an investigator designated by the department and assistant attorney general will be formed upon the docketing of a complaint. The Assistant Attorney General assigned to the case will head the panel and supervise the investigation of the complaint.

Q32: Please describe the enforcement process for performing investigations.

2014 Vermont Electrical Safety Rules 9.2 (1) Notice to the Assistant Attorney General and to the investigator: Upon docketing the complaint, the department will send a copy of all materials contained in the newly opened file, including a copy of the complaint, to the Assistant Attorney General and to the investigator.(2) Notice to the Licensee: The department will send written notice of the initiation of an investigation to the licensee against whom the complaint has been filed. The notice shall include a copy of the complaint and a copy of the statute and these rules. The notice will inform the licensee that inquiries or materials regarding the investigation should be addressed to the investigating panel at the address of the department.(3) Notice to the Board: The department will send written notice to the board indicating that an investigation has been instituted regarding a licensing complaint.(4) The inspector assigned to investigate the complaint shall inspect the work which is the subject of the complaint and interview the complainant. The inspector may also meet and interview the licensee at the direction of the Assistant Attorney General assigned to the matter.

Q33: Please describe the enforcement process for prosecutions.

2014 Vermont Electrical Safety Rules 9.3 (1) At the conclusion of the investigation the Assistant Attorney General assigned to the matter shall make a recommendation as to whether formal proceedings should commence against the licensee.(2) If formal disciplinary proceedings are recommended, the Assistant Attorney General shall submit a complaint describing the alleged violations, and the rules or statutes violated, with the recommendation.(3) If the licensee is willing to admit to the charges the Assistant Attorney General may develop a stipulated settlement for approval of the Board.(4) If no disciplinary action is recommended the case will be closed and the complainant and the licensee will be notified that no further action will be taken at this time. The matter may be reopened if new evidence is presented. § 909. Revocation, suspension and refusing of renewal of license the board, after notice to the licensee and opportunity for hearing, may revoke or suspend a license issued under this chapter, or refuse to renew the license of a person who has made application for renewal: (1) If the license was wrongfully or fraudulently obtained; (2) If the licensee has violated or failed to comply with any provision of this chapter, or any rule, regulation or requirement adopted under this chapter; (3) If the licensee is found by the board to be unqualified to hold the license.

Q34: Please describe the enforcement process for hearings.

2014 Vermont Electrical Safety Rules 9.4 FORMAL HEARING BY THE BOARD(1) Notice and Place of Hearing: Upon the filing of a notice of charges by the investigating panel, the board will commence the hearing process by serving the notice of charges and a notice of the hearing upon the licensee. Notice will be served personally or by certified mail, return receipt requested. Copies will be sent to the members of the investigating panel and the complainant. The hearing will be scheduled at least 20 days after service.(2) Failure to Appear: If the licensee fails to appear after proper notice has been given, the board shall hold the hearing and make a decision on the charges.(3) A quorum of the board shall be a majority of its members.(4) Conduct of Hearing; Receipt of Evidence; Argument: The board may admit any evidence it deems of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. All persons shall testify under oath or affirmation. The licensee or his/her attorney may examine or cross-examine witnesses, inspect documents, and explain or rebut any evidence presented to the board. The assistant attorney general, investigator, and licensee may present oral and written argument in addition to evidence, which also shall be made part of the record.Where a licensee is not represented by counsel the board shall advise the licensee and aid in the examining and cross examining of witnesses as effectively as possible compatible with the impartial discharge of its duties as a body of impartial review.(5) Authority of the Chair: The chair shall administer oaths to witnesses, rule on questions of evidence and upon the service of subpoenas and other notices, and do whatever is necessary and proper to conduct the hearing in a judicious, fair and expeditious manner.

Q35: Please describe the enforcement process for discipline.

9. LICENSING DISCIPLINARY PROCEDURE 9.1 INITIATING A COMPLAINT AGAINST A LICENSE(I) Form of complaint: filing. A person may register a complaint against an electrician licensed by the electricians' licensing board by filing a written complaint with the Department of Public Safety, Division of Fire Safety, 1311 U.S. Route 302, Suite 600 Barre, VT 05641-2351. The written complaint must set forth, at a minimum, the nature, date and place of the alleged violations. The board may also initiate a license review procedure on its own motion by filing a complaint with the department. (2) Verification: Upon receipt of a complaint, the department will verify the Vermont license number of the person against whom the complaint is lodged. If the person is unlicensed and the complaint alleges criminal conduct, the department will refer the complaint to the office of the attorney general. If the person is a licensee of the board, the department will docket the complaint and open an investigation file under the name and license number of the person. (3) Investigating Panel: An investigating panel consisting of an investigator designated by the department and assistant attorney general will be formed upon the docketing of a complaint. The Assistant Attorney General assigned to the case will head the panel and supervise the investigation of the

Attorney General assigned to the case will head the panel and supervise the investigation of the complaint.

9.2 INITIATING THE INVESTIGATION

(1) Notice to the Assistant Attorney General and to the investigator: Upon docketing the complaint, the department will send a copy of all materials contained in the newly opened file, including a copy of the complaint, to the Assistant Attorney General and to the investigator.

(2) Notice to the Licensee: The department will send written notice of the initiation of an investigation to the licensee against whom the complaint has been filed. The notice shall include a copy of the complaint and a copy of the statute and these rules. The notice will inform the licensee that inquiries or materials regarding the investigation should be addressed to the investigating panel at the address of the department.

(3) Notice to the Board: The department will send written notice to the board indicating that an investigation has been instituted regarding a licensing complaint.

(4) The inspector assigned to investigate the complaint shall inspect the work which is the subject of the complaint and interview the complainant. The inspector may also meet and interview the licensee at the direction of the Assistant Attorney General assigned to the matter.

9.3 RECOMMENDED ACTION

(1) At the conclusion of the investigation the Assistant Attorney General assigned to the matter shall make a recommendation as to whether formal proceedings should commence against the licensee.

(2) If formal disciplinary proceedings are recommended, the Assistant Attorney General shall submit a complaint describing the alleged violations, and the rules or statutes violated, with the recommendation.

(3) If the licensee is willing to admit to the charges the Assistant Attorney General may develop a stipulated settlement for approval of the Board.

(4) If no disciplinary action is recommended the case will be closed and the complainant and the licensee will be notified that no further action will be taken at this time. The matter may be reopened if new evidence is presented.

9.4 FORMAL HEARING BY THE BOARD

(1) Notice and Place of Hearing: Upon the filing of a notice of charges by the investigating panel, the board will commence the hearing process by serving the notice of charges and a notice of the hearing upon the licensee. Notice will be served personally or by certified mail, return receipt requested. Copies will be sent to the members of the investigating panel and the complainant. The hearing will be scheduled at least 20 days after service.

(2) Failure to Appear: If the licensee fails to appear after proper notice has been given, the board shall hold the hearing and make a decision on the charges.

(3) A quorum of the board shall be a majority of its members.

(4) Conduct of Hearing; Receipt of Evidence; Argument: The board may admit any evidence it deems of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. All persons shall testify under oath or affirmation. The licensee or his/her attorney may examine or cross-examine witnesses, inspect documents, and explain or rebut any evidence presented to the board. The assistant attorney general, investigator, and licensee may present oral and written argument in addition to evidence, which also shall be made part of the record. Where a licensee is not represented by counsel the board shall advise the licensee and aid in the examining and cross-examining of witnesses as effectively as possible compatible with the impartial discharge of its duties as a body of impartial review.

(5) Authority of the Chair: The chair shall administer oaths to witnesses, rule on questions of evidence and upon the service of subpoenas and other notices, and do whatever is necessary and proper to conduct the hearing in a judicious, fair and expeditious manner.

(6) Disqualification of a Board Member: A member of the board shall voluntarily disqualify him or herself and withdraw from any hearing in which the member cannot act in a fair and impartial manner, or where the member has an interest in the proceedings. Any party to a hearing may request disqualification of a board member by filing an affidavit stating with particularity the grounds for disqualification. If the board member does not disqualify him or herself in response to the motion, the chair of the board shall decide the issue of disqualification. A hearing shall be held if requested by the moving party or if deemed necessary by the chair. All materials pertinent to a matter of disqualification shall be made part of the record. If a board member is disqualified, thereby negating the quorum, the chair shall appoint a hearing officer to decide the matter in the same manner as if the board were presiding.

(7) Judgment of the Board: The board will issue a decision within a reasonable time following the conclusion of the hearing. The decision must be in writing and be signed by the members of the board. The decision shall set forth findings of fact, conclusions of fact and law, and the judgment. If a decision of the board is not unanimous, the decision of the majority will control. The minority may file a dissenting opinion. The Board promptly shall mail or deliver a copy of its decision to the licensee, the investigating panel and, if appropriate, to the complainant. An order attached to the judgment will go into effect after the end of the 30-day appeal period, if no appeal is filed.

(8) Appeal From a Decision of the Board: A licensee aggrieved by a judgment of the board may appeal that judgment to the Supreme Court. The board may grant, or the court may order, a stay of the board's order upon application of the licensee.

(9) Transcripts: A contested case hearing shall be recorded but not transcribed unless a transcript is requested by an interested person. Transcripts will be available for cost. The board will provide an estimate of transcription cost before filling an order for transcript.

Q36: Please describe the enforcement process for follow-up or monitoring of previously disciplined individuals.

There have been very few discipline enforcement issues with Electricians. Although infrequent, an electrician caught with an expired license would be required to take additional training and possible license retesting prior to re-licensing.

Q37: Please describe the average time to process complaints and disciplinary cases

The chief electrical inspector would gather information from the complainant and area electrical inspector to present initial findings to the Licensing Board. The Licensing Board meets bi-monthly on the first Tuesday of the month. Formal investigation would begin soon after the Board met and results would be presented at the next Board meeting.

Q38: Please describe any inspection process relevant to this occupation.

If the complaint pertains to a code interpretation an inspection is likely to occur with the licensed electrician. If the complaint alleges an unlicensed person is doing wiring an inspection will be conducted.

Q39: Regarding this occupation, please describe the annual average count of the following:

Complaints	1
Investigations	1
Prosecutions	1
Hearings	1
Cases Resulting in Disciplinary Action	1
Cases Resulting in Follow-up or Monitoring	1

Q40: Please describe any systems, such as information technology systems, that are used to enable licensing, certification, registration, renewal, enforcement and inspection.

The Division of Fire Safety uses the PARAGON® custom fire safety management system (“Fire Data System”) application from Relational Semantics, Inc. The Fire System application is custom built and has been deployed for over 40 years with upgrades. The fire data system is used to manage the daily operational business needs of the division to include but not limited to;

- Management of individual licensure, certification, registration of all professional occupations under the authority of Public Safety. This includes all board decisions and relevant information pertaining to the occupation.
- Management of the division’s code enforcement and inspection programs including the integration of professional regulation into the code enforcement and site specific building information.
- A complete financial record of all monetary transactions from any entity for any time frame.
- Maintain a historic account of all building activity for approximately 40 years.
- Provides a real time mobile application for users for the purpose of validating permits, licensee status, certification status and registration status in the field in real time.
- Provides tracking information for initial licensing, license renewals, license status, personal and confidential client information, contact information, suspension information and a complete historic account of individual license events.
- Provides a complete and detailed account of all permits and work projects in 90,000 plus structures throughout the State including a history of all licensee work in the buildings enabling inspectors to accurately assess findings.

The Fire System application runs on top of a MySQL server and has functioned in its current format without operational failure since its deployment over a decade ago. Recently old hardware was decommissioned and a new virtualized server was established. Data was migrated to allow for better control and asset management. The virtualized environment is hosted on hardware housed at the Department of Public Safety headquarters in Waterbury with redundancy backups scheduled on a daily basis. This redundancy backup allows the Division of Fire Safety the advantage of decommissioning an old manual backup procedure that was in place prior to migrating to the virtualized environment, building a stronger, more reliable means of redundant security. Through the use of several Department of Public Safety sanctioned means of communication, the fire system can be remotely accessed by division staff and approved municipalities through a DPS managed Citrix server and web portal. This allows local governments holding a Life Safety bond agreement with the State to make entries into the application database recognizing Public Safety has an FBI secured platform. Division staff access the fire safety system using the network domain connection in their assigned office or by using a State issued RSA SecurID token. The token provides an encrypted, secure connectivity to the DPS network and can be used with State issued smartphones, employee home networks or public and business class Wi-Fi access points when available without compromising the highest level of security access.

Regarding the PARAGON® Fire Safety Management System application, all critical division data is held and managed within this database for the State. Licensing and individual entity management combined with historical building code enforcement and permitting data allows our inspectors to effectively span all disciplines in real time. For example; a fire marshal arrives at a construction site to conduct an inspection and notices someone doing gas piping in the building. The fire marshal can obtain the name of the contractor and enter his name on our data base and instantly know his license status. Licensees who renew their licenses, certification or registration can do this instantly without delay and the licensee status can be instantly viewed by the field inspectors.

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Q41: Please provide the number of full-time staff related to the regulation of this occupation, including job titles and duties.

The division has one full time Administrative Assistant B position responsible for electrical licensing. Basic duties include sending out renewal notices, entering licenses on the data base, completing financial bank deposits, reviews continuing education classes, prepares board meeting minutes, files license applications and other related paperwork, answers many phone calls regarding licensing, reviews applications for accuracy, sends out mass mailings, participates in board meetings and completes other tasks when requested. The Chief Electrical Inspector is the Chair of the Electrical Licensing Safety Board. The Chief is a liason between the Board and the division and he is responsible for communicating regulatory issues to the board and is responsible for promulgating rules for the Board for the adoption of the national electrical code which is adopted on a three year cycle. The Board is responsible for approving applicants for testing, conducting investigations of alleged violations, investigates complaints on license holders, issuing licenses, revokes, suspends or denies renewal of licenses. The Deputy Director supervises the licensing specialist and provides input and assistance in support of the program.

Q42: Please provide the number of part-time staff related to the regulation of this occupation, including job titles and duties.

We do not employ part time staff for licensing.

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Q43: Please provide the following information:

Average Annual Expenses	1
Average Annual Revenues	Licenses are renewed every 3 years thus the revenue varies year to year but average annual revenue from licensing is approximately \$202,000.00
Average Annual Fees Charged	Please see answer to question 45

Q44: Please describe any recent or unexpected budget variations which may skew answers in the above question.

The figures above may change year to year based on economic activity.

Q45: Please describe the fee structure associated with the regulation of this profession. This includes the following:A) The fee amount charged;B) How fee amounts are determined and set;C) The authority to establish those fees; andD) How revenues from fees are used, indicating the specific uses if those revenues are used for purposes other than regulating the profession.

Licensing fees are set by Statute 26 V.S.A. Chapter 15, section 905 Electrical Journeyman: \$115.00 (renew every 3 years)Electrical Specialty: \$115.00 (renew every 3 years) Electrical Master: \$150.00 (renew every 3 years). Fees generated by this profession are used to off set expenses across all division of fire safety programs to meet our budget.

Q46: Please describe any General Fund or Special Fund deposits

Licensing fees are collected and deposited into special fund 21901. We do not receive general fund revenue for this occupation.

Q47: Please describe any appropriations from the General Fund

n/a

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Q48: Please describe the qualifications of any supervisor responsible for the oversight of the agency's department's professional regulatory entity and whether that supervisor has the ability to veto or modify any decision by that professional regulatory entity.

The laws regarding electrical licensing and electrical installations are found in 26 V.S.A. Chapter 15. The The Vermont Electrical Safety Rules are adopted by the Electricians' Licensing Board and the Commissioner of Public Safety. The Commissionr has authority over the enforcement of electrical installations while the Board has authority over Electrical Licensing. The Commissioner of Public Safety or Designated Representative may:(a) Refuse to validate a work notice if the license holder has other on-going electrical work for which a work notice has not been filed, or if the Department is owed fees or penalties.

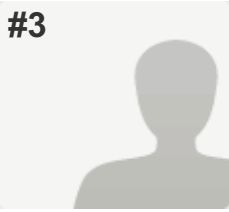
Q49: Please provide any additional information you feel is relevant for the purpose of this report.

The 2014 Vermont Electrical Safety Rules provide an excellent overview of the programs authority and processes.

Q50: Thank You for completing this survey.

End

#3

**COMPLETE**

Collector: Web Link 23 (Web Link)
Started: Tuesday, November 01, 2016 9:39:26 AM
Last Modified: Tuesday, November 01, 2016 9:56:19 AM
Time Spent: 00:16:52
IP Address: 159.105.2.116

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Q1: In the following survey, you will be asked to answer a series of questions regarding the regulatory practices of your given state agency/department. It is recommended that you prepare answers to the following questions prior to starting this survey. NOTE: only one device may be used for the survey, per profession. Therefore, while the survey may be discontinued and then resumed at a later date, all answers for a given profession must be entered through the same computer. As a result, it is recommended that for each profession, a single individual be elected to compile and enter information. Choose from the following options:

Begin Survey

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Q2: Please select an occupation from the following list.

Plumbers (Department of Public Safety)

Q3: What is the name of the agency, department and/or division responsible for the regulation of this occupation?

Department of Public Safety – Division of Fire Safety

Q4: Regulation Type. Please check all that apply for this occupation.

Licensing

Q5: What is the number of regulated persons in this occupation?

2135 Licensed Plumbers

Q6: Is there statutory authority as a legal basis for regulation of this occupation?

Yes

Q7: If "yes" to the above, please provide a citation to said statute.

Title 26 V.S.A , Chapter 39-Plumbers and Plumbing

Q8: Please provide a citation to any administrative rules associated with the regulation of this occupation.

2015 Vermont Plumbing Rules

Q9: Please provide any and all agency or department policies for the regulation of this occupation.

See attached plumbing rules: http://firesafety.vermont.gov/sites/firesafety/files/files/rules/dfs_rules_plumbing_current.pdf

Q10: Please describe the purpose of regulating this occupation.

The purpose of these rules is to protect and improve the general health and welfare of the people of the State of Vermont in the fields of environmental sanitation, water treatment, domestic supply and hydronical related hot water heating, by authorizing and enforcing rules and regulations for properly designed, acceptably installed and adequately maintained plumbing, water treatment and hydronical related water heating systems and by licensing qualified plumbers and qualified heating and water treatment specialists.

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Q11: Regarding stakeholder groups, please describe how this regulation affects those subject to regulation.

The regulation specifies the requirements for licensure and the process for maintaining the license. The regulation includes the adoption of practice standards for which the occupation shall follow to ensure a safe plumbing installation.

Q12: Regarding stakeholder groups, please describe how this regulation affects State entities.

State buildings are required to maintained in compliance with the plumbing code. New plumbing work requires a licensed plumber thus there is an impact to State agencies. The Department of Health requires a final plumbing inspection prior to the issuance of a health license to businesses serving food.

Q13: Regarding stakeholder groups, please describe how this regulation affects consumers or clients of this occupation's services.

The regulation is in place to ensure plumbing systems are installed, inspected and maintained in accordance with nationally recognized safety standards. The regulation provides minimum qualifications and a road map on how a tradesperson can obtain and maintain a license. The regulation adopts the International Plumbing Code which is used across the country. This standard prescribes minimum acceptable code requirements for plumbing work and provides details on how plumbing systems must be completed.

Q14: Regarding stakeholder groups, please describe how this regulation affects employers.

The regulation establishes the minimum qualifications necessary for a trade person to become licensed in the field. Employers can be assured a licensed plumber has the necessary credentials to properly install, service and inspect plumbing systems. The division maintains records on all licensed plumbers.

Q15: Regarding stakeholder groups, please describe how this regulation affects the public.

The regulation establishes the minimum professional standards by which all trades people may be compared. This regulation ensures competency and professionalism within the trade and provides confidence to the general public the plumbing system is designed and operates safely by having qualified licensed plumbersdoing the work. There are many buildings the general public enter to either work, visit, or sleep in. There are many different uses of buildings and many different construction types (wood frame, steel, wood and steel, protected steel and concrete). There are many different uses presenting many different hazards and risk. Depending on the construction type, size of the building and the use, plumbing systems play a critical role in providing sanitary and potable water to: night clubs, dance halls, nursing homes, hotels, lodging facilities, apartment buildings, day care centers, schools, residential homes and many others. The regulation prohibits unlicensed people from doing plumbing work.

Q16: Regarding stakeholder groups, please describe how this regulation affects any other applicable group.

The plumbing occupation impacts home builders, architects, designers, developers, insurance companies, the fire service, water departments, local municipalities and many others. In the construction industry plumbing is the primary trade group need to start a project. Plumbing and drainage systems have to be roughed in prior to concrete being poured. Effective planning and communication between all trades is essential.

Q17: Please describe the governance structure for the regulation of this occupation, including but not limited to: the use of a board; a commission; an agency or division head; a panel; or a hearing officer.

The Plumbers' Examining Board governs all matters regarding licensing and the Department of Public Safety, Division of Fire Safety governs code enforcement. The Chief Plumbing inspector for the Division of Fire Safety is the Chair of the Board.

Q18: Who sets application requirements and practice standards?

The Plumbers' Examining Board sets application requirements and practice standards.

Q19: Who makes decisions on applicants, enforcement, and discipline?

The Plumbers' Examining Board makes decisions on applicants and discipline while Public Safety makes decisions primarily on code related matters. Public Safety and the board work closely on discipline related issues. Both the Board and Public Safety work collaboratively in rule making and conducting investigations.

Q20: Are any decision makers active participants in this regulated occupation? If so, please describe if the decision maker has taken a hiatus from the profession, and if so, whether the decision maker plans to return to the profession.

The Plumbers' Examining Board is comprised of 5 members: the Commissioner of Public Safety or designee; the Commissioner of Health or designee; a master plumber; a journeyman plumber; a public member not associated with the plumbing or heating trades. It is not required for members of the Board to take a hiatus from the profession, however there may be times where recusal is necessary during the decision making process.

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Q21: What are the regulated qualifications for this occupation? Check all that apply.

Education Requirements, Examination,
Experience Requirements (exclusive from education)

Q22: How are applications received?

A Plumbing application must be received at the Division of Fire Safety's Central Office (1311 US Route 302 – Suite 600 Barre, VT 05641). The application must be original, completed electronically or in ink and have the original applicants signature on the application

Q23: How are applications reviewed?

Once an application is received it is date stamped and reviewed to verify all required documents are included and complete. The Licensing Specialist then looks up the applicant in the Fire Safety Database to make sure they haven't previously applied and already hold a Vermont license. If the applicant is in compliance with the Vermont Departments governing Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. §795, Unemployment Compensation required by 21 V.S.A. § 1378 , and Fine or Penalty required by 4V.S.A. § 1110 and has all the required documents then the application for Vermont License can be accepted and processed. In addition the applicant is required to show employment information, at least 3 references to qualifications, education information, documented hours of experience, and an affidavit if required based on the application type.

.....FROM RULES: 8.0 License Examinations (A)Master Plumbers; Any person who completes an application for a master plumber's license, presents documentation of having held a valid journeyman plumber's license under this chapter for a least 12 months, or documents equivalent training and experience in or outside of this state acceptable to the board, and pays an examination fee in an amount determined by the board based on the costs associated with administering the examination, shall be entitled to an examination.Upon successful completion of the examination and payment of a licensing fee, the applicant shall receive a master plumber's license in the form of a wallet-sized card. The license shall be carried by the master plumber at all times while performing the licensee's trade and shall be displayed upon request. Upon request of a license holder, a license certificate, suitable for framing, shall be available for a fee. (B) Journeyman Plumbers; Any person who completes an application for a journeyman plumber's license and documents apprenticeship in plumbing which includes both instruction and practice in work processes as verified by the Vermont

apprenticeship council, or equivalent training and experience in or out of this state acceptable to the board, and pays an examination fee to be determined by the board based on the costs associated with administering the examination, shall be entitled to examination. Upon successful completion of the examination and payment of a licensing fee, the applicant shall receive a journeyman plumber's license in the form of a wallet-sized card. The license shall be carried by the journeyman at all times while performing the licensee's trade and shall be displayed upon request. Upon request of a license holder, a license certificate, suitable for framing, shall be available for a fee. (C) Limited Licensure; Specialists; Any person who completes an application for a specialist's license and documents apprenticeship in plumbing which includes both instruction and practice in work processes as verified by the Vermont apprenticeship council, or successful completion of instruction, training and experience in or out of the state acceptable to the board and pays an examination fee to be determined by the board based on the costs associated with administering the examination, shall be entitled to an examination. Upon successful completion of the examination and payment of a license fee, the applicant shall receive a specialist license in the form of a wallet-sized card. The license shall be carried by the licensee at all times while performing the licensee's specialty and shall be displayed upon request. Upon request by the license holder, a specialist license suitable for framing shall be available for a fee. A specialist license shall indicate each specialty for which the licensee has been approved. A specialist license does not take the place of any other license required by law. (1) Water Heater Specialist: Installation, replacement and repair of any residential, industrial or commercial domestic hot water supply tanks. (2) Heating System Specialist: Installation, replacement and repair of residential, industrial, or commercial hydronic space heating systems, including radiant, solar and other types of hydronic system design. Any work on steam systems shall be limited to steam systems with operating pressure not to exceed 15 PSI. (3) Water Treatment Specialist: Installation, replacement and repair of residential, industrial or commercial potable water treatment and filtration equipment. A person duly licensed as a specialist under this section may perform specialty limited use work, either as an employee or as an independent contractor only in connection with the specialty field designated on the person's license. A specialist may perform a supply connection to an existing water supply for test and related system operation, but at no time shall any specialist perform any plumbing or heating work that is not specified or permitted under the specialist's license. The intent of these rules as they apply to the installation of fixtures and plumbing related to specialist licenses is to ensure the safety of the potable water supply. It is not the intent of these rules to regulate the operation, efficiency or consumer satisfaction of water heaters, hydronic heating systems, or water treatment equipment. The Vermont Fire and Building Safety Code and the Vermont Electrical Safety Rules regulate the safe operation of water heaters, hydronic heating systems, water treatment equipment and the related fuel or power source. (D) Process for Examinations (1) Each applicant for a license shall present to the executive office of the board on blanks furnished by the board, a written application for examination and license containing such information as the board may require, accompanied by the fee required. Examinations shall be in whole or in part in writing and shall include the theoretical and practical nature of plumbing or specialties, or both, and knowledge of state laws and department of health and environmental conservation regulations and such other regulations as the board may determine necessary to satisfactorily determine the qualifications of the applicant. Examinations shall be relevant to the instructional material taught in classes, the codes used and new developments and procedures within the trade. (2) In order to carry out its responsibilities under this section the board may contract with a national testing organization to develop and administer a written plumbing exam. Any test fees charged by the testing organization are separate from the examination fee charged by the board and shall be paid directly to the testing organization. (3) Any individual who fails to achieve a passing grade on a plumbing licensing examination, after having taken the examination three times, shall appear before the board for the purpose of the board recommending further education, training and/or tutoring, prior to the applicant taking the test a fourth time. (4) See License procedure in Appendix F. License testing is facilitated by a third party vendor. (E) Examination not Required Appropriate licenses without examination may be issued to the following applicants upon payment of the required fee: Reciprocal licenses - To a person to whom a master plumber's license, a journeyman plumber's license, or a specialist plumber's license has been previously issued by another state or municipality therein, provided that state or municipality therein maintains a standard of requirements equivalent to those of this state and who presents satisfactory proof to the board that he or she is a bona fide master, journeyman, or specialist plumber. An applicant under this subsection shall be exempt from examination only if he or she holds a license from a foreign state or municipality and if under the laws or regulations of the foreign state or municipality issuing the license a like exemption is granted to plumbers duly licensed under the laws of this state.

Q24: How are applications rejected?

If an applicant fails to include or complete any of the required documents then their information is added into the database and noted that the application was returned as incomplete and needs to include or correct what was missing. If the applicant submits all the required supporting documents but is not in compliance with the Vermont Departments governing Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. § 795, Unemployment Compensation required by 21 V.S.A. § 1378, and or Fine or Penalty required by 4V.S.A. § 1110 then the application is entered and noted as returned and they must contact the appropriate Vermont Agency to rectify their outstanding obligation before they may reapply. A return letter is attached to explain everything that is missing or incomplete to best assist the applicant with an approved submission on their next mailing to the office.

Q25: How are application rejections appealed?

If an application is rejected it is clearly explained what is missing. If an applicant feels that their submission was complete and the rejection is not valid it is explained to them that they may resubmit the application for reconsideration to the board. They are invited to attend the next board meeting and sit before the board to discuss any questions the board members may have.

Q26: How are licenses/certifications/registrations issued?

Once an application is verified complete and satisfies all required documentation and passes proper Exam International Code Council State of Vermont Examination then the information is recorded and updated within the Departments database and a two year license is printed and mailed to the License holder; Please refer to question 23 for the excerpt to the 2015 Vermont Plumbing rules as applicable.

Q27: What is the average time to process license/certification/registration applications?

Every application is slightly different since some have affidavits that need to be reviewed and approved by the governing board, others have completed the apprenticeship with Department of Labor and have a fairly quick turn around time. Complete submissions with no errors or omissions and also not requiring board review or examination can take as few as 20 minutes, while an application showing on the job experience only, no formal training, problems with the application being incomplete and verifying compliance with Vermont Departments governing Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. §795, Unemployment Compensation required by 21 V.S.A. § 1378 , and Fine or Penalty required by 4V.S.A. § 1110. Depart of Tax, and passing of examination if required, could take months, if not years of following up on to complete one application.

Q28: Once issued, what is the duration of the license, certification, or registration for this occupation?

A Plumbers License when issued is valid for 2 years from the date of issue and expiring at the end of the month.

Q29: Please describe the license, certification, or registration, renewal process and requirements therein.

(B) 2015 Vermont Plumbing Rules Section 9: RENEWAL OF LICENSE (A) A license shall be valid for two years. A notice of renewal and application for renewal of license shall be provided to each licensee prior to the expiration of the license. The application for renewal of license and the appropriate fee must be received by the department prior to the date the license expires. It is the responsibility of the licensee to contact the licensing office for a renewal application in advance of expiration date if no renewal form is received prior to expiration date. (B) If a license has lapsed it may be renewed within 90 days of its expiration date along with a \$15.00 reinstatement fee in addition to the renewal fee. (C) If a license is not renewed within 90 days of expiration date the inactive licensee shall make application for reinstatement and shall appear before the board to request reinstatement. (D) Applicants for license renewal shall provide to the Board evidence of completion of 8 hours of continuing education or training, approved by the Board, within the previous 24 month period, at least 2 hours of which must include code review. A course or training program is valid for only one license renewal. A copy of the certificate is acceptable evidence of meeting the requirements for continuing education. (E) Approval of continuing education or training; (1) Sponsors of training courses shall submit for approval the following information :a) Sponsoring organization or individuals; b) Course content; c) Number of hours of eligible training; 9 d) Instructors should be certified as a master plumber, engineer, plumbing inspector, vocational teacher with related experience, or otherwise acceptable by the Board; e) Date and place of instruction; f)Instructional materials to be used by attendees. (2) Subject matter shall deal with the adopted current plumbing codes, license renewal protocol or related information. This may include general or specific review of the code, code changes from preceding versions, common violations of the code, or other related areas that relate to the specialty plumbing installation. (3) Tests at training programs are optional. (4) Upon completion of a course, certificates shall be issued to attendees and shall include: a) Sponsor's name b) Course title c) Date, placed) Hours completed e) Instructor's Signature f) Attendees' full name, license number. (F) Representatives of the Licensing Board and the Department of Public Safety reserve the right to monitor all courses.

Q30: Please provide a citation to the standards of practice or codes of conduct for regulated persons in this occupation. These include any and all of the following: A) Statutes B) Rules C) Policies E) Other

Title 26 V.S.A. Section 2172 shall be applicable for these rules.
2015 Vermont Plumbing Rules

Q31: Please describe the enforcement process for receiving and evaluating complaints.

A person may file a complaint with the board by doing so in writing, setting forth a full statement of the facts concerning the alleged infraction of the plumber's licensing statute or rules. In the event a complaint is filed with the Board, the Board's investigation shall not be limited to the matter set forth in the request for investigation but may extend to any act coming to the attention of the board which appears to violate the statute or these rules. From the Rules: Section 12: COMPLAINTS(A) A person may file a complaint with the board by doing so in writing, setting forth a full statement of the facts concerning the alleged infraction of the plumber's licensing statute or rules. In the event a complaint is filed with the Board, the Board's investigation shall not be limited to the matter set forth in the request for investigation but may extend to any act coming to the attention of the board which appears to violate the statute or these rules.

Q32: Please describe the enforcement process for performing investigations.

An investigating panel consisting of an investigator designed by the department and an assistant attorney general will be formed upon the docketing of a complaint. The assistant attorney general assigned to the case will head the panel and supervise the investigation of the complaint. The inspector assigned to investigate the complaint shall inspect the work which is the subject of the complaint and interview the complainant. The inspector may also meet and interview the licensee at the direction of the assistant attorney general assigned to the matter.

Q33: Please describe the enforcement process for prosecutions.

(B) If formal disciplinary proceedings are recommended, the assistant attorney general shall submit a complaint describing the alleged violations, and the rules or statutes violated, with the recommendation. Current rules are not clear on process of prosecution. From the rules: Section 13: DISCIPLINARY PROCEEDINGS.
(A) In accordance with 26 V.S.A. Section 2181, the board may revoke or suspend a license, or refuse to renew a license. This shall not preclude the board from taking lesser steps, including, but not limited to formal reprimand, or required further education and training. The board may act for any of the following reasons: (1) Fraud or deceit in obtaining a license. (2) Gross negligence, incompetency, misrepresentation or misconduct by a licensee. (3) Violation by a licensee of the rules of the Department of Health, the Department of Public Safety or board. (4) Failure to comply with a written notice issued under sections 2173, 2174 or 2175 of this title. (B) The board may take these actions only after notice and provision to the licensee of an opportunity to appear before the board for a hearing, in accordance with 3 V.S.A. Chapter 25, the Vermont Administrative Procedure Act, and these rules issued thereunder. (C) The board and department will proceed with initiating a complaint against a licensee, investigation of the complaint, action and hearings as described in Appendix C.

Q34: Please describe the enforcement process for hearings.

(1) Notice and Place of Hearing. Upon the filing of a notice of charges by the investigating panel, the board will commence the hearing process by serving the notice of charges and a notice of the hearing upon the licensee. Notice will be served personally or by certified mail, return receipt requested. Copies will be sent to the members of the investigating panel and the complainant. The hearing will be scheduled at least 20 days after service. (2) Failure to Appear. If the licensee fails to appear after proper notice has been given, the board shall hold the hearing and make a decision on the charges. (3) A quorum of the board shall be a majority of its members. (4) Conduct of Hearing; Receipt of Evidence; Argument. The board may admit any evidence it deems of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. All persons shall testify under oath or affirmation. The licensee or his attorney may examine or cross examine witnesses, inspect documents, and explain or rebut any evidence presented to the board.

Q35: Please describe the enforcement process for discipline.

The inspector assigned to investigate the complaint shall inspect the work which is the subject of the complaint and interview the complainant. The inspector may also meet and interview the licensee at the direction of the assistant attorney general assigned to the matter.

From the Rules: Section 13: DISCIPLINARY PROCEEDINGS.(A) in accordance with 26 V.S.A. Section 2181, the board may revoke or suspend a license, or refuse to renew a license. This shall not preclude the board from taking lesser steps, including, but not limited to formal reprimand, or required further education and training. The board may act for any of the following reasons: (1) Fraud or deceit in obtaining a license. (2) Gross negligence, incompetency, misrepresentation or misconduct by a licensee. (3) Violation by a licensee of the rules of the Department of Health, the Department of Public Safety or board. (4) Failure to comply with a written notice issued under sections 2173, 2174 or 2175 of this title. (B) The board may take these actions only after notice and provision to the licensee of an opportunity to appear before the board for a hearing, in accordance with 3 V.S.A. Chapter 25, the Vermont Administrative Procedure Act, and these rules issued thereunder. (C) The board and department will proceed with initiating a complaint against a licensee, investigation of the complaint, action and hearings as described in Appendix C.

Q36: Please describe the enforcement process for follow-up or monitoring of previously disciplined individuals.

Judgment of the Board. The board will issue a decision within a reasonable time following the conclusion of the hearing. The decision must be in writing and be signed by the members of the board. The decision shall set forth findings of fact, conclusions of fact and law, and the judgment. If a decision of the board is not unanimous, the decision of the majority will control. The minority may file a dissenting opinion. The Board promptly shall mail or deliver a copy of its decision to the licensee, the investigating panel and, if appropriate, to the complainant. An order attached to the judgment will go into effect after the end of the 30 day appeal period, if no appeal is filed.

Q37: Please describe the average time to process complaints and disciplinary cases

The chief plumbing inspector would gather information from the complainant and present initial findings to the Licensing Board. The Licensing Board meets bi-monthly on the second Tuesday of the month. Formal investigation would begin soon after the Board met and results would be presented at the next Board meeting.

Q38: Please describe any inspection process relevant to this occupation.

The chief plumbing inspector with assistance from the area plumbing inspector would conduct an on-site inspection to validate allegations. A report of findings would be written up for the Board to review as part of the evidence process.

Q39: Regarding this occupation, please describe the annual average count of the following:

Complaints	25
Investigations	1
Prosecutions	1
Hearings	1
Cases Resulting in Disciplinary Action	1
Cases Resulting in Follow-up or Monitoring	1

Q40: Please describe any systems, such as information technology systems, that are used to enable licensing, certification, registration, renewal, enforcement and inspection.

The Division of Fire Safety uses the PARAGON® custom fire safety management system (“Fire Data System”) application from Relational Semantics, Inc. The Fire System application is custom built and has been deployed for over 40 years with upgrades. The fire data system is used to manage the daily operational business needs of the division to include but not limited to;

- Management of individual licensure, certification, registration of all professional occupations under the authority of Public Safety. This includes all board decisions and relevant information pertaining to the occupation.
- Management of the division’s code enforcement and inspection programs including the integration of professional regulation into the code enforcement and site specific building information.
- A complete financial record of all monetary transactions from any entity for any time frame.
- Maintain a historic account of all building activity for approximately 40 years.
- Provides a real time mobile application for users for the purpose of validating permits, licensee status, certification status and registration status in the field in real time.
- Provides tracking information for initial licensing, license renewals, license status, personal and confidential client information, contact information, suspension information and a complete historic account of individual license events.
- Provides a complete and detailed account of all permits and work projects in 90,000 plus structures throughout the State including a history of all licensee work in the buildings enabling inspectors to accurately assess findings.

The Fire System application runs on top of a MySQL server and has functioned in its current format without operational failure since its deployment over a decade ago. Recently old hardware was decommissioned and a new virtualized server was established. Data was migrated to allow for better control and asset management. The virtualized environment is hosted on hardware housed at the Department of Public Safety headquarters in Waterbury with redundancy backups scheduled on a daily basis. This redundancy backup allows the Division of Fire Safety the advantage of decommissioning an old manual backup procedure that was in place prior to migrating to the virtualized environment, building a stronger, more reliable means of redundant security. Through the use of several Department of Public Safety sanctioned means of communication, the fire system can be remotely accessed by division staff and approved municipalities through a DPS managed Citrix server and web portal. This allows local governments holding a Life Safety bond agreement with the State to make entries into the application database recognizing Public Safety has an FBI secured platform. Division staff access the fire safety system using the network domain connection in their assigned office or by using a State issued RSA SecurID token. The token provides an encrypted, secure connectivity to the DPS network and can be used with State issued smartphones, employee home networks or public and business class Wi-Fi access points when available without compromising the highest level of security access.

Regarding the PARAGON® Fire Safety Management System application, all critical division data is held and managed within this database for the State. Licensing and individual entity management combined with historical building code enforcement and permitting data allows our inspectors to effectively span all disciplines in real time. For example; a fire marshal arrives at a construction site to conduct an inspection and notices someone doing gas piping in the building. The fire marshal can obtain the name of the contractor and enter his name on our data base and instantly know his license status. Licensees who renew their licenses, certification or registration can do this instantly without delay and the licensee status can be instantly viewed by the field inspectors.

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Q41: Please provide the number of full-time staff related to the regulation of this occupation, including job titles and duties.

The division has one full time Administrative Assistant B position responsible for plumbing licensing. Basic duties include sending out renewal notices, entering licenses on the data base, completing financial bank deposits, reviews continuing education classes, prepares board meeting minutes, files license applications and other related paperwork, answers many phone calls regarding licensing, reviews applications for accuracy, sends out mass mailings, participates in board meetings and completes other tasks when requested. The Chief Plumbing Inspector is the Chair of the Plumbing Licensing Board. The Chief is a liason between the Board and the division and he is responsible for communicating regulatory issues to the board and is responsible for promulgating rules for the Board for the adoption of the International Plumbing Code which is adopted on a three year cycle. The Board is responsible for approving licensing applications for testing, conducting investigations of alleged violations, investigates complaints on license holders, issuing licenses, revokes, suspends or denies renewal of licenses.

Q42: Please provide the number of part-time staff related to the regulation of this occupation, including job titles and duties.

We do not employ part time staff for licensing.

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Q43: Please provide the following information:

Average Annual Expenses	The revenue received from licensing fees are pooled together and used across all programs to off set the division's program expenses.
Average Annual Revenues	Average Annual Revenue is \$96,700.00
Average Annual Fees Charged	See answer to number 45

Q44: Please describe any recent or unexpected budget variations which may skew answers in the above question.

The figures above may change year to year based on economic activity.

Q45: Please describe the fee structure associated with the regulation of this profession. This includes the following:A) The fee amount charged;B) How fee amounts are determined and set;C) The authority to establish those fees; andD) How revenues from fees are used, indicating the specific uses if those revenues are used for purposes other than regulating the profession.

The Authority for the fees can be found in (26 V.S.A. 2193) and the 2015 Vermont Plumbing Rules Section 10: (1) Master plumber license \$120.00 (2) Journeyman plumber license \$ 90.00 (3) Specialist license \$50.00 (4) Master renewal fee \$120.00 (5) Journeyman renewal fee \$ 90.00 (6) Specialist renewal fee \$ 50.00 (7) License certificate. Fees generated from this occupation are pooled together and used to off-set expenses across all fire safety programs to meet our budget.

Q46: Please describe any General Fund or Special Fund deposits

Licensing fees are collected and deposited into special fund 21901. We do not receive general fund revenue for this occupation.

Q47: Please describe any appropriations from the General Fund

n/a

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Q48: Please describe the qualifications of any supervisor responsible for the oversight of the agency's department's professional regulatory entity and whether that supervisor has the ability to veto or modify any decision by that professional regulatory entity.

PLUMBERS' EXAMINING BOARD(A)The Plumbers' Examining Board is comprised of 5 members: the Commissioner of Public Safety or designee; the Commissioner of Health or designee; a master plumber; a journeyman plumber; a public member not associated with the plumbing or heating trades.(B)By statute the Board is responsible for: adopting plumbing rules; licensing and discipliningplumbers.1)The plumbing rules the Board adopts must be minimum performance standards reasonably necessary for the protection of the public against recognized health hazards (26 V.S.A. Section 2173).The Board may adopt a nationally recognized plumbing code and amend it to suit Vermont in fulfilling its rule-making duties.2)The Board controls the issuance, suspension and revocation of plumbers' licenses. In order to exercise its powers and carry out its responsibilities the board may: (a) Conduct or otherwise provide examinations, and review and approve applications for licensure; (b) Investigate all matters within its jurisdiction;(c) Conduct hearings with regard to the administration of its affairs, including disciplinary hearings with regard to licensed persons; and, (d) Adopt rules consistent with its statutory authority. (C) The public may obtain information and make submissions or requests at the Board's office. The Board's office is located at the Department of Public Safety, Division of Fire Safety, 1311 US Route302, Barre, VT 05641-2351.Section 5: THE COMMISSIONER OF PUBLIC SAFETY: The Commissioner of Public Safety or a designated representative may:(A) Enter any public building or premises in which an installation subject to these rules is being or has been installed, replaced or altered for the purpose of performing inspections necessary to carry out inspection responsibilities under these rules.(B) In accordance with 20 V.S.A. Section 2733, order a building or premises or any part of it closed until any unsafe condition or violation of these rules is corrected. Where appropriate, the Commissioner may order the demolition, removal, or disconnection of any plumbing systems or equipment deemed to constitute a hazard to persons or property.(C) Cause a written notice to be delivered to the owner of any property directing them to correct any condition where, in the opinion of the Commissioner or a plumbing inspector, that condition constitutes a violation of these rules.(D) Order the owner to stop work on the building or premises if the work on the plumbing systems in them are proceeding in contravention of these rules or are considered unsafe. (E) Direct tests of materials, devices, or assemblies made, or sufficient evidence or proof be submitted, at the expense of the owner, where the evidence or proof is necessary to determine whether the material, device or installation method meets the requirements of these rules.(F) Revoke, amend, or refuse to issue a plumbing work notice where, in the opinion of the Commissioner or a plumbing inspector, the results of tests referred to in Subsection (e) of this section are not satisfactory.(G) Order the removal of any plumbing systems or equipment installed in violation of these rules.(H) Prioritize inspections of plumbing systems based on the relative risks to persons or property arising from potential plumbing code violations.(I)Pursuant to 26 V.S.A. 2175(d), assess an administrative penalty for each violation of this code.(J)Order any company supplying fuel service to the premises to disconnect the fuel supply until the cited violation has been removed or corrected.

Q49: Please provide any additional information you feel is relevant for the purpose of this report.

The Vermont Plumbing Rules will give you a better understanding of this License Type

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Q50: Thank You for completing this survey.

End

#4

**COMPLETE**

Collector: Web Link 24 (Web Link)
Started: Tuesday, November 01, 2016 9:57:50 AM
Last Modified: Tuesday, November 01, 2016 10:09:22 AM
Time Spent: 00:11:32
IP Address: 159.105.2.116

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Q1: In the following survey, you will be asked to answer a series of questions regarding the regulatory practices of your given state agency/department. It is recommended that you prepare answers to the following questions prior to starting this survey. NOTE: only one device may be used for the survey, per profession. Therefore, while the survey may be discontinued and then resumed at a later date, all answers for a given profession must be entered through the same computer. As a result, it is recommended that for each profession, a single individual be elected to compile and enter information. Choose from the following options:

Begin Survey

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Q2: Please select an occupation from the following list.

Elevator Inspectors (Department of Public Safety)

Q3: What is the name of the agency, department and/or division responsible for the regulation of this occupation?

Department of Public Safety, Division of Fire Safety

Q4: Regulation Type. Please check all that apply for this occupation.

Licensing

Q5: What is the number of regulated persons in this occupation?

Approximately 38 Licensed Elevator Inspectors

Q6: Is there statutory authority as a legal basis for regulation of this occupation?

Yes

Q7: If "yes" to the above, please provide a citation to said statute.

Title 21 V.S.A. Chapter 3; Subchapter Section 2A; Elevators and Conveyances

Q8: Please provide a citation to any administrative rules associated with the regulation of this occupation.

The 2014 Vermont Elevator Safety Rules:
http://firesafety.vermont.gov/sites/firesafety/files/files/rules/dfs_rules_elevator_current.pdf

Q9: Please provide any and all agency or department policies for the regulation of this occupation.

2015 Vermont Fire and Building Safety Code:
http://firesafety.vermont.gov/sites/firesafety/files/files/rules/dfs_rules_firecode2015_current.pdf

Q10: Please describe the purpose of regulating this occupation.

The purpose of these rules is to assure elevators and other automated conveyances are correctly and safely installed and operated within the State by authorizing and enforcing rules for the design, installation, operation and maintenance of conveyances, and by licensing mechanics and inspectors who work on conveyances.

PAGE 4: Act 156 of 2016: Professional Regulation Report**Q11: Regarding stakeholder groups, please describe how this regulation affects those subject to regulation.**

The regulation provides the minimum qualifications and specific requirements necessary for licensure including what safety standards apply to the profession.

Q12: Regarding stakeholder groups, please describe how this regulation affects State entities.

State buildings with elevators or conveyances are affected by this regulation. Annual inspections and routine maintenance are required in order to comply with the rules. The State is responsible for hiring licensed elevator inspectors to comply with the rules.

Q13: Regarding stakeholder groups, please describe how this regulation affects consumers or clients of this occupation's services.

The regulation ensures operating conveyances are installed and maintained in a safe code compliant manner and operate within the manufacturers recommended guidelines. The regulation ensures consumers are protected from accidents resulting from improper installation or lack of maintenance.

Q14: Regarding stakeholder groups, please describe how this regulation affects employers.

The regulation establishes the minimum qualifications and professional standards for licensure. An employer can hire a licensed elevator inspector with assurance the inspector can engage in the business of inspecting elevators in compliance with the law.

Q15: Regarding stakeholder groups, please describe how this regulation affects the public.

The regulation establishes minimum safety standards and prescribes the minimum qualifications of those who inspect elevators. The use of elevators by the motoring public is a convenience for traversing floor levels, assisting those with disabilities, moving furniture and equipment between floors, moving disabled people between floors and allowing access to mechanical spaces. The regulation ensures the conveyances are inspected and maintained in good working order.

Q16: Regarding stakeholder groups, please describe how this regulation affects any other applicable group.

This regulation impacts a wide range of stakeholder groups including developers, business owners, health care groups, federal agencies, economic development, historic preservation, emergency services and disability groups to name a few. All these groups depend on the safe operation of conveyances.

Q17: Please describe the governance structure for the regulation of this occupation, including but not limited to: the use of a board; a commission; an agency or division head; a panel; or a hearing officer.

Vermont Elevator Safety Review Board (With current oversight by the Department of Public Safety – Division of Fire Safety). The elevator safety review board consist of seven members, one of whom shall be the Commissioner of Public Safety or the Commissioner's designee, one of whom shall be the Commissioner of Labor or the Commissioner of Labor's designee, and five members to be appointed by the governor as follows: one representative from a major elevator manufacturing company; one representative from an elevator servicing company; an owner or manager of a multi storied building, in which a conveyance is installed; an elevator inspector; and an individual who actually installs, maintains and repairs conveyances.

Q18: Who sets application requirements and practice standards?

Vermont Elevator Safety Review Board establishes the licensing rules and the board and the Department of Public Safety promulgate rules and adopt national standards for which the occupation must comply with.

Q19: Who makes decisions on applicants, enforcement, and discipline?

The Vermont Elevator Safety Review Board makes decisions on applicants while Public Safety and the board approach issues of enforcement and discipline together.

Q20: Are any decision makers active participants in this regulated occupation? If so, please describe if the decision maker has taken a hiatus from the profession, and if so, whether the decision maker plans to return to the profession.

Yes, however, It is not required for members of the Board to take a hiatus from the profession, however there may be times where recusal is necessary during the decision making process.

PAGE 5: Act 156 of 2016: Professional Regulation Report**Q21: What are the regulated qualifications for this occupation? Check all that apply.**

Education Requirements,
Experience Requirements (exclusive from education)

Q22: How are applications received?

An Elevator Inspector application must be received at the Division of Fire Safety's Central Office (1311 US Route 302 – Suite 600 Barre, VT 05641). The application must be original, completed electronically or in ink and have the original applicants signature on the application.

Q23: How are applications reviewed?

Elevator Inspectors applications are received in our main office and reviewed by the Administrative Assistant to verify submission is complete. Full name, mailing address, social security number and date of birth are required to verify compliance with the Vermont Departments governing Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. §795, Unemployment Compensation required by 21 V.S.A. § 1378 , and or Fine or Penalty required by 4V.S.A. § 1110. To be eligible as a licensed elevator inspector an applicant shall also demonstrate: From the Rules: Section 3.3 Elevator Inspector License (a) An acceptable combination of documented experience and education credits including not less than 4 years' work experience in the elevator industry, in construction, maintenance and service/repair, as verified by current and previous employers, and 4(b) Possession of a valid certification as an Qualified Elevator Inspector(QEI)1; and (c) Possession of insurance coverage in the amount of \$1,000,000 per occurrence and \$3,000,000 general aggregate. (d) A person who holds an elevator inspector's license is permitted to inspect all types of conveyances. (e) A person who holds an elevator inspector's license shall avoid a conflict of interest.

Q24: How are applications rejected?

If an applicant fails to include or complete any of the required documents then their information is added into the database and noted that the application was returned as incomplete and needs to include or correct what was missing. If the applicant submits all the required supporting documents but is not in compliance with the Vermont Departments governing Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. §795, Unemployment Compensation required by 21 V.S.A. § 1378 , and or Fine or Penalty required by 4V.S.A. § 1110 then the application is entered and noted as returned and they must contact the appropriate Vermont Agency to rectify their outstanding obligation before they may reapply. A return letter is attached to explain everything that is missing or incomplete to best assist the applicant with an approved submission on their next mailing to the office.

Q25: How are application rejections appealed?

If an application is rejected it is clearly explained what is missing. If an applicant feels that their submission was complete and the rejection is not valid it is explained to them that they may resubmit the application with a request to attend the next board meeting and sit before the board to discuss the boards findings as well as review what was submitted.

Q26: How are licenses/certifications/registrations issued?

A completed application satisfying the requirements is entered into the Department's database and a two year license is printed and mailed to the License holder

Q27: What is the average time to process license/certification/registration applications?

Every application for Elevator Inspector is required to show proof of Current QEI (Qualified Elevator Inspector) Certification and proof of insurance showing \$1,000,000 per occurrence and \$3,000,000 general aggregate. Along with the required forms we verify compliance with Departments governing Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. §795, Unemployment Compensation required by 21 V.S.A. § 1378 , and Fine or Penalty required by 4V.S.A. § 1110. Complete submissions with no errors or omissions can have a fairly quick turn around time.

Q28: Once issued, what is the duration of the license, certification, or registration for this occupation?

An Elevator Inspectors License when issued is valid for a 2 Year duration

Q29: Please describe the license, certification, or registration, renewal process and requirements therein.

A notice of renewal is sent to each licensee prior to the expiration of the license. The signed complete application for renewal must be returned to the Central Office of the Division of Fire Safety prior to the date that the license expires. From the Rules: Section 3.6: License Renewal:(a) A license issued under these rules shall be valid for two years. (b) Applicants for license renewal shall provide evidence of completion of eight hours of related instruction completed during the preceding 24-month licensing period. (c) All licenses expire the last day of the month for the license period. The signed application for renewal, the certification of related instruction, child support certification, tax certification, fine or penalty certification and the fee for renewal shall be returned to the board prior to the date the license expires.(d) If a license is not renewed within one year of its expiration date the inactive licensee shall make application for a new license and shall follow the appropriate licensing procedure. The board may waive the requirement for reexamination where there is an undue hardship or other unusual circumstance.(e) A license holder who is unable to complete a course of related instruction during the time specified may request an exemption from the Board on a form provided by the department.(1) When the exemption request is due to temporary disability a certified statement from a competent physician attesting to such temporary disability shall be provided. (2) When a temporary exemption for related instruction is approved by the Board a new license shall be issued with a new expiration date 90 days beyond the previous expiration date.(f) A license holder whose license has reached the expiration date shall not accomplish any unsupervised work regulated under these rules until the license has been renewed.

Q30: Please provide a citation to the standards of practice or codes of conduct for regulated persons in this occupation. These include any and all of the following:A) StatutesB) RulesC) PoliciesE) Other

Title 21 V.S.A. Chapter 3; Subchapter Section 2A; Elevators and Conveyances
2014 Vermont Elevator Safety Rules

Q31: Please describe the enforcement process for receiving and evaluating complaints.

From the Rules: Section 3.10 Disciplinary Action Against a License Holder: Any person may file a complaint with the Board by doing so in writing, setting forth a full statement of the facts concerning the alleged infraction of the elevator licensing law or rules. In the event a complaint is filed with the Board, the Board's investigation shall not be limited to the matter set forth in the request for investigation but may extend to any act coming to the attention of the Board which appears to violate the law or these rules. Annex II. 1 Initiating a Complaint against a Licensee: (a) Form of complaint filing. A person may register a complaint against a mechanic or inspector licensed by the Elevator Board by filing a written complaint with the Division of Fire Safety, 1311 US Route 302 – Berlin, 600, Barre, VT 05641-2351. The written complaint must set forth, at a minimum, the nature, date and place of the alleged violations. The Board may also initiate a license review procedure on its own motion by filing a complaint with the department. (b) Verification. Upon receipt of a complaint, the department will verify the Vermont license number of the person against whom the complaint is lodged. If the person is unlicensed and the complaint alleges criminal conduct, the department will refer the complaint to the office of the Criminal Division of the Attorney General's Office. If the person is a licensee of the Board, the department will docket the complaint and open an investigation file under the name and license number of the person. (c) Investigating Panel. An investigating panel consisting of an investigator designated by the department and an Assistant Attorney General will be formed upon the docketing of a complaint. The Assistant Attorney General assigned to the case will head the panel and supervise the investigation of the complaint.

Q32: Please describe the enforcement process for performing investigations.

From the Rules; Annex II.2: INITIATING THE INVESTIGATION: (a) Notice to the Licensee. The department will send written notice of the initiation of an investigation to the licensee against whom the complaint has been filed. The notice shall include a copy of the complaint and a copy of the statute and these rules. The notice will inform the licensee that inquiries or materials regarding the investigation should be addressed to the investigating panel at the address of the department. (b) Notice to the Board. The department will send written notice to the Board and the complainant indicating that an investigation has been instituted regarding a licensing complaint. (c) The inspector assigned to investigate the complaint shall inspect the work which is the subject of the complaint and interview the complainant. The inspector may also meet and interview the licensee at the direction of the Assistant Attorney General assigned to the matter.

Q33: Please describe the enforcement process for prosecutions.

If formal disciplinary proceedings are recommended, the assistant attorney general shall submit a complaint describing the alleged violations, and the rules or statutes violated, with the recommendation. Current rules are not clear on process of prosecution.

Q34: Please describe the enforcement process for hearings.

From the Rules Annex II.4 Formal Hearing by the Board (a) Notice and Place of Hearing. Upon the filing of a notice of charges by the investigating panel, the Board will commence the hearing process by serving the notice of charges and a notice of the hearing upon the licensee. Notice will be served personally or by certified mail, return receipt requested. Copies will be sent to the members of the investigating panel and the complainant. The hearing will be scheduled at least 20 days after service. (b) Failure to Appear. If the licensee fails to appear after proper notice has been given, the Board shall hold the hearing and make a decision on the charges. (c) A quorum of the Board shall be a majority of its members. (d) Conduct of Hearing; Receipt of Evidence; Argument. The Board may admit any evidence it deems of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. All persons shall testify under oath or affirmation. The licensee or his attorney may examine or cross examine witnesses, inspect documents, and explain or rebut any evidence presented to the Board. The Assistant Attorney General, investigator, and licensee may present oral and written argument in addition to evidence, which also shall be made part of the record. Where a licensee is not represented by counsel the Board shall advise the licensee and aid in the examining and cross examining of witnesses as effectively as possible compatible with the impartial discharge of its duties as a body of impartial review. (e) Authority of the Chair. The chair shall administer oaths to witnesses, rule on questions of evidence and upon the service of subpoenas and other notices, and do whatever is necessary and proper to conduct the hearing in a judicious, fair and expeditious manner. (f) Disqualification of a Board Member. A member of the Board shall voluntarily disqualify him or herself and withdraw from any hearing in which the member cannot act in a fair and impartial manner, or where the member has an interest in the proceedings. Any party to a hearing may request disqualification of a Board member by filing an affidavit stating with particularity the grounds for disqualification. If the Board member does not disqualify himself or herself in response to the motion, the chair of the Board shall decide the issue of disqualification. A hearing shall be held if requested by the moving party or if deemed necessary by the chair. All materials pertinent to a matter of disqualification shall be made part of the record. If a Board member is disqualified, thereby negating the quorum, the chair shall appoint a hearing officer to decide the matter in the same manner as if the Board were presiding. (g) Judgment of the Board. The Board will issue a decision within a reasonable time following the conclusion of the hearing. The decision must be in writing and be signed by the members of the Board. The decision shall set forth findings of fact, conclusions of fact and law, and the judgment. If a decision of the Board is not unanimous, the decision of the majority will control. The minority may file a dissenting opinion. The Board promptly shall mail or deliver a copy of its decision to the licensee, the investigating panel and, if appropriate, to the complainant. An order attached to the judgment will go into effect after the end of the 30 day appeal period, if no appeal is filed. (h) Appeal From a Decision of the Board. A licensee aggrieved by a judgment of the Board may appeal that judgment to the Supreme Court. The Board may grant, or the court may order, a stay of the Board's order upon application of the licensee. (i) Transcripts. A contested case hearing shall be recorded but not transcribed unless a transcript is requested by an interested person. Transcripts will be available for cost. The Board will provide an estimate of transcription cost before filling an order for transcript

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The Board may take disciplinary action against a license holder only after notice and an opportunity to appear before the Board for a hearing, in accordance with Title 3 V.S.A. Chapter 25, the Vermont Administrative Procedure Act, and these rules.

Q36: Please describe the enforcement process for follow-up or monitoring of previously disciplined individuals.

From the Rules: Section II.3: Recommended Action: (a) At the conclusion of the investigation the Assistant Attorney General assigned to the matter shall make a recommendation as to whether formal proceedings should commence against the licensee. (b) If formal disciplinary proceedings are recommended, the Assistant Attorney General shall submit a complaint describing the alleged violations, and the rules or statutes violated, with the recommendation. (c) If the licensee is willing to admit to the charges the Assistant Attorney General may explore the possibility of a stipulated settlement. A stipulated settlement must be approved by the Board. (d) If no disciplinary action is recommended the case will be closed and the complainant and the licensee will be notified that no further action will be taken at this time. The matter may be reopened if new evidence is presented.

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No formal complaints have been filed against an elevator inspector.

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The elevator board chair would conduct an on-site inspection to validate allegations. A report of findings would be written up for the Board to review as part of the evidence process.

Q39: Regarding this occupation, please describe the annual average count of the following:

Complaints	1
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Cases Resulting in Follow-up or Monitoring	1

PAGE 7: Act 156 of 2016: Professional Regulation Report**Q40: Please describe any systems, such as information technology systems, that are used to enable licensing, certification, registration, renewal, enforcement and inspection.**

The Division of Fire Safety uses the PARAGON® custom fire safety management system (“Fire Data System”) application from Relational Semantics, Inc. The Fire System application is custom built and has been deployed for over 40 years with upgrades. The fire data system is used to manage the daily operational business needs of the division to include but not limited to;• Management of individual licensure, certification, registration of all professional occupations under the authority of Public Safety. This includes all board decisions and relevant information pertaining to the occupation. • Management of the division’s code enforcement and inspection programs including the integration of professional regulation into the code enforcement and site specific building information. • A complete financial record of all monetary transactions from any entity for any time frame. • Maintain a historic account of all building activity for approximately 40 years. • Provides a real time mobile application for users for the purpose of validating permits, licensee status, certification status and registration status in the field in real time. • Provides tracking information for initial licensing, license renewals, license status, personal and confidential client information, contact information, suspension information and a complete historic account of individual license events. • Provides a complete and detailed account of all permits and work projects in 90,000 plus structures throughout the State including a history of all licensee work in the buildings enabling inspectors to accurately assess findings. The Fire System application runs on top of a MySQL server and has functioned in its current format without operational failure since its deployment over a decade ago. Recently old hardware was decommissioned and a new virtualized server was established. Data was migrated to allow for better control and asset management. The virtualized environment is hosted on hardware housed at the Department of Public Safety headquarters in Waterbury with redundancy backups scheduled on a daily basis. This redundancy backup allows the Division of Fire Safety the advantage of decommissioning an old manual backup procedure that was in place prior to migrating to the virtualized environment, building a stronger, more reliable means of redundant security. Through the use of several Department of Public Safety sanctioned means of communication, the fire system can be remotely accessed by division staff and approved municipalities through a DPS managed Citrix server and web portal. This allows local governments holding a Life Safety bond agreement with the State to make entries into the application database recognizing Public Safety has an FBI secured platform. Division staff access the fire safety system using the network domain connection in their assigned office or by using a State issued RSA SecurID token. The token provides an encrypted, secure connectivity to the DPS network and can be used with State issued smartphones, employee home networks or public and business class Wi-Fi access points when available without compromising the highest level of security access. Regarding the PARAGON® Fire Safety Management System application, all critical division data is held and managed within this database for the State. Licensing and individual entity management combined with historical building code enforcement and permitting data allows our inspectors to effectively span all disciplines in real time. For example; a fire marshal arrives at a construction site to conduct an inspection and notices someone doing gas piping in the building. The fire marshal can obtain the name of the contractor and enter his name on our data base and instantly know his license status. Licensees who renew their licenses, certification or registration can do this instantly without delay and the licensee status can be instantly viewed by the field inspectors.

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Q41: Please provide the number of full-time staff related to the regulation of this occupation, including job titles and duties.

We have a full time Administrative Assistant B who enters the elevator licenses into the database. The division Deputy Director is the Chair of the Elevator Licensing Board. The Administrative Assistant prepares all of the board packets, prepares the meeting agenda, attends the board meetings and processes board meeting minutes. The Assistant also tracks the license renewal paperwork, reviews continuing education documentation for issuance of the renewal and is responsible for all the financial deposits and filing of all relevant paperwork.

Q42: Please provide the number of part-time staff related to the regulation of this occupation, including job titles and duties.

We do not hire part time staff to support the elevator program

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Q43: Please provide the following information:

Average Annual Expenses	We charge one full time licensing position to special fund 21097- the indirect charge to this fund account is
Average Annual Revenues	: 38 elevator inspectors (\$150.00 x38 = \$5700 thus we receive approximately \$2850.00 per year
Average Annual Fees Charged	1

Q44: Please describe any recent or unexpected budget variations which may skew answers in the above question.

n/a

Q45: Please describe the fee structure associated with the regulation of this profession. This includes the following:A) The fee amount charged;B) How fee amounts are determined and set;C) The authority to establish those fees; andD) How revenues from fees are used, indicating the specific uses if those revenues are used for purposes other than regulating the profession.

Authority for fees are found in Title 21 V.S.A. Sections 148 for licenses. The fees generated by this profession are used to off set expenses in the elevator program.

Q46: Please describe any General Fund or Special Fund deposits

We do not receive any general fund money and special funds for this occupation as stated above total approximately \$2850.00.

Q47: Please describe any appropriations from the General Fund

n/a

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Q48: Please describe the qualifications of any supervisor responsible for the oversight of the agency's department's professional regulatory entity and whether that supervisor has the ability to veto or modify any decision by that professional regulatory entity.

The Deputy Director of Fire Safety chairs the Elevator Safety Board. The Elevator Safety Board has jurisdiction over all licensing issues and the Commissioner of Public Safety has authority over the installation, maintenance and inspection of all conveyances. The elevator rules authorize the profession to shut down elevators for non compliance. This does not occur frequently but, there are instances where an elevator or lift may be locked out of service after repeated attempts to get repairs made. There is communication between the inspectors and our division when this occurs.

Q49: Please provide any additional information you feel is relevant for the purpose of this report.

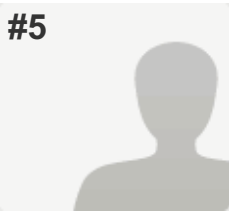
The elevator program is a stand alone program with a separate special fund account. We interact with the trades people in many different capacities including licensing, attending board meetings, conducting complaint investigations, reviewing construction documents, issuing permits and completing data entry in support of the program.

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Q50: Thank You for completing this survey.

End

#5

**COMPLETE**

Collector: Web Link 25 (Web Link)
Started: Tuesday, November 01, 2016 10:20:19 AM
Last Modified: Tuesday, November 01, 2016 10:34:11 AM
Time Spent: 00:13:51
IP Address: 159.105.2.116

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Q1: In the following survey, you will be asked to answer a series of questions regarding the regulatory practices of your given state agency/department. It is recommended that you prepare answers to the following questions prior to starting this survey. NOTE: only one device may be used for the survey, per profession. Therefore, while the survey may be discontinued and then resumed at a later date, all answers for a given profession must be entered through the same computer. As a result, it is recommended that for each profession, a single individual be elected to compile and enter information. Choose from the following options:

Begin Survey

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Q2: Please select an occupation from the following list. Elevator Mechanics (Department of Public Safety)

Q3: What is the name of the agency, department and/or division responsible for the regulation of this occupation? Department of Public Safety, Division of Fire Safety

Q4: Regulation Type. Please check all that apply for this occupation. Licensing

Q5: What is the number of regulated persons in this occupation? 143 Licensed Elevator Mechanics

Q6: Is there statutory authority as a legal basis for regulation of this occupation? Yes

Q7: If "yes" to the above, please provide a citation to said statute.

Title 21 V.S.A. Chapter 3; Sub chapter Section 2A; Elevators and Conveyances

Q8: Please provide a citation to any administrative rules associated with the regulation of this occupation.

2014 Vermont Elevator Safety Rules:
http://firesafety.vermont.gov/sites/firesafety/files/files/rules/dfs_rules_elevator_current.pdf

Q9: Please provide any and all agency or department policies for the regulation of this occupation.

2015 Vermont Fire and Building Safety Code:
http://firesafety.vermont.gov/sites/firesafety/files/files/rules/dfs_rules_firecode2015_current.pdf

Q10: Please describe the purpose of regulating this occupation.

The purpose of these rules is to assure elevators and other automated conveyances are correctly and safely installed and operated within the State by authorizing and enforcing rules for the design, installation, operation and maintenance of conveyances, and by licensing mechanics and inspectors who work on the conveyances.

PAGE 4: Act 156 of 2016: Professional Regulation Report**Q11: Regarding stakeholder groups, please describe how this regulation affects those subject to regulation.**

This regulation details the requirements needed by the licensee to perform work on all conveyances and the required permitting processes by which the trade/licensee completes their day to day work with conveyances as defined in the 2014 Vermont Elevator Safety Rules.

Q12: Regarding stakeholder groups, please describe how this regulation affects State entities.

State buildings/agencies are affected by the regulation if provided with conveyances. Installation, routine maintenance, modifications and all other work in regards to conveyances are under the jurisdiction of the board. Conveyances in State buildings are managed by BGS.

Q13: Regarding stakeholder groups, please describe how this regulation affects consumers or clients of this occupation's services.

This regulation ensures conveyances are installed and maintained in compliance with adopted safety codes.

Q14: Regarding stakeholder groups, please describe how this regulation affects employers.

The regulation establishes the minimum qualifications and professional standards the trade must adhere to. Employers can hire licensed mechanics who can engage in the business of repairing elevators.

Q15: Regarding stakeholder groups, please describe how this regulation affects the public.

The regulation establishes the minimum professional standards by which all trades people may be compared. This regulation ensures competency and professionalism within the trade thus the public can be afforded a level of protection when using conveyances.

Q16: Regarding stakeholder groups, please describe how this regulation affects any other applicable group.

n/a

Q17: Please describe the governance structure for the regulation of this occupation, including but not limited to: the use of a board; a commission; an agency or division head; a panel; or a hearing officer.

The Vermont Elevator Safety Review Board provides governance over the elevator licensing program. The Department of Public Safety, Division of Fire Safety provides governance over the permitting, construction and plan review for conveyances. The elevator safety review board consist of seven members, one of whom shall be the commissioner or the commissioner's designee, one of whom shall be the commissioner of labor or the commissioner of labor's designee, and five members to be appointed by the governor as follows: one representative from a major elevator manufacturing company; one representative from an elevator servicing company; an owner or manager of a multi storied building, in which a conveyance is installed; an elevator inspector; and an individual who actually installs, maintains and repairs conveyances.

Q18: Who sets application requirements and practice standards?

Vermont Elevator Safety Review Board establishes the licensing rules and the board and the Department of Public Safety promulgate rules and adopt national standards for which the occupation must comply with.

Q19: Who makes decisions on applicants, enforcement, and discipline?

The Vermont Elevator Safety Review Board makes decisions on applicants while Public Safety and the board approach issues of enforcement and discipline together.

Q20: Are any decision makers active participants in this regulated occupation? If so, please describe if the decision maker has taken a hiatus from the profession, and if so, whether the decision maker plans to return to the profession.

Yes, however, It is not required for members of the Board to take a hiatus from the profession, however there may be times where recusal is necessary during the decision making process.

PAGE 5: Act 156 of 2016: Professional Regulation Report**Q21: What are the regulated qualifications for this occupation? Check all that apply.**

Education Requirements, Examination,
Experience Requirements (exclusive from education)

Q22: How are applications received?

An Elevator Mechanics application must be received at the Division of Fire Safety's Central Office (1311 US Route 302 – Suite 600 Barre, VT 05641). The application must be original, completed electronically or in ink and have the original applicants signature on the application.

Q23: How are applications reviewed?

Elevator Mechanics applications are received in our main office and reviewed by the Administrative Assistant to verify submission is complete. Full name, mailing address, social security number and date of birth are required to verify compliance with the Vermont Departments governing Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. §795, Unemployment Compensation required by 21 V.S.A. § 1378 , and or Fine or Penalty required by 4V.S.A. § 1110.. To be eligible as a licensed elevator inspector an applicant shall also demonstrate: From the Rules: Section 3.1 Elevator Mechanic License: To be eligible as a licensed elevator mechanic an applicant shall demonstrate: (a) An acceptable combination of documented experience and education credits includingnotlessthan4years' work experience in the elevator industry, in construction, maintenance and service/repair, as verified by current and previous employers; or, (b) A certificate of completion and successfully passing the mechanic examination of a nationally recognized training program for the elevator industry such as the National Elevator Industry Educational Program, National Association of Elevator Contractors (NAEC) Certified Elevator Technician or the Canadian Elevator Industry Education Program or their equivalent, that have been approved by the department; or, Certified Elevator Technician (CET).(c) Certificate of completion of an apprenticeship program for elevator mechanic, having standards substantially equal to those of this chapter, and registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor, National Association of Elevator Contractors (NAEC) Certified Lift Technician or the Vermont State Apprenticeship Council; and (d) Satisfactory completion of a written examination administered by the department on the most recent adopted codes and standards. (e)The person that is enrolled in an apprenticeship or training program must complete the program and is not eligible to take this examination until completion of the program. (f) A person who holds an elevator mechanic's license is permitted to work on all conveyances.

Q24: How are applications rejected?

If an applicant fails to include or complete any of the required documents then their information is added into the database and noted that the application was returned as incomplete and needs to include or correct what was missing. If the applicant submits all the required supporting documents but is not in compliance with the Vermont Departments governing Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. §795, Unemployment Compensation required by 21 V.S.A. § 1378 , and or Fine or Penalty required by 4V.S.A. § 1110 then the application is entered and noted as returned and they must contact the appropriate Vermont Agency to rectify their outstanding obligation before they may reapply.A return letter is attached to explain everything that is missing or incomplete to best assist the applicant with an approved submission on their next mailing to the office.

Q25: How are application rejections appealed?

If an application is rejected it is clearly explained what is missing. If an applicant feels that their submission was complete and the rejection is not valid it is explained to them that they may resubmit the application with a request to attend the next board meeting and sit before the board to discuss the boards findings as well as review what was submitted.

Q26: How are licenses/certifications/registrations issued?

Once an application is verified complete and satisfies all required documentation and passes proper Exam International Code Council State of Vermont Examination (if required based on application type) then the information is recorded and updated within the Departments database and a two year license is printed and mailed to the License holder.

Q27: What is the average time to process license/certification/registration applications?

Every application must be reviewed by the governing board before eligibility to test is given. The applicant is given a three year time period to pass the exam. If the applicant passes the exam within the specified time frame the license is issued.

Q28: Once issued, what is the duration of the license, certification, or registration for this occupation?

An Elevator Mechanics License when issued is valid for a 2 Year duration

Q29: Please describe the license, certification, or registration, renewal process and requirements therein.

A notice of renewal is sent to each licensee prior to the expiration of the license. The signed complete application for renewal must be returned to the Central Office of the Division of Fire Safety prior to the date that the license expires. From the Rules: section 3.6: License Renewal: (a) A license issued under these rules shall be valid for two years. (b) Applicants for license renewal shall provide evidence of completion of eight hours of related instruction completed during the preceding 24-month licensing period. (c) All licenses expire the last day of the month for the license period. The signed application for renewal, the certification of related instruction, child support certification, tax certification, fine or penalty certification and the fee for renewal shall be returned to the board prior to the date the license expires.(d) If a license is not renewed within one year of its expiration date the inactive licensee shall make application for a new license and shall follow the appropriate licensing procedure. The board may waive the requirement for reexamination where there is an undue hardship or other unusual circumstance.(e) A license holder who is unable to complete a course of related instruction during the time specified may request an exemption from the Board on a form provided by the department.(1) When the exemption request is due to temporary disability a certified statement from a competent physician attesting to such temporary disability shall be provided. (2) When a temporary exemption for related instruction is approved by the Board a new license shall be issued with a new expiration date 90 days beyond the previous expiration date.(f) A license holder whose license has reached the expiration date shall not accomplish any unsupervised work regulated under these rules until the license has been renewed.

PAGE 6: Act 156 of 2016: Professional Regulation Report**Q30: Please provide a citation to the standards of practice or codes of conduct for regulated persons in this occupation. These include any and all of the following:A) StatutesB) RulesC) PoliciesE) Other**

Title 21 V.S.A. Chapter 3; Sub chapter Section 2A; Elevators and Conveyances.

2014 Vermont Elevator Safety Rules

21 VSA Section 144 (b) and 152 (b) to regulate the design, construction, operation, inspection, testing, maintenance, alteration, and repair of the following conveyances and associated parts that are installed in or on a public building.

Q31: Please describe the enforcement process for receiving and evaluating complaints.

Any person may file a complaint with the Board by doing so in writing, setting forth a full statement of the facts concerning the alleged infraction of the elevator licensing law or rules. In the event a complaint is filed with the Board, the Board's investigation shall not be limited to the matter set forth in the request for investigation but may extend to any act coming to the attention of the Board which appears to violate the law or these rules. From the Rules: Section 3.10 Disciplinary Action Against a License Holder: Any person may file a complaint with the Board by doing so in writing, setting forth a full statement of the facts concerning the alleged infraction of the elevator licensing law or rules. In the event a complaint is filed with the Board, the Board's investigation shall not be limited to the matter set forth in the request for investigation but may extend to any act coming to the attention of the Board which appears to violate the law or these rules. Annex II. 1 Initiating a Complaint against a Licensee: (a) Form of complaint filing. A person may register a complaint against a mechanic or inspector licensed by the Elevator Board by filing a written complaint with the Division of Fire Safety, 1311 US Route 302 – Berlin, 600, Barre, VT 05641-2351. The written complaint must set forth, at a minimum, the nature, date and place of the alleged violations. The Board may also initiate a license review procedure on its own motion by filing a complaint with the department. (b) Verification. Upon receipt of a complaint, the department will verify the Vermont license number of the person against whom the complaint is lodged. If the person is unlicensed and the complaint alleges criminal conduct, the department will refer the complaint to the office of the Criminal Division of the Attorney General's Office. If the person is a licensee of the Board, the department will docket the complaint and open an investigation file under the name and license number of the person. (c) Investigating Panel. An investigating panel consisting of an investigator designated by the department and an Assistant Attorney General will be formed upon the docketing of a complaint. The Assistant Attorney General assigned to the case will head the panel and supervise the investigation of the complaint.

Q32: Please describe the enforcement process for performing investigations.

From The Rules; Annex II.2: INITIATING THE INVESTIGATION: (a) Notice to the Licensee. The department will send written notice of the initiation of an investigation to the licensee against whom the complaint has been filed. The notice shall include a copy of the complaint and a copy of the statute and these rules. The notice will inform the licensee that inquiries or materials regarding the investigation should be addressed to the investigating panel at the address of the department. (b) Notice to the Board. The department will send written notice to the Board and the complainant indicating that an investigation has been instituted regarding a licensing complaint. (c) The inspector assigned to investigate the complaint shall inspect the work which is the subject of the complaint and interview the complainant. The inspector may also meet and interview the licensee at the direction of the Assistant Attorney General assigned to the matter.

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If formal disciplinary proceedings are recommended, the assistant attorney general shall submit a complaint describing the alleged violations, and the rules or statutes violated, with the recommendation. Current rules are not clear on process of prosecution.

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PAGE 7: Act 156 of 2016: Professional Regulation Report**Q40: Please describe any systems, such as information technology systems, that are used to enable licensing, certification, registration, renewal, enforcement and inspection.**

The Division of Fire Safety uses the PARAGON® custom fire safety management system (“Fire Data System”) application from Relational Semantics, Inc. The Fire System application is custom built and has been deployed for over 40 years with upgrades. The fire data system is used to manage the daily operational business needs of the division to include but not limited to;• Management of individual licensure, certification, registration of all professional occupations under the authority of Public Safety. This includes all board decisions and relevant information pertaining to the occupation. • Management of the division’s code enforcement and inspection programs including the integration of professional regulation into the code enforcement and site specific building information. • A complete financial record of all monetary transactions from any entity for any time frame. • Maintain a historic account of all building activity for approximately 40 years. • Provides a real time mobile application for users for the purpose of validating permits, licensee status, certification status and registration status in the field in real time. • Provides tracking information for initial licensing, license renewals, license status, personal and confidential client information, contact information, suspension information and a complete historic account of individual license events. • Provides a complete and detailed account of all permits and work projects in 90,000 plus structures throughout the State including a history of all licensee work in the buildings enabling inspectors to accurately assess findings. The Fire System application runs on top of a MySQL server and has functioned in its current format without operational failure since its deployment over a decade ago. Recently old hardware was decommissioned and a new virtualized server was established. Data was migrated to allow for better control and asset management. The virtualized environment is hosted on hardware housed at the Department of Public Safety headquarters in Waterbury with redundancy backups scheduled on a daily basis. This redundancy backup allows the Division of Fire Safety the advantage of decommissioning an old manual backup procedure that was in place prior to migrating to the virtualized environment, building a stronger, more reliable means of redundant security. Through the use of several Department of Public Safety sanctioned means of communication, the fire system can be remotely accessed by division staff and approved municipalities through a DPS managed Citrix server and web portal. This allows local governments holding a Life Safety bond agreement with the State to make entries into the application database recognizing Public Safety has an FBI secured platform. Division staff access the fire safety system using the network domain connection in their assigned office or by using a State issued RSA SecurID token. The token provides an encrypted, secure connectivity to the DPS network and can be used with State issued smartphones, employee home networks or public and business class Wi-Fi access points when available without compromising the highest level of security access. Regarding the PARAGON® Fire Safety Management System application, all critical division data is held and managed within this database for the State. Licensing and individual entity management combined with historical building code enforcement and permitting data allows our inspectors to effectively span all disciplines in real time. For example; a fire marshal arrives at a construction site to conduct an inspection and notices someone doing gas piping in the building. The fire marshal can obtain the name of the contractor and enter his name on our data base and instantly know his license status. Licensees who renew their licenses, certification or registration can do this instantly without delay and the licensee status can be instantly viewed by the field inspectors.

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Q41: Please provide the number of full-time staff related to the regulation of this occupation, including job titles and duties.

We have a full time Administrative Assistant B who enters the elevator licenses into the database. Our division Deputy Director is the Chair of the Elevator Licensing Board. The Administrative Assistant prepares all of the board packets, prepares the meeting agenda, attends the board meetings and processes board meeting minutes. The Assistant also tracks the license renewal paperwork, reviews continuing education documentation for issuance of the renewal and is responsible for all the financial deposits and filing of all relevant paperwork.

Q42: Please provide the number of part-time staff related to the regulation of this occupation, including job titles and duties.

We do not hire part time staff to support the elevator program

PAGE 9: Act 156 of 2016: Professional Regulation Report

Q43: Please provide the following information:

Average Annual Expenses	We charge one full time licensing position to special fund 21097- the indirect charge to this fund account is
Average Annual Revenues	143 Elevator Mechanics (\$75.00 x143 = \$10725 thus we receive approximately \$5362.50 per year
Average Annual Fees Charged	1

Q44: Please describe any recent or unexpected budget variations which may skew answers in the above question.

N/a

Q45: Please describe the fee structure associated with the regulation of this profession. This includes the following:A) The fee amount charged;B) How fee amounts are determined and set;C) The authority to establish those fees; andD) How revenues from fees are used, indicating the specific uses if those revenues are used for purposes other than regulating the profession.

Authority for fees are found in Title 21 V.S.A. Sections 148 for licenses. The fees generated by this profession are used to off set expenses in the elevator program.

Q46: Please describe any General Fund or Special Fund deposits

We do not receive any general fund money thus all funds received are special fund revenue

Q47: Please describe any appropriations from the General Fund

n/a

PAGE 10: Act 156 of 2016: Professional Regulation Report

Q48: Please describe the qualifications of any supervisor responsible for the oversight of the agency's department's professional regulatory entity and whether that supervisor has the ability to veto or modify any decision by that professional regulatory entity.

The Deputy Director of Fire Safety chairs the Elevator Safety Board. The Elevator Safety Board has jurisdiction over all licensing issues and the Commissioner of Public Safety has authority over the installation, maintenance and inspection of all conveyances. The elevator rules authorize the profession to shut down elevators for non compliance. This does not occur frequently but, there are instances where an elevator or lift may be locked out of service after repeated attempts to get repairs made. There is communication between the inspectors and our division when this occurs.

Q49: Please provide any additional information you feel is relevant for the purpose of this report.

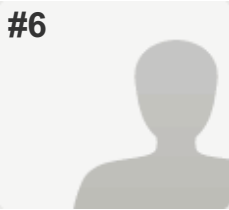
The elevator program has a separate special fund account. We interact with the trades people in many different capacities including licensing, attending board meetings, conducting complaint investigations, reviewing construction documents, issuing permits and completing data entry in support of the program.

PAGE 11: Exit Page

Q50: Thank You for completing this survey.

End

#6

**COMPLETE****Collector:** Web Link 26 (Web Link)**Started:** Tuesday, November 01, 2016 10:36:28 AM**Last Modified:** Tuesday, November 01, 2016 10:50:55 AM**Time Spent:** 00:14:26**IP Address:** 159.105.2.116**PAGE 2: Act 156 of 2016: Professional Regulation Report**

Q1: In the following survey, you will be asked to answer a series of questions regarding the regulatory practices of your given state agency/department. It is recommended that you prepare answers to the following questions prior to starting this survey. NOTE: only one device may be used for the survey, per profession. Therefore, while the survey may be discontinued and then resumed at a later date, all answers for a given profession must be entered through the same computer. As a result, it is recommended that for each profession, a single individual be elected to compile and enter information. Choose from the following options:

Begin Survey

PAGE 3: Act 156 of 2016: Professional Regulation Report**Q2: Please select an occupation from the following list.**

Lift Mechanics (Department of Public Safety)

Q3: What is the name of the agency, department and/or division responsible for the regulation of this occupation?

Department of Public Safety, Division of Fire Safety

Q4: Regulation Type. Please check all that apply for this occupation.

Licensing

Q5: What is the number of regulated persons in this occupation?

7 Licensed Elevator Lift Mechanics

Q6: Is there statutory authority as a legal basis for regulation of this occupation?

Yes

Q7: If "yes" to the above, please provide a citation to said statute.

Title 21 V.S.A. Chapter 3; Sub chapter Section 2A; Elevators and Conveyances

Q8: Please provide a citation to any administrative rules associated with the regulation of this occupation.The 2014 Vermont Elevator Safety Rules, Can be found on our website at www.firesafety.vermont.gov**Q9: Please provide any and all agency or department policies for the regulation of this occupation.**2015 Vermont Fire and Building Safety Code, A copy of the rules can be found at www.firesafety.vermont.gov

Q10: Please describe the purpose of regulating this occupation.

The purpose of these rules is to assure elevators and other automated conveyances are correctly and safely installed and operated within the State by authorizing and enforcing rules for the design, installation, operation and maintenance of conveyances, and by licensing mechanics and inspectors who work on the conveyances.

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Q11: Regarding stakeholder groups, please describe how this regulation affects those subject to regulation.

The regulation provides specific requirements regarding qualifications needed for the licensee to perform work on platform lifts, stairway chairlifts and the required process for permitting.

Q12: Regarding stakeholder groups, please describe how this regulation affects State entities.

Buildings and General Services may feel the impact of this regulation due to the fact State owned buildings which are provided with platform lifts and/or stairway chairlifts require repairs. The installation, routine maintenance, and modifications to platform lifts and stairway chairlifts will require lift mechanics to be hired.

Q13: Regarding stakeholder groups, please describe how this regulation affects consumers or clients of this occupation's services.

The regulation ensures operating conveyances are installed and maintained in accordance with the manufacturers recommended guidelines and the elevator safety rules. The regulation ensures consumers and clients are protected from accidents resulting from improper installation or lack of maintenance.

Q14: Regarding stakeholder groups, please describe how this regulation affects employers.

The regulation establishes the minimum qualifications and professional standards for licensure. An employer can hire a licensed elevator lift mechanic with assurance the inspector can engage in the business of inspecting elevators in compliance with the law.

Q15: Regarding stakeholder groups, please describe how this regulation affects the public.

The regulation establishes minimum safety standards and prescribes the minimum qualifications of a lift mechanic. Qualified lift mechanics ensure the installations are maintained and repaired in accordance with recognized adopted safety standards. The use of lifts and chair glides are becoming more prevalent in residential occupancies because of aging in place. The regulation provides for the safety of the public.

Q16: Regarding stakeholder groups, please describe how this regulation affects any other applicable group.

This regulation impacts a wide range of stakeholder groups including developers, business owners, health care groups, federal agencies, economic development, historic preservation, emergency services and disability groups to name a few. All these groups depend on the safe operation and safe maintenance of conveyances. Lifts are installed frequently in churches through a variance process.

Q17: Please describe the governance structure for the regulation of this occupation, including but not limited to: the use of a board; a commission; an agency or division head; a panel; or a hearing officer.

Vermont Elevator Safety Review Board (With current oversight by the Department of Public Safety – Division of Fire Safety). The elevator safety review board consists of seven members, one of whom shall be the Commissioner of Public Safety or the Commissioner's designee, one of whom shall be the Commissioner of Labor or the Commissioner of Labor's designee, and five members to be appointed by the governor as follows: one representative from a major elevator manufacturing company; one representative from an elevator servicing company; an owner or manager of a multi storied building, in which a conveyance is installed; an elevator inspector; and an individual who actually installs, maintains and repairs conveyances.

Q18: Who sets application requirements and practice standards?

Vermont Elevator Safety Review Board establishes the licensing rules and the board and the Department of Public Safety promulgate rules and adopt national standards for which the occupation must comply with.

Q19: Who makes decisions on applicants, enforcement, and discipline?

The Vermont Elevator Safety Review Board makes decisions on applicants while Public Safety and the board approach issues of enforcement and discipline together.

Q20: Are any decision makers active participants in this regulated occupation? If so, please describe if the decision maker has taken a hiatus from the profession, and if so, whether the decision maker plans to return to the profession.

Yes, however, It is not required for members of the Board to take a hiatus from the profession, however there may be times where recusal is necessary during the decision making process.

PAGE 5: Act 156 of 2016: Professional Regulation Report**Q21: What are the regulated qualifications for this occupation? Check all that apply.**

Education Requirements, Examination,
Experience Requirements (exclusive from education)

Q22: How are applications received?

An Elevator Lift Mechanics application must be received at the Division of Fire Safety's Central Office (1311 US Route 302 – Suite 600 Barre, VT 05641). The application must be original, completed electronically or in ink and and have the original applicants signature on the application.

Q23: How are applications reviewed?

Elevator Lift Mechanics License applications are received within the main office and reviewed by the Administrative Assistant to verify submission is complete. Full name, mailing address, social security number and date of birth are required to verify compliance with the Vermont Departments governing Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. § 795, Unemployment Compensation required by 21 V.S.A. § 1378 , and or Fine or Penalty required by 4V.S.A. § 1110. To be eligible as a licensed elevator inspector an applicant shall also demonstrate: From the Rules: Section 3.2:Lift Mechanic License: To be eligible as a licensed lift mechanic an applicant shall demonstrate:(a) An acceptable combination of documented experience and education credits including not less than 2 years' work experience in the platform lift industry, in construction, maintenance and service/repair, as verified by current and previous employers; or,(b) Certificate of completion of an apprenticeship program for lift mechanic, having standards substantially equal to those of this chapter, and registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor or the Vermont State Apprenticeship Council; and Certified Accessibility Technician (CAT).(c) Satisfactory completion of a written examination administered by the department on the most recent adopted codes and standards.(d) The person that is enrolled in an apprenticeship or training program must complete the program and is not eligible to take this examination until completion of the program. (e) A person who holds a lift mechanic's license is permitted to work on platform lifts and stairway chairlifts.

Q24: How are applications rejected?

If an applicant fails to include or complete any of the required documents then their information is added into the database and noted that the application was returned as incomplete and needs to include or correct what was missing. If the applicant submits all the required supporting documents but is not in compliance with the Vermont Departments governing Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. § 795, Unemployment Compensation required by 21 V.S.A. § 1378 , and or Fine or Penalty required by 4V.S.A. § 1110 then the application is entered and noted as returned and they must contact the appropriate Vermont Agency to rectify their outstanding obligation before they may reapply.A return letter is attached to explain everything that is missing or incomplete to best assist the applicant with an approved submission on their next mailing to the office.

Q25: How are application rejections appealed?

If an application is rejected it is clearly explained what is missing. If an applicant feels that their submission was complete and the rejection is not valid it is explained to them that they may resubmit the application with a request to attend the next board meeting and sit before the board to discuss the boards findings as well as review what was submitted.

Q26: How are licenses/certifications/registrations issued?

A completed application satisfying all the requirements including passing the proper International Code Council State of Vermont Examination (if required based on application type) is entered into the Department's database and a two year license is printed and mailed to the License holder.

Q27: What is the average time to process license/certification/registration applications?

Every application must be reviewed by the governing board before eligibility to test is given. The applicant is given a three year time period to pass the exam. If the applicant passes the exam within the specified time frame the license is issued.

Q28: Once issued, what is the duration of the license, certification, or registration for this occupation?

An Elevator Lift Mechanics License when issued is valid for a 2 Year duration

Q29: Please describe the license, certification, or registration, renewal process and requirements therein.

A notice of renewal is sent to each licensee prior to the expiration of the license. The signed complete application for renewal must be returned to the Central Office of the Division of Fire Safety prior to the date that the license expires. From the Rules: section 3.6: License Renewal: (a) A license issued under these rules shall be valid for two years. (b) Applicants for license renewal shall provide evidence of completion of eight hours of related instruction completed during the preceding 24-month licensing period. (c) All licenses expire the last day of the month for the license period. The signed application for renewal, the certification of related instruction, child support certification, tax certification, fine or penalty certification and the fee for renewal shall be returned to the board prior to the date the license expires.(d) If a license is not renewed within one year of its expiration date the inactive licensee shall make application for a new license and shall follow the appropriate licensing procedure. The board may waive the requirement for reexamination where there is an undue hardship or other unusual circumstance.(e) A license holder who is unable to complete a course of related instruction during the time specified may request an exemption from the Board on a form provided by the department.(1) When the exemption request is due to temporary disability a certified statement from a competent physician attesting to such temporary disability shall be provided. (2) When a temporary exemption for related instruction is approved by the Board a new license shall be issued with a new expiration date 90 days beyond the previous expiration date.(f) A license holder whose license has reached the expiration date shall not accomplish any unsupervised work regulated under these rules until the license has been renewed.

PAGE 6: Act 156 of 2016: Professional Regulation Report**Q30: Please provide a citation to the standards of practice or codes of conduct for regulated persons in this occupation. These include any and all of the following:A) StatutesB) RulesC) PoliciesE) Other**

Title 21 V.S.A. Chapter 3; Subchapter Section 2A; Elevators and Conveyances.
2014 Vermont Elevator Safety Rules

Q31: Please describe the enforcement process for receiving and evaluating complaints.

From the Rules: Section 3.10 Disciplinary Action Against a License Holder: Any person may file a complaint with the Board by doing so in writing, setting forth a full statement of the facts concerning the alleged infraction of the elevator licensing law or rules. In the event a complaint is filed with the Board, the Board's investigation shall not be limited to the matter set forth in the request for investigation but may extend to any act coming to the attention of the Board which appears to violate the law or these rules. Annex II. 1 Initiating a Complaint against a Licensee: (a) Form of complaint filing. A person may register a complaint against a mechanic or inspector licensed by the Elevator Board by filing a written complaint with the Division of Fire Safety, 1311 US Route 302 – Berlin, 600, Barre, VT 05641-2351. The written complaint must set forth, at a minimum, the nature, date and place of the alleged violations. The Board may also initiate a license review procedure on its own motion by filing a complaint with the department. (b) Verification. Upon receipt of a complaint, the department will verify the Vermont license number of the person against whom the complaint is lodged. If the person is unlicensed and the complaint alleges criminal conduct, the department will refer the complaint to the office of the Criminal Division of the Attorney General's Office. If the person is a licensee of the Board, the department will docket the complaint and open an investigation file under the name and license number of the person. (c) Investigating Panel. An investigating panel consisting of an investigator designated by the department and an Assistant Attorney General will be formed upon the docketing of a complaint. The Assistant Attorney General assigned to the case will head the panel and supervise the investigation of the complaint.

Q32: Please describe the enforcement process for performing investigations.

From The Rules; Annex II.2: INITIATING THE INVESTIGATION: (a) Notice to the Licensee. The department will send written notice of the initiation of an investigation to the licensee against whom the complaint has been filed. The notice shall include a copy of the complaint and a copy of the statute and these rules. The notice will inform the licensee that inquiries or materials regarding the investigation should be addressed to the investigating panel at the address of the department. (b) Notice to the Board. The department will send written notice to the Board and the complainant indicating that an investigation has been instituted regarding a licensing complaint. (c) The inspector assigned to investigate the complaint shall inspect the work which is the subject of the complaint and interview the complainant. The inspector may also meet and interview the licensee at the direction of the Assistant Attorney General assigned to the matter.

Q33: Please describe the enforcement process for prosecutions.

If formal disciplinary proceedings are recommended, the assistant attorney general shall submit a complaint describing the alleged violations, and the rules or statutes violated, with the recommendation. Current rules are not clear on process of prosecution.

Q34: Please describe the enforcement process for hearings.

From the Rules Annex II.4 Formal Hearing by the Board (a) Notice and Place of Hearing. Upon the filing of a notice of charges by the investigating panel, the Board will commence the hearing process by serving the notice of charges and a notice of the hearing upon the licensee. Notice will be served personally or by certified mail, return receipt requested. Copies will be sent to the members of the investigating panel and the complainant. The hearing will be scheduled at least 20 days after service. (b) Failure to Appear. If the licensee fails to appear after proper notice has been given, the Board shall hold the hearing and make a decision on the charges. (c) A quorum of the Board shall be a majority of its members. (d) Conduct of Hearing; Receipt of Evidence; Argument. The Board may admit any evidence it deems of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. All persons shall testify under oath or affirmation. The licensee or his attorney may examine or cross examine witnesses, inspect documents, and explain or rebut any evidence presented to the Board. The Assistant Attorney General, investigator, and licensee may present oral and written argument in addition to evidence, which also shall be made part of the record. Where a licensee is not represented by counsel the Board shall advise the licensee and aid in the examining and cross examining of witnesses as effectively as possible compatible with the impartial discharge of its duties as a body of impartial review. (e) Authority of the Chair. The chair shall administer oaths to witnesses, rule on questions of evidence and upon the service of subpoenas and other notices, and do whatever is necessary and proper to conduct the hearing in a judicious, fair and expeditious manner. (f) Disqualification of a Board Member. A member of the Board shall voluntarily disqualify him or herself and withdraw from any hearing in which the member cannot act in a fair and impartial manner, or where the member has an interest in the proceedings. Any party to a hearing may request disqualification of a Board member by filing an affidavit stating with particularity the grounds for disqualification. If the Board member does not disqualify himself or herself in response to the motion, the chair of the Board shall decide the issue of disqualification. A hearing shall be held if requested by the moving party or if deemed necessary by the chair. All materials pertinent to a matter of disqualification shall be made part of the record. If a Board member is disqualified, thereby negating the quorum, the chair shall appoint a hearing officer to decide the matter in the same manner as if the Board were presiding. (g) Judgment of the Board. The Board will issue a decision within a reasonable time following the conclusion of the hearing. The decision must be in writing and be signed by the members of the Board. The decision shall set forth findings of fact, conclusions of fact and law, and the judgment. If a decision of the Board is not unanimous, the decision of the majority will control. The minority may file a dissenting opinion. The Board promptly shall mail or deliver a copy of its decision to the licensee, the investigating panel and, if appropriate, to the complainant. An order attached to the judgment will go into effect after the end of the 30 day appeal period, if no appeal is filed. (h) Appeal From a Decision of the Board. A licensee aggrieved by a judgment of the Board may appeal that judgment to the Supreme Court. The Board may grant, or the court may order, a stay of the Board's order upon application of the licensee. (i) Transcripts. A contested case hearing shall be recorded but not transcribed unless a transcript is requested by an interested person. Transcripts will be available for cost. The Board will provide an estimate of transcription cost before filling an order for transcript.

Q35: Please describe the enforcement process for discipline.

The Board may take disciplinary action against a license holder only after notice and an opportunity to appear before the Board for a hearing, in accordance with 3 V.S.A. Chapter 25, the Vermont Administrative Procedure Act, and these rules.

Q36: Please describe the enforcement process for follow-up or monitoring of previously disciplined individuals.

From the Rules Annex II.3 Recommended Action (a) At the conclusion of the investigation the Assistant Attorney General assigned to the matter shall make a recommendation as to whether formal proceedings should commence against the licensee. (b) If formal disciplinary proceedings are recommended, the Assistant Attorney General shall submit a complaint describing the alleged violations, and the rules or statutes violated, with the recommendation. (c) If the licensee is willing to admit to the charges the Assistant Attorney General may explore the possibility of a stipulated settlement. A stipulated settlement must be approved by the Board. (d) If no disciplinary action is recommended the case will be closed and the complainant and the licensee will be notified that no further action will be taken at this time. The matter may be reopened if new evidence is presented.

Q37: Please describe the average time to process complaints and disciplinary cases

No formal complaints have been filed against a lift mechanic.

Q38: Please describe any inspection process relevant to this occupation.

The elevator board chair would conduct an on-site inspection to validate allegations. A report of findings would be written up for the Board to review as part of the evidence process.

Q39: Regarding this occupation, please describe the annual average count of the following:

Complaints	1
Investigations	1
Prosecutions	1
Hearings	1
Cases Resulting in Disciplinary Action	1
Cases Resulting in Follow-up or Monitoring	1

PAGE 7: Act 156 of 2016: Professional Regulation Report**Q40: Please describe any systems, such as information technology systems, that are used to enable licensing, certification, registration, renewal, enforcement and inspection.**

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PAGE 8: Act 156 of 2016: Professional Regulation Report

Q41: Please provide the number of full-time staff related to the regulation of this occupation, including job titles and duties.

We have a full time Administrative Assistant B who enters the elevator licenses into the database. The division Deputy Director is the Chair of the Elevator Licensing Board. The Administrative Assistant prepares all of the board packets, prepares the meeting agenda, attends the board meetings and processes board meeting minutes. The Assistant also tracks the license renewal paperwork, reviews continuing education documentation for issuance of the renewal and is responsible for all the financial deposits and filing of all relevant paperwork.

Q42: Please provide the number of part-time staff related to the regulation of this occupation, including job titles and duties.

We do not hire part time staff to support the elevator program

PAGE 9: Act 156 of 2016: Professional Regulation Report

Q43: Please provide the following information:

Average Annual Expenses	We charge one full time licensing position to special fund 21097- the indirect charge to this fund account is
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Average Annual Fees Charged	1

Q44: Please describe any recent or unexpected budget variations which may skew answers in the above question.

n/a

Q45: Please describe the fee structure associated with the regulation of this profession. This includes the following:A) The fee amount charged;B) How fee amounts are determined and set;C) The authority to establish those fees; andD) How revenues from fees are used, indicating the specific uses if those revenues are used for purposes other than regulating the profession.

Authority for fees are found in Title 21 V.S.A. Sections 148 for licenses. The fees generated by this profession are used to off set cost of the elevator program.

Q46: Please describe any General Fund or Special Fund deposits

We do not receive any general fund money thus all funds received are special fund revenue.

Q47: Please describe any appropriations from the General Fund

n/a

PAGE 10: Act 156 of 2016: Professional Regulation Report

Q48: Please describe the qualifications of any supervisor responsible for the oversight of the agency's department's professional regulatory entity and whether that supervisor has the ability to veto or modify any decision by that professional regulatory entity.

The Deputy Director of Fire Safety chairs the Elevator Safety Board. The Elevator Safety Board has jurisdiction over all licensing issues and the Commissioner of Public Safety has authority over the installation, maintenance and inspection of all conveyances. The elevator rules authorize the profession to shut down elevators for non compliance. This does not occur frequently but, there are instances where an elevator or lift may be locked out of service after repeated attempts to get repairs made. There is communication between the inspectors and our division when this occurs..

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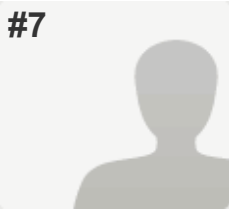
The elevator program is a stand alone program with a separate special fund account. We interact with the trades people in many different capacities including licensing, attending board meetings, conducting complaint investigations, reviewing construction documents, issuing permits and completing data entry in support of the program.

PAGE 11: Exit Page

Q50: Thank You for completing this survey.

End

#7

**COMPLETE****Collector:** Web Link 27 (Web Link)**Started:** Tuesday, November 01, 2016 10:52:18 AM**Last Modified:** Tuesday, November 01, 2016 11:22:42 AM**Time Spent:** 00:30:23**IP Address:** 159.105.2.116

PAGE 2: Act 156 of 2016: Professional Regulation Report

Q1: In the following survey, you will be asked to answer a series of questions regarding the regulatory practices of your given state agency/department. It is recommended that you prepare answers to the following questions prior to starting this survey. NOTE: only one device may be used for the survey, per profession. Therefore, while the survey may be discontinued and then resumed at a later date, all answers for a given profession must be entered through the same computer. As a result, it is recommended that for each profession, a single individual be elected to compile and enter information. Choose from the following options:

Begin Survey

PAGE 3: Act 156 of 2016: Professional Regulation Report

Q2: Please select an occupation from the following list.

Commissioned Boiler Inspectors (Department of Public Safety)

Q3: What is the name of the agency, department and/or division responsible for the regulation of this occupation?

Department of Public Safety, Division of Fire Safety

Q4: Regulation Type. Please check all that apply for this occupation.Other (please specify)
Commissioned by the National Board of Boiler/Pressure Vessel Inspectors**Q5: What is the number of regulated persons in this occupation?**

Approximately 84

Q6: Is there statutory authority as a legal basis for regulation of this occupation?

Yes

Q7: If "yes" to the above, please provide a citation to said statute.

20 V.S.A Chapter 173 Subchapter 005 : Boilers And Pressure Vessels

Q8: Please provide a citation to any administrative rules associated with the regulation of this occupation.

20 V.S.A. 173, § 2881. General provisions (a) A person shall not install or maintain a boiler or pressure vessel which is unsafe or likely to be unsafe to other persons or property. (b) A person shall not operate, cause to be operated, or permit to be operated any boiler or pressure vessel under his or her control or ownership, in a manner which causes or is likely to cause harm to other persons or property. (Added 2003, No. 141 (Adj. Sess.), § 4a, eff. April 1, 2005.) § 2882. Rules; installation standards(a) The commissioner may adopt rules pertaining to boilers and pressure vessels, and standards to be observed, necessary for the safety and protection of the public, employees, and property. The commissioner may provide for operating certificates to be issued before a boiler or pressure vessel may be used.(b) A boiler or pressure vessel regulated by the rules adopted under this section shall be designed, manufactured, and assembled in accordance with the relevant standards published by the:(1) American Society of Mechanical Engineers; (2) Canadian Standards Association;(3) European Committee for Standardization, for boilers with a maximum water jacket size of 60 gallons, a maximum input of 250,000 Btu, and a maximum relief valve setting of 30 pounds per square inch gauge; or(4) European Committee for Standardization, for boilers or pressure vessels with an input of greater than 250,000 Btu or a water jacket size of greater than 60 gallons as approved by the commissioner.(c) A boiler or pressure vessel regulated by the rules adopted under this section shall be installed in accordance with the National Board Inspection Code, as amended, including control, safety, and pressure relief devices in accordance with the relevant standards published by the American Society of Mechanical Engineers.(d) A boiler or pressure vessel regulated by the rules adopted under this section shall provide the manufacturer's design information, instructions, data plates, and warning labels in English.(e) In reviewing an application for a variance, the commissioner may rely upon decisions or information from other states or governmental entities that have reviewed and approved a boiler or pressure vessel that does not meet one of the standards set forth under subsection (b) of this section. (Added 2003, No. 141 (Adj. Sess.), § 4a, eff. April 1, 2005; amended 2009, No. 86 (Adj. Sess.), § 1.) § 2883. Boiler inspectionsThe commissioner has authority to obtain specific information from boiler inspectors on forms which shall first be approved by the commissioner. The commissioner may authorize qualified inspectors to conduct inspections under such rules as the commissioner may prescribe. If a boiler or pressure vessel is insured, the inspection may be conducted by a qualified inspector who is employed, or contractually authorized, by the insurer. If a boiler or pressure vessel is not insured, the inspection may be conducted by any qualified inspector authorized by the commissioner. In case the inspection is made by such an inspector, no fee shall be charged by the division, except a process fee of \$30.00 for issuance of an operating certificate. The fee for a person requesting a three-year authorization to conduct inspections shall be \$150.00. A licensed boiler inspector shall carry liability insurance in an amount determined by the department. (Added 2003, No. 141 (Adj. Sess.), § 4a, eff. April 1, 2005; amended 2009, No. 134 (Adj. Sess.), § 4.) § 2884. Qualifications of inspectorsAll boiler inspectors shall have passed the examination required by the National Board of Boiler and Pressure Vessel Inspectors, and hold annual certification from such board. (Added 2003, No. 141 (Adj. Sess.), § 4a, eff. April 1, 2005; amended 2009, No. 134 (Adj. Sess.), § 4.) § 2885. PenaltiesThe commissioner may assess penalties pursuant to section 2734 of this title against a person who violates this subchapter or any rule adopted under this subchapter. (Added 2003, No. 141 (Adj. Sess.), § 4a, eff. April 1, 2005.)

Q9: Please provide any and all agency or department policies for the regulation of this occupation.

2015 Fire and Building Safety Code...(i) An employee of an insurance company, licensed to insure boilers and pressure vessels in Vermont, shall obtain a current Vermont commission to inspect boilers and pressure vessels prior to conducting any inspections. A current commission from the National Board of Boiler and Pressure Vessel Inspectors is required to obtain a Vermont commission. A Vermont commission may be revoked or suspended for violation or misrepresentation of responsibilities established under this Code. A person who has a Vermont commission revoked or suspended shall be given written notification and the opportunity for a hearing following due process.

Q10: Please describe the purpose of regulating this occupation.

Boiler and pressure vessels pose an explosion and carbon monoxide hazard. Requiring inspections to be conducted by a National Board Commissioned Boiler Inspector, validates the boiler/pressure vessel has been manufactured in accordance with nationally recognized safety standards to reduce the risk of explosions and carbon monoxide production.

Q11: Regarding stakeholder groups, please describe how this regulation affects those subject to regulation.

This National Board of Commissioned Boiler Inspectors is the only nationally recognized/accepted commissioning entity. Every State in the country requires commissioning from the National Board. The requirements needed for obtaining a Commission to inspect boilers and pressure vessels is specified by the board. The commissioned inspectors are required to follow the national board of boiler codes.

Q12: Regarding stakeholder groups, please describe how this regulation affects State entities.

State buildings provided with boilers and or pressure vessels are required to comply with the regulations. Boilers and pressure vessels are required to be inspected on a regular basis, depending on there size and function. Generally Building and General Services oversee the maintenance and inspection of boilers in State owned buildings.

Q13: Regarding stakeholder groups, please describe how this regulation affects consumers or clients of this occupation's services.

The regulation provides the minimum qualifications for those who commission boilers and pressure vessels. A consumer who purchases a boiler must ensure the boiler contains an ASME stamp. The ASME stamp on the boiler validates the boiler was manufactured under stringent quality control measures to prevent catastrophic failure. The ASME standard is a very comprehensive standard which all boilers must comply with. The standard in general terms dictates the composition of the steel, thickness of the steel, how the steel is handled and by whom, where it was manufactured, the time and date of manufacture and all the testing criteria. The quality control measures in place for the construction of a ASME boiler is extremely restrictive.

Q14: Regarding stakeholder groups, please describe how this regulation affects employers.

Employers or business owners are required to have the boilers inspected by a commissioned inspector.

Q15: Regarding stakeholder groups, please describe how this regulation affects the public.

This regulation establishes minimal acceptable installation and maintenance standards for which all trades people are accountable for. This regulation ensures a boiler/pressure vessel meets the stringent safety standards warranted and ensures the boilers meet nationally recognized safety standards.

Q16: Regarding stakeholder groups, please describe how this regulation affects any other applicable group.

The majority of the commissioned boiler inspectors throughout the country are employed by insurance companies. The fact improperly installed boilers have the potential for catastrophic failure with significant property damage and loss of life, insurance companies employ the commissioned inspectors.

Q17: Please describe the governance structure for the regulation of this occupation, including but not limited to: the use of a board; a commission; an agency or division head; a panel; or a hearing officer.

The National Board of Boiler Inspectors sets the standard for which all inspectors must meet to be commissioned. The Department of Public Safety, Division of Fire Safety issues the boiler/pressure vessel commission to the applicant upon his/her receiving a commission from the National Board of Inspectors..

Q18: Who sets application requirements and practice standards?

Department of Public Safety – Division of Fire Safety via the National Board of Boiler and Pressure Vessel Inspectors.

Q19: Who makes decisions on applicants, enforcement, and discipline?

Department of Public Safety – Division of Fire Safety

Q20: Are any decision makers active participants in this regulated occupation? If so, please describe if the decision maker has taken a hiatus from the profession, and if so, whether the decision maker plans to return to the profession.

No

Q21: What are the regulated qualifications for this occupation? Check all that apply.

Examination,
Experience Requirements (exclusive from education)

Q22: How are applications received?

An application for a Vermont Commissioned Boiler Inspector must be received at the Division of Fire Safety's Central Office (1311 US Route 302 – Suite 600 Barre, VT 05641). The application must be original, completed electronically or in ink and have the original applicants signature on the application.

Q23: How are applications reviewed?

Once an application is received it is date stamped and reviewed to verify all required documents are included and complete. The Licensing Specialist searches for the applicant in the Fire Safety Database to review applicant history if applicable. If the applicant is in compliance with the Vermont Departments governing Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. §795, Unemployment Compensation required by 21 V.S.A. § 1378 , and Fine or Penalty required by 4V.S.A. § 1110 and has all the required documents the application for Vermont Commission can be accepted and processed.

Q24: How are applications rejected?

If an applicant fails to include or complete any of the required documents the application may be returned as incomplete. If the applicant submits all the required supporting documents but is not in compliance with the Vermont Departments governing Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. §795, Unemployment Compensation required by 21 V.S.A. § 1378 , and Fine or Penalty required by 4V.S.A. § 1110 then the application is entered and noted as returned and they must contact the appropriate Vermont Agency to rectify their outstanding obligation before they may reapply.

Q25: How are application rejections appealed?

In Vermont a Boiler Commission is issued when the applicant has a current National Board Commission; the proper insurance coverage and compliance with Vermont Departments governing Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. §795, Unemployment Compensation required by 21 V.S.A. § 1378 , and Fine or Penalty required by 4V.S.A. § 1110. Once these are complete and compliance is verified we can then process the application. Appeals can be requested under Section 8 of the Vermont Fire and Building Safety Code.

Q26: How are licenses/certifications/registrations issued?

A completed application is entered into the fire data base system and the applicant is mailed the commission card.

Q27: What is the average time to process license/certification/registration applications?

A completed application can take as little as 15 minutes to process while an application requiring re-submittal may take a couple of hours.

Q28: Once issued, what is the duration of the license, certification, or registration for this occupation?

A Vermont Commissioned Boiler and Pressure Vessel Inspector has a Commission that is valid for a 3 year duration effective from the date of acceptance and valid for 3 years expiring on the last day of the month.

Q29: Please describe the license, certification, or registration, renewal process and requirements therein.

A notice of renewal is sent to each Inspector prior to the expiration of the Commission. The signed application for renewal, the correct fee, the current National Board of Boiler And Pressure Vessel Inspectors Commission; A current liability Insurance Certificate showing coverage of \$1,000,000.00 per occurrence and \$3,000,000.00 general aggregate, and their complete and signed statement regarding Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. §795, Unemployment Compensation required by 21 V.S.A. § 1378 , and Fine or Penalty required by 4V.S.A. § 1110 must be completed, signed and attached to application.

Q30: Please provide a citation to the standards of practice or codes of conduct for regulated persons in this occupation. These include any and all of the following: A) Statutes B) Rules C) Policies E) Other

Title 20 V.S.A. Chapter 173, Sub chapter 5.
2015 Fire & Building Safety Code

Q31: Please describe the enforcement process for receiving and evaluating complaints.

Complaints on boiler inspectors is very rare because the inspections they conduct are extremely specialized. The Commissioner can assess penalties and take enforcement action as prescribed in 20 V.S.A. 173

Q32: Please describe the enforcement process for performing investigations.

Complaints are entered into our fire safety data base by the regional assistant or regional manager. The manager reviews the merit of the complaint and assigns the complaint to an Assistant State Fire Marshal. If the complaint is not under our jurisdiction we make the appropriate referral to other State agencies or in some cases the local municipality.

Q33: Please describe the enforcement process for prosecutions.

Whenever the commissioner finds that premises or any part of them does not meet the standards adopted under this subchapter, the commissioner may order it repaired or rehabilitated. If it is not repaired or rehabilitated within a reasonable time as specified by the commissioner in his or her order, the commissioner may order the premises or part of them closed, if by doing so the public safety will not be imperiled; otherwise he or she shall order demolition and removal of the structure, or fencing of the premises. Whenever a violation of the rules is deemed to be imminently hazardous to persons or property, the commissioner shall order the violation corrected immediately. If the violation is not corrected, the commissioner may then order the premises or part of them immediately closed and to remain closed until the violation is corrected. (b) Whenever a structure, by reason of age, neglect, want of repair, action of the elements, destruction, either partial or total by fire or other casualty or other cause, is so dilapidated, ruinous, decayed, filthy, unstable, or dangerous as to constitute a material menace or damage in any way to adjacent property, or to the public, and has so remained for a period of not less than one week, the commissioner may order such structure demolished and removed. (c) Orders issued under this section shall be served by certified mail with return receipt requested or in the discretion of the commissioner, shall be served in the same manner as summonses are served under the Vermont Rules of Civil Procedure promulgated by the supreme court, to all persons who have a recorded interest in the property recorded in the place where land records for the property are recorded, including owners, tenants, mortgagees, attaching creditors, lien holders, and public utilities or water companies serving the premises. (Added 2003, No. 141 (Adj. Sess.), § 3, eff. April 1, 2005.) The Commissioner may assess penalties pursuant to section 2734 of title 20.

Q34: Please describe the enforcement process for hearings.

A person who violates any provision of this subchapter or any order or rule issued pursuant thereto shall be fined not more than \$10,000.00. The state's attorney of the county in which such violation occurs shall prosecute the violation and may commence a proceeding in the superior court to compel compliance with such order or rule, and such court may make orders and decrees therein by way of writ of injunction or otherwise. (b) A person who fails to comply with a lawful order issued under authority of this subchapter in case of sudden emergency shall be fined not more than \$20,000.00. A person who fails to comply with an order requiring notice shall be fined \$200.00 for each day's neglect commencing with the effective date of such order or the date such order is finally determined if an appeal has been filed. (c) The commissioner may, after notice and opportunity for hearing, assess an administrative penalty of not more than \$1,000.00 for each violation of this subchapter or any rule adopted under this subchapter. Penalties assessed pursuant to this subsection shall be based on the severity of the violation. An election by the commissioner to proceed under this subsection shall not limit or restrict the commissioner's authority under subsection (a) of this section. (d) Violation of any rule adopted under this subchapter shall be prima facie evidence of negligence in any civil action for damage or injury which is the result of the violation. (Added 2003, No. 141 (Adj. Sess.), § 3, eff. April 1, 2005.)

Q35: Please describe the enforcement process for discipline.

A person who violates any provision of this subchapter or any order or rule issued pursuant thereto shall be fined not more than \$10,000.00. The state's attorney of the county in which such violation occurs shall prosecute the violation and may commence a proceeding in the superior court to compel compliance with such order or rule, and such court may make orders and decrees therein by way of writ of injunction or otherwise.(b) A person who fails to comply with a lawful order issued under authority of this subchapter in case of sudden emergency shall be fined not more than \$20,000.00. A person who fails to comply with an order requiring notice shall be fined \$200.00 for each day's neglect commencing with the effective date of such order or the date such order is finally determined if an appeal has been filed.(c) The commissioner may, after notice and opportunity for hearing, assess an administrative penalty of not more than \$1,000.00 for each violation of this subchapter or any rule adopted under this subchapter. Penalties assessed pursuant to this subsection shall be based on the severity of the violation. An election by the commissioner to proceed under this subsection shall not limit or restrict the commissioner's authority under subsection (a) of this section.(d) Violation of any rule adopted under this subchapter shall be prima facie evidence of negligence in any civil action for damage or injury which is the result of the violation. (Added 2003, No. 141 (Adj. Sess.), § 3, eff. April 1, 2005.)

Q36: Please describe the enforcement process for follow-up or monitoring of previously disciplined individuals.

There has never been a case where discipline has been necessary. We would follow the order of the hearing officer or court.

Q37: Please describe the average time to process complaints and disciplinary cases

A written complaint would be reviewed by a Regional Manager and an investigation would be launched within 7-days of receipt of complaint.

Q38: Please describe any inspection process relevant to this occupation.

Boiler inspection resources within the Division are limited. The Division has no employed Commissioned Inspector. The Division does have a good relationship with boiler insurance companies who are a resource for us to use if necessary.

Q39: Regarding this occupation, please describe the annual average count of the following:

Complaints	1
Investigations	1
Prosecutions	1
Hearings	1
Cases Resulting in Disciplinary Action	1
Cases Resulting in Follow-up or Monitoring	1

Q40: Please describe any systems, such as information technology systems, that are used to enable licensing, certification, registration, renewal, enforcement and inspection.

The Division of Fire Safety uses the PARAGON® custom fire safety management system (“Fire Data System”) application from Relational Semantics, Inc. The Fire System application is custom built and has been deployed for over 40 years with upgrades. The fire data system is used to manage the daily operational business needs of the division to include but not limited to;

- Management of individual licensure, certification, registration of all professional occupations under the authority of Public Safety. This includes all board decisions and relevant information pertaining to the occupation.
- Management of the division’s code enforcement and inspection programs including the integration of professional regulation into the code enforcement and site specific building information.
- A complete financial record of all monetary transactions from any entity for any time frame.
- Maintain a historic account of all building activity for approximately 40 years.
- Provides a real time mobile application for users for the purpose of validating permits, licensee status, certification status and registration status in the field in real time.
- Provides tracking information for initial licensing, license renewals, license status, personal and confidential client information, contact information, suspension information and a complete historic account of individual license events.
- Provides a complete and detailed account of all permits and work projects in 90,000 plus structures throughout the State including a history of all licensee work in the buildings enabling inspectors to accurately assess findings.

The Fire System application runs on top of a MySQL server and has functioned in its current format without operational failure since its deployment over a decade ago. Recently old hardware was decommissioned and a new virtualized server was established. Data was migrated to allow for better control and asset management. The virtualized environment is hosted on hardware housed at the Department of Public Safety headquarters in Waterbury with redundancy backups scheduled on a daily basis. This redundancy backup allows the Division of Fire Safety the advantage of decommissioning an old manual backup procedure that was in place prior to migrating to the virtualized environment, building a stronger, more reliable means of redundant security. Through the use of several Department of Public Safety sanctioned means of communication, the fire system can be remotely accessed by division staff and approved municipalities through a DPS managed Citrix server and web portal. This allows local governments holding a Life Safety bond agreement with the State to make entries into the application database recognizing Public Safety has an FBI secured platform. Division staff access the fire safety system using the network domain connection in their assigned office or by using a State issued RSA SecurID token. The token provides an encrypted, secure connectivity to the DPS network and can be used with State issued smartphones, employee home networks or public and business class Wi-Fi access points when available without compromising the highest level of security access.

Regarding the PARAGON® Fire Safety Management System application, all critical division data is held and managed within this database for the State. Licensing and individual entity management combined with historical building code enforcement and permitting data allows our inspectors to effectively span all disciplines in real time. For example; a fire marshal arrives at a construction site to conduct an inspection and notices someone doing gas piping in the building. The fire marshal can obtain the name of the contractor and enter his name on our data base and instantly know his license status. Licensees who renew their licenses, certification or registration can do this instantly without delay and the licensee status can be instantly viewed by the field inspectors.

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Q41: Please provide the number of full-time staff related to the regulation of this occupation, including job titles and duties.

We have a full time Administrative Assistant B in our central office entering all boiler commissions. Duties include sending out renewal letters and reviewing applicaiotns for accuracy, entering renewals, answering phone calls, and completing other administrative duties in support of the program. We also have 4 regional administrative assistants in other offices who enter boiler inspection reports and complete other administrative functions in support of the program.

Q42: Please provide the number of part-time staff related to the regulation of this occupation, including job titles and duties.

We do not hire part time staff for assistance with our boiler program.

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Q43: Please provide the following information:

Average Annual Expenses	1
Average Annual Revenues	\$4200 for boiler licensing
Average Annual Fees Charged	1

Q44: Please describe any recent or unexpected budget variations which may skew answers in the above question.

N/A

Q45: Please describe the fee structure associated with the regulation of this profession. This includes the following:A) The fee amount charged;B) How fee amounts are determined and set;C) The authority to establish those fees; andD) How revenues from fees are used, indicating the specific uses if those revenues are used for purposes other than regulating the profession.

License Fee Amount- \$150.00 – renewed every 3 years. Fees generated from the boiler program are pooled and used to off-set division wide expenditures to meet the budget. The authority for the fees is found in 20 V.S.A. 2883

Q46: Please describe any General Fund or Special Fund deposits

All funds are special funds and deposited into fund 21901. Average annual revenue from boiler licensing is \$4200.00

Q47: Please describe any appropriations from the General Fund

n/a

PAGE 10: Act 156 of 2016: Professional Regulation Report**Q48: Please describe the qualifications of any supervisor responsible for the oversight of the agency's department's professional regulatory entity and whether that supervisor has the ability to veto or modify any decision by that professional regulatory entity.**

The Commissioner of Public Safety has the authority to establish rules however, the National Board establishes the criteria for commissioning an inspector. The Commissioner cannot veto or modify the National Board Commission.

Q49: Please provide any additional information you feel is relevant for the purpose of this report.

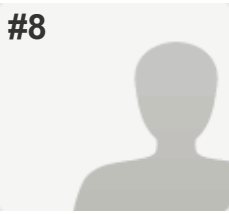
Respondent skipped this question

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Q50: Thank You for completing this survey.

End

#8

**COMPLETE****Collector:** Web Link 28 (Web Link)**Started:** Tuesday, November 01, 2016 11:24:36 AM**Last Modified:** Tuesday, November 01, 2016 11:38:30 AM**Time Spent:** 00:13:54**IP Address:** 159.105.2.116

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Q1: In the following survey, you will be asked to answer a series of questions regarding the regulatory practices of your given state agency/department. It is recommended that you prepare answers to the following questions prior to starting this survey. NOTE: only one device may be used for the survey, per profession. Therefore, while the survey may be discontinued and then resumed at a later date, all answers for a given profession must be entered through the same computer. As a result, it is recommended that for each profession, a single individual be elected to compile and enter information. Choose from the following options:

Begin Survey

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Q2: Please select an occupation from the following list.

Chemical Suppression Systems (Department of Public Safety)

Q3: What is the name of the agency, department and/or division responsible for the regulation of this occupation?

Vermont Department of Public Safety- Division of Fire Safety

Q4: Regulation Type. Please check all that apply for this occupation.

Certification

Q5: What is the number of regulated persons in this occupation?

382

Q6: Is there statutory authority as a legal basis for regulation of this occupation?

Yes

Q7: If "yes" to the above, please provide a citation to said statute.

Title 20, 173, 2731: The Commissioner is authorized to adopt rules regarding the construction of buildings, maintenance, and operation of premises, and prevention of fires and removal of fire hazards, and to prescribe standards necessary to protect the public, employees, and property against harm arising out of or likely to arise out of fire.

Q8: Please provide a citation to any administrative rules associated with the regulation of this occupation.

The 2015 Vermont Fire and Building Safety Code, Section 4

Q9: Please provide any and all agency or department policies for the regulation of this occupation.

There are no written policies we follow the applicable National Fire Protection Association Standard for the installation and maintenance of chemical suppression systems. A certificate from the National Institute for Certificate in Engineering Technologies (NICET) and or National Association of Fire Equipment Distributors (NAFED) is required for certification.

Q10: Please describe the purpose of regulating this occupation.

Chemical suppression systems are installed to protect unique and specific hazards including but not limited to; computer rooms, gasoline dispensing operations, flammable/hazardous material storage areas, sensitive record keeping rooms and most often in commercial kitchen hood systems. The risk of fires in these environments warrant special fire protection for the specific hazard to protect building occupants, equipment, structures and the environment.

PAGE 4: Act 156 of 2016: Professional Regulation Report**Q11: Regarding stakeholder groups, please describe how this regulation affects those subject to regulation.**

This regulation provides specific guidance and requirements for obtaining a Vermont TQP (certification) to install/inspect chemical suppression systems. The regulation also provides requirements on how the certified employee inspects the suppression system, the standards used to inspect the system, and how the completed inspections reports are submitted to the Division of Fire Safety.

Q12: Regarding stakeholder groups, please describe how this regulation affects State entities.

State buildings equipped with chemical suppression systems are affected by the regulation because routine inspections are required. Buildings and General Services manage the inspection of chemical suppression systems.

Q13: Regarding stakeholder groups, please describe how this regulation affects consumers or clients of this occupation's services.

This regulation is in place to ensure chemical suppression systems are installed, inspected and maintained in accordance with national standards and the systems are installed by qualified people. This will ensure safe and reliable functionality in the event of an emergency.

Q14: Regarding stakeholder groups, please describe how this regulation affects employers.

The regulation establishes the minimum qualifications and professional standards for the occupation. An employer in the business of installing systems can hire certified employees necessary to comply with State law. Employers can validate an employee's credentials by contacting our division thus an employer can be assured he /she is hiring a qualified candidate to do the job

Q15: Regarding stakeholder groups, please describe how this regulation affects the public.

The public enters buildings where special hazards exists and these hazards are protected in accordance with national standards and installed by certified people. There are many building where restrants are located on the first floor and apartments are located on the upper levels. The regulation of the profession ensures the public is afforded the necessary protection.

Q16: Regarding stakeholder groups, please describe how this regulation affects any other applicable group.

n/a

Q17: Please describe the governance structure for the regulation of this occupation, including but not limited to: the use of a board; a commission; an agency or division head; a panel; or a hearing officer.

The Commissioner of Public Safety is the governing authority over the occupation

Q18: Who sets application requirements and practice standards?

The Commissioner of Public Safety establishes the application requirements and the practice standards. Our rules adopt the National Fire Protection Association Standards.

Q19: Who makes decisions on applicants, enforcement, and discipline?

The Commissioner of Public Safety makes decisions on applicants, enforcement, and discipline.

Q20: Are any decision makers active participants in this regulated occupation? If so, please describe if the decision maker has taken a hiatus from the profession, and if so, whether the decision maker plans to return to the profession.

No

PAGE 5: Act 156 of 2016: Professional Regulation Report**Q21: What are the regulated qualifications for this occupation? Check all that apply.**

Examination,
Experience Requirements (exclusive from education)

Q22: How are applications received?

An application for a Chemical Suppression Certification must be received through mail or hand delivered at the Division of Fire Safety's Springfield Office (100 Mineral St, Suite 307 Springfield, VT 05156). The application must be original, completed electronically or in ink and have the original applicants signature on the application.

Q23: How are applications reviewed?

Once an application is received it is date stamped and reviewed to verify all required documents are included and complete. The Regional Assistant will review the application for the certificate requirement from NICET (National Institute for Certificate in Engineering Technologies) or NAFED (National Association of Fire Equipment Distributors, and compliance with the Vermont Departments governing Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. §795, Unemployment Compensation required by 21 V.S.A. § 1378 , and Fine or Penalty required by 4V.S.A. § 1110.

Q24: How are applications rejected?

If an applicant fails to include or complete any of the required documents or hold a certificate requirement from NICET (National Institute for Certificate in Engineering Technologies) or NAFED (National Association of Fire Equipment Distributors, then their information is added into the database and noted that the application was returned as incomplete and needs to include or correct what was missing. If the applicant submits all the required supporting documents but is not in compliance with the Vermont Departments governing Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. §795, Unemployment Compensation required by 21 V.S.A. § 1378 , and Fine or Penalty required by 4V.S.A. § 1110 then the application is entered and noted as returned and they must contact the appropriate Vermont Agency to rectify their outstanding obligation before they may reapply.

Q25: How are application rejections appealed?

If an application is rejected it is clearly explained what is missing. In the case of Chemical Suppression systems there is no education or on the job hours to verify it is only a matter of if they hold a current certificate requirement from NICET (National Institute for Certificate in Engineering Technologies) or NAFED (National Association of Fire Equipment Distributors and is in compliance with Vermont Departments governing Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. §795, Unemployment Compensation required by 21 V.S.A. § 1378 , and Fine or Penalty required by 4V.S.A. § 1110, and the appropriate fee. Once these are complete and compliance is verified we can then process the application. Appeals can be requested under section 8 of the Vermont Fire and Building Safety Code

Q26: How are licenses/certifications/registrations issued?

Completed applications are recorded in the Division's database and a three year certification is printed and mailed to the applicant.

Q27: What is the average time to process license/certification/registration applications?

Completed applications require the same documentation. A completed application is normally processed in less than 2 weeks from the time it is received.

Q28: Once issued, what is the duration of the license, certification, or registration for this occupation?

A Chemical Suppression Certification is valid for a 3 year duration effective from the date of issuance and valid for 3 years expiring on the last day of the month.

Q29: Please describe the license, certification, or registration, renewal process and requirements therein.

A notice of renewal is sent to each Installer prior to the expiration of their certification. The signed renewal, the correct fee, and their complete and signed statement regarding Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. §795, Unemployment Compensation required by 21 V.S.A. § 1378 , and Fine or Penalty required by 4V.S.A. § 1110 must be completed and attached to the renewal. They also need a copy of their NICET (National Institute for Certificate in Engineering Technologies) or NAFED (National Association of Fire Equipment Distributors) current certification. Once all items are verified as complete the application is entered in our date base and a new wallet card with the new expiration date is printed and mailed to them.

PAGE 6: Act 156 of 2016: Professional Regulation Report**Q30: Please provide a citation to the standards of practice or codes of conduct for regulated persons in this occupation. These include any and all of the following:A) StatutesB) RulesC) PoliciesE) Other**

20 V.S.A. Chapter 173, Subchapter 2
The 2015 Vermont Fire and Building Safety Code

Q31: Please describe the enforcement process for receiving and evaluating complaints.

Any person may file a complaint with the Division by doing so in writing, setting forth a full statement of the facts concerning the alleged infraction.

Q32: Please describe the enforcement process for performing investigations.

In the event a complaint is filed the area regional manager would evaluate the complaint and launch an initial investigation in to the allegations.

Q33: Please describe the enforcement process for prosecutions.

Prosecution of complaints regarding the certification of Technically Qualified Persons are addressed in the manner set out in the National Fire Protection Association Standard 1- NFPA Fire Code as Adopted. In accordance with section 1.13.12- Revocation or Suspension of Certificates the Authority Having Jurisdiction shall be permitted to revoke or suspend a certificate of fitness issued if any violation of this code is found upon inspection or where any false statements or misrepresentation are submitted in the application on which the approval was based. Revocation or suspension shall be constituted when notification is served, posted, or mailed to the address of record for the certificate holder. Failure on the part of an individual to give such notification of change of address as required shall constitute grounds for revocation of the certificate. Each individual under the provisions of NFPA 1-1.13.9 shall notify the AHJ in writing of any address change within 10 days of such change. Appeals and or request for reconsideration are completed in accordance with Section 8 of the Vermont Fire and Building Safety Code. Administrative fines can be issued to certificate holders under the authority of 20 V.S.A. 2734, Chapter 173, Subchapter 2. Hearings and appeals are conducted under the provisions of 3 V.S.A. 809 and 813 .

Q34: Please describe the enforcement process for hearings.

Under the rules for administrative penalties a fine may be issued. If the fine is appealed within 20 days an informal hearing is conducted. 99% of all penalties are resolved at the informal level. A person who appeals a citation issued pursuant to section 3 of the rules is entitled to a hearing before the Commissioner or designee within 60 days of filing the notice of appeal. The 60 day time frame may be extended if the appellant requests, in writing, additional time to prepare for the hearing

Q35: Please describe the enforcement process for discipline.

Other than suspension or revocation of a certificate or issuance of an administrative fine we do not discipline certificate holders. Suspension or revocation of a certificate holder is extremely rare. There are circumstances when certificates are not renewed because there is missing information.

Q36: Please describe the enforcement process for follow-up or monitoring of previously disciplined individuals.

n/a

Q37: Please describe the average time to process complaints and disciplinary cases

A written complaint would be reviewed by the area regional manager and an investigation would be launched within 7-days of receipt of complaint.

Q38: Please describe any inspection process relevant to this occupation.

Periodic inspection and review of an individual's work would be conducted on a more frequent basis to ensure work was being conducted properly.

Q39: Regarding this occupation, please describe the annual average count of the following:

Complaints	1
Investigations	1
Prosecutions	1
Hearings	1
Cases Resulting in Disciplinary Action	1
Cases Resulting in Follow-up or Monitoring	1

Q40: Please describe any systems, such as information technology systems, that are used to enable licensing, certification, registration, renewal, enforcement and inspection.

The Division of Fire Safety uses the PARAGON® custom fire safety management system (“Fire Data System”) application from Relational Semantics, Inc. The Fire System application is custom built and has been deployed for over 40 years with upgrades. The fire data system is used to manage the daily operational business needs of the division to include but not limited to;

- Management of individual licensure, certification, registration of all professional occupations under the authority of Public Safety. This includes all board decisions and relevant information pertaining to the occupation.
- Management of the division’s code enforcement and inspection programs including the integration of professional regulation into the code enforcement and site specific building information.
- A complete financial record of all monetary transactions from any entity for any time frame.
- Maintain a historic account of all building activity for approximately 40 years.
- Provides a real time mobile application for users for the purpose of validating permits, licensee status, certification status and registration status in the field in real time.
- Provides tracking information for initial licensing, license renewals, license status, personal and confidential client information, contact information, suspension information and a complete historic account of individual license events.
- Provides a complete and detailed account of all permits and work projects in 90,000 plus structures throughout the State including a history of all licensee work in the buildings enabling inspectors to accurately assess findings.

The Fire System application runs on top of a MySQL server and has functioned in its current format without operational failure since its deployment over a decade ago. Recently old hardware was decommissioned and a new virtualized server was established. Data was migrated to allow for better control and asset management. The virtualized environment is hosted on hardware housed at the Department of Public Safety headquarters in Waterbury with redundancy backups scheduled on a daily basis. This redundancy backup allows the Division of Fire Safety the advantage of decommissioning an old manual backup procedure that was in place prior to migrating to the virtualized environment, building a stronger, more reliable means of redundant security. Through the use of several Department of Public Safety sanctioned means of communication, the fire system can be remotely accessed by division staff and approved municipalities through a DPS managed Citrix server and web portal. This allows local governments holding a Life Safety bond agreement with the State to make entries into the application database recognizing Public Safety has an FBI secured platform. Division staff access the fire safety system using the network domain connection in their assigned office or by using a State issued RSA SecurID token. The token provides an encrypted, secure connectivity to the DPS network and can be used with State issued smartphones, employee home networks or public and business class Wi-Fi access points when available without compromising the highest level of security access.

Regarding the PARAGON® Fire Safety Management System application, all critical division data is held and managed within this database for the State. Licensing and individual entity management combined with historical building code enforcement and permitting data allows our inspectors to effectively span all disciplines in real time. For example; a fire marshal arrives at a construction site to conduct an inspection and notices someone doing gas piping in the building. The fire marshal can obtain the name of the contractor and enter his name on our data base and instantly know his license status. Licensees who renew their licenses, certification or registration can do this instantly without delay and the licensee status can be instantly viewed by the field inspectors.

PAGE 8: Act 156 of 2016: Professional Regulation Report**Q41: Please provide the number of full-time staff related to the regulation of this occupation, including job titles and duties.**

A Regional Assistant in our Springfield Regional Office processes the Chemical Suppression Certification requests. Basic duties include entering information in the database, completing financial bank deposits, reviews continuing education, files certification applications and other related paperwork, answers many phone calls, reviews applications for accuracy and completes other tasks when requested. The Regional Manager and Deputy Director help to review any supporting documents in question, conducting investigations of alleged violations, investigates complaints on certification holders, revokes, suspends or denies renewals.

Q42: Please provide the number of part-time staff related to the regulation of this occupation, including job titles and duties.

N/A

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Q43: Please provide the following information:

Average Annual Expenses	1
Average Annual Revenues	382 x \$60= \$22,900 divided by 3 = \$7,640.00
Average Annual Fees Charged	1

Q44: Please describe any recent or unexpected budget variations which may skew answers in the above question.

N/A

Q45: Please describe the fee structure associated with the regulation of this profession. This includes the following:A) The fee amount charged;B) How fee amounts are determined and set;C) The authority to establish those fees; andD) How revenues from fees are used, indicating the specific uses if those revenues are used for purposes other than regulating the profession.

The authority to charge the fee can be found in 20 V.S.A. 2884. The only fee we charge is the \$60.00 registration fee every 3 years. We receive approximately \$7640.00 annually.

Q46: Please describe any General Fund or Special Fund deposits

Special funds are deposited into fund 21901

Q47: Please describe any appropriations from the General Fund

N/A

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Q48: Please describe the qualifications of any supervisor responsible for the oversight of the agency's department's professional regulatory entity and whether that supervisor has the ability to veto or modify any decision by that professional regulatory entity.

The Commissioner of Public Safety or Designee has responsibility for oversight of the program and the Commissioner has the ability to enforce compliance with the established rules.

Q49: Please provide any additional information you feel is relevant for the purpose of this report.

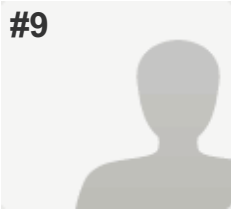
n/a

PAGE 11: Exit Page

Q50: Thank You for completing this survey.

End

#9

**COMPLETE****Collector:** Web Link 29 (Web Link)**Started:** Tuesday, November 01, 2016 11:53:03 AM**Last Modified:** Tuesday, November 01, 2016 12:07:13 PM**Time Spent:** 00:14:09**IP Address:** 159.105.2.116**PAGE 2: Act 156 of 2016: Professional Regulation Report**

Q1: In the following survey, you will be asked to answer a series of questions regarding the regulatory practices of your given state agency/department. It is recommended that you prepare answers to the following questions prior to starting this survey. NOTE: only one device may be used for the survey, per profession. Therefore, while the survey may be discontinued and then resumed at a later date, all answers for a given profession must be entered through the same computer. As a result, it is recommended that for each profession, a single individual be elected to compile and enter information. Choose from the following options:

Begin Survey

PAGE 3: Act 156 of 2016: Professional Regulation Report**Q2: Please select an occupation from the following list.**

Chimney Sweeps (Department of Public Safety)

Q3: What is the name of the agency, department and/or division responsible for the regulation of this occupation?

Department of Public Safety – Division of Fire Safety

Q4: Regulation Type. Please check all that apply for this occupation.

Certification

Q5: What is the number of regulated persons in this occupation?

42

Q6: Is there statutory authority as a legal basis for regulation of this occupation?

Yes

Q7: If "yes" to the above, please provide a citation to said statute.

20 V.S.A. 173, 2731 Rules; Inspections; and Variances- The Commissioner is authorized to adopt rules regarding the construction of buildings, maintenance, and operation of premises, and prevention of fires and removal of fire hazards, and to prescribe standards necessary to protect the public, employees, and property against harm arising out of or likely to arise out of fire.

Q8: Please provide a citation to any administrative rules associated with the regulation of this occupation.

The 2015 Vermont Fire and Building Code Section 4 (5)

Q9: Please provide any and all agency or department policies for the regulation of this occupation.

Certification requires a current certificate from the Chimney Safety Institute of America.

Q10: Please describe the purpose of regulating this occupation.

Cleaning, maintaining and evaluating chimneys and solid fuel burning appliances is necessary to reduce the risk of fires. In Vermont, solid fuel burning appliances are widely used. Chimney fire are common in Vermont and chimney sweeps play an important role in preventing fires.

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Q11: Regarding stakeholder groups, please describe how this regulation affects those subject to regulation.

The regulation provides specific guidance and requirements for obtaining a Vermont TQP (certification) to clean, maintain and inspect solid fuel burning appliances and chimneys. The Vermont Fire and Building Safety Code adopts the National Fire Protection Association Standard for which the chimney sweep is required to comply with when working in the profession.

Q12: Regarding stakeholder groups, please describe how this regulation affects State entities.

State buildings provided with chimneys, venting systems and solid fuel burning appliances are affected by the regulation because annual inspections are required. Buildings and General Services manage the inspection of heating appliances.

Q13: Regarding stakeholder groups, please describe how this regulation affects consumers or clients of this occupation's services.

The regulation is in place to ensure chimneys and vents are installed, inspected and maintained, as required. This will ensure the safe and efficient operation of venting systems and solid fuel burning appliances. When consumers hire a certified chimney sweep they can expect a high level of professionalism and a safe venting system.

Q14: Regarding stakeholder groups, please describe how this regulation affects employers.

The regulation provides the minimum qualifications necessary for certification. An employer in the chimney sweep business can hire a certified employee who has the necessary credentials to engage in the profession in compliance with the law.

Q15: Regarding stakeholder groups, please describe how this regulation affects the public.

The regulation establishes the minimum professional standards by which all trades people may be compared. This regulation ensures competency and professionalism within the trade and provides confidence to the general public the system is designed and operates safely. There are many buildings the general public enter to either work, visit, or sleep where solid fuel burning appliances are operated. Many visitors use fire places and woodstoves which are provided. Many people are not familiar with how to safely operate the systems or they simply may not be familiar with the units. The regulation provides an avenue for which a person can become certified in the profession and thus business owners can hire them for a service.

Q16: Regarding stakeholder groups, please describe how this regulation affects any other applicable group.

A chimney sweep will find code violations while evaluating systems. In some circumstances the chimney sweep will have to make referrals to heating contractors and masons who specialize in the repair work.

Q17: Please describe the governance structure for the regulation of this occupation, including but not limited to: the use of a board; a commission; an agency or division head; a panel; or a hearing officer.

The Commissioner of Public Safety is the governing authority over this occupation.

Q18: Who sets application requirements and practice standards?

The Commissioner of Public Safety establishes the application requirements and practice standards. Practice standards are provided in the National Fire Protection Association Standards adopted by Public Safety through rules. However, the Chimney Safety Institute of America sets the testing standards.

Q19: Who makes decisions on applicants, enforcement, and discipline?

The Commissioner of Public Safety makes decisions on applicants, enforcement and discipline.

Q20: Are any decision makers active participants in this regulated occupation? If so, please describe if the decision maker has taken a hiatus from the profession, and if so, whether the decision maker plans to return to the profession.

No

PAGE 5: Act 156 of 2016: Professional Regulation Report**Q21: What are the regulated qualifications for this occupation? Check all that apply.**

Examination

Q22: How are applications received?

An application for a Chimney Sweep Certification must be received through mail or hand delivered at the Division of Fire Safety's Springfield Office (100 Mineral St, Suite 307 Springfield, VT 05156). The application must be original, completed electronically or in ink and have the original applicants signature on the application.

Q23: How are applications reviewed?

Once an application is received it is date stamped and reviewed to verify all required documents are included and complete. The Regional Assistant will review the application for the successful completion of A current certificate from the Chimney Safety Institute of America, and compliance with the Vermont Departments governing Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. §795, Unemployment Compensation required by 21 V.S.A. § 1378 , and Fine or Penalty required by 4V.S.A. § 1110.

Q24: How are applications rejected?

If an applicant fails to include or complete any of the required documents or hold a current certificate from the Chimney Safety Institute of America, then their information is added into the database and noted that the application was returned as incomplete and needs to include or correct what was missing. If the applicant submits all the required supporting documents but is not in compliance with the Vermont Departments governing Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. §795, Unemployment Compensation required by 21 V.S.A. § 1378 , and Fine or Penalty required by 4V.S.A. § 1110 then the application is entered and noted as returned and they must contact the appropriate Vermont Agency to rectify their outstanding obligation before they may reapply.

Q25: How are application rejections appealed?

If an application is rejected it is clearly explained what is missing. In the case of Chimney Sweep there is no education or on the job hours to verify it is only a matter of if they hold a current certificate from the Chimney Safety Institute of America and is in compliance with Vermont Departments governing Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. §795, Unemployment Compensation required by 21 V.S.A. § 1378 , and Fine or Penalty required by 4V.S.A. § 1110, and the appropriate fee. Once these are complete and compliance is verified we can then process the application.

Q26: How are licenses/certifications/registrations issued?

The Company who is hiring the trade person will contact our office to make arrangements to have the on-line exam scheduled. The Division of Fire Safety has 4 approved proctors who administer the test to the applicant. Prior to the exam the Chimney Safety Institute sends us paperwork which we complete with the applicant. The applicant takes the exam and the pass/fail score sent to the testing agency. The testing agency sends the applicant a certificate of acceptance provided they passed the exam. The applicant completes our application and provides us a copy of the certificate. A completed application is entered into the Division's database and a three year certification card is printed and mailed to the Chimney Sweep.

Q27: What is the average time to process license/certification/registration applications?

Completed applications require the same documentation in order to be accepted. A correctly completed application is normally processed in less than 2 weeks from the time it is received.

Q28: Once issued, what is the duration of the license, certification, or registration for this occupation?

A Chimney Sweep Certification is valid for a 3 year duration effective from the date of issuance and valid for 3 years expiring on the last day of the month.

Q29: Please describe the license, certification, or registration, renewal process and requirements therein.

A notice of renewal is sent to each Installer prior to the expiration of their certification. The signed renewal, the correct fee, and their complete and signed statement regarding Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. §795, Unemployment Compensation required by 21 V.S.A. § 1378 , and Fine or Penalty required by 4V.S.A. § 1110 must be completed and attached to the renewal. They also need a copy of their current certificate from the Chimney Safety Institute of America card. Once all items are verified as complete the application is entered in our data base and a new wallet card with the new expiration date is printed and mailed to them.

PAGE 6: Act 156 of 2016: Professional Regulation Report**Q30: Please provide a citation to the standards of practice or codes of conduct for regulated persons in this occupation. These include any and all of the following:A) StatutesB) RulesC) PoliciesE) Other**

20 V.S.A. Chapter 173, Subchapter 2
The 2015 Vermont Fire and Building Safety Code

Q31: Please describe the enforcement process for receiving and evaluating complaints.

Any person may file a complaint with the Division by doing so in writing, setting forth a full statement of the facts concerning the alleged infraction. The Regional Manager reviews complaints.

Q32: Please describe the enforcement process for performing investigations.

Complaints are entered into our fire safety data base by the regional assistant or regional manager. The manager reviews the merit of the complaint and assigns the complaint to an Assistant State Fire Marshal. If the complaint is not under our jurisdiction we make the appropriate referral to other State agencies or in some cases the local municipality.

Q33: Please describe the enforcement process for prosecutions.

Prosecution of complaints regarding the certification of Technically Qualified Persons are addressed in the manner set out in the National Fire Protection Association Standard 1- NFPA Fire Code as Adopted. In accordance with section 1.13.12- Revocation or Suspension of Certificates the Authority Having Jurisdiction shall be permitted to revoke or suspend a certificate of fitness issued if any violation of this code is found upon inspection or where any false statements or misrepresentation are submitted in the application on which the approval was based. Revocation or suspension shall be constituted when notification is served, posted, or mailed to the address of record for the certificate holder. Failure on the part of an individual to give such notification of change of address as required shall constitute grounds for revocation of the certificate. Each individual under the provisions of NFPA 1-1.13.9 shall notify the AHJ in writing of any address change within 10 days of such change. Appeals and or request for reconsideration are completed in accordance with Section 8 of the Vermont Fire and Building Safety Code. Administrative fines can be issued to certificate holders under the authority of 20 V.S.A. 2734, Chapter 173, Subchapter 2. Hearings and appeals are conducted under the provisions of 3 V.S.A. 809 and 813

Q34: Please describe the enforcement process for hearings.

Under the rules for administrative penalties a fine may be issued. If the fine is appealed within 20 days an informal hearing is conducted. 99% of all penalties are resolved at the informal level. A person who appeals a citation issued pursuant to section 3 of the rules is entitled to a hearing before the Commissioner or designee within 60 days of filing the notice of appeal. The 60 day time frame may be extended if the appellant requests, in writing, additional time to prepare for the hearing. (3 V.S.A. 809 & 813)

Q35: Please describe the enforcement process for discipline.

Other than suspension or revocation of a certificate or issuance of an administrative fine we do not discipline certificate holders. Suspension or revocation of a certificate holder is extremely rare. There are circumstances when certificates are not renewed because there is missing information.

Q36: Please describe the enforcement process for follow-up or monitoring of previously disciplined individuals.

Individuals with less than desirable workmanship have their work inspected on a more frequent basis.

Q37: Please describe the average time to process complaints and disciplinary cases

Complaints are processed as they are received. Conducting the inspection to validate or substantiate the complaint may take a few days, a week possibly. If the complaint has immediate risk to harm it is acted upon immediately.

Q38: Please describe any inspection process relevant to this occupation.

Periodic inspection and review of an individual's work would be conducted on a more frequent basis to ensure work was being conducted properly.

Q39: Regarding this occupation, please describe the annual average count of the following:

Complaints	1
Investigations	1
Prosecutions	1
Hearings	1
Cases Resulting in Disciplinary Action	1
Cases Resulting in Follow-up or Monitoring	1

Q40: Please describe any systems, such as information technology systems, that are used to enable licensing, certification, registration, renewal, enforcement and inspection.

The Division of Fire Safety uses the PARAGON® custom fire safety management system (“Fire Data System”) application from Relational Semantics, Inc. The Fire System application is custom built and has been deployed for over 40 years with upgrades. The fire data system is used to manage the daily operational business needs of the division to include but not limited to;

- Management of individual licensure, certification, registration of all professional occupations under the authority of Public Safety. This includes all board decisions and relevant information pertaining to the occupation.
- Management of the division’s code enforcement and inspection programs including the integration of professional regulation into the code enforcement and site specific building information.
- A complete financial record of all monetary transactions from any entity for any time frame.
- Maintain a historic account of all building activity for approximately 40 years.
- Provides a real time mobile application for users for the purpose of validating permits, licensee status, certification status and registration status in the field in real time.
- Provides tracking information for initial licensing, license renewals, license status, personal and confidential client information, contact information, suspension information and a complete historic account of individual license events.
- Provides a complete and detailed account of all permits and work projects in 90,000 plus structures throughout the State including a history of all licensee work in the buildings enabling inspectors to accurately assess findings.

The Fire System application runs on top of a MySQL server and has functioned in its current format without operational failure since its deployment over a decade ago. Recently old hardware was decommissioned and a new virtualized server was established. Data was migrated to allow for better control and asset management. The virtualized environment is hosted on hardware housed at the Department of Public Safety headquarters in Waterbury with redundancy backups scheduled on a daily basis. This redundancy backup allows the Division of Fire Safety the advantage of decommissioning an old manual backup procedure that was in place prior to migrating to the virtualized environment, building a stronger, more reliable means of redundant security. Through the use of several Department of Public Safety sanctioned means of communication, the fire system can be remotely accessed by division staff and approved municipalities through a DPS managed Citrix server and web portal. This allows local governments holding a Life Safety bond agreement with the State to make entries into the application database recognizing Public Safety has an FBI secured platform. Division staff access the fire safety system using the network domain connection in their assigned office or by using a State issued RSA SecurID token. The token provides an encrypted, secure connectivity to the DPS network and can be used with State issued smartphones, employee home networks or public and business class Wi-Fi access points when available without compromising the highest level of security access.

Regarding the PARAGON® Fire Safety Management System application, all critical division data is held and managed within this database for the State. Licensing and individual entity management combined with historical building code enforcement and permitting data allows our inspectors to effectively span all disciplines in real time. For example; a fire marshal arrives at a construction site to conduct an inspection and notices someone doing gas piping in the building. The fire marshal can obtain the name of the contractor and enter his name on our data base and instantly know his license status. Licensees who renew their licenses, certification or registration can do this instantly without delay and the licensee status can be instantly viewed by the field inspectors.

PAGE 8: Act 156 of 2016: Professional Regulation Report**Q41: Please provide the number of full-time staff related to the regulation of this occupation, including job titles and duties.**

A Regional Assistant in our Springfield Regional Office processes the Chimney Sweep Certification requests. Basic duties include entering information in the database, completing financial bank deposits, reviews continuing education, files certification applications and other related paperwork, answers many phone calls, reviews applications for accuracy and completes other tasks when requested. The Regional Manager and Deputy Director helps to review any supporting documents in question, conducting investigations of alleged violations, investigates complaints on certification holders, revokes, suspends or denies renewals. The Division of Fire Safety has 4 regional managers who are approved proctors who administer exams.

Q42: Please provide the number of part-time staff related to the regulation of this occupation, including job titles and duties.

N/A

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Q43: Please provide the following information:

Average Annual Expenses	1
Average Annual Revenues	42 active Chimney Sweeps X \$30 = \$1,260.00 divided by 3 is a total of \$420.00 per year.
Average Annual Fees Charged	1

Q44: Please describe any recent or unexpected budget variations which may skew answers in the above question.

N/A

Q45: Please describe the fee structure associated with the regulation of this profession. This includes the following:A) The fee amount charged;B) How fee amounts are determined and set;C) The authority to establish those fees; andD) How revenues from fees are used, indicating the specific uses if those revenues are used for purposes other than regulating the profession.

The only fee charged is the \$30.00 registration fee every three years. The authority to charge the fee is found in 20 V.S.A. 2884. Fees are pooled together from this profession and used to off-set expenses across all fire safety programs to meet our budget.

Q46: Please describe any General Fund or Special Fund deposits

We do not receive any general fund revenue for this program.

Q47: Please describe any appropriations from the General Fund

N/A

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Q48: Please describe the qualifications of any supervisor responsible for the oversight of the agency's department's professional regulatory entity and whether that supervisor has the ability to veto or modify any decision by that professional regulatory entity.

The Commissioner or designee has the ability to modify any decision by the professional regulatory entity.

Q49: Please provide any additional information you feel is relevant for the purpose of this report.

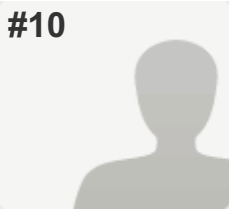
The Division of Fire Safety has several approved proctors who administer the test via on-line or written. Test are submitted and scored and if the candidate passes the exam they are added to our list of approved TQP.

PAGE 11: Exit Page

Q50: Thank You for completing this survey.

End

#10

**COMPLETE**

Collector: Web Link 30 (Web Link)
Started: Tuesday, November 01, 2016 12:08:59 PM
Last Modified: Tuesday, November 01, 2016 1:03:11 PM
Time Spent: 00:54:11
IP Address: 159.105.2.116

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Q1: In the following survey, you will be asked to answer a series of questions regarding the regulatory practices of your given state agency/department. It is recommended that you prepare answers to the following questions prior to starting this survey. NOTE: only one device may be used for the survey, per profession. Therefore, while the survey may be discontinued and then resumed at a later date, all answers for a given profession must be entered through the same computer. As a result, it is recommended that for each profession, a single individual be elected to compile and enter information. Choose from the following options:

Begin Survey

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Q2: Please select an occupation from the following list.

Fire Alarm Inspectors (Department of Public Safety)

Q3: What is the name of the agency, department and/or division responsible for the regulation of this occupation?

Department of Public Safety, Division of Fire Safety

Q4: Regulation Type. Please check all that apply for this occupation.

Certification

Q5: What is the number of regulated persons in this occupation?

480

Q6: Is there statutory authority as a legal basis for regulation of this occupation?

Yes

Q7: If "yes" to the above, please provide a citation to said statute.

Title 26 V.S.A. Chapter 15; Electricians and Electrical Installations

Q8: Please provide a citation to any administrative rules associated with the regulation of this occupation.

The 2015 NFPA 1 Fire Code; Chapter 1.13

Q9: Please provide any and all agency or department policies for the regulation of this occupation.

The 2014 Vermont Electrical Safety Rules:
http://firesafety.vermont.gov/sites/firesafety/files/files/rules/dfs_rules_electrical_current.pdf

Q10: Please describe the purpose of regulating this occupation.

Fire alarm system installation requirements and standards are found in the International Building Code and the NFPA 101 Life Safety Code both of which are adopted by the Division and the Electrical Licensing Board. Fire alarm systems play a crucial and critical role in detecting smoke, heat, carbon monoxide, gas leaks and other associated hazards. Licensing and certification of alarm inspectors is necessary to ensure systems are installed in accordance with adopted standards. Fire alarm systems provide the needed early warning necessary to alert building occupants of an emergency situation. In many cases fire alarm systems are used to monitor and alert local first responders without delay of a potential problem.

PAGE 4: Act 156 of 2016: Professional Regulation Report**Q11: Regarding stakeholder groups, please describe how this regulation affects those subject to regulation.**

The regulation provides the requirements for licensing to install, inspect and test fire alarm systems. The regulations also provide details on how systems are inspected and how reports are submitted to the division of fire safety.

Q12: Regarding stakeholder groups, please describe how this regulation affects State entities.

State owned buildings/agencies provided with a fire alarm system are affected by this regulation. Fire alarm systems are required to be inspected and tested on an annual basis. Buildings and General Services normally manage fire alarm system inspection and maintenance.

Q13: Regarding stakeholder groups, please describe how this regulation affects consumers or clients of this occupation's services.

The regulation affects consumers by providing early warning of an adverse condition. A properly maintained system will ensure the safe and efficient evacuation of a building while notifying first responders automatically. In some circumstances a consumer could see an insurance premium reduction.

Q14: Regarding stakeholder groups, please describe how this regulation affects employers.

The regulation establishes the minimum qualifications necessary for a trade person to become licensed in the field. Employers can be assured a licensed electrician has the credentials to properly design, install, service and maintain fire alarm systems.

Q15: Regarding stakeholder groups, please describe how this regulation affects the public.

The regulation establishes the minimum professional standards by which all trades people may be compared. The regulation ensures competency and professionalism within the trade and provides confidence to the general public the occupation is regulated. A proper fire alarm installation provides the public with early warning of an emergency situation.

Q16: Regarding stakeholder groups, please describe how this regulation affects any other applicable group.

Fire alarm installers engage with many professions in new building construction and renovations. Fire alarm installers work closely with architects, engineers, electricians, plumbers, mechanical engineers, the fire service and other safety advocacy groups. All these groups play a vital role in the selection of the system, location of the control panel, method of transmitting the alarm signal and occupant notification both visual and audible.

Q17: Please describe the governance structure for the regulation of this occupation, including but not limited to: the use of a board; a commission; an agency or division head; a panel; or a hearing officer.

The Electrician's Licensing Board oversees all licensing related matters and the division of fire safety oversees the issues around system installation, maintenance, testing, permitting and reporting. The division oversees the certificate of fitness.

Q18: Who sets application requirements and practice standards?

The Vermont Electrician's Licensing Board regulates the application requirements and the board and public safety promulgate rules to adopt the practice standards.

Q19: Who makes decisions on applicants, enforcement, and discipline?

The Vermont Electrician's Licensing Board makes decisions on applicants and disciplinary related matters. The Commissioner of Public Safety makes decisions on the enforcement of the standards and may issue administrative fines. The Division of Fire Safety may assist the board on the investigation.

Q20: Are any decision makers active participants in this regulated occupation? If so, please describe if the decision maker has taken a hiatus from the profession, and if so, whether the decision maker plans to return to the profession.

No

PAGE 5: Act 156 of 2016: Professional Regulation Report**Q21: What are the regulated qualifications for this occupation? Check all that apply.**

Education Requirements, Examination,
Experience Requirements (exclusive from education)

Q22: How are applications received?

An application for a Fire Alarm Inspector must be received at the Division of Fire Safety's Central Office (1311 US Route 302 – Suite 600 Barre, VT 05641). The application must be original, completed electronically or in ink and and have the original applicants signature on the application.

Q23: How are applications reviewed?

Once an application is received it is date stamped and reviewed to verify all required documents are included and complete. The Licensing Specialist then looks up the applicant in the Fire Safety Database to make sure they hold a current Vermont Electricians License (Electrical Masters, Journeymans, or Specialty in Fire Alarms (7C)). If the applicant is in compliance with the Vermont Departments governing Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. §795, Unemployment Compensation required by 21 V.S.A. § 1378 , and Fine or Penalty required by 4V.S.A. § 1110 and holds a valid Electrical License then the application can be accepted and processed for a 3 year certification.

Q24: How are applications rejected?

If an applicant fails to include or complete any of the required documents or holds a valid Electrical License, then their information is added into the database and noted that the application was returned as incomplete and needs to include or correct what was missing. If the applicant submits all the required supporting documents but is not in compliance with the Vermont Departments governing Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. §795, Unemployment Compensation required by 21 V.S.A. § 1378 , and Fine or Penalty required by 4V.S.A. § 1110 then the application is entered and noted as returned and they must contact the appropriate Vermont Agency to rectify their outstanding obligation before they may reapply.

Q25: How are application rejections appealed?

If an application is rejected it is clearly explained what is missing. In the case of a Fire Alarm Inspector Certification there is no education or on the job hours to verify it is only a matter of if they hold a current, Valid Electrical License and is in compliance with Vermont Departments governing Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. §795, Unemployment Compensation required by 21 V.S.A. § 1378 , and Fine or Penalty required by 4V.S.A. § 1110, and the appropriate fee. Once these are complete and compliance is verified we can then process the application.

Q26: How are licenses/certifications/registrations issued?

Once an application is verified complete and satisfies all required documentation then the information is recorded and updated within the Divisions database and a three year certification is printed and mailed to the Fire Alarm Inspector.

Q27: What is the average time to process license/certification/registration applications?

Every completed application has the same required documentation in order to be accepted. A correctly completed and in compliance application can take as little as 10 minutes to process.

Q28: Once issued, what is the duration of the license, certification, or registration for this occupation?

A Fire Alarm Inspector Certification is valid for a 3 year duration effective from the date of issuance and valid for 3 years expiring on the last day of the month.

Q29: Please describe the license, certification, or registration, renewal process and requirements therein.

A notice of renewal is sent to each Inspector prior to the expiration of their certification. The signed renewal, the correct fee, and 8 hours of Vermont approved Continuing education, and their complete and signed statement regarding Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. §795, Unemployment Compensation required by 21 V.S.A. § 1378 , and Fine or Penalty required by 4V.S.A. § 1110 must be completed and attached to the renewal.

PAGE 6: Act 156 of 2016: Professional Regulation Report**Q30: Please provide a citation to the standards of practice or codes of conduct for regulated persons in this occupation. These include any and all of the following:A) StatutesB) RulesC) PoliciesE) Other**

Title 20 V.S.A. Chapter 173, Subchapter 2.
The 2015 Vermont Fire and Building Safety Code
Standards- National Electrical Code and National Fire Protection Standard 72 and 73

Q31: Please describe the enforcement process for receiving and evaluating complaints.

The process of initiating a complaint against a licensee is found in the Electrician's Licensing Board Rules Chapter 9

Q32: Please describe the enforcement process for performing investigations.

From the Rules: Form of complaint: filing. A person may register a complaint against an electrician licensed by the electricians' licensing board by filing a written complaint with the Department of Public Safety, Division of Fire Safety, 1311 U.S. Route 302, Suite 600 Barre, VT 05641-2351. The written complaint must set forth, at a minimum, the nature, date and place of the alleged violations. The board may also initiate a license review procedure on its own motion by filing a complaint with the department. (2) Verification: Upon receipt of a complaint, the department will verify the Vermont license number of the person against whom the complaint is lodged. If the person is unlicensed and the complaint alleges criminal conduct, the department will refer the complaint to the office of the attorney general. If the person is a licensee of the board, the department will docket the complaint and open an investigation file under the name and license number of the person. (3) Investigating Panel: An investigating panel consisting of an investigator designated by the department and assistant attorney general will be formed upon the docketing of a complaint. The Assistant Attorney General assigned to the case will head the panel and supervise the investigation of the complaint.

9.2 INITIATING THE INVESTIGATION (1) Notice to the Assistant Attorney General and to the investigator: Upon docketing the complaint, the department will send a copy of all materials contained in the newly opened file, including a copy of the complaint, to the Assistant Attorney General and to the investigator. (2) Notice to the Licensee: The department will send written notice of the initiation of an investigation to the licensee against whom the complaint has been filed. The notice shall include a copy of the complaint and a copy of the statute and these rules. The notice will inform the licensee that inquiries or materials regarding the investigation should be addressed to the investigating panel at the address of the department. (3) Notice to the Board: The department will send written notice to the board indicating that an investigation has been instituted regarding a licensing complaint. (4) The inspector assigned to investigate the complaint shall inspect the work which is the subject of the complaint and interview the complainant. The inspector may also meet and interview the licensee at the direction of the Assistant Attorney General assigned to the matter. (1) At the conclusion of the investigation the Assistant Attorney General assigned to the matter shall make a recommendation as to whether formal proceedings should commence against the licensee. (2) If formal disciplinary proceedings are recommended, the Assistant Attorney General shall submit a complaint describing the alleged violations, and the rules or statutes violated, with the recommendation. (3) If the licensee is willing to admit to the charges the Assistant Attorney General may develop a stipulated settlement for approval of the Board. (4) If no disciplinary action is recommended the case will be closed and the complainant and the licensee will be notified that no further action will be taken at this time. The matter may be reopened if new evidence is presented.

Q33: Please describe the enforcement process for prosecutions.

From the Rules: Notice and Place of Hearing: Upon the filing of a notice of charges by the investigating panel, the board will commence the hearing process by serving the notice of charges and a notice of the hearing upon the licensee. Notice will be served personally or by certified mail, return receipt requested. Copies will be sent to the members of the investigating panel and the complainant. The hearing will be scheduled at least 20 days after service. (2) Failure to Appear: If the licensee fails to appear after proper notice has been given, the board shall hold the hearing and make a decision on the charges. (3) A quorum of the board shall be a majority of its members. (4) Conduct of Hearing; Receipt of Evidence; Argument: The board may admit any evidence it deems of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. All persons shall testify under oath or affirmation. The licensee or his/her attorney may examine or cross-examine witnesses, inspect documents, and explain or rebut any evidence presented to the board. The assistant attorney general, investigator, and licensee may present oral and written argument in addition to evidence, which also shall be made part of the record. Where a licensee is not represented by counsel the board shall advise the licensee and aid in the examining and cross examining of witnesses as effectively as possible compatible with the impartial discharge of its duties as a body of impartial review. (5) Authority of the Chair: The chair shall administer oaths to witnesses, rule on questions of evidence and upon the service of subpoenas and other notices, and do whatever is necessary and proper to conduct the hearing in a judicious, fair and expeditious manner. (6) Disqualification of a Board Member: A member of the board shall voluntarily disqualify him or herself and withdraw from any hearing in which the member cannot act in a fair and impartial manner, or where the member has an interest in the proceedings. Any party to a hearing may request disqualification of a board member by filing an affidavit stating with particularity the grounds for disqualification. If the board member does not disqualify him or herself in response to the motion, the chair of the board shall decide the issue of disqualification. A hearing shall be held if requested by the moving party or if deemed necessary by the chair. All materials pertinent to a matter of disqualification shall be made part of the record. If a board member is disqualified, thereby negating the quorum, the chair shall appoint a hearing officer to decide the matter in the same manner as if the board were presiding.

Q34: Please describe the enforcement process for hearings.

See answer to 33

Q35: Please describe the enforcement process for discipline.

Judgment of the Board: The board will issue a decision within a reasonable time following the conclusion of the hearing. The decision must be in writing and be signed by the members of the board. The decision shall set forth findings of fact, conclusions of fact and law, and the judgment. If a decision of the board is not unanimous, the decision of the majority will control. The minority may file a dissenting opinion. The Board promptly shall mail or deliver a copy of its decision to the licensee, the investigating panel and, if appropriate, to the complainant. An order attached to the judgment will go into effect after the end of the 30-day appeal period, if no appeal is filed. (8) Appeal From a Decision of the Board: A licensee aggrieved by a judgment of the board may appeal that judgment to the Supreme Court. The board may grant, or the court may order, a stay of the board's order upon application of the licensee. (9) Transcripts: A contested case hearing shall be recorded but not transcribed unless a transcript is requested by an interested person. Transcripts will be available for cost. The board will provide an estimate of transcription cost before filling an order for transcript.

Q36: Please describe the enforcement process for follow-up or monitoring of previously disciplined individuals.

The board would review the infraction and hand down any enforcement sanctions. Typically this could result in an electrician being inspected more frequently, additional training ect....

Q37: Please describe the average time to process complaints and disciplinary cases

This would depend on the severity of the complaint. If the complaint was alleged criminal activity the complaint would be referred to the Attorney General's Office

Q38: Please describe any inspection process relevant to this occupation.

If the complaint pertains to a code interpretation an inspection is likely to occur with the licensed electrician. If the complaint alleges an unlicensed person is doing wiring an inspection will be conducted. Periodic inspection and review of an individual's work would be conducted on a more frequent basis to ensure work is code compliant.

Q39: Regarding this occupation, please describe the annual average count of the following:

Complaints	1
Investigations	1
Prosecutions	1
Hearings	1
Cases Resulting in Disciplinary Action	1
Cases Resulting in Follow-up or Monitoring	1

PAGE 7: Act 156 of 2016: Professional Regulation Report**Q40: Please describe any systems, such as information technology systems, that are used to enable licensing, certification, registration, renewal, enforcement and inspection.**

The Division of Fire Safety uses the PARAGON® custom fire safety management system ("Fire Data System") application from Relational Semantics, Inc. The Fire System application is custom built and has been deployed for over 40 years with upgrades. The fire data system is used to manage the daily operational business needs of the division to include but not limited to; • Management of individual licensure, certification, registration of all professional occupations under the authority of Public Safety. This includes all board decisions and relevant information pertaining to the occupation. • Management of the division's code enforcement and inspection programs including the integration of professional regulation into the code enforcement and site specific building information. • A complete financial record of all monetary transactions from any entity for any time frame. • Maintain a historic account of all building activity for approximately 40 years. • Provides a real time mobile application for users for the purpose of validating permits, licensee status, certification status and registration status in the field in real time. • Provides tracking information for initial licensing, license renewals, license status, personal and confidential client information, contact information, suspension information and a complete historic account of individual license events. • Provides a complete and detailed account of all permits and work projects in 90,000 plus structures throughout the State including a history of all licensee work in the buildings enabling inspectors to accurately assess findings. The Fire System application runs on top of a MySQL server and has functioned in its current format without operational failure since its deployment over a decade ago. Recently old hardware was decommissioned and a new virtualized server was established. Data was migrated to allow for better control and asset management. The virtualized environment is hosted on hardware housed at the Department of Public Safety headquarters in Waterbury with redundancy backups scheduled on a daily basis. This redundancy backup allows the Division of Fire Safety the advantage of decommissioning an old manual backup procedure that was in place prior to migrating to the virtualized environment, building a stronger, more reliable means of redundant security. Through the use of several Department of Public Safety sanctioned means of communication, the fire system can be remotely accessed by division staff and approved municipalities through a DPS managed Citrix server and web portal. This allows local governments holding a Life Safety bond agreement with the State to make entries into the application database recognizing Public Safety has an FBI secured platform. Division staff access the fire safety system using the network domain connection in their assigned office or by using a State issued RSA SecurID token. The token provides an encrypted, secure connectivity to the DPS network and can be used with State issued smartphones, employee home networks or public and business class Wi-Fi access points when available without compromising the highest level of security access. Regarding the PARAGON® Fire Safety Management System application, all critical division data is held and managed within this database for the State. Licensing and individual entity management combined with historical building code enforcement and permitting data allows our inspectors to effectively span all disciplines in real time. For example; a fire marshal arrives at a construction site to conduct an inspection and notices someone doing gas piping in the building. The fire marshal can obtain the name of the contractor and enter his name on our data base and instantly know his license status. Licensees who renew their licenses, certification or registration can do this instantly without delay and the licensee status can be instantly viewed by the field inspectors.

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Q41: Please provide the number of full-time staff related to the regulation of this occupation, including job titles and duties.

The division has one full time Administrative Assistant B position responsible for electrical licensing. Basic duties include sending out renewal notices, entering licenses on the data base, completing financial bank deposits, reviews continuing education classes, prepares board meeting minutes, files license applications and other related paperwork, answers many phone calls regarding licensing, reviews applications for accuracy, sends out mass mailings, participates in board meetings and completes other tasks when requested. The Chief Electrical Inspector is the Chair of the Electrical Licensing Safety Board. The Chief is a liason between the Board and the division and he is responsible for commicating regulatory issues to the board and is responsible for promulgating rules for the Board for the adoption of the national electrical code which is adopted on a three year cycle. The Board is responsible for approving applicants for testing, conducting investigations of alleged violations, investigates complaints on license holders, issuing licenses, revokes, suspends or denies renewal of licenses. The Deputy Director supervises the licensing specialist and provides input and assistance in support of the program.

Q42: Please provide the number of part-time staff related to the regulation of this occupation, including job titles and duties.

N/A

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Q43: Please provide the following information:

Average Annual Expenses	1
Average Annual Revenues	480 fire alarm inspectors with a 3 year renewal process with a renewal fee of \$90.00. $480 \times 90 = \$43,200$ divided by 3 = \$14,400 per year.
Average Annual Fees Charged	1

Q44: Please describe any recent or unexpected budget variations which may skew answers in the above question.

N/A

Q45: Please describe the fee structure associated with the regulation of this profession. This includes the following:A) The fee amount charged;B) How fee amounts are determined and set;C) The authority to establish those fees; andD) How revenues from fees are used, indicating the specific uses if those revenues are used for purposes other than regulating the profession.

The authority to charge the fee is found in Title 20 V.S.A. Chapter 2884. Fees are established to meet proposed budget. Fees generated from this profession are pooled together to off-set division wide expenses across all programs.

Q46: Please describe any General Fund or Special Fund deposits

Special funds are deposited into fund 21901

Q47: Please describe any appropriations from the General Fund

N/A

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Q48: Please describe the qualifications of any supervisor responsible for the oversight of the agency's department's professional regulatory entity and whether that supervisor has the ability to veto or modify any decision by that professional regulatory entity.

The laws regarding electrical licensing and electrical installations are found in 26 V.S.A. Chapter 15. The Vermont Electrical Safety Rules are adopted by the Electricians' Licensing Board and the Commissioner of Public Safety. The Commissioner has authority over the enforcement of electrical installations while the Board has authority over Electrical Licensing. The Commissioner of Public Safety or Designated Representative may:(a) Refuse to validate a work notice if the license holder has other on-going electrical work for which a work notice has not been filed, or if the Department is owed fees or penalties

Q49: Please provide any additional information you feel is relevant for the purpose of this report.

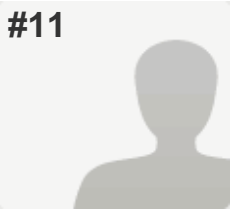
n/a

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Q50: Thank You for completing this survey.

End

#11

**COMPLETE**

Collector: Web Link 31 (Web Link)
Started: Tuesday, November 01, 2016 1:08:32 PM
Last Modified: Tuesday, November 01, 2016 1:19:56 PM
Time Spent: 00:11:23
IP Address: 159.105.2.116

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Q1: In the following survey, you will be asked to answer a series of questions regarding the regulatory practices of your given state agency/department. It is recommended that you prepare answers to the following questions prior to starting this survey. NOTE: only one device may be used for the survey, per profession. Therefore, while the survey may be discontinued and then resumed at a later date, all answers for a given profession must be entered through the same computer. As a result, it is recommended that for each profession, a single individual be elected to compile and enter information. Choose from the following options:

Begin Survey

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Q2: Please select an occupation from the following list.

Fire Sprinkler System Designers (Department of Public Safety)

Q3: What is the name of the agency, department and/or division responsible for the regulation of this occupation?

Department of Public Safety, Division of Fire Safety

Q4: Regulation Type. Please check all that apply for this occupation.

Certification

Q5: What is the number of regulated persons in this occupation?

41

Q6: Is there statutory authority as a legal basis for regulation of this occupation?

Yes

Q7: If "yes" to the above, please provide a citation to said statute.

Title 20, 173, 2731: The Commissioner is authorized to adopt rules regarding the construction of buildings, maintenance, and operation of premises, and prevention of fires and removal of fire hazards, and to prescribe standards necessary to protect the public, employees, and property against harm arising out of or likely to arise out of fire.

Q8: Please provide a citation to any administrative rules associated with the regulation of this occupation.

The 2015 Vermont Fire and Building Safety Code and the 2015 NFPA 1 Fire Code; Chapter 1.13
http://firesafety.vermont.gov/sites/firesafety/files/files/rules/dfs_rules_firecode2015_current.pdf

Q9: Please provide any and all agency or department policies for the regulation of this occupation.

The 2015 Vermont Fire and Building Safety Code establishes the certification procedure including continuing education requirements. Sprinkler design criteria and the standards for which the designer/trade must follow are found in nationally recognized safety standards adopted by the division of fire safety through rules. These standards prescribe how systems are designed, installed, maintained and tested. Those certified in this trade are required to follow the standards set by The National Institute Certification of Engineering Technologies curriculum.

Q10: Please describe the purpose of regulating this occupation.

Fire Sprinkler System Design requirements and standards are found in the International Building Code and NFPA 101 Life Safety Code. The Building Codes and Life Safety Codes are consensus standards adopted by the Division of Fire Safety. The adopted codes and standards provide for the installation, design, maintenance and performance requirements for automatic fire sprinkler systems. Sprinkler systems are the most reliable fire protection feature designed to save human life and property. The regulation prevents those people who are not certified to engage in the occupation.

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Q11: Regarding stakeholder groups, please describe how this regulation affects those subject to regulation.

This regulation details the requirements needed for obtaining a certification to design water based fire protection systems and also details the process, procedures and notifications required by the State of Vermont as a result of such installations and inspections.

Q12: Regarding stakeholder groups, please describe how this regulation affects State entities.

State buildings equipped with automatic sprinkler systems are affected by the regulation. Newly constructed State owned buildings or State owned buildings undergoing renovations are required to employ a certified sprinkler system designer to design the sprinkler system layout.

Q13: Regarding stakeholder groups, please describe how this regulation affects consumers or clients of this occupation's services.

This regulation is in place to ensure that water based fire protection systems are designed, installed, inspected and maintained in accordance with nationally recognized safety standards. The National Fire Protection Association (NFPA) publishes these comprehensive standards for adoption. Consumers and clients can expect a properly designed and installed system to function as designed.

Q14: Regarding stakeholder groups, please describe how this regulation affects employers.

This regulation establishes the minimum qualifications necessary for a trade person to become certified in the field. Employers can be assured a certified sprinkler designer has the credentials to properly design a sprinkler system which meets the State regulations and all the national standards.

Q15: Regarding stakeholder groups, please describe how this regulation affects the public.

The regulation establishes the minimum professional standards by which all trades people may be compared. This regulation ensures competency and professionalism within the trade and provides confidence to the general public the system is designed properly. There are many buildings the general public either work in, visit, or sleep in. There are many different uses of buildings and many different construction types (wood frame, steel, wood and steel, protect steel and concrete). There are many different uses presenting many different hazards and risk. Depending on the construction type, size of the building and the occupancy, sprinkler systems can play a critical role in reducing loss of life and property. Night clubs, dance halls, nursing homes, apartment buildings, residential homes and many more uses put the motoring public at risk should a fire occur. Sprinkler systems contain a fire in most cases to the point of origin allowing occupants the much needed time to safety evacuate.

Q16: Regarding stakeholder groups, please describe how this regulation affects any other applicable group.

The sprinkler system occupation impacts home builders, architects, designers, developers, insurance companies, the fire service, water departments, local municipalities and others. The actual profession of designing systems does not impact others however, there is communication between system designers and stakeholders.

Q17: Please describe the governance structure for the regulation of this occupation, including but not limited to: the use of a board; a commission; an agency or division head; a panel; or a hearing officer.

The Commissioner of Public Safety or the Commissioner's Designee has governance over the occupation. Testing is administered through the National Institute for Certification in Engineering Technologies (NICET)

Q18: Who sets application requirements and practice standards?

Department of Public Safety – Division of Fire Safety

Q19: Who makes decisions on applicants, enforcement, and discipline?

The Department of Public Safety, Division of fire Safety makes decisions over the application and the enforcement of the design standards and permitting.

Q20: Are any decision makers active participants in this regulated occupation? If so, please describe if the decision maker has taken a hiatus from the profession, and if so, whether the decision maker plans to return to the profession.

No

PAGE 5: Act 156 of 2016: Professional Regulation Report**Q21: What are the regulated qualifications for this occupation? Check all that apply.**

Education Requirements, Examination,
Experience Requirements (exclusive from education)

Q22: How are applications received?

An application for a Fire Sprinkler System Designer Certification must be received at the Division of Fire Safety's Central Office (1311 US Route 302 – Suite 600 Barre, VT 05641). The application must be original, completed electronically or in ink and have the original applicants signature on the application.

Q23: How are applications reviewed?

Once an application for a Fire Sprinkler System Designer is date stamped and reviewed to verify all required documents are included and complete. If the applicant is in compliance with the Vermont Departments governing Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. §795, Unemployment Compensation required by 21 V.S.A. § 1378 , and Fine or Penalty required by 4V.S.A. § 1110 and has a current NICET level 3 or higher or has a current Vermont Fire Protection Engineer License the application is processed.

Q24: How are applications rejected?

If an applicant fails to include or complete any of the required documents as then their information is added into the database and noted that the application was returned as incomplete and specifies what was missing. A return letter is attached to explain everything that is missing or incomplete to best assist the applicant with an approved submission on their next mailing to the office. If the applicant submits all the required supporting documents but is not in compliance with the Vermont Departments governing Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. §795, Unemployment Compensation required by 21 V.S.A. § 1378, and Fine or Penalty required by 4V.S.A. §1110, the application is entered and noted as returned and they must contact the appropriate Vermont Agency to rectify their outstanding obligation before they may re-apply.

Q25: How are application rejections appealed?

Appeals can be requested under section 8 of the Vermont Fire and Building Safety Code.

Q26: How are licenses/certifications/registrations issued?

Once an application is verified complete and satisfies all required documentation the information is recorded and updated within the Divisions database and a Certification is issued.

Q27: What is the average time to process license/certification/registration applications?

Complete submissions with no errors or omissions can take a few as 20 minutes, while an application being incomplete and not in accordance with the Vermont Departments governing Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. §795, Unemployment Compensation required by 21 V.S.A. § 1378 , and Fine or Penalty required by 4 V.S.A. § 1110, could take months of following up on to complete one application.

Q28: Once issued, what is the duration of the license, certification, or registration for this occupation?

A I3/I4 Fire Sprinkler System Designer Certification when issued is valid for a 3 year duration.

Q29: Please describe the license, certification, or registration, renewal process and requirements therein.

A notice of renewal is sent to each Certified individual prior to the expiration of the certification. A copy of their current NICET or Fire Protection Engineers License , appropriate fee and compliance with Vermont Departments governing Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. §795, Unemployment Compensation required by 21 V.S.A. § 1378, and Fine or Penalty required by 4V.S.A. § 1110, must be included with the signed renewal form prior to the date that the Certification expires to avoid a lapse in coverage.

PAGE 6: Act 156 of 2016: Professional Regulation Report**Q30: Please provide a citation to the standards of practice or codes of conduct for regulated persons in this occupation. These include any and all of the following:A) StatutesB) RulesC) PoliciesE) Other**

Title 20 V.S.A. Chapter 173, Subchapter 2

The 2015 Vermont Fire and Building Safety Code

Specifies a certification level from National Institute for Certificate in Engineering Technologies (NICET) or a fire protection engineers license in accordance with Title 26 V.S.A. chapter 20.

Q31: Please describe the enforcement process for receiving and evaluating complaints.

Any person may file a complaint with the Division by doing so in writing, setting forth a full statement of the facts concerning the alleged infraction. The complaint would be reviewed by the district manager.

Q32: Please describe the enforcement process for performing investigations.

Complaints are entered into our fire safety data base by the regional assistant or regional manager. The manager reviews the merit of the complaint and if it has technical merit we assign the complaint to an Assistant State Fire Marshal. If the complaint is not under our jurisdiction we make the appropriate referral.

Q33: Please describe the enforcement process for prosecutions.

Prosecution of complaints regarding the certification of Technically Qualified Persons are addressed in the manner set out in the National Fire Protection Association Standard 1- NFPA Fire Code as Adopted. In accordance with section 1.13.12- Revocation or Suspension of Certificates: The Authority Having Jurisdiction shall be permitted to revoke or suspend a certificate of fitness issued if any violation of this code is found upon inspection or where any false statements or misrepresentation are submitted in the application on which the approval was based. Revocation or suspension shall be constituted when notification is served, posted, or mailed to the address of record for the certificate holder. Failure on the part of an individual to give such notification of change of address as required shall constitute grounds for revocation of the certificate. Each individual under the provisions of NFPA 1-1.13.9 shall notify the AHJ in writing of any address change within 10 days of such change. Appeals and or request for reconsideration are completed in accordance with Section 8 of the Vermont Fire and Building Safety Code. Administrative fines can be issued to certificate holders under the authority of 20 V.S.A. 2734, Chapter 173, Subchapter 2. Hearings and appeals are conducted under the provisions of 3 V.S.A. 809 and 813

Q34: Please describe the enforcement process for hearings.

Under the rules for administrative penalties a fine may be issued. If the fine is appealed within 20 days an informal hearing is conducted. 99% of all penalties are resolved at the informal level. A person who appeals a citation issued pursuant to section 3 of the rules is entitled to a hearing before the Commissioner or designee within 60 days of filing the notice of appeal. The 60 day time frame may be extended if the appellant requests, in writing, additional time to prepare for the hearing. (3 V.S.A. 809 & 813)

Q35: Please describe the enforcement process for discipline.

Other than suspension or revocation of a certificate or issuance of an administrative fine we do not discipline certificate holders. Suspension or revocation of a certificate holder is extremely rare. There are circumstances when certificates are not renewed because there is missing information

Q36: Please describe the enforcement process for follow-up or monitoring of previously disciplined individuals.

There has been one case when we had a designer who was not performing to the standards and we did not renew his certification and we required the trade person to hire a certified designer to stamp his drawings.

Q37: Please describe the average time to process complaints and disciplinary cases

Complaints are processed as they are received. Conducting the inspection to validate or substantiate the complaint may take a few days, a week possibly. If the complaint has immediate risk to human life or property damage the complaint is immediately acted upon

Q38: Please describe any inspection process relevant to this occupation.

Periodic inspection and review of an individual's work would be conducted on a more frequent basis to ensure work was being conducted properly.

Q39: Regarding this occupation, please describe the annual average count of the following:

Complaints	1
Investigations	1
Prosecutions	1
Hearings	1
Cases Resulting in Disciplinary Action	1
Cases Resulting in Follow-up or Monitoring	1

Q40: Please describe any systems, such as information technology systems, that are used to enable licensing, certification, registration, renewal, enforcement and inspection.

The Division of Fire Safety uses the PARAGON® custom fire safety management system (“Fire Data System”) application from Relational Semantics, Inc. The Fire System application is custom built and has been deployed for over 40 years with upgrades. The fire data system is used to manage the daily operational business needs of the division to include but not limited to;

- Management of individual licensure, certification, registration of all professional occupations under the authority of Public Safety. This includes all board decisions and relevant information pertaining to the occupation.
- Management of the division’s code enforcement and inspection programs including the integration of professional regulation into the code enforcement and site specific building information.
- A complete financial record of all monetary transactions from any entity for any time frame.
- Maintain a historic account of all building activity for approximately 40 years.
- Provides a real time mobile application for users for the purpose of validating permits, licensee status, certification status and registration status in the field in real time.
- Provides tracking information for initial licensing, license renewals, license status, personal and confidential client information, contact information, suspension information and a complete historic account of individual license events.
- Provides a complete and detailed account of all permits and work projects in 90,000 plus structures throughout the State including a history of all licensee work in the buildings enabling inspectors to accurately assess findings.

The Fire System application runs on top of a MySQL server and has functioned in its current format without operational failure since its deployment over a decade ago. Recently old hardware was decommissioned and a new virtualized server was established. Data was migrated to allow for better control and asset management. The virtualized environment is hosted on hardware housed at the Department of Public Safety headquarters in Waterbury with redundancy backups scheduled on a daily basis. This redundancy backup allows the Division of Fire Safety the advantage of decommissioning an old manual backup procedure that was in place prior to migrating to the virtualized environment, building a stronger, more reliable means of redundant security. Through the use of several Department of Public Safety sanctioned means of communication, the fire system can be remotely accessed by division staff and approved municipalities through a DPS managed Citrix server and web portal. This allows local governments holding a Life Safety bond agreement with the State to make entries into the application database recognizing Public Safety has an FBI secured platform. Division staff access the fire safety system using the network domain connection in their assigned office or by using a State issued RSA SecurID token. The token provides an encrypted, secure connectivity to the DPS network and can be used with State issued smartphones, employee home networks or public and business class Wi-Fi access points when available without compromising the highest level of security access.

Regarding the PARAGON® Fire Safety Management System application, all critical division data is held and managed within this database for the State. Licensing and individual entity management combined with historical building code enforcement and permitting data allows our inspectors to effectively span all disciplines in real time. For example; a fire marshal arrives at a construction site to conduct an inspection and notices someone doing gas piping in the building. The fire marshal can obtain the name of the contractor and enter his name on our data base and instantly know his license status. Licensees who renew their licenses, certification or registration can do this instantly without delay and the licensee status can be instantly viewed by the field inspectors.

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Q41: Please provide the number of full-time staff related to the regulation of this occupation, including job titles and duties.

The Division has one full time Administrative Assistant B position responsible for Certifications. Basic duties include sending out renewal notices, entering information in the database, completing financial bank deposits, reviews continuing education classes, files certification applications and other related paperwork, answers many phone calls, reviews applications for accuracy, sends out mass mailings and completes other tasks when requested. The Deputy Director may assist in reviewing supporting documents, conducting investigations of alleged violations, investigates complaints on certification holders, and may revoke, suspend or deny renewals.

Q42: Please provide the number of part-time staff related to the regulation of this occupation, including job titles and duties.

N/A

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Q43: Please provide the following information:

Average Annual Expenses	1
Average Annual Revenues	41 designers x \$50.00 = \$2050.00 divided by 3 = \$683.00 per year. Initial certification fee is \$150.00 and renewal fee is \$50.00 every three years
Average Annual Fees Charged	1

Q44: Please describe any recent or unexpected budget variations which may skew answers in the above question.

N/A

Q45: Please describe the fee structure associated with the regulation of this profession. This includes the following:A) The fee amount charged;B) How fee amounts are determined and set;C) The authority to establish those fees; andD) How revenues from fees are used, indicating the specific uses if those revenues are used for purposes other than regulating the profession.

Fees are pooled together to off set expenses across all fire safety programs to meet our budget. Fee for initial certification is \$150.00 and renewal fee is \$50.00

Q46: Please describe any General Fund or Special Fund deposits

Special fund revenue is deposited into special account 21901

Q47: Please describe any appropriations from the General Fund

N/A

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Q48: Please describe the qualifications of any supervisor responsible for the oversight of the agency's department's professional regulatory entity and whether that supervisor has the ability to veto or modify any decision by that professional regulatory entity.

The Commissioner or designee has the ability to modify any decision by the professional regulatory entity

Q49: Please provide any additional information you feel is relevant for the purpose of this report.

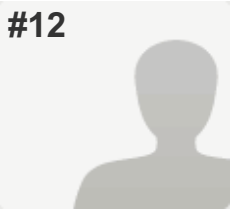
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PAGE 11: Exit Page

Q50: Thank You for completing this survey.

End

#12

**COMPLETE**

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Last Modified: Tuesday, November 01, 2016 1:33:58 PM
Time Spent: 00:11:58
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Q1: In the following survey, you will be asked to answer a series of questions regarding the regulatory practices of your given state agency/department. It is recommended that you prepare answers to the following questions prior to starting this survey. NOTE: only one device may be used for the survey, per profession. Therefore, while the survey may be discontinued and then resumed at a later date, all answers for a given profession must be entered through the same computer. As a result, it is recommended that for each profession, a single individual be elected to compile and enter information. Choose from the following options:

Begin Survey

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Q2: Please select an occupation from the following list.

Fire Sprinkler System Installers (Department of Public Safety)

Q3: What is the name of the agency, department and/or division responsible for the regulation of this occupation?

Department of Public Safety – Division of Fire Safety

Q4: Regulation Type. Please check all that apply for this occupation.

Certification

Q5: What is the number of regulated persons in this occupation?

153

Q6: Is there statutory authority as a legal basis for regulation of this occupation?

Yes

Q7: If "yes" to the above, please provide a citation to said statute.

Title 20 V.S.A. Chapter 173

Q8: Please provide a citation to any administrative rules associated with the regulation of this occupation.

Title 20, 173, 2731: The Commissioner is authorized to adopt rules regarding the construction of buildings, maintenance, and operation of premises, and prevention of fires and removal of fire hazards, and to prescribe standards necessary to protect the public, employees, and property against harm arising out of or likely to arise out of fire.

Q9: Please provide any and all agency or department policies for the regulation of this occupation.

The 2015 Vermont Fire and Building Safety Code establishes the certification procedure including continuing education requirements. Sprinkler installation criteria and the standards for which the trade person must follow are found in nationally recognized safety standards adopted by the division of fire safety through rules. These standards (National Fire Protection Association) prescribe how systems are designed, installed, maintained and tested. Those certified in this trade are required to follow the inspection and testing standards.

Q10: Please describe the purpose of regulating this occupation.

Fire Sprinkler System Installation requirements and standards are found in the International Building Code, NFPA 1 Fire Code and NFPA 101, Life Safety Code. The adopted codes are consensus standards used across the country. The adopted codes and standards provide for the installation, design, maintenance and performance requirements for automatic fire sprinkler systems. Sprinkler systems are the most reliable and most progressive fire protection feature available to protect human life, property and the environment. This regulation prevents those individuals who are not trained to engage in the profession.

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Q11: Regarding stakeholder groups, please describe how this regulation affects those subject to regulation.

The regulation provides specific guidance and requirements for obtaining a Vermont TQP (certification) to install/inspect water based fire protection systems. The regulation provides requirements on inspection procedures, inspection standards, and how inspection results are reported to the Division of Fire Safety.

Q12: Regarding stakeholder groups, please describe how this regulation affects State entities.

State buildings equipped with automatic sprinkler systems are affected by the regulation because annual inspections are required. Buildings and General Services manage the inspection of sprinkler systems in State owned buildings.

Q13: Regarding stakeholder groups, please describe how this regulation affects consumers or clients of this occupation's services.

The regulation is in place to ensure that water based fire protection systems are installed, inspected and maintained in accordance with nationally recognized safety standards. The National Fire Protection Association (NFPA) publishes these comprehensive standards for adoption. Consumers and clients can expect a properly installed system to function as designed.

Q14: Regarding stakeholder groups, please describe how this regulation affects employers.

The regulation establishes the minimum qualifications necessary for a trade person to become certified in the field. Employers can be assured a certified sprinkler installer has the credentials to properly install, service and inspect systems. The division maintains records on all certified individuals.

Q15: Regarding stakeholder groups, please describe how this regulation affects the public.

The regulation establishes the minimum professional standards by which all trades people may be compared. The regulation ensures competency and professionalism within the trade and provides confidence to the general public the system is designed and operates safely with oversight from the State. There are many buildings the general public enter to either work, visit, or sleep in. There are many different uses of buildings and many different construction types (wood frame, steel, wood and steel, protected steel and concrete). There are many different uses presenting many different hazards and risk. Depending on the construction type, size of the building and the use, sprinkler systems play a critical role in reducing loss of life and property. Night clubs, dance halls, nursing homes, hotels, lodging facilities, apartment buildings, day care centers, schools, residential homes and others are considered high risk occupancies and require special risk reduction strategies. Sprinkler systems contain a fire in most cases to the point of origin allowing occupants the much needed time to safety evacuate.

Q16: Regarding stakeholder groups, please describe how this regulation affects any other applicable group.

The sprinkler system occupation impacts home builders, architects, designers, developers, insurance companies, the fire service, water departments, local municipalities and others. The profession of inspecting systems also impact the fire alarm system industry and the telecommunication industry (emergency force notification) because alarms and other system operating conditions are electronically monitored.

Q17: Please describe the governance structure for the regulation of this occupation, including but not limited to: the use of a board; a commission; an agency or division head; a panel; or a hearing officer.

The Department of Public Safety is the governing authority over this occupation.

Q18: Who sets application requirements and practice standards?

The Commissioner of Public Safety establishes the application requirements.

Q19: Who makes decisions on applicants, enforcement, and discipline?

The Commissioner of Public Safety makes decisions on applicants, enforcement, and discipline.

Q20: Are any decision makers active participants in this regulated occupation? If so, please describe if the decision maker has taken a hiatus from the profession, and if so, whether the decision maker plans to return to the profession.

No

PAGE 5: Act 156 of 2016: Professional Regulation Report**Q21: What are the regulated qualifications for this occupation? Check all that apply.**

Education Requirements, Examination,
Experience Requirements (exclusive from education)

Q22: How are applications received?

An application for a Fire Sprinkler System Inspector Certification must be received at the Division of Fire Safety's Central Office (1311 US Route 302 – Suite 600 Barre, VT 05641). The application must be original, completed electronically or in ink and have the original applicants signature on the application.

Q23: How are applications reviewed?

Once an application for a Fire Sprinkler System Inspector is date stamped and reviewed to verify all required documents are included and complete. The Licensing Specialist then forwards the application to the Deputy Director to verify experience and training credentials. If the applicant is in compliance with the Vermont Departments governing Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. §795, Unemployment Compensation required by 21 V.S.A. § 1378 , and Fine or Penalty required by 4V.S.A. § 1110 and is approved by the Deputy Director then the application can be approved for examination.

Q24: How are applications rejected?

Applications are reviewed for accuracy and there are instances when required documentation is missing resulting in the rejection. The reason why the application was rejected is entered into the database for documentation purposes. A return letter is attached to explain everything that is missing or incomplete to best assist the applicant with an approved submission on their next mailing to the office. If the applicant submits all the required supporting documents but is not in compliance with the Vermont Departments governing Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. §795, Unemployment Compensation required by 21 V.S.A. § 1378, and Fine or Penalty required by 4V.S.A. §1110, the application is entered and noted as returned and they must contact the appropriate Vermont Agency to rectify their outstanding obligation before they may re-apply.

Q25: How are application rejections appealed?

Appeals can be requested under section 8 of the Vermont Fire and Building Safety Code.

Q26: How are licenses/certifications/registrations issued?

Once an application is reviewed and found complete the information is recorded on the Divisions database. Once the individual has completed a Fire Sprinkler Apprenticeship Program or has 4 years of documented supervised experience and meets the testing requirements established by the Division, the individual is eligible to submit the application for testing. An appointment is then established for this individual to report to the Berlin Office of the Division of Fire Safety at an appointed date and time to take the test. Once the applicant passes the exam with a score of 70 or higher a three year certification is printed and given or mailed to the applicant.

Q27: What is the average time to process license/certification/registration applications?

Complete submissions with no errors or omissions can take a few as 20 minutes, while an application showing on the job experience only, no formal training, problems with application being incomplete and verifying compliance with the Vermont Departments governing Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. §795, Unemployment Compensation required by 21 V.S.A. § 1378 , and Fine or Penalty required by 4 V.S.A. § 1110, and passing of examination could take months of following up on to complete one application.

Q28: Once issued, what is the duration of the license, certification, or registration for this occupation?

A Fire Sprinkler System Inspector Certification when issued is valid for a 3 year duration.

Q29: Please describe the license, certification, or registration, renewal process and requirements therein.

The American Fire Sprinkler Association developed a test bank comprised of approximately 1000 questions which is based on AFSA Apprenticeship program. Once the individual has completed a Fire Sprinkler Apprenticeship Program or has 4 years of documented supervised experience and meets the testing requirements established by the Division, the individual is eligible to submit the application for testing. A notice of renewal is sent to each Certified individual prior to the expiration of the certification. The certificate of Division approved continuing education, appropriate fee and compliance with Vermont Departments governing Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. §795, Unemployment Compensation required by 21 V.S.A. § 1378, and Fine or Penalty required by 4V.S.A. § 1110, must be included with the signed renewal form prior to the date that the Certification expires to avoid a lapse in coverage.

PAGE 6: Act 156 of 2016: Professional Regulation Report**Q30: Please provide a citation to the standards of practice or codes of conduct for regulated persons in this occupation. These include any and all of the following:A) StatutesB) RulesC) PoliciesE) Other**

Title 20 V.S.A. Chapter 173, Subchapter 2
The 2015 Vermont Fire and Building Safety Code
20 V.S.A. Chapter 173, Subchapter 2 "Fire Safety Division", Subchapter 3 "Fire Hazards and Dangerous Substances".

Q31: Please describe the enforcement process for receiving and evaluating complaints.

Any person may file a complaint with the Division by doing so in writing, setting forth a full statement of the facts concerning the alleged infraction. The regional manager reviews all complaints.

Q32: Please describe the enforcement process for performing investigations.

Complaints are entered into our fire safety data base by the regional assistant or regional manager. The manager reviews the merit of the complaint and assigns the complaint to an Assistant State Fire Marshal. If the complaint is not under our jurisdiction we make the appropriate referral to other State agencies or in some cases the local municipality.

Q33: Please describe the enforcement process for prosecutions.

Prosecution of complaints regarding the certification of Technically Qualified Persons are addressed in the manner set out in the National Fire Protection Association Standard 1- NFPA Fire Code as Adopted. In accordance with section 1.13.12- Revocation or Suspension of Certificates: The Authority Having Jurisdiction shall be permitted to revoke or suspend a certificate of fitness issued if any violation of this code is found upon inspection or where any false statements or misrepresentation are submitted in the application on which the approval was based. Revocation or suspension shall be constituted when notification is served, posted, or mailed to the address of record for the certificate holder. Failure on the part of an individual to give such notification of change of address as required shall constitute grounds for revocation of the certificate. Each individual under the provisions of NFPA 1-1.13.9 shall notify the AHJ in writing of any address change within 10 days of such change. Appeals and or request for reconsideration are completed in accordance with Section 8 of the Vermont Fire and Building Safety Code. Administrative fines can be issued to certificate holders under the authority of 20 V.S.A. 2734, Chapter 173, Subchapter 2. Hearings and appeals are conducted under the provisions of 3 V.S.A. 809 and 813

Q34: Please describe the enforcement process for hearings.

Under the rules for administrative penalties a fine may be issued. If the fine is appealed within 20 days an informal hearing is conducted. 99% of all penalties are resolved at the informal level. A person who appeals a citation issued pursuant to section 3 of the rules is entitled to a hearing before the Commissioner or designee within 60 days of filing the notice of appeal. The 60 day time frame may be extended if the appellant requests, in writing, additional time to prepare for the hearing. (3 V.S.A. 809 & 813).

Q35: Please describe the enforcement process for discipline.

Other than suspension or revocation of a certificate or issuance of an administrative fine we do not discipline certificate holders. Suspension or revocation of a certificate holder is extremely rare. There are circumstances when certificates are not renewed because there is missing information.

Q36: Please describe the enforcement process for follow-up or monitoring of previously disciplined individuals.

Individuals with less than desirable workmanship have their work inspected on a more frequent basis.

Q37: Please describe the average time to process complaints and disciplinary cases

Complaints are processed as they are received. Conducting the inspection to validate or substantiate the complaint may take a few days, a week possibly. If the complaint has immediate risk to human life or property damage the complaint is immediately acted upon.

Q38: Please describe any inspection process relevant to this occupation.

Following the complaint process a site inspection from an Assistant Fire Marshal would occur.

An investigation to validate the alleged infraction may occur.

Prior to a hearing an inspection might be conducted to validate if the alleged violation has been corrected or changed

Periodic inspection and review of an individual's work would be conducted on a more frequent basis to ensure work was being conducted properly.

Q39: Regarding this occupation, please describe the annual average count of the following:

Complaints	1
Investigations	1
Prosecutions	1
Hearings	1
Cases Resulting in Disciplinary Action	1
Cases Resulting in Follow-up or Monitoring	1

Q40: Please describe any systems, such as information technology systems, that are used to enable licensing, certification, registration, renewal, enforcement and inspection.

The Division of Fire Safety uses the PARAGON® custom fire safety management system (“Fire Data System”) application from Relational Semantics, Inc. The Fire System application is custom built and has been deployed for over 40 years with upgrades. The fire data system is used to manage the daily operational business needs of the division to include but not limited to;

- Management of individual licensure, certification, registration of all professional occupations under the authority of Public Safety. This includes all board decisions and relevant information pertaining to the occupation.
- Management of the division’s code enforcement and inspection programs including the integration of professional regulation into the code enforcement and site specific building information.
- A complete financial record of all monetary transactions from any entity for any time frame.
- Maintain a historic account of all building activity for approximately 40 years.
- Provides a real time mobile application for users for the purpose of validating permits, licensee status, certification status and registration status in the field in real time.
- Provides tracking information for initial licensing, license renewals, license status, personal and confidential client information, contact information, suspension information and a complete historic account of individual license events.
- Provides a complete and detailed account of all permits and work projects in 90,000 plus structures throughout the State including a history of all licensee work in the buildings enabling inspectors to accurately assess findings. The Fire System application runs on top of a MySQL server and has functioned in its current format without operational failure since its deployment over a decade ago. Recently old hardware was decommissioned and a new virtualized server was established. Data was migrated to allow for better control and asset management. The virtualized environment is hosted on hardware housed at the Department of Public Safety headquarters in Waterbury with redundancy backups scheduled on a daily basis. This redundancy backup allows the Division of Fire Safety the advantage of decommissioning an old manual backup procedure that was in place prior to migrating to the virtualized environment, building a stronger, more reliable means of redundant security.

Through the use of several Department of Public Safety sanctioned means of communication, the fire system can be remotely accessed by division staff and approved municipalities through a DPS managed Citrix server and web portal. This allows local governments holding a Life Safety bond agreement with the State to make entries into the application database recognizing Public Safety has an FBI secured platform. Division staff access the fire safety system using the network domain connection in their assigned office or by using a State issued RSA SecurID token. The token provides an encrypted, secure connectivity to the DPS network and can be used with State issued smartphones, employee home networks or public and business class Wi-Fi access points when available without compromising the highest level of security access. Regarding the PARAGON® Fire Safety Management System application, all critical division data is held and managed within this database for the State. Licensing and individual entity management combined with historical building code enforcement and permitting data allows our inspectors to effectively span all disciplines in real time. For example; a fire marshal arrives at a construction site to conduct an inspection and notices someone doing gas piping in the building. The fire marshal can obtain the name of the contractor and enter his name on our data base and instantly know his license status. Licensees who renew their licenses, certification or registration can do this instantly without delay and the licensee status can be instantly viewed by the field inspectors.

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Q41: Please provide the number of full-time staff related to the regulation of this occupation, including job titles and duties.

The Division has one full time Administrative Assistant B position responsible for Certifications. Basic duties include sending out renewal notices, entering information in the database, completing financial bank deposits, reviews continuing education classes, files certification applications and other related paperwork, answers many phone calls, reviews applications for accuracy, sends out mass mailings and completes other tasks when requested. The Deputy Director may assist in reviewing supporting documents, conducting investigations of alleged violations, investigates complaints on certification holders, and may revoke, suspend or deny renewals.

Q42: Please provide the number of part-time staff related to the regulation of this occupation, including job titles and duties.

N/A

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Q43: Please provide the following information:

Average Annual Expenses	1
Average Annual Revenues	153 x \$50.00 = \$7,650.00 divided by 3 = \$2550.00 average
Average Annual Fees Charged	Initial certification is \$115.00 Renewal Fee is \$50.00 every 3 years.

Q44: Please describe any recent or unexpected budget variations which may skew answers in the above question.

N/A

Q45: Please describe the fee structure associated with the regulation of this profession. This includes the following:A) The fee amount charged;B) How fee amounts are determined and set;C) The authority to establish those fees; andD) How revenues from fees are used, indicating the specific uses if those revenues are used for purposes other than regulating the profession.

Initial certification fee is \$115.00 and renewal fee is \$50.00 every three years. The authority to charge the fee is found in 20 V.S.A. 2884. Fees are pooled together to off set expenses across all fire safety programs to meet our budget.

Q46: Please describe any General Fund or Special Fund deposits

Special fund revenue is deposited into fund 21901

Q47: Please describe any appropriations from the General Fund

N/A

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Q48: Please describe the qualifications of any supervisor responsible for the oversight of the agency's department's professional regulatory entity and whether that supervisor has the ability to veto or modify any decision by that professional regulatory entity.

The Commissioner or designee has the ability to modify any decision by the professional regulatory entity.

Q49: Please provide any additional information you feel is relevant for the purpose of this report.

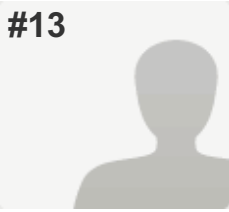
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PAGE 11: Exit Page

Q50: Thank You for completing this survey.

End

#13

**COMPLETE****Collector:** Web Link 21 (Web Link)**Started:** Monday, August 29, 2016 12:47:28 PM**Last Modified:** Tuesday, November 01, 2016 1:44:00 PM**Time Spent:** Over a month**IP Address:** 159.105.179.162

PAGE 2: Act 156 of 2016: Professional Regulation Report

Q1: In the following survey, you will be asked to answer a series of questions regarding the regulatory practices of your given state agency/department. It is recommended that you prepare answers to the following questions prior to starting this survey. NOTE: only one device may be used for the survey, per profession. Therefore, while the survey may be discontinued and then resumed at a later date, all answers for a given profession must be entered through the same computer. As a result, it is recommended that for each profession, a single individual be elected to compile and enter information. Choose from the following options:

Begin Survey

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Q2: Please select an occupation from the following list.

Other (Department of Liquor Control)

Q3: What is the name of the agency, department and/or division responsible for the regulation of this occupation?

The Vermont Department of Liquor Control ("DLC").

Q4: Regulation Type. Please check all that apply for this occupation.

Licensing, Certification, Registration,
 Other (please specify)
 Education. The DLC is a state department governed by a five-person board appointed by the Governor. The DLC controls alcoholic beverages and tobacco products through distribution, licensing, enforcement and education. The DLC also contracts with 80 +/- Agency stores that sell liquor to licensees and consumers. The DLC is tasked with the licensing of Manufacturers of malt and vinous beverages as well as Distillers of spirituous beverages. The DLC also license Wholesale Dealers and retail businesses and provides individual and retail licensing and permitting for special events and tastings. It further regulates tobacco licensing to allow the licensee to engage in the retail sale of tobacco products on the premises identified in the license.

Q5: What is the number of regulated persons in this occupation?

The DLC regulates 80 +/- Agency stores. Additionally, the DLC regulates all persons or entities involved in the alcohol supply chain at any stage when it enters into Vermont, including manufacturers, wholesale dealers, distributors and licensees, of which there are about thirty to forty thousand (30,000 – 40,000). Vermont instituted a three tier system of producers, wholesale distributors, and retailers to promote moderation in consumption, prevent concentration of power, and raise revenues through taxes. Vermont directly controls the sale of liquor at the wholesale level and is considered a “control state” or “control jurisdiction”.

Q6: Is there statutory authority as a legal basis for regulation of this occupation?

Yes

Q7: If "yes" to the above, please provide a citation to said statute.

The DLC obtains its statutory authority from Title 7 of the Vermont Statutes Annotated (“V.S.A.”), as amended.

Additional state statutory references are below:

- 10 V.S.A. 53: Beverage containers, deposit redemption system;
- 17 V.S.A. 35, §2018: Using intoxicating liquor to influence votes;
- 18 V.S.A. 37: Smoking in public places;
- 20 V.S.A. 111, §1817: Reports of law enforcement officer; accidents involving liquor;
- 23 V.S.A. 13: Drunken Driving;
- 24 V.S.A. 61, §2291: Municipal and county government enumeration of powers.

The DLC's statutory authority is also derived from federal law. The Federal Tax and Trade Bureau (“TTB”) regulations are published as Title 27, Chapter II, Code of Federal Regulations (CFR).

Additional Federal statutory references are below:

- Federal regulations relating to the advertising of distilled spirits, wine and malt beverages promulgated under the Federal Alcohol Administration Act (27 U.S.C. 201-211);
- Federal regulations relating to the advertising of distilled spirits, wine and malt beverages promulgated under the Federal Alcohol Administration Act (27 U.S.C. 201-211).

Q8: Please provide a citation to any administrative rules associated with the regulation of this occupation.

The DLC was created by 3 V.S.A. § 212. The DLC follows the definitions as laid out in the Vermont Administrative Procedure Act, 3 V.S.A. § 801. The DLC's general regulations may be found on the DLC website and in the link below: http://liquorcontrol.vermont.gov/sites/liquorcontrol/files/pdf/gen_regs.pdf

Additional regulations governing Wholesale Dealers and Certificate of Approval Holders and Vermont Manufacturers Regulations may be found on the DLC website address included here: <http://liquorcontrol.vermont.gov/sites/liquorcontrol/files/wholesale%20dealer%20regs%202015.pdf>

Q9: Please provide any and all agency or department policies for the regulation of this occupation.

The DLC's rules and regulations, as laid out on its website, have the force of law by virtue of 7 V.S.A., as amended.

The DLC's policies for regulations may be found on its website and at the link below: <http://liquorcontrol.vermont.gov/laws/regulations>

Q10: Please describe the purpose of regulating this occupation.

The purpose of the DLC's regulations are for the protection of the public welfare, good order, health, peace, safety and morals of the people of the state by regulating the alcohol and tobacco industries. The DLC knows in order to achieve these goals, distributors of alcoholic beverages must be regulated and monitored.

The DLC's system of selling alcohol achieves a delicate balance between offering a great selection of products and reasonable pricing at convenient locations around the state, with regulating the sales of hard liquor. Studies prove that regulating sales reduces consumption, thereby limiting the physical and social damage caused by the misuse of alcohol.

The DLC contributes millions of dollars each year to the state's general fund; educates thousands of servers and sellers of alcohol beverages and tobacco products within the state and shares licensing fees that help support towns and cities. The DLC purchases, distributes, and sells distilled spirits through its agency stores; enforces Vermont's alcohol and tobacco statutes, with a strong emphasis on limiting youth access; educates licensees and promotes responsibility. An integral part of the DLC's mission is to control the distribution of alcoholic beverages, while providing excellent customer service and effective public safety, for the general good of the state.

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Q11: Regarding stakeholder groups, please describe how this regulation affects those subject to regulation.

The DLC is responsible for regulating anyone involved in the alcohol supply chain at any stage upon entering the State of Vermont, including licensees, manufacturers, distributors and importers of beer and wine. In FY 2015 the DLC issued about twelve thousand (12,000) licenses and permits.

The regulations require distributors to produce and sell alcohol and tobacco in a responsible manner in accordance with Title 7.

Q12: Regarding stakeholder groups, please describe how this regulation affects State entities.

The DLC closely monitors everyone involved in the alcohol supply chain to ensure compliance with statutes and regulations. The DLC ensures only those licensed with the DLC and properly following all rules and regulations are allowed to manufacture, distribute or otherwise provide alcoholic beverages for sale in Vermont.

Q13: Regarding stakeholder groups, please describe how this regulation affects consumers or clients of this occupation's services.

The regulations ensure that alcoholic beverages are managed in a responsible manner and in accordance with federal and state rules and regulations. These regulations also ensure that alcoholic beverages are safe for the consumer. They also prevent the sale to minors and impaired individuals.

Q14: Regarding stakeholder groups, please describe how this regulation affects employers.

The regulations ensure that alcoholic beverages are sold in such a way that it protects public safety as well as ensures continued business operations.

Q15: Regarding stakeholder groups, please describe how this regulation affects the public.

These regulations are in place to protect the public in a variety of contexts including safety, welfare and education and to ensure compliance with federal and state regulations.

Q16: Regarding stakeholder groups, please describe how this regulation affects any other applicable group.

These regulations affect economic development, public safety, ensures proper distribution and moderation in alcohol consumption.

Q17: Please describe the governance structure for the regulation of this occupation, including but not limited to: the use of a board; a commission; an agency or division head; a panel; or a hearing officer.

The DLC is governed by a Liquor Control Board and a Commissioner. The composition of the DLC is described at 7 V.S.A. 5, § 101.

The Board: The Board consists of five members appointed by the governor. The duties of the Board are described under 7 V.S.A. 5, § 104. The Board's primary responsibility is to see that the laws relating to alcohol are enforced and that the department collaborates with other law enforcement entities in the state. They act as a judicial board in hearing and adjudicating cases of violation by its licensees. In addition, they supervise the opening and operation of local agencies for the sale and distribution of spirituous liquors, oversee the financial transactions of the central office and the retail agencies, make rules and regulations and issue permits regarding alcohol manufacture, sales, and transport, adopt rules regarding labeling and advertising of malt or vinous alcoholic beverages, spirits and fortified wines, and adopt rules regarding intrastate transportation of such beverages.

Under 7 V.S.A. 5, § 102 the governor, after notice and a hearing may remove a Board member for incompetency, failure to discharge his or her duties, malfeasance, immorality or other cause inimical to the general good of the state. In such case, the governor shall appoint a person to fill the unexpired term.

The Commissioner: The Governor appoints an individual as Commissioner under 7 V.S.A. 5, § 106 (2b). The Commissioner's duties are described under 7 V.S.A. 5, § 107 and include making regulations subject to the Board's approval governing among other things, pricing, purchasing, quantities and qualities.

Q18: Who sets application requirements and practice standards?

The Board makes rules regarding the manufacture of alcohol. The Board also enforces laws and rules regarding the serving, use and sale of alcohol. In Vermont, Board Rules are similar to state laws and are commonly referred to as regulations. The regulations, Title 7, and other federal and state authority guide the Board. The initial determination in the licensing process is made by a DLC investigator who presents their findings to the Board. The investigator presents their findings to the Board which votes whether to accept or reject an application or what penalties to impose.

Q19: Who makes decisions on applicants, enforcement, and discipline?

The DLC's investigators make the initial determination on applications, enforcement and discipline. All investigator decisions are made on a case-by-case basis. The investigator will create a report and deliver their findings to the Board. The Board makes a final determination regarding the person or entity based upon the findings presented to it. For initial license or permit applications the Board makes all determinations on criminal history and prior DLC violations regarding whether to grant an application if a licensee has a felony that occurred within the last ten (10) years. For any licensee who has a felony more than ten (10) years old, the investigator makes the determination and presents their findings to the Board.

Q20: Are any decision makers active participants in this regulated occupation? If so, please describe if the decision maker has taken a hiatus from the profession, and if so, whether the decision maker plans to return to the profession.

Currently, there are no Board members, investigators or other decision makers involved in the regulated profession, nor are there any plans for such decision makers to enter into the profession. Under Communication No. 58 from the Vermont Attorney General's Office, dated April 26, 1938, relating to No. 199 of the Acts of 1935, law enforcement officers are prohibited from seeking a license from the DLC. Law enforcement officers are defined as "sheriffs, deputy sheriffs, constables, police officers, state's attorneys and inspectors of the motor vehicle department". Law enforcement officers are also prohibited from obtaining a license under 7 V.S.A. Ch. 9 § 223.

Q21: What are the regulated qualifications for this occupation? Check all that apply.

Education Requirements, Examination

Q22: How are applications received?

The licensing process is governed by 7 V.S.A. 9 §§ 221 – 241.

A license is obtained by completing the class application form and filling it out in its entirety. Several licenses are offered depending on the entity and its particular needs. Application forms may be obtained at the DLC's main office in Montpelier, VT. Additionally, all of the forms are available to download from the DLC website and the link below and most of them can be filled out on screen by clicking on areas and typing, printing out and mailing the forms in. <http://liquorcontrol.vermont.gov/which-license/manufacture/forms>

Once the proper application is completed, depending upon the license sought, the person or entity completing the application must submit it to the Town/City Clerk with the appropriate fees. Both first (1st) and second (2nd) class licenses and some permits must be filed with the Town Clerk before the DLC will issue a license. At the next duly warned meeting of the local licensing control commission, applications are taken up for consideration. If approved by the locality, or if not requiring its approval, the application gets forwarded to the DLC and its licensing investigators contacts the applicant. Anyone other than a natural person seeking a license must submit its articles of incorporation or LLC.

Additionally, all applicants will need to produce a copy of the following:

- Trade name registration obtained through the Secretary of State's Office;
- Federal employee identification number (FEIN);
- Sales and use certificate, rooms and meals and lodging tax numbers (if applicable) from the Vermont Department of Taxes;
- Health license, obtained from the Vermont Department of Health (1st Class Licenses only);
- Proof of training regarding Vermont liquor laws, rules and regulations through the DLC;
- A copy of the lease and/or proof of ownership of the property to be licensed;
- If you have employees, proof of Workman's Compensation Insurance;
- Naturalization certificate copy (if applicable).

Furthermore, all sellers and servers of alcohol must be trained before they start working and then must be trained every two (2) years thereafter. Training is available through in-person seminars conducted by our educators as well as online through our online training materials. A Director/ Partner/ Owner/ Manager who has already been to a seminar or taken the DLC online training can also train their staff using materials provided by the DLC. The DLC further provides Education Regulations on its website and located at the link below:

<http://liquorcontrol.vermont.gov/sites/liquorcontrol/files/Education%20Regulations.pdf>

Any one holding a first, second or third class license, shall complete the DLC Licensee Enforcement Seminar at least once every two years. Additionally, solicitors, manufacturers, and fourth class liquor licensees must be properly trained upon licensure and retrained within the following two years. This training requirement may be satisfied by completion of materials provided for this purpose by the DLC Education Division. Proof of this training will be documented on forms provided by the DLC and retained by the license holder. Only upon proof that the education requirement has been satisfied will the DLC issue a license.

Q23: How are applications reviewed?

No new first-, second- or third-class liquor license, Manufacturing license, or tobacco license shall be granted until the applicant has met with a DLC investigator to become informed of the Vermont laws, rules and regulations pertaining to the manufacture, purchase, storage, and sale of alcoholic beverages and tobacco products. Every application is reviewed by the DLC. All new applications are investigated by the Enforcement and Licensing Division prior to approval/disapproval of the license by the Board. This process can take anywhere from 2 weeks to 6 weeks to complete once the DLC receives the application. An applicant submits their application to the DLC which reviews it for errors and completeness before entering it into the DLC's database. Then the DLC investigator assigned to the applicant's particular geographic area meets with the applicant at their premises and makes an initial determination on whether to grant an application request. This determination is done on a case-by-case basis considering the merits of each case. The investigator then issues his findings in a report and makes his recommendation to the Board. Following that recommendation, the Board makes the final determination on motion as to whether to grant or deny the application.

Q24: How are applications rejected?

Ultimately, applications are rejected upon a motion by the Board. Other than an absolute prohibition on a law enforcement officer seeking a license, there are no set guidelines or standards for rejecting an application. Investigators and the Board may consider any number of factors, including an applicants' criminal history and prior licensing history. As is the case for DLC investigators, the Board makes its determinations on a case-by-case basis, considering the merits of each individual case.

Q25: How are application rejections appealed?

The Board makes the final determination on an application. Any decision regarding licensing made by the Board may be appealed to the Vermont Supreme Court. However, if a law enforcement officer should challenge their licensing determination, that appeal is heard by the Board rather than the Court.

Q26: How are licenses/certifications/registrations issued?

Once it has been determined that all of the application forms have been properly filled out, provided to the Town Clerk (if applicable) and payment of fees are made, the DLC will submit its recommendations to the Board. The Board will determine whether to issue the applicant a license for the time requested. The DLC will notify an applicant of their approved license/ permit and issue such to them electronically. Each year applicants must apply for a renewal of their license before April 30th of that renewal year.

Q27: What is the average time to process license/certification/registration applications?

Depending on the paperwork, requested license and particular applicant, the process can take anywhere from two to six (2-6) weeks once the DLC receives a complete application. License renewals with no changes to ownership can be completed much more quickly.

Q28: Once issued, what is the duration of the license, certification, or registration for this occupation?

All liquor licenses in the State of Vermont expire at midnight on April 30th and must be renewed for the following year. A license never exceeds a one-year term. However, a license will remain valid when expired if the applicant makes a timely renewal and the renewal is delayed by no fault of the applicant. The length of permit durations vary depending on the type sought and may be valid for only one (1) day of a set time of two to six (2-6) hours or may be valid up to five (5) days.

Q29: Please describe the license, certification, or registration, renewal process and requirements therein.

All licenses are renewable, but renewals must be sent in each year by May 1 to renew them for the following licensing year. Licensing years run May 1st through April 30th of each year.

Licensees, manufacturers and distributors must ensure that certain education and reporting requirements are satisfied prior to renewing a license, including that “each licensee shall ensure that every employee who is involved in the preparation, sale, service or solicitation of alcoholic beverages or the sale of tobacco products, or enforcing of alcohol and/or tobacco laws and regulations must complete a training program offered or approved by the [DLC] before the employee begins working in that capacity and at least once every two years thereafter. Each licensee shall maintain written documentation, signed by each employee trained of each training program conducted. A licensee may comply with this requirement by conducting its own training program on its premises, using all information and materials furnished by the [DLC], or from a program approved by the [DLC]. A licensee who fails to comply with these requirements shall be subject to a suspension of no less than one day of the license issued under this title. No license or permit will be renewed unless the records of the [DLC] show that the licensee has complied with the terms of the [DLC’s] regulations found on the [DLC] website and in the link below:

<http://liquorcontrol.vermont.gov/sites/liquorcontrol/files/Education%20Regulations.pdf>

Additionally, each licensee holding a bottler’s license or a wholesale dealer’s license shall, on or before the tenth day of each calendar month, transmit to the Commissioner of Taxes or the State of Vermont the report and pay the tax as provided in 7 V.S.A. §421, upon forms furnished by such Commissioner, a statement or return under oath or affirmation showing the quantity of malt and vinous beverages sold by such licensee during the preceding calendar month, and licensees shall file such bonds and/or other security for the fulfillment of the provisions of this section as the Board may require. Bottlers and wholesale dealers shall file a surety bond with their applications for such amount as is deemed adequate by the Board. The purpose of this bond is to assure the State that tax due on the sale of malt and vinous beverages for an average two-month period. (Forms to be furnished by the board.)

The DLC sends renewal notices to the Town Clerk electronically via e-mail, whereby the Town Clerk disseminates the information to licensees in the respective town. The DLC provides each licensee a copy of their original application with the blanks filled in and asks licensees to review the application, note any errors or changes to be made, and sign the document. The signed application is submitted with or without changes to the Town Clerk. Once the changes are made, or if none are required, the Town Select board votes on whether or not to renew the license. If approved, the renewal gets sent to the DLC by the Town Clerk with all appropriate fees included. The Board then votes on whether to renew the license or permit. The DLC staff processes the renewals and the renewed license is e-mailed to the Town Clerk who then mails it to the licensee.

PAGE 6: Act 156 of 2016: Professional Regulation Report**Q30: Please provide a citation to the standards of practice or codes of conduct for regulated persons in this occupation. These include any and all of the following: A) Statutes B) Rules C) Policies E) Other**

Title 3 and Title 7 of the Vermont Statutes Annotated. Additionally, the DLC and Board have their own regulations that they follow. These regulations can be found on the DLC website as well as in the link below:

<http://liquorcontrol.vermont.gov/laws/regulations>

Q31: Please describe the enforcement process for receiving and evaluating complaints.

The enforcement process is governed by the rules laid out in 7 V.S.A. 19, §§ 561 - 603.

The DLC handles its enforcement process through its Board, Commissioner and its investigators. The Enforcement Division is charged with investigating possible violations of liquor laws and regulations, and carrying out law enforcement activities related to these incidents. The DLC investigates all complaints that it receives from anonymous and named sources. The DLC also conducts unannounced inspections on its licensees throughout the year to ensure all rules and regulations are being followed and to determine if any violations have occurred. The DLC's website provides assistance to individuals seeking to make a complaint by mail, phone, or online by filling out the form. Once the DLC receives a complaint, the issue is assigned to an area investigator to conduct an investigation into the complaint.

Additionally, under 7 V.S.A. 19, § 563. Search warrants: If a state's attorney, the commissioner of liquor control, or an inspector duly acting for the () Board, or a control commissioner or a town grand juror or two reputable citizens of the county, make complaint under oath or affirmation, before a judge of a criminal division of the superior court, that he or she or they have reason to believe that malt or vinous beverages or spirituous liquor or alcohol are kept or deposited for sale or distribution contrary to law, or that alcohol is manufactured or possessed contrary to law, in a dwelling house, store, shop, steamboat, or water craft of any kind, depot, railway car, motor vehicle or land or air carriage of any kind, warehouse or other building or place in the county, the judge shall issue a warrant to search the premises described in the complaint. If the liquor is found therein under circumstances warranting the belief that it is intended for sale or distribution contrary to law, or if the alcohol is found therein under circumstances warranting the belief that it is unlawfully manufactured or possessed, or if any still, or any other apparatus for the manufacture of alcohol is found therein, the officer shall seize and convey the same to some place of security, and keep it until final action is had thereon.

Q32: Please describe the enforcement process for performing investigations.

The DLC, acting through its Board and investigators handles all alleged complaints and violations regarding the sale and distribution of liquor. The DLC is informed of potential violations through community sources, police agencies and DLC investigations. Investigators review the violations utilizing standard police investigation techniques and make an individualized determination on how to handle a particular violation. After receipt of information regarding an alleged complaint, or following acknowledgement of a violation after an unannounced visit, the investigator makes a determination as to whether a violation has occurred and its severity. Depending on its severity, the investigator might draft a report on his findings and submit it to the Board to make a determination on the appropriate penalty. If the investigator decides to issue an administrative fine or penalty, the matter does not need to go before the Board unless the violator requests a hearing before the Board.

In addition, under 7 V.S.A. 19, § 561 (b) the Commissioner, Director of the Enforcement Division of the DLC, or an investigator employed by the Board or by the DLC and any other law enforcement officer may arrest and seize the property of a person whom he or she finds in the act of manufacturing alcohol or possessing a still, or other apparatus for the manufacture of alcohol, or unlawfully selling, bartering, possessing, furnishing or transporting alcohol, or unlawfully selling, furnishing or transporting spirits, fortified wines, or malt and vinous beverages, and shall seize the liquors, alcohol, vessels, and implements of sale and the stills or other apparatus for the manufacture of alcohol in the possession of the person.

Q33: Please describe the enforcement process for prosecutions.

The type of disciplinary action depends on the type and severity of the infraction, as well as prior history of the licensee and can include a warning or monetary sanction or the suspension or cancellation of a license or permit. The Board may accept or reject any recommendations provided by the DLC and it is the Board that makes the final determination regarding the sanctions imposed. Additionally, the Board, as a condition of licensure, may require any retail licensee found guilty by the Board of a violation of a liquor law or regulation to attend an additional DLC Licensee Training Seminar.

The Board has established a schedule of penalties for specifically enumerated violations, which may be imposed by the DLC, allowing for the licensee to waive a hearing and accept the stated penalty(s). Licensees/permittees may decline to accept the stated penalty(s) and ask for a hearing before the Board and may request a hearing to appeal any administrative sanctions imposed. When a violation is charged, the licensee/permittee is entitled to a formal hearing before the Board. A formal hearing may be waived and an agreed upon penalty may be accepted without a licensee/permittee contesting the charges or personally appearing before the Board. The Board's Settlement Practice for Waiver of Formal Hearing may be found on the DLC website or at the link below:

<http://liquorcontrol.vermont.gov/sites/liquorcontrol/files/Settlement%20Practice%20for%20Waiver%20of%20Formal%20Hearing1.pdf>

Q34: Please describe the enforcement process for hearings.

The Board acts as a judicial board in hearing and adjudicating cases of violation. Any applicant accused of a violation is entitled to notice and a hearing before the Board prior to suspension, revocation or rejection of a license or permit. Each side is given an opportunity to present evidence and witnesses and cross-examine the other side. Following the presentation of all the evidence, the Board issues its final decision. If a person or entity disagrees with the Board's final determination, it may be appealed under 7 V.S.A. 19 § 577. Revocation of licenses and Rule-making proceedings initiated by the Board under Regulation No. 9(b) will be treated as formal proceedings. All other petitions, applications, submissions, requests, charges, etc., will be treated as informal proceedings. A party to a formal proceeding before the Board may appear for himself or be represented by an attorney admitted to practice in the State of Vermont. Board hearings are once a month and are open to the public. Following presentation and review of all the evidence, the Board issues a final decision. The Board's decision may be issued the same day as the hearing or may take several months. Liability is not imposed on a licensee or permittee until after the Board makes a final decision on the matter.

An oral hearing is held in every formal proceeding except: in a formal rule-making proceeding if no request to be heard is submitted within five days of the date set for such hearing, in accordance with the provisions of 3 V.S.A. § 836(4) and § 840 in any other formal proceeding if all the parties to the proceeding file written waivers of opportunity to be heard. Upon the filing of a pleading initiating a formal proceeding, or upon the initiation of such a proceeding by the Board on its own motion, the Board shall by order or otherwise assign a time and place for the hearing thereof and the Enforcement Secretary shall serve on each party written notice of the hearing in the form as provided by 3 V.S.A. § 809(b) and § 836(c) and 839, and, if required by statute, shall arrange for publication thereof. Every party and counsel representing the Board, if any, shall have the right to participate fully in any hearing before the Board, and, in the case of rule-making proceedings, all interested persons shall also be permitted to participate in accordance with the terms of the notice of the proceeding. The admissibility of evidence in all formal proceedings before the Board shall be determined under the criteria specified in 3 V.S.A. § 810(1)-(4). The testimony of a hearing witness on direct examination may be offered in written form, either by having it read into the record or by offering it for incorporation in the record without reading, provided that a copy of such testimony is supplied to the Board, each attorney of record, and each party appearing for himself at a reasonable time in advance of the hearing at which testimony will be offered. Such testimony shall be subject to the same rules of admissibility and cross-examination as extemporaneous testimony.

<http://liquorcontrol.vermont.gov/sites/liquorcontrol/files/Administrative%20Organization%20and%20Procedures.pdf>

Q35: Please describe the enforcement process for discipline.

The Board has the authority to discipline those people or entities who violate Title 7 or the other rules and regulations as set forth by the DLC. All Board hearings are open to the public. Any formal proceeding for revocation of a license, certificate, etc., shall be preceded by notice to the licensee of facts or conduct which warrant the intended action, and the licensee shall be given an opportunity informally to show compliance with all lawful requirements for the retention of the license prior to initiation of such formal proceeding. The Board makes a final determination on a case-by-case basis regarding discipline by Board order. Discipline ranges from warnings and administrative penalties and fines to suspension or outright revocation of a license.

Penalties for violations are addressed under 7 V.S.A. 21, §§ 651-671. The DLC investigators have a Schedule of Fines (in the link below) which they use to assist them to determine an appropriate fine based on the specific merits of a case. <http://liquorcontrol.vermont.gov/sites/liquorcontrol/files/schedule%20of%20fines%20new%20November%202014%20changes.pdf> The fines range from \$110 to \$2,010 depending on the severity of the violation.

Title 7 V.S.A. 21, § 667, states: “(a) A person, partnership, association or corporation who furnishes, sells, exposes, or keeps with intent to sell, bottles or prepares for sale any malt or vinous beverages, spirits, or fortified wines, except as authorized by this title, or sells, barter, transports, imports, exports, delivers, prescribes, furnishes, or possesses alcohol, except as authorized by the Liquor Control Board, or who manufactures alcohol or possesses a still or other apparatus for the manufacture of alcohol shall be imprisoned not more than 12 months nor less than three months or fined not more than \$1,000.00 nor less than \$100.00, or both. For a subsequent conviction thereof within one year, such person, partnership, association, or corporation shall be imprisoned not more than three years nor less than six months or fined not more than \$2,000.00 nor less than \$500.00, or both.

(b) A person, partnership, association, or corporation, who willfully violates a provision of this title for which no other penalty is prescribed or who willfully violates a provision of the regulations of the Liquor Control Board shall be imprisoned not more than three months nor less than one month or fined not more than \$200.00 nor less than \$50.00, or both.

(c) The provisions of subsection (b) of this section shall not apply to a violation of subsection 1005(a) of this title, relating to purchase of tobacco products by a person less than 18 years of age.”

For tobacco, tobacco substitutes or paraphernalia product violations, prosecutions are governed under 7 V.S.A. 40, § 1002 (e), which states that “a person who sells tobacco products, tobacco substitutes, or tobacco paraphernalia without obtaining a tobacco license in violation of this section shall be guilty of a misdemeanor and fined not more than \$200.00 for the first offense and not more than \$500.00 for each subsequent offense.”

Q36: Please describe the enforcement process for follow-up or monitoring of previously disciplined individuals.

Upon receipt of a complaint made to the DLC, an investigator will investigate the alleged violation. Additionally, the DLC conducts regular inspections, investigations and audits of licensed premises to ensure that liquor licensees meet their obligations. Procedures for follow-up monitoring are based upon the individual investigator and the particular circumstances of each licensee.

A liquor licensee may be issued an administrative sanction if an infraction is identified during an inspection. Infractions include but are not limited to:

1. Failing to request proof of age from a person who appears to be underage;
2. Serving liquor to impaired persons;
3. Serving liquor after hours; and
4. Failing to provide proper supervision and control (e.g. not having enough staff on duty and/or employing staff not properly trained to deal with situations that might occur in licensed premises).

The DLC maintains a database of unrenewed, suspended, and revoked liquor licenses. Those licenses listed as unrenewed have expired, and it is no longer lawful for the expired license holder to make orders for or receive orders of beer, wine or spirituous liquors. They are also prohibited from selling or serving alcoholic beverages on their premises. The same holds true for licensees who have had their licenses suspended (summarily or not) or revoked by either the Board or the Local Control Commissioners. Individual investigators (of which there is about one (1) to every three hundred (300) licensees), use this information in determining how they want to conduct their follow-up monitoring and inspection within their particular geographic area.

Q37: Please describe the average time to process complaints and disciplinary cases

The time to process complaints and cases varies depending on the violation. Each complaint is considered on a case-by-case basis. A fatal accident investigation will take longer than accepting a false identification inspection would. Typically, however the time frame will not exceed one year.

Q38: Please describe any inspection process relevant to this occupation.

Inspectors conduct regular unannounced inspections to ensure the proper rules and procedures are followed. These inspections occur at a minimum of once a year and may be weekly depending on the particular circumstances.

Complaints: There were forty-eight (48) complaints made in 2015 for first-class, second-class and tobacco licenses, all of which were investigated.

Cases Resulting in Discipline Action: In 2015 the Board held a total of 27 hearings.

Those 27 hearings resulted as follows: 1 Warning; 2 Applications granted with conditions; 1 License revocation, 2 License dismissals; Fine penalties to five (5) different entities of \$250, \$250, \$500, \$750 and \$4,000. Suspensions: 1 – one-day suspension; 4 – two-day suspensions; 1 – four-day suspension; 1 – five-day suspension; 1 – seven-day suspension; 1 – ten-day suspension; 1 – twenty-day suspension; 9 suspensions until the entity is in good standing with the Vermont Department of Taxes.

Cases Resulting in Follow-Up or Monitoring: All cases will result in some form of follow-up or monitoring, but the timing of such is dependent upon the individual investigators.

Q39: Regarding this occupation, please describe the annual average count of the following:

Complaints	48
Investigations	48
Prosecutions	0
Hearings	27
Cases Resulting in Disciplinary Action	27
Cases Resulting in Follow-up or Monitoring	48

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Q40: Please describe any systems, such as information technology systems, that are used to enable licensing, certification, registration, renewal, enforcement and inspection.

The DLC uses two computer systems to process its licenses, renewals and perform its other functions. The two systems are Sequoia and Valcour/Spillman. The Sequoia system is used by the licensing division to record and renew licenses and permits. Compliance checks tracking and education tracking information is also recorded in this system. This system includes information at the level of: corporation/owner; licensee (DBA); licenses/permits; and individuals. This system runs on a virtualized UNIX server. It consists of COBOL programs for data entry and batch processing. The active Licenses are exported daily, to an ACCESS database system used for generation and reporting of Compliance Checks Documents. The documents are used by DLC investigators for the licensee site inspections. The results of the compliance checks is recorded in detail in the ACCESS database system, and also recorded in summary in the UNIX system. The Valcour system is a Computer Aided Dispatch/ Records Management System (CAD/RMS) designed by Crosswinds Technology. It is a new CAD/RMS system in the Vermont criminal justice domain.

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Q41: Please provide the number of full-time staff related to the regulation of this occupation, including job titles and duties.

The DLC employees twenty-five (25) total staff member positions with 1 vacant position.

Technology: The four employees in the DLC's Technology Unit support the technology functions of DLC departments as well as the remote Agent cash registers, Agent linkages to DLC software, and wireless connections for our mobile enforcement investigators. The DLC technology team ensures a stable, secure operating environment, maintains software licenses and hardware assets, writes and maintains custom software as needed to support operations.

Financial Unit: A three-person team is responsible for accurately and efficiently conducting all department financial affairs. This includes weekly deposits of all receipts from Agency stores and payments to Agents and others. The unit oversees the financial reporting and accuracy of all payrolls and expense reimbursement requests. They support, review and bill for all grant expenses. Accounting shares responsibility for tracking all department assets (except liquor) with IT. The unit manages all non liquor related contracts. Other duties include producing monthly financial statements and annual report, ordering all department supplies, and working with the Auditor's office to complete the annual independent audit and ensuring compliance with state wide record retention policies.

Education Unit: The Education section is responsible for in person and on line training aimed at industry members and members of the general public with regards to the Statutes and Regulations contained in 7 V.S.A. Over 9,000 people were trained in FY 2015 through in person classes and on line classes. License holders and all staff involved with selling of alcohol must have current training and certification every 24 months. Training is offered by the DLC via In Person Seminars or Online Educational programs. Additionally, the DLC offers a training packet containing a department produced DVD and instructional materials which can be purchased and off site group training can be given by a DLC certified company trainer.

Licensing: Responsibilities for licensing include issuing approximately 50 different licenses and permits which allow for the manufacturing, possession, sale, storage, distribution and consumption of alcohol and tobacco products. The DLC offers licenses that are full year, half year or seasonal, and per event. In FY 2015 DLC issued and renewed more than 12,000 licenses and permits during our licensing year which starts May 1 and continues through April 30th the following calendar year.

Enforcement: The Enforcement Division is responsible for State wide enforcement of Vermont Statutes with particular emphasis on Title 7 at Licensed and Permitted locations. Enforcement of Title 7 can also be undertaken at non licensed or permitted locations when such locations are found to be allowing activities that do not comply with Title 7. The fourteen (14) investigators in the DLC Division spend the majority of their time making sure that the Vermont license holders are current in their certifications and are selling alcohol and tobacco products responsibly. Before a license can be issued, or re issued, the licensee must meet with an investigator to certify they are compliant with State statutes and regulations pertaining to Title 7. Investigators do surprise inspections and issue Administrative tickets which are similar to a traffic fine in that the licensee can pay it immediately or contest it before the Board; they investigate complaints from the public, and complete background investigations as requested. Additionally, the Federal Department of Agriculture (FDA) has contracted the DLC to do compliance work in the areas of Tobacco Advertising and youth access to tobacco products.

Q42: Please provide the number of part-time staff related to the regulation of this occupation, including job titles and duties.

Currently the DLC has no part-time staff, however the DLC does hire minors to conduct underage purchases from licensees and Agency stores.

Q43: Please provide the following information:

Average Annual Expenses	\$66,449,354 in FY 2015.
Average Annual Revenues	\$82,060,259 in FY 2015.
Average Annual Fees Charged	\$2,123,885 in FY 2015.

Q44: Please describe any recent or unexpected budget variations which may skew answers in the above question.

The DLC is currently in the process of planning a new budget now. There are some budget requests that are not normally made and which will result in a change to the budget.

Q45: Please describe the fee structure associated with the regulation of this profession. This includes the following:A) The fee amount charged;B) How fee amounts are determined and set;C) The authority to establish those fees; andD) How revenues from fees are used, indicating the specific uses if those revenues are used for purposes other than regulating the profession.

This section is governed by 7 V.S.A. 9 § 231.

The DLC sets fees from \$20 to \$2,485.00 depending on the type of license or permit sought. In FY 2015 the DLC earned \$1,685,995 from licensing fees and contributed \$437,890 to the Vermont General Fund.

Under 7 V.S.A. 19, § 590 all fines and costs collected by the DLC is dedicated for transfer to the State of Vermont's General Revenue Fund general fund.

HOW FEE AMOUNTS ARE DETERMINED AND SET: The DLC must go before the Ways and Means Committee of the Legislature every three years to set fee amounts. The DLC presents information on its cost in resources of issuing a license or permit and based upon the information received the Legislature sets the final fee.

AUTHORITY TO ESTABLISH THOSE FEES: The Vermont Legislature's House Committee on Ways and Means has the authority to set the schedule of fees used by the DLC.

HOW REVENUES FROM FEES ARE USED: The DLC contributes all revenues received from penalties, licensing and fees to the general fund. The Liquor Control Fund was established under 7 V.S.A. 5 § 112, which states that the fund shall consist of all receipts from the sale of spirits, fortified wines, and other items by the DLC; fees paid to the DLC for the benefit of the DLC; all other amounts received by the DLC for its benefit; and all amounts that are from time to time appropriated to it.

Q46: Please describe any General Fund or Special Fund deposits

In FY 2015 the DLC contributed a total amount of \$22,208,485, broken down as follows to the General Fund: License fees - \$437,890; Violations - \$50,115; Late Fees - \$200; Legislative Transfer to General Fund \$1,089,266; Liquor Excise Tax \$18,221,133; Sales and Use \$3,428,981; On-premise direct sales tax \$70,166 and other income \$488,205

Q47: Please describe any appropriations from the General Fund

The DLC does not take any appropriations from the General Fund, but rather is a complete enterprise funded department.

Q48: Please describe the qualifications of any supervisor responsible for the oversight of the agency's department's professional regulatory entity and whether that supervisor has the ability to veto or modify any decision by that professional regulatory entity.

The supervisor responsible for oversight must be a full time certified Level III enforcement officer. Such supervisor does not have authority to usurp the regulatory entity.

Q49: Please provide any additional information you feel is relevant for the purpose of this report.

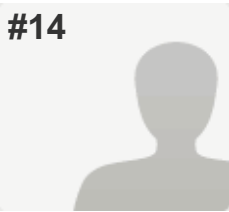
Respondent skipped this question

PAGE 11: Exit Page

Q50: Thank You for completing this survey.

End

#14

**COMPLETE****Collector:** Web Link 33 (Web Link)**Started:** Tuesday, November 01, 2016 1:41:32 PM**Last Modified:** Tuesday, November 01, 2016 1:51:43 PM**Time Spent:** 00:10:11**IP Address:** 159.105.2.116

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Q1: In the following survey, you will be asked to answer a series of questions regarding the regulatory practices of your given state agency/department. It is recommended that you prepare answers to the following questions prior to starting this survey. NOTE: only one device may be used for the survey, per profession. Therefore, while the survey may be discontinued and then resumed at a later date, all answers for a given profession must be entered through the same computer. As a result, it is recommended that for each profession, a single individual be elected to compile and enter information. Choose from the following options:

Begin Survey

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Q2: Please select an occupation from the following list.

Oil Burner Installers (Department of Public Safety)

Q3: What is the name of the agency, department and/or division responsible for the regulation of this occupation?

Department of Public Safety – Division of Fire Safety

Q4: Regulation Type. Please check all that apply for this occupation.

Certification

Q5: What is the number of regulated persons in this occupation?

667

Q6: Is there statutory authority as a legal basis for regulation of this occupation?

Yes

Q7: If "yes" to the above, please provide a citation to said statute.

Title 20, 173, 2731: The Commissioner is authorized to adopt rules regarding the construction of buildings, maintenance, and operation of premises, and prevention of fires and removal of fire hazards, and to prescribe standards necessary to protect the public, employees, and property against harm arising out of or likely to arise out of fire.

Q8: Please provide a citation to any administrative rules associated with the regulation of this occupation.

The 2015 Vermont Fire and Building Safety Code, Section 4 (I) (J)

Q9: Please provide any and all agency or department policies for the regulation of this occupation.

The occupation is regulated through rules with reference to national standards for which the occupation must adhere to. To be certified in oil appliance installation, inspection and maintenance, the trade person must pass the test administered by the National Oil heat Research Alliance (NORA).

Q10: Please describe the purpose of regulating this occupation.

Improperly installed and maintained heating appliances pose a significant fire and carbon monoxide poisoning hazard to building occupants. The occupation is regulated to ensure heating appliances are installed and maintained in accordance with nationally recognized safety standards and the installation is completed by certified individuals.

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Q11: Regarding stakeholder groups, please describe how this regulation affects those subject to regulation.

The regulation details the specific qualifications and requirements necessary for a person to obtain certification for the installation, inspection, and maintenance of oil fired equipment. The regulation stipulates how the certification must be maintained and prescribes the practice standards.

Q12: Regarding stakeholder groups, please describe how this regulation affects State entities.

Under the provisions of the Vermont Fire and Building Safety Code, heating appliances are required to be inspected at least once every 2-years. State buildings provided with oil fired heating appliances are required to comply with the provisions of the code.

Q13: Regarding stakeholder groups, please describe how this regulation affects consumers or clients of this occupation's services.

Consumers and clients purchasing oil fired heating appliances can expect to have a code complying installation. The consumer can expect the heating appliance and the oil storage tank to be installed in accordance with the National Fire Protection Association Standard 31, Oil Burning Appliance Installation Standard.

Q14: Regarding stakeholder groups, please describe how this regulation affects employers.

Employers who engage in the business of installing oil heating systems would be in the position to hire certified tradesman and would be in compliance with State law in regards to the regulated occupation.

Q15: Regarding stakeholder groups, please describe how this regulation affects the public.

Heating appliances can pose a significant hazard to building occupants. The regulation provides specific installation and maintenance requirements a certified technician must follow to assure a safe heating appliance installation. The general public can enter a public building knowing there are regulations in place to protect them from the hazards associated with heating appliances.

Q16: Regarding stakeholder groups, please describe how this regulation affects any other applicable group.

The regulation affects all business with oil heating systems and all business providing services in the regulated occupation.

Q17: Please describe the governance structure for the regulation of this occupation, including but not limited to: the use of a board; a commission; an agency or division head; a panel; or a hearing officer.

The Department of Public Safety governs this occupation.

Q18: Who sets application requirements and practice standards?

The Commissioner of Public Safety promulgates rules for which the occupation is regulated while the National Oilheat Research Alliance (NORA) provides the certification testing. Additionally, the Division of Fire Safety through rules adopt national standards for the installation, inspection, service, and maintenance of heating systems.

Q19: Who makes decisions on applicants, enforcement, and discipline?

The Commissioner of Public Safety makes decisions on applicants, enforcement, and discipline.

Q20: Are any decision makers active participants in this regulated occupation? If so, please describe if the decision maker has taken a hiatus from the profession, and if so, whether the decision maker plans to return to the profession.

No

PAGE 5: Act 156 of 2016: Professional Regulation Report**Q21: What are the regulated qualifications for this occupation? Check all that apply.**

Education Requirements, Examination

Q22: How are applications received?

An application for a Oil Installers Certification must be received through mail or hand delivered at the Division of Fire Safety's Springfield Office (100 Mineral St, Suite 307 Springfield, VT 05156). The application must be original, completed electronically or in ink and and have the original applicants signature on the application.

Q23: How are applications reviewed?

Once an application is received it is date stamped and reviewed to verify all required documents are included and complete. The Regional Assistant will review the application for the successful completion of examination for Bronze, Silver or Gold Certificate from the National Oil Heat Research Alliance (NORA), and compliance with the Vermont Departments governing Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. §795, Unemployment Compensation required by 21 V.S.A. § 1378 , and Fine or Penalty required by 4V.S.A. § 1110.

Q24: How are applications rejected?

If an applicant fails to include or complete any of the required documents or hold a completion of examination for Bronze, Silver or Gold Certificate from the National Oil Heat Research Alliance (NORA), then their information is added into the database and noted that the application was returned as incomplete and needs to include or correct what was missing. If the applicant submits all the required supporting documents but is not in compliance with the Vermont Departments governing Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. §795, Unemployment Compensation required by 21 V.S.A. § 1378 , and Fine or Penalty required by 4V.S.A. § 1110 then the application is entered and noted as returned and they must contact the appropriate Vermont Agency to rectify their outstanding obligation before they may reapply.

Q25: How are application rejections appealed?

If an application is rejected it is clearly explained what is missing. In the case of Oil Installers there is no education or on the job hours to verify it is only a matter of if they hold a current completion of examination for Bronze, Silver or Gold Certificate from the National Oil Heat Research Alliance (NORA) and is in compliance with Vermont Departments governing Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. §795, Unemployment Compensation required by 21 V.S.A. § 1378 , and Fine or Penalty required by 4V.S.A. § 1110, and the appropriate fee. Once these are complete and compliance is verified we can then process the application.

Q26: How are licenses/certifications/registrations issued?

Once an application is verified complete and satisfies all required documentation then the information is recorded and updated within the Divisions database and a three year certification is printed and mailed to the Oil Installer.

Q27: What is the average time to process license/certification/registration applications?

Every completed application has the same required documentation in order to be accepted. A correctly completed and in compliance application is normally processed in less than 2 weeks from the time it is received.

Q28: Once issued, what is the duration of the license, certification, or registration for this occupation?

An Oil Burner Installer Certification is valid for a 3 year duration effective from the date of issuance and valid for 3 years expiring on the last day of the month.

Q29: Please describe the license, certification, or registration, renewal process and requirements therein.

A notice of renewal is sent to each Installer prior to the expiration of their certification. The signed renewal, the correct fee, and their complete and signed statement regarding Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. §795, Unemployment Compensation required by 21 V.S.A. § 1378 , and Fine or Penalty required by 4V.S.A. § 1110 must be completed and attached to the renewal. They also need to copies of their approved continued education class that is required (Eight (8) hours of related instruction during the previous three (3) years including at least two hours regarding prevention of CO leakage and the procedure for inspection, or a current silver or gold certificate from NORA). Once all items are verified as complete the application is entered in our data base and a new wallet card with the new expiration date is printed and mailed to them.

PAGE 6: Act 156 of 2016: Professional Regulation Report**Q30: Please provide a citation to the standards of practice or codes of conduct for regulated persons in this occupation. These include any and all of the following:A) StatutesB) RulesC) PoliciesE) Other**

20 V.S.A. Chapter 173, Subchapter 2
The 2015 Vermont Fire and Building Safety Code

Q31: Please describe the enforcement process for receiving and evaluating complaints.

Any person may file a complaint with the Division by doing so in writing, setting forth a full statement of the facts concerning the alleged infraction. The regional manager reviews all complaints.

Q32: Please describe the enforcement process for performing investigations.

Complaints are entered into our fire safety data base by the regional assistant or regional manager. The manager reviews the merit of the complaint and assigns the complaint to an Assistant State Fire Marshal provided there is merit. If the complaint is not under our jurisdiction we make the appropriate referral to other State agencies or in some cases the local municipality

Q33: Please describe the enforcement process for prosecutions.

Prosecution of complaints regarding the certification of Technically Qualified Persons are addressed in the manner set out in the National Fire Protection Association Standard 1- NFPA Fire Code as Adopted. In accordance with section 1.13.12- Revocation or Suspension of Certificates the Authority Having Jurisdiction shall be permitted to revoke or suspend a certificate of fitness issued if any violation of this code is found upon inspection or where any false statements or misrepresentation are submitted in the application on which the approval was based. Revocation or suspension shall be constituted when notification is served, posted, or mailed to the address of record for the certificate holder. Failure on the part of an individual to give such notification of change of address as required shall constitute grounds for revocation of the certificate. Each individual under the provisions of NFPA 1-1.13.9 shall notify the AHJ in writing of any address change within 10 days of such change. Appeals and or request for reconsideration are completed in accordance with Section 8 of the Vermont Fire and Building Safety Code. Administrative fines can be issued to certificate holders under the authority of 20 V.S.A. 2734, Chapter 173, Subchapter 2. Hearings and appeals are conducted under the provisions of 3 V.S.A. 809 and 813

Q34: Please describe the enforcement process for hearings.

Under the rules for administrative penalties a fine may be issued. If the fine is appealed within 20 days an informal hearing is conducted. 99% of all penalties are resolved at the informal level. A person who appeals a citation issued pursuant to section 3 of the rules is entitled to a hearing before the Commissioner or designee within 60 days of filing the notice of appeal. The 60 day time frame may be extended if the appellant requests, in writing, additional time to prepare for the hearing. The hearing officer reviews all the facts and renders a decision to the Commissioner of Public Safety. The Commissioner of Public Safety after full review and consideration renders a decision.

Q35: Please describe the enforcement process for discipline.

Other than suspension or revocation of a certificate or issuance of an administrative fine we do not discipline certificate holders. Suspension or revocation of a certificate holder is extremely rare. There are circumstances when certificates are not renewed because there is missing information.

Q36: Please describe the enforcement process for follow-up or monitoring of previously disciplined individuals.

There has never been a case where discipline has been necessary.

Q37: Please describe the average time to process complaints and disciplinary cases

Complaints are processed as they are received. Conducting the inspection to validate or substantiate the complaint may take a few days a week possibly. If the complaint has immediate risk to harm it is acted upon immediately.

Q38: Please describe any inspection process relevant to this occupation.

Following the complaint process a site inspection from an Assistant Fire Marshal would occur. An investigation to validate the alleged infraction may occur. The rules for administrative penalties would be used.

Periodic inspection and review of an individual's work would be conducted on a more frequent basis to ensure work was being conducted properly.

Q39: Regarding this occupation, please describe the annual average count of the following:

Complaints	1
Investigations	1
Prosecutions	1
Hearings	1
Cases Resulting in Disciplinary Action	1
Cases Resulting in Follow-up or Monitoring	1

Q40: Please describe any systems, such as information technology systems, that are used to enable licensing, certification, registration, renewal, enforcement and inspection.

The Division of Fire Safety uses the PARAGON® custom fire safety management system (“Fire Data System”) application from Relational Semantics, Inc. The Fire System application is custom built and has been deployed for over 40 years with upgrades. The fire data system is used to manage the daily operational business needs of the division to include but not limited to;

- Management of individual licensure, certification, registration of all professional occupations under the authority of Public Safety. This includes all board decisions and relevant information pertaining to the occupation.
- Management of the division’s code enforcement and inspection programs including the integration of professional regulation into the code enforcement and site specific building information.
- A complete financial record of all monetary transactions from any entity for any time frame.
- Maintain a historic account of all building activity for approximately 40 years.
- Provides a real time mobile application for users for the purpose of validating permits, licensee status, certification status and registration status in the field in real time.
- Provides tracking information for initial licensing, license renewals, license status, personal and confidential client information, contact information, suspension information and a complete historic account of individual license events.
- Provides a complete and detailed account of all permits and work projects in 90,000 plus structures throughout the State including a history of all licensee work in the buildings enabling inspectors to accurately assess findings.

The Fire System application runs on top of a MySQL server and has functioned in its current format without operational failure since its deployment over a decade ago. Recently old hardware was decommissioned and a new virtualized server was established. Data was migrated to allow for better control and asset management. The virtualized environment is hosted on hardware housed at the Department of Public Safety headquarters in Waterbury with redundancy backups scheduled on a daily basis. This redundancy backup allows the Division of Fire Safety the advantage of decommissioning an old manual backup procedure that was in place prior to migrating to the virtualized environment, building a stronger, more reliable means of redundant security. Through the use of several Department of Public Safety sanctioned means of communication, the fire system can be remotely accessed by division staff and approved municipalities through a DPS managed Citrix server and web portal. This allows local governments holding a Life Safety bond agreement with the State to make entries into the application database recognizing Public Safety has an FBI secured platform. Division staff access the fire safety system using the network domain connection in their assigned office or by using a State issued RSA SecurID token. The token provides an encrypted, secure connectivity to the DPS network and can be used with State issued smartphones, employee home networks or public and business class Wi-Fi access points when available without compromising the highest level of security access.

Regarding the PARAGON® Fire Safety Management System application, all critical division data is held and managed within this database for the State. Licensing and individual entity management combined with historical building code enforcement and permitting data allows our inspectors to effectively span all disciplines in real time. For example; a fire marshal arrives at a construction site to conduct an inspection and notices someone doing gas piping in the building. The fire marshal can obtain the name of the contractor and enter his name on our data base and instantly know his license status. Licensees who renew their licenses, certification or registration can do this instantly without delay and the licensee status can be instantly viewed by the field inspectors.

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Q41: Please provide the number of full-time staff related to the regulation of this occupation, including job titles and duties.

A Regional Assistant in our Springfield Regional Office processes Oil certification requests. Basic duties include entering information in the database, completing financial bank deposits, reviews continuing education, files certification applications and other related paperwork, answers many phone calls, reviews applications for accuracy and completes other tasks when requested. The Regional Manager and Deputy Director help to review any supporting documents in question, conducting investigations of alleged violations, investigates complaints on certification holders, revokes, suspends or denies renewals.

Q42: Please provide the number of part-time staff related to the regulation of this occupation, including job titles and duties.

N/A

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Q43: Please provide the following information:

Average Annual Expenses	1
Average Annual Revenues	667 active technicians paying \$60.00 for a total of \$40,020.00 divided by 3 is \$13,340.00 per year.
Average Annual Fees Charged	1

Q44: Please describe any recent or unexpected budget variations which may skew answers in the above question.

N/A

Q45: Please describe the fee structure associated with the regulation of this profession. This includes the following:A) The fee amount charged;B) How fee amounts are determined and set;C) The authority to establish those fees; andD) How revenues from fees are used, indicating the specific uses if those revenues are used for purposes other than regulating the profession.

The only fee charged to regulate this occupation is the initial and renewal certification fee of \$60.00 every three years. The authority to charge the fee is found in Title 20 V.S.A. Chapter 173 Subsection 2884. Fees generated by the occupation are pooled together to off-set expenses across all division programs to meet our budget.

Q46: Please describe any General Fund or Special Fund deposits

Special funds are deposited into fund 21901

Q47: Please describe any appropriations from the General Fund

N/A

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Q48: Please describe the qualifications of any supervisor responsible for the oversight of the agency's department's professional regulatory entity and whether that supervisor has the ability to veto or modify any decision by that professional regulatory entity.

The Commissioner or designee has the ability to modify any decision by the professional regulatory entity.

Q49: Please provide any additional information you feel is relevant for the purpose of this report.

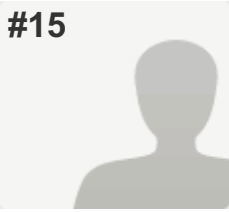
There are a total of 3 different Oil Certification levels; Gold, Silver and Bronze The figures above are based on all Oil Certifications.

PAGE 11: Exit Page

Q50: Thank You for completing this survey.

End

#15

**COMPLETE**

Collector: Web Link 34 (Web Link)
Started: Tuesday, November 01, 2016 2:04:42 PM
Last Modified: Tuesday, November 01, 2016 2:13:11 PM
Time Spent: 00:08:28
IP Address: 159.105.2.116

PAGE 2: Act 156 of 2016: Professional Regulation Report

Q1: In the following survey, you will be asked to answer a series of questions regarding the regulatory practices of your given state agency/department. It is recommended that you prepare answers to the following questions prior to starting this survey. NOTE: only one device may be used for the survey, per profession. Therefore, while the survey may be discontinued and then resumed at a later date, all answers for a given profession must be entered through the same computer. As a result, it is recommended that for each profession, a single individual be elected to compile and enter information. Choose from the following options:

Begin Survey

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Q2: Please select an occupation from the following list. Propane Gas Installers (Department of Public Safety)

Q3: What is the name of the agency, department and/or division responsible for the regulation of this occupation? Department of Public Safety – Division of Fire Safety

Q4: Regulation Type. Please check all that apply for this occupation. Certification

Q5: What is the number of regulated persons in this occupation? 1291

Q6: Is there statutory authority as a legal basis for regulation of this occupation? Yes

Q7: If "yes" to the above, please provide a citation to said statute.

Title 20, 173, 2731: The Commissioner is authorized to adopt rules regarding the construction of buildings, maintenance, and operation of premises, and prevention of fires and removal of fire hazards, and to prescribe standards necessary to protect the public, employees, and property against harm arising out of or likely to arise out of fire.

Q8: Please provide a citation to any administrative rules associated with the regulation of this occupation.

2015 Vermont Fire Safety Building Code, Section 4, NFPA 1, 1:1.13.1 (4) (a)

Q9: Please provide any and all agency or department policies for the regulation of this occupation.

The Division of Fire Safety through rules, adopt the National Fire Protection Association Standard (NFPA 54) and the National Fire Protection Association Standard 58. These two national standards provide specific requirements pertaining to the installation, storage, maintenance and inspection of propane fired equipment.

Q10: Please describe the purpose of regulating this occupation.

Propane is an explosive gas used widely in Vermont to heat homes and businesses. National safety standards and certification programs have been in place for years to insure those individuals engaged in the profession are qualified to do the work in a safe manner in compliance with the prescriptive codes and standards. This occupation is regulated due to the potential for catastrophic damage to property and human life.

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Q11: Regarding stakeholder groups, please describe how this regulation affects those subject to regulation.

This regulation details the specific requirements needed for certification for the delivery, installation, maintenance and inspection of gas piping and associated equipment.

Q12: Regarding stakeholder groups, please describe how this regulation affects State entities.

All State agencies housing propane fired equipment are affected by this regulation. Heating appliances require inspections by a certified gas technician not less than once every 2 years. Additionally, State entities are required to hire certified technicians when engaging in propane related work.

Q13: Regarding stakeholder groups, please describe how this regulation affects consumers or clients of this occupation's services.

This regulation prohibits consumers who are not certified from tampering with propane equipment. The regulation protects consumers by requiring those who engage in this occupation to be certified in accordance with nationally recognized standards. Consumers can expect a safe heating system installation when a certified technician completes the install.

Q14: Regarding stakeholder groups, please describe how this regulation affects employers.

The regulation establishes the minimum professional standards that enables the employer to maintain the necessary competent staff, where required. Employers of this profession are required to sign off on the skill assessment component of the certification prior to the employee obtaining certification. This process ensures the employee has both the educational component as well the skill set to do the job. The specific details of the program also allows the employer to hire within several different certifications based on a module program certification approach. For example; an employer wants to hire someone to deliver propane there is a propane delivery certification. Employers would be responsible for monitoring continuing education for employees for the purpose of certification renewal.

Q15: Regarding stakeholder groups, please describe how this regulation affects the public.

The regulation establishes the minimum professional standards by which all trades people may be compared. This regulation ensures competency and professionalism within the trade and provides confidence to the general public.

Q16: Regarding stakeholder groups, please describe how this regulation affects any other applicable group.

The regulation impacts a wide range of groups including the fire service, local municipalities, private companies, and service stations.

Q17: Please describe the governance structure for the regulation of this occupation, including but not limited to: the use of a board; a commission; an agency or division head; a panel; or a hearing officer.

The Commissioner of Public Safety governs this profession.

Q18: Who sets application requirements and practice standards?

The Commissioner of Public Safety sets the application guidelines. The practice standards (certification) are set by industry. We use the National Certified Employee Training Program (CETP) to certify our propane technicians.

Q19: Who makes decisions on applicants, enforcement, and discipline?

The Commissioner of Public Safety makes decisions on applicants, enforcement, and discipline.

Q20: Are any decision makers active participants in this regulated occupation? If so, please describe if the decision maker has taken a hiatus from the profession, and if so, whether the decision maker plans to return to the profession.

No

PAGE 5: Act 156 of 2016: Professional Regulation Report**Q21: What are the regulated qualifications for this occupation? Check all that apply.**

Education Requirements, Examination,
Experience Requirements (exclusive from education)

Q22: How are applications received?

An application for a Propane Gas Installers Certification must be received through mail or hand delivered at the Division of Fire Safety's Springfield Office (100 Mineral St, Suite 307 Springfield, VT 05156). The application must be original, completed electronically or in ink and have the original applicants signature on the application.

Q23: How are applications reviewed?

Once an application is received it is date stamped and reviewed to verify all required documents are included and complete. The Regional Assistant will review the application for successful completion of the National Propane Gas Association, Certified Employee Training Program (CETP) certificates of completion, compliance with the Vermont Departments governing Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. § 795, Unemployment Compensation required by 21 V.S.A. § 1378 , and Fine or Penalty required by 4V.S.A. § 1110.

Q24: How are applications rejected?

If an applicant fails to include or complete any of the required documents or holds a completion of the National Propane Gas Association, Certified Employee Training Program (CETP) certificates of completion, then their information is added into the database and noted that the application was returned as incomplete and needs to include or correct what was missing. If the applicant submits all the required supporting documents but is not in compliance with the Vermont Departments governing Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. § 795, Unemployment Compensation required by 21 V.S.A. § 1378 , and Fine or Penalty required by 4V.S.A. § 1110 then the application is entered and noted as returned and they must contact the appropriate Vermont Agency to rectify their outstanding obligation before they may reapply.

Q25: How are application rejections appealed?

If an application is rejected it is clearly explained what is missing. In the case of Propane Gas Installers Certification they must hold a current completion of the National Propane Gas Association, Certified Employee Training Program (CETP) certificates of completion and is in compliance with Vermont Departments governing Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. § 795, Unemployment Compensation required by 21 V.S.A. § 1378 , and Fine or Penalty required by 4V.S.A. § 1110, and the appropriate fee. Once these are complete and compliance is verified we can then process the application.

Q26: How are licenses/certifications/registrations issued?

A completed application satisfying all required documentation is entered into the Division's database and a three year certification is printed and mailed to the Propane Gas Installer.

Q27: What is the average time to process license/certification/registration applications?

Every completed application has the same required documentation in order to be accepted. A correctly completed and in compliance application is normally processed in Less then 2 weeks from the time it is received.

Q28: Once issued, what is the duration of the license, certification, or registration for this occupation?

A Propane Gas Installer Certification is valid for a 3 year duration effective from the date of issuance and valid for 3 years expiring on the last day of the month.

Q29: Please describe the license, certification, or registration, renewal process and requirements therein.

A notice of renewal is sent to each Installer prior to the expiration of their certification. The signed renewal, the correct fee, and their complete and signed statement regarding Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. §795, Unemployment Compensation required by 21 V.S.A. § 1378 , and Fine or Penalty required by 4V.S.A. § 1110 must be completed and attached to the renewal. They also need to copies of their approved continued education class that is required (Eight (8) hours of related instruction during the previous 3 years including at least two hours regarding the prevention of CO leakage and the procedure for safety inspection of an existing appliance). Once all items are verified as complete the application is entered in our date base and a new wallet card with the new expiration date is printed and mailed to them.

PAGE 6: Act 156 of 2016: Professional Regulation Report**Q30: Please provide a citation to the standards of practice or codes of conduct for regulated persons in this occupation. These include any and all of the following:A) StatutesB) RulesC) PoliciesE) Other**

20 V.S.A. Chapter 173, Subchapter 2
The 2015 Vermont Fire and Building Safety Code

Q31: Please describe the enforcement process for receiving and evaluating complaints.

Complaints alledging unsafe gas installations are investigated by the appropriate regional office. The complaint is reviewed by the Regional Manager and then transferred to the district fire marshal. If the complaint is on a certified technician we typically involve one of our certified gas technicians for validation purposes. The Division of Fire Safety has several certified gas technicians.

Q32: Please describe the enforcement process for performing investigations.

Complaints are entered into our fire safety data base by the regional assistant or regional manager. The manager reviews the merit of the complaint and assigns the complaint to an Assistant State Fire Marshal. If the complaint is not under our jurisdiction we make the appropriate referral to other State agencies or in some cases the local municipality

Q33: Please describe the enforcement process for prosecutions.

Prosecution of complaints regarding the certification of Technically Qualified Persons are addressed in the manner set out in the National Fire Protection Association Standard 1- NFPA Fire Code as Adopted. In accordance with section 1.13.12- Revocation or Suspension of Certificates: The Authority Having Jurisdiction shall be permitted to revoke or suspend a certificate of fitness issued if any violation of this code is found upon inspection or where any false statements or misrepresentation are submitted in the application on which the approval was based. Revocation or suspension shall be constituted when notification is served, posted, or mailed to the address of record for the certificate holder. Failure on the part of an individual to give such notification of change of address as required shall constitute grounds for revocation of the certificate. Each individual under the provisions of NFPA 1-1.13.9 shall notify the AHJ in writing of any address change within 10 days of such change. Appeals and or request for reconsideration are completed in accordance with Section 8 of the Vermont Fire and Building Safety Code. Administrative fines can be issued to certificate holders under the authority of 20 V.S.A. 2734, Chapter 173, Subchapter 2. Hearings and appeals are conducted under the provisions of 3 V.S.A. 809 and 813

Q34: Please describe the enforcement process for hearings.

Under the rules for administrative penalties a fine may be issued. If the fine is appealed within 20 days an informal hearing is conducted. 99% of all penalties are resolved at the informal level. A person who appeals a citation issued pursuant to section 3 of the rules is entitled to a hearing before the Commissioner or designee within 60 days of filing the notice of appeal. The 60 day time frame may be extended if the appellant requests, in writing, additional time to prepare for the hearing. (3 V.S.A. 809 & 813).

Q35: Please describe the enforcement process for discipline.

The process for appealing fines is set forth in 3 V.S.A. 809 and 813

Q36: Please describe the enforcement process for follow-up or monitoring of previously disciplined individuals.

We have not taken legal action beyond the informal appeal hearing process with this profession.

Q37: Please describe the average time to process complaints and disciplinary cases

A written complaint is reviewed by a regional manager and an investigation would be launched within 72 hours and sooner depending on the nature of the complaint. If the complaint alleges an imminent hazard the complaint is acted on immediately.

Q38: Please describe any inspection process relevant to this occupation.

Periodic inspection and review of an individual's work would be conducted on a more frequent basis to ensure work was being conducted properly. Inspections are likely to be conducted prior to hearings and possibly after to validate compliance with the rules.

Q39: Regarding this occupation, please describe the annual average count of the following:

Complaints	1
Investigations	1
Prosecutions	1
Hearings	1
Cases Resulting in Disciplinary Action	1
Cases Resulting in Follow-up or Monitoring	1

Q40: Please describe any systems, such as information technology systems, that are used to enable licensing, certification, registration, renewal, enforcement and inspection.

The Division of Fire Safety uses the PARAGON® custom fire safety management system (“Fire Data System”) application from Relational Semantics, Inc. The Fire System application is custom built and has been deployed for over 40 years with upgrades. The fire data system is used to manage the daily operational business needs of the division to include but not limited to;

- Management of individual licensure, certification, registration of all professional occupations under the authority of Public Safety. This includes all board decisions and relevant information pertaining to the occupation.
- Management of the division’s code enforcement and inspection programs including the integration of professional regulation into the code enforcement and site specific building information.
- A complete financial record of all monetary transactions from any entity for any time frame.
- Maintain a historic account of all building activity for approximately 40 years.
- Provides a real time mobile application for users for the purpose of validating permits, licensee status, certification status and registration status in the field in real time.
- Provides tracking information for initial licensing, license renewals, license status, personal and confidential client information, contact information, suspension information and a complete historic account of individual license events.
- Provides a complete and detailed account of all permits and work projects in 90,000 plus structures throughout the State including a history of all licensee work in the buildings enabling inspectors to accurately assess findings.

The Fire System application runs on top of a MySQL server and has functioned without operational failure since its deployment over a decade ago. Recently the hardware was decommissioned and a new virtualized server was established and data migrated to allow for better control and asset management. The virtualized environment is hosted on hardware housed at the Department of Public Safety headquarters in Waterbury with redundancy backup scheduled on a regular basis. This redundancy backup allows the Division of Fire Safety the advantage of decommissioning an old manual backup procedure that was in place prior to migrating to the virtualized environment, building a stronger, more reliable means of redundant security. Through the use of several Department of Public Safety sanctioned means of communication, the fire system can be remotely accessed by division staff and approved municipalities through a DPS managed Citrix server and web portal. This allows local governments holding a Life Safety bond agreement with the State to make entries into the application database recognizing Public Safety has an FBI secured platform. Division staff access the fire safety system using the network domain connection in their assigned office or by using a State issued RSA SecurID token. The token provides an encrypted, secure connectivity to the DPS network and can be used with State issued smartphones, employee home networks or public and business class Wi-Fi access points when available without compromising the highest level of security access. Regarding the PARAGON® Fire Safety Management System application, all critical division data is held and managed within this database for the State. Licensing and individual entity management combined with historical building code enforcement and permitting data allows our inspectors to effectively span all disciplines in real time. For example; a fire marshal arrives at a construction site to conduct an inspection and notices someone doing gas piping in the building. The fire marshal can obtain the name of the contractor and enter his name on our data base and instantly know his license status. Licensees who renew their licenses, certification or registration can do this instantly without delay and the licensee status can be instantly viewed the field inspectors.

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Q41: Please provide the number of full-time staff related to the regulation of this occupation, including job titles and duties.

An Administrative Assistant in our Springfield Regional Office enters the Propane Gas certificates and issues the certification. Basic duties include entering information in the database, completing financial bank deposits, reviews continuing education, files certification applications and other related paperwork, answers many phone calls, reviews applications for accuracy and completes other tasks when requested. The Regional Manager and Deputy Director helps to review any supporting documents in question, conduct investigations of alleged violations, investigate complaints on certification holders and revoke, suspend or deny renewals.

Q42: Please provide the number of part-time staff related to the regulation of this occupation, including job titles and duties.

N/A

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Q43: Please provide the following information:

Average Annual Expenses	1
Average Annual Revenues	1291 certified techs x \$60.00 = \$77,460.00 divided by 3 = \$25,820.00 per year
Average Annual Fees Charged	1

Q44: Please describe any recent or unexpected budget variations which may skew answers in the above question.

N/A

Q45: Please describe the fee structure associated with the regulation of this profession. This includes the following:A) The fee amount charged;B) How fee amounts are determined and set;C) The authority to establish those fees; andD) How revenues from fees are used, indicating the specific uses if those revenues are used for purposes other than regulating the profession.

The initial certification fee and 3 year renewal fee is \$60.00. The authority to establish the fees can be found in 20 V.S.A. Section 2884. Fees are used to off set division wide programs. Revenues generated by licensing are pooled together and deposited into special fund 21901 to off-set expenses across all division programs to meet our budget.

Q46: Please describe any General Fund or Special Fund deposits

Special funds are deposited into fund 21901

Q47: Please describe any appropriations from the General Fund

N/A

PAGE 10: Act 156 of 2016: Professional Regulation Report**Q48: Please describe the qualifications of any supervisor responsible for the oversight of the agency's department's professional regulatory entity and whether that supervisor has the ability to veto or modify any decision by that professional regulatory entity.**

The Commissioner of Public Safety has authority to veto or modify any decision by that professional regulatory entity.

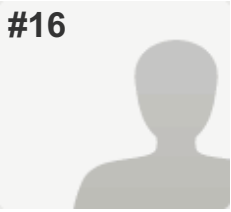
Q49: Please provide any additional information you feel is relevant for the purpose of this report.

Please understand that there are a total of 3 different Gas Certifications; Natural Gas, Propane Gas and we have a dual certification which allows an individual to hold both certification in propane and natural gas. The figures above are based on Propane Gas Certification only. We have approximately 484 individuals with this dual certification. To be dual certified the certificate holder must satisfy both certification programs.

PAGE 11: Exit Page**Q50: Thank You for completing this survey.**

End

#16

**COMPLETE****Collector:** Web Link 20 (Web Link)**Started:** Monday, August 29, 2016 11:55:42 AM**Last Modified:** Tuesday, November 01, 2016 2:14:22 PM**Time Spent:** Over a month**IP Address:** 159.105.179.162

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Q1: In the following survey, you will be asked to answer a series of questions regarding the regulatory practices of your given state agency/department. It is recommended that you prepare answers to the following questions prior to starting this survey. NOTE: only one device may be used for the survey, per profession. Therefore, while the survey may be discontinued and then resumed at a later date, all answers for a given profession must be entered through the same computer. As a result, it is recommended that for each profession, a single individual be elected to compile and enter information. Choose from the following options:

Begin Survey

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Q2: Please select an occupation from the following list.

Distributors (Department of Liquor Control)

Q3: What is the name of the agency, department and/or division responsible for the regulation of this occupation?

The Vermont Department of Liquor Control ("DLC").

Q4: Regulation Type. Please check all that apply for this occupation.

Licensing, Certification, Registration,
 Other (please specify)
 Education. The DLC is a state department governed by a five-person board appointed by the Governor. The DLC controls alcoholic beverages and tobacco products through distribution, licensing, enforcement and education. The DLC also contracts with 80 +/- Agency stores that sell liquor to licensees and consumers. The DLC is tasked with the licensing of Manufacturers of malt and vinous beverages as well as Distillers of spirituous beverages. The DLC also license Wholesale Dealers and retail businesses and provides individual and retail licensing and permitting for special events and tastings. It further regulates tobacco licensing to allow the licensee to engage in the retail sale of tobacco products on the premises identified in the license.

Q5: What is the number of regulated persons in this occupation?

The DLC regulates 80 +/- Agency stores. Additionally, the DLC regulates all persons or entities involved in the alcohol supply chain at any stage when it enters into Vermont, including manufacturers, wholesale dealers, distributors and licensees, of which there are about thirty to forty thousand (30,000 – 40,000). Vermont instituted a three tier system of producers, wholesale distributors, and retailers to promote moderation in consumption, prevent concentration of power, and raise revenues through taxes. Vermont directly controls the sale of liquor at the wholesale level and is considered a “control state” or “control jurisdiction”.

Q6: Is there statutory authority as a legal basis for regulation of this occupation?

Yes

Q7: If "yes" to the above, please provide a citation to said statute.

The DLC obtains its statutory authority from Title 7 of the Vermont Statutes Annotated (“V.S.A.”), as amended. Additional state statutory references are below:

- 10 V.S.A. 53: Beverage containers, deposit redemption system;
- 17 V.S.A. 35, §2018: Using intoxicating liquor to influence votes;
- 18 V.S.A. 37: Smoking in public places;
- 20 V.S.A. 111, §1817: Reports of law enforcement officer; accidents involving liquor;
- 23 V.S.A. 13: Drunken Driving;
- 24 V.S.A. 61, §2291: Municipal and county government enumeration of powers.

The DLC's statutory authority is also derived from federal law. The Federal Tax and Trade Bureau (“TTB”) regulations are published as Title 27, Chapter II, Code of Federal Regulations (CFR).

Additional Federal statutory references are below:

- Federal regulations relating to the advertising of distilled spirits, wine and malt beverages promulgated under the Federal Alcohol Administration Act (27 U.S.C. 201-211);
- Federal regulations relating to the advertising of distilled spirits, wine and malt beverages promulgated under the Federal Alcohol Administration Act (27 U.S.C. 201-211).

Q8: Please provide a citation to any administrative rules associated with the regulation of this occupation.

The DLC was created by 3 V.S.A. § 212 and follows the definitions as laid out in the Vermont Administrative Procedure Act, 3 V.S.A. § 801. The DLC's general regulations may be found on the DLC website and in the link below:
http://liquorcontrol.vermont.gov/sites/liquorcontrol/files/pdf/gen_regs.pdf

Q9: Please provide any and all agency or department policies for the regulation of this occupation.

The DLC's rules and regulations, as laid out on its website, have the force of law by virtue of 7 V.S.A., as amended.

- The DLC's policies for regulations are on its website and at the link below:
<http://liquorcontrol.vermont.gov/laws/regulations>

Q10: Please describe the purpose of regulating this occupation.

The purpose of the DLC's regulations are for the protection of the public welfare, good order, health, peace, safety and morals of the people of the state by regulating the alcohol and tobacco industries. The DLC knows in order to achieve these goals, distributors of alcoholic beverages must be regulated and monitored.

The DLC's system of selling alcohol achieves a delicate balance between offering a great selection of products and reasonable pricing at convenient locations around the state, with regulating the sales of hard liquor. Studies prove that regulating sales reduces consumption, thereby limiting the physical and social damage caused by the misuse of alcohol.

The DLC contributes millions of dollars each year to the state's general fund; educates thousands of servers and sellers of alcohol beverages and tobacco products within the state and shares licensing fees that help support towns and cities. The DLC purchases, distributes, and sells distilled spirits through its agency stores; enforces Vermont's alcohol and tobacco statutes, with a strong emphasis on limiting youth access; educates licensees and promotes responsibility. An integral part of the DLC's mission is to control the distribution of alcoholic beverages, while providing excellent customer service and effective public safety, for the general good of the state.

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Q11: Regarding stakeholder groups, please describe how this regulation affects those subject to regulation.

The DLC is responsible for regulating anyone involved in the alcohol supply chain at any stage upon entering the State of Vermont, including licensees, manufacturers, distributors and importers of beer and wine. In FY 2015 the DLC issued about twelve thousand (12,000) licenses and permits.

The regulations require distributors to produce and sell alcohol and tobacco in a responsible manner in accordance with Title 7.

Q12: Regarding stakeholder groups, please describe how this regulation affects State entities.

The DLC closely monitors distributors to ensure voluntary compliance with all statutes and regulations.

Q13: Regarding stakeholder groups, please describe how this regulation affects consumers or clients of this occupation's services.

These regulations ensure that alcohol is distributed and sold through the proper channels and procedures and is safe for the consumer. They also prevent the sale to minors and impaired individuals.

Q14: Regarding stakeholder groups, please describe how this regulation affects employers.

The regulations ensure that alcoholic beverages are sold in such a way that it protects public safety as well as ensures continued business operations.

Q15: Regarding stakeholder groups, please describe how this regulation affects the public.

These regulations are in place to protect the public in a variety of contexts including safety, welfare and education and to ensure compliance with federal and state regulations.

Q16: Regarding stakeholder groups, please describe how this regulation affects any other applicable group.

These regulations affect economic development, public safety, ensures proper distribution and moderation in alcohol consumption.

Q17: Please describe the governance structure for the regulation of this occupation, including but not limited to: the use of a board; a commission; an agency or division head; a panel; or a hearing officer.

The DLC is governed by a Liquor Control Board and a Commissioner. The composition of the DLC is described at 7 V.S.A. 5, § 101.

The Board: The Board consists of five members appointed by the governor. The duties of the Board are described under 7 V.S.A. 5, § 104. The Board's primary responsibility is to see that the laws relating to alcohol are enforced and that the department collaborates with other law enforcement entities in the state. They act as a judicial board in hearing and adjudicating cases of violation by its licensees. In addition, they supervise the opening and operation of local agencies for the sale and distribution of spirituous liquors, oversee the financial transactions of the central office and the retail agencies, make rules and regulations and issue permits regarding alcohol manufacture, sales, and transport, adopt rules regarding labeling and advertising of malt or vinous alcoholic beverages, spirits and fortified wines, and adopt rules regarding intrastate transportation of such beverages.

Under 7 V.S.A. 5, § 102 the governor, after notice and a hearing may remove a Board member for incompetency, failure to discharge his or her duties, malfeasance, immorality or other cause inimical to the general good of the state. In such case, the governor shall appoint a person to fill the unexpired term.

The Commissioner: The Governor appoints an individual as Commissioner under 7 V.S.A. 5, § 106 (2b). The Commissioner's duties are described under 7 V.S.A. 5, § 107 and include making regulations subject to the Board's approval governing among other things, pricing, purchasing, quantities and qualities.

Q18: Who sets application requirements and practice standards?

The Board makes rules regarding the manufacture of alcohol. The Board also enforces laws and rules regarding the serving, use and sale of alcohol. In Vermont, Board Rules are similar to state laws and are commonly referred to as regulations. The regulations, Title 7, and other federal and state authority guide the Board. The initial determination in the licensing process is made by a DLC investigator who presents their findings to the Board. The investigator presents their findings to the Board which votes whether to accept or reject an application or what penalties to impose.

Q19: Who makes decisions on applicants, enforcement, and discipline?

The DLC's investigators make the initial determination on applications, enforcement and discipline. All investigator decisions are made on a case-by-case basis. The investigator will create a report and deliver their findings to the Board. The Board makes a final determination regarding the person or entity based upon the findings presented to it. For initial license or permit applications the Board makes all determinations on criminal history and prior DLC violations regarding whether to grant an application if a licensee has a felony that occurred within the last ten (10) years. For any licensee who has a felony more than ten (10) years old, the investigator makes the determination and presents their findings to the Board.

Q20: Are any decision makers active participants in this regulated occupation? If so, please describe if the decision maker has taken a hiatus from the profession, and if so, whether the decision maker plans to return to the profession.

Currently, there are no Board members, investigators or other decision makers involved in the regulated profession, nor are there any plans for such decision makers to enter into the profession. Under Communication No. 58 from the Vermont Attorney General's Office, dated April 26, 1938, relating to No. 199 of the Acts of 1935, law enforcement officers are prohibited from seeking a license from the DLC. Law enforcement officers are defined as "sheriffs, deputy sheriffs, constables, police officers, state's attorneys and inspectors of the motor vehicle department". Law enforcement officers are also prohibited from obtaining a license under 7 V.S.A. Ch. 9 § 223.

Q21: What are the regulated qualifications for this occupation? Check all that apply.

Education Requirements, Examination

Q22: How are applications received?

The licensing process is governed by 7 V.S.A. 9 §§ 221 – 241.

A license is obtained by completing the class application form and filling it out in its entirety. Several licenses are offered depending on the entity and its particular needs. Application forms may be obtained at the DLC's main office in Montpelier, VT. Additionally, all of the forms are available to download from the DLC website and the link below and most of them can be filled out on screen by clicking on areas and typing, printing out and mailing the forms in. <http://liquorcontrol.vermont.gov/which-license/manufacturer/forms>

Once the proper application is completed, depending upon the license sought, the person or entity completing the application must submit it to the Town/City Clerk with the appropriate fees. Both first (1st) and second (2nd) class licenses and some permits must be filed with the Town Clerk before the DLC will issue a license. At the next duly warned meeting of the local licensing control commission, applications are taken up for consideration. If approved by the locality, or if not requiring its approval, the application gets forwarded to the DLC and its licensing investigators contacts the applicant. Anyone other than a natural person seeking a license must submit its articles of incorporation or LLC.

Additionally, all applicants will need to produce a copy of the following:

- Trade name registration obtained through the Secretary of State's Office;
- Federal employee identification number (FEIN);
- Sales and use certificate, rooms and meals and lodging tax numbers (if applicable) from the Vermont Department of Taxes;
- Health license, obtained from the Vermont Department of Health (1st Class Licenses only);
- Proof of training regarding Vermont liquor laws, rules and regulations through the DLC;
- A copy of the lease and/or proof of ownership of the property to be licensed;
- If you have employees, proof of Workman's Compensation Insurance;
- Naturalization certificate copy (if applicable).

Furthermore, all sellers and servers of alcohol must be trained before they start working and then must be trained every 2 years thereafter. Training is available through in-person seminars conducted by our educators as well as online through our online training materials. A Director/ Partner/ Owner/ Manager who has already been to a seminar or taken the DLC online training can also train their staff using materials provided by the DLC. The DLC further provides Education Regulations on its website and located at the link below:

<http://liquorcontrol.vermont.gov/sites/liquorcontrol/files/Education%20Regulations.pdf>

Any one holding a first, second or third class license, shall complete the DLC Licensee Enforcement Seminar at least once every two years. Additionally, solicitors, manufacturers, and fourth class liquor licensees must be properly trained upon licensure and retrained within the following two years. This training requirement may be satisfied by completion of materials provided for this purpose by the DLC Education Division. Proof of this training will be documented on forms provided by the DLC and retained by the license holder. Only upon proof that the education requirement has been satisfied will the DLC issue a license.

Q23: How are applications reviewed?

No new first-, second- or third-class liquor license, Manufacturing license, or tobacco license shall be granted until the applicant has met with a DLC investigator to become informed of the Vermont laws, rules and regulations pertaining to the manufacture, purchase, storage, and sale of alcoholic beverages and tobacco products. Every application is reviewed by the DLC. All new applications are investigated by the Enforcement and Licensing Division prior to approval/disapproval of the license by the Board. This process can take anywhere from 2 weeks to 6 weeks to complete once the DLC receives the application. An applicant submits their application to the DLC which reviews it for errors and completeness before entering it into the DLC's database. Then the DLC investigator assigned to the applicant's particular geographic area meets with the applicant at their premises and makes an initial determination on whether to grant an application request. This determination is done on a case-by-case basis considering the merits of each case. The investigator then issues his findings in a report and makes his recommendation to the Board. Following that recommendation, the Board makes the final determination on motion as to whether to grant or deny the application.

Q24: How are applications rejected?

Ultimately, applications are rejected upon a motion by the Board. Other than an absolute prohibition on a law enforcement officer seeking a license, there are no set guidelines or standards for rejecting an application. Investigators and the Board may consider any number of factors, including an applicants' criminal history and prior licensing history. As is the case for DLC investigators, the Board makes its determinations on a case-by-case basis, considering the merits of each individual case.

Q25: How are application rejections appealed?

The Board makes the final determination on an application. Any decision regarding licensing made by the Board may be appealed to the Vermont Supreme Court. However, if a law enforcement officer should challenge their licensing determination, that appeal is heard by the Board rather than the Court.

Q26: How are licenses/certifications/registrations issued?

Once it has been determined that all application materials have been properly filled out, provided to the Town Clerk (if applicable), and payment of fees made, the DLC investigators will submit their recommendations to the Board. The Board will then determine whether to issue the applicant a license. The DLC will notify an applicant of their approved license or permit and issue it to them electronically. Licenses last only for one year and each year applicants must renew their license before May 1st of that renewal year.

Q27: What is the average time to process license/certification/registration applications?

Depending on the paperwork, requested license and particular applicant, the process can take anywhere from two to six (2-6) weeks once the DLC receives a complete application. License renewals with no changes to ownership can be completed much more quickly.

Q28: Once issued, what is the duration of the license, certification, or registration for this occupation?

All liquor licenses in the State of Vermont expire at midnight on April 30th and must be renewed for the following year. A license never exceeds a one-year term. However, a license will remain valid when expired if the applicant makes a timely renewal and the renewal is delayed by no fault of the applicant. The length of permit durations vary depending on the type sought and may be valid for only one (1) day of a set time of two to six (2-6) hours or may be valid up to five (5) days.

Q29: Please describe the license, certification, or registration, renewal process and requirements therein.

All licenses are renewable, but renewals must be sent in each year by April 30th to renew them for the following licensing year. Licensing years run May 1st through April 30th of each year.

Licensees, manufacturers and distributors must ensure that certain education and reporting requirements are satisfied prior to renewing a license, including that “each licensee shall ensure that every employee who is involved in the preparation, sale, service or solicitation of alcoholic beverages or the sale of tobacco products, or enforcing of alcohol and/or tobacco laws and regulations must complete a training program offered or approved by the [DLC] before the employee begins working in that capacity and at least once every two years thereafter. Each licensee shall maintain written documentation, signed by each employee trained of each training program conducted. A licensee may comply with this requirement by conducting its own training program on its premises, using all information and materials furnished by the [DLC], or from a program approved by the [DLC]. A licensee who fails to comply with these requirements shall be subject to a suspension of no less than one day of the license issued under this title. No license or permit will be renewed unless the records of the [DLC] show that the licensee has complied with the terms of the [DLC’s] regulations found on the [DLC] website and in the link below:

<http://liquorcontrol.vermont.gov/sites/liquorcontrol/files/Education%20Regulations.pdf>

Additionally, each licensee holding a bottler’s license or a wholesale dealer’s license shall, on or before the tenth day of each calendar month, transmit to the Commissioner of Taxes or the State of Vermont the report and pay the tax as provided in 7 V.S.A. §421, upon forms furnished by such Commissioner, a statement or return under oath or affirmation showing the quantity of malt and vinous beverages sold by such licensee during the preceding calendar month, and licensees shall file such bonds and/or other security for the fulfillment of the provisions of this section as the Board may require. Bottlers and wholesale dealers shall file a surety bond with their applications for such amount as is deemed adequate by the Board. The purpose of this bond is to assure the State that tax due on the sale of malt and vinous beverages for an average two-month period. (Forms to be furnished by the board.)

The DLC sends renewal notices to the Town Clerk electronically via e-mail, whereby the Town Clerk disseminates the information to licensees in the respective town. The DLC provides each licensee a copy of their original application with the blanks filled in and asks licensees to review the application, note any errors or changes to be made, and sign the document. The signed application is submitted with or without changes to the Town Clerk. Once the changes are made, or if none are required, the Town Select board votes on whether or not to renew the license. If approved, the renewal gets sent to the DLC by the Town Clerk with all appropriate fees included. The Board then votes on whether to renew the license or permit. The DLC staff processes the renewals and the renewed license is e-mailed to the Town Clerk which mails it to the licensee.

PAGE 6: Act 156 of 2016: Professional Regulation Report**Q30: Please provide a citation to the standards of practice or codes of conduct for regulated persons in this occupation. These include any and all of the following: A) Statutes B) Rules C) Policies E) Other**

Title 3 and Title 7 of the Vermont Statutes Annotated. Additionally, the DLC and Board have their own regulations that they follow. These regulations can be found on the DLC website as well as in the link below:

<http://liquorcontrol.vermont.gov/laws/regulations>

Q31: Please describe the enforcement process for receiving and evaluating complaints.

The enforcement process is governed by 7 V.S.A. 19, §§ 561 - 603.

The DLC handles its enforcement process through its Board, Commissioner and investigators. The DLC's Enforcement Division is charged with investigating possible violations of liquor laws and regulations, and carrying out law enforcement activities related to these incidents. The DLC investigates all complaints that it receives from anonymous and named sources. It also conducts unannounced inspections on its licensees throughout the year to ensure all rules and regulations are being followed and to determine if any violations have occurred. The DLC's website provides assistance to individuals seeking to make a complaint by mail, phone, or online by filling out the form. Once the DLC receives a complaint, the issue is assigned to an area investigator to conduct an investigation into the complaint.

Additionally, under 7 V.S.A. 19, § 563. Search warrants: If a state's attorney, the Commissioner, a Board inspector, a control commissioner or town grand juror or two reputable citizens of the county, make complaint under oath or affirmation, before a judge of a criminal division of the superior court, that he or she or they have reason to believe that alcoholic beverages are kept or deposited for sale or distribution, or manufactured or possessed contrary to law, the judge shall issue a warrant to search the premises described in the complaint. If the alcoholic beverages are found therein under circumstances warranting the belief that it is intended for sale or distribution or unlawfully manufactured or possessed contrary to law, or if any still, or any other apparatus for the manufacture of alcohol is found therein, the officer shall seize and convey the same to some place of security, and keep it until final action is had thereon.

Q32: Please describe the enforcement process for performing investigations.

The DLC, acting through its Board and investigators handles all alleged complaints and violations regarding the manufacture, sale and distribution of liquor. The DLC is informed of potential violations through community sources, police agencies and DLC investigations. Investigators review violations utilizing standard police investigation techniques and make an individualized determination on how to handle a particular violation. After receipt of information regarding an alleged complaint, or following acknowledgement of a violation after an unannounced visit, the investigator determines whether a violation has occurred and its severity. Depending on its severity, the investigator might draft a report on his findings and submit it to the Board to decide an appropriate penalty. If the investigator decides to issue an administrative fine or penalty, the matter need not go before the Board unless the violator requests a hearing before the Board.

In addition, under 7 V.S.A. 19, § 561 (b) the Commissioner, Director of the Enforcement Division of the DLC, or an investigator employed by the Board or the DLC, and any other law enforcement officer may arrest and seize the property of a person whom he or she finds in the act of manufacturing alcohol or possessing a still, or other apparatus for the manufacture of alcohol, or unlawfully selling, bartering, possessing, furnishing or transporting alcohol, or unlawfully selling, furnishing or transporting spirits, fortified wines, or malt and vinous beverages, and shall seize the liquors, alcohol, vessels, and implements of sale and the stills or other apparatus for the manufacture of alcohol in the possession of the person.

Q33: Please describe the enforcement process for prosecutions.

The type of disciplinary action depends on the type and severity of the infraction, as well as prior history of the licensee and can include a warning or monetary sanction or the suspension or cancellation of a license or permit. The Board may accept or reject any recommendations provided by the DLC and it is the Board that makes the final determination regarding the sanctions imposed. Additionally, the Board, as a condition of licensure, may require any retail licensee found guilty by the Board of a violation of a liquor law or regulation to attend an additional DLC Licensee Training Seminar.

The Board has established a schedule of penalties for specifically enumerated violations, which may be imposed by the DLC, allowing for the licensee to waive a hearing and accept the stated penalty(s). Licensees/permittees may decline to accept the stated penalty(s) and ask for a hearing before the Board and may request a hearing to appeal any administrative sanctions imposed. When a violation is charged, the licensee/permittee is entitled to a formal hearing before the Board. A formal hearing may be waived and an agreed upon penalty may be accepted without a licensee/permittee contesting the charges or personally appearing before the Board. The Board's Settlement Practice for Waiver of Formal Hearing may be found on the DLC website or at the link below:

<http://liquorcontrol.vermont.gov/sites/liquorcontrol/files/Settlement%20Practice%20for%20Waiver%20of%20Formal%20Hearing1.pdf>

Q34: Please describe the enforcement process for hearings.

The Board acts as a judicial board in hearing and adjudicating cases of violation by its licensees and permittees. Any applicant accused of a violation is entitled to notice and a hearing before the Board prior to suspension, revocation or rejection of a license or permit. Each side is given an opportunity to present evidence and witnesses, and cross-examine the other side. Following the presentation of all the evidence, the Board issues its final decision. If a person or entity disagrees with the Board's final determination, it may be appealed under 7 V.S.A. 19 § 577. Revocation of licenses and Rule-making proceedings initiated by the Board under Regulation No. 9(b) will be treated as formal proceedings. All other petitions, applications, submissions, requests, charges, etc., will be treated as informal proceedings. A party to a formal proceeding before the Board may appear for himself or be represented by an attorney admitted to practice in the State of Vermont. Board hearings are once a month and are open to the public. Following presentation and review of all the evidence, the Board issues a final decision. The Board's decision may be issued the same day as the hearing or may take several months. Liability is not imposed on a licensee or permittee until after the Board makes a final decision on the matter.

An oral hearing is held in every formal proceeding except: in a formal rule-making proceeding if no request to be heard is submitted within five days of the date set for such hearing, in accordance with the provisions of 3 V.S.A. § 836(4) and § 840 in any other formal proceeding if all the parties to the proceeding file written waivers of opportunity to be heard. Upon the filing of a pleading initiating a formal proceeding, or upon the initiation of such a proceeding by the Board on its own motion, the Board shall by order or otherwise assign a time and place for the hearing thereof and the Enforcement Secretary shall serve on each party written notice of the hearing in the form as provided by 3 V.S.A. § 809(b) and § 836(c) and 839, and, if required by statute, shall arrange for publication thereof. Every party and counsel representing the Board, if any, shall have the right to participate fully in any hearing before the Board, and, in the case of rule-making proceedings, all interested persons shall also be permitted to participate in accordance with the terms of the notice of the proceeding. The admissibility of evidence in all formal proceedings before the Board shall be determined under the criteria specified in 3 V.S.A. § 810(1)-(4). The testimony of a hearing witness on direct examination may be offered in written form, either by having it read into the record or by offering it for incorporation in the record without reading, provided that a copy of such testimony is supplied to the Board, each attorney of record, and each party appearing for himself at a reasonable time in advance of the hearing at which testimony will be offered. Such testimony shall be subject to the same rules of admissibility and cross-examination as extemporaneous testimony.

<http://liquorcontrol.vermont.gov/sites/liquorcontrol/files/Administrative%20Organization%20and%20Procedures.pdf>

Q35: Please describe the enforcement process for discipline.

The Board has the authority to discipline those people or entities violating Title 7 or the other rules and regulations as set forth by the DLC or Board. Board decisions regarding discipline are made by Board order. All Board hearings are open to the public. Any formal proceeding for revocation of a license, certificate, etc., shall be preceded by notice to the licensee of facts or conduct which warrant the intended action, and the licensee shall be given an opportunity informally to show compliance with all lawful requirements for the retention of the license prior to initiation of such formal proceeding. The DLC does not provide set guidelines for discipline, but rather makes its determination on a case-by-case basis. Discipline ranges from warnings and administrative penalties and fines to suspension or outright revocation of a license.

Penalties for violations are described under 7 V.S.A. 21, §§ 651-671. DLC investigators use a Schedule of Fines (in the link below) to assist them in determining an appropriate fine, ranging from \$110 to \$2,010, depending on the severity of the violation and the specific merits of a case.

<http://liquorcontrol.vermont.gov/sites/liquorcontrol/files/schedule%20of%20fines%20new%20November%202014%20changes.pdf>

Title 7 V.S.A. 21, § 667, states: “(a) A person, partnership, association or corporation who furnishes, sells, exposes, or keeps with intent to sell, bottles or prepares for sale any malt or vinous beverages, spirits, or fortified wines, except as authorized by this title, or sells, barter, transports, imports, exports, delivers, prescribes, furnishes, or possesses alcohol, except as authorized by the Liquor Control Board, or who manufactures alcohol or possesses a still or other apparatus for the manufacture of alcohol shall be imprisoned not more than 12 months nor less than three months or fined not more than \$1,000.00 nor less than \$100.00, or both. For a subsequent conviction thereof within one year, such person, partnership, association, or corporation shall be imprisoned not more than three years nor less than six months or fined not more than \$2,000.00 nor less than \$500.00, or both.

(b) A person, partnership, association, or corporation, who willfully violates a provision of this title for which no other penalty is prescribed or who willfully violates a provision of the regulations of the Liquor Control Board shall be imprisoned not more than three months nor less than one month or fined not more than \$200.00 nor less than \$50.00, or both.

(c) The provisions of subsection (b) of this section shall not apply to a violation of subsection 1005(a) of this title, relating to purchase of tobacco products by a person less than 18 years of age.”

For tobacco, tobacco substitutes or paraphernalia product violations, prosecutions are governed under 7 V.S.A. 40, § 1002 (e), which states that “a person who sells tobacco products, tobacco substitutes, or tobacco paraphernalia without obtaining a tobacco license in violation of this section shall be guilty of a misdemeanor and fined not more than \$200.00 for the first offense and not more than \$500.00 for each subsequent offense.”

Q36: Please describe the enforcement process for follow-up or monitoring of previously disciplined individuals.

As stated previously, upon receipt of any complaint made to the DLC, an investigator assigned to the area will investigate the alleged violation. In addition, the DLC conducts regular inspections, investigations and audits of licensed premises to ensure that licensees and permittees satisfy their obligations. Procedures for follow-up monitoring are based upon the individual investigator and the particular circumstances of each case.

A licensee or permittee may be issued an administrative sanction if an infraction is identified during an inspection. Infractions include but are not limited to:

1. Failing to request proof of age from a person who appears to be underage;
2. Serving liquor to impaired persons;
3. Serving liquor after hours; and
4. Failing to provide proper supervision and control (e.g. not having enough staff on duty and/or employing staff not properly trained to deal with situations that might occur in licensed premises).

The DLC maintains a database of unexpired, suspended, and revoked liquor licenses and permits. Those listed as unexpired have expired, and it is no longer lawful to manufacture, make orders for or receive orders of alcoholic beverages. They are also prohibited from selling or serving alcoholic beverages on their premises. The same holds true for licensees who have had their licenses suspended (summarily or not) or revoked by either the Board or the Local Control Commissioners. Individual investigators (of which there is about one (1) to every three hundred (300) licensees), use this information in determining how they want to conduct their follow-up monitoring and inspection within their particular geographic area.

Q37: Please describe the average time to process complaints and disciplinary cases

The time to process complaints and cases varies depending on the violation. Each complaint is considered on a case-by-case basis. For example, a fatal accident investigation will take longer than accepting a false identification inspection would. Typically, however the time frame will not exceed one year.

Q38: Please describe any inspection process relevant to this occupation.

Inspectors conduct regular unannounced inspections to ensure the proper rules and procedures are followed. These inspections occur at a minimum of once a year and may be weekly depending on the particular circumstances. In the future, the DLC and Board hope to create a checklist whereby an investigator may meet with a licensee and address the rules and procedures that must be followed by each licensee.

Further addressing Question #39 below:

Complaints: There were forty-eight (48) complaints made in 2015 for first-class, second-class and tobacco licenses, all of which were investigated.

Cases Resulting in Discipline Action: In 2015 the Board held a total of 27 hearings. Those 27 hearings resulted as follows: 1 Warning; 2 Applications granted with conditions; 1 License revocation, 2 License dismissals; Fine penalties to five (5) different entities of \$250, \$250, \$500, \$750 and \$4,000. Suspensions: 1 – one-day suspension; 4 – two-day suspensions; 1 – four-day suspension; 1 – five-day suspension; 1 – seven-day suspension; 1 – ten-day suspension; 1 – twenty-day suspension; 9 suspensions until the entity is in good standing with the Vermont Department of Taxes.

Cases Resulting in Follow-Up or Monitoring: All cases will result in some form of follow-up or monitoring, but the timing of such is dependent upon the individual investigators.

Q39: Regarding this occupation, please describe the annual average count of the following:

Complaints	48
Investigations	48
Prosecutions	0
Hearings	27
Cases Resulting in Disciplinary Action	27
Cases Resulting in Follow-up or Monitoring	27

PAGE 7: Act 156 of 2016: Professional Regulation Report**Q40: Please describe any systems, such as information technology systems, that are used to enable licensing, certification, registration, renewal, enforcement and inspection.**

The DLC uses two computer systems to process its licenses, renewals and perform its other functions. The two systems are Sequoia and Valcour/Spillman. The Sequoia system is used by the licensing division to record and renew licenses and permits. Compliance checks tracking and education tracking information is also recorded in this system. This system includes information at the level of: corporation/owner; licensee (DBA); licenses/permits; and individuals. This system runs on a virtualized UNIX server. It consists of COBOL programs for data entry and batch processing. The active Licenses are exported daily, to an ACCESS database system used for generation and reporting of Compliance Checks Documents. The documents are used by DLC investigators for the licensee site inspections. The results of the compliance checks is recorded in detail in the ACCESS database system, and also recorded in summary in the UNIX system. The Valcour system is a Computer Aided Dispatch/ Records Management System (CAD/RMS) designed by Crosswinds Technology. It is a new CAD/RMS system in the Vermont criminal justice domain.

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Q41: Please provide the number of full-time staff related to the regulation of this occupation, including job titles and duties.

The DLC employees twenty-five (55) total staff member positions with one (1) vacant position.

Technology: The four employees in the DLC's Technology Unit support the technology functions of DLC departments as well as the remote Agent cash registers, Agent linkages to DLC software, and wireless connections for our mobile enforcement investigators. The DLC technology team ensures a stable, secure operating environment, maintains software licenses and hardware assets, writes and maintains custom software as needed to support operations.

Financial Unit: A three person team is responsible for accurately and efficiently conducting all department financial affairs. This includes weekly deposits of all receipts from Agency stores and payments to Agents and others. The unit oversees the financial reporting and accuracy of all payrolls and expense reimbursement requests. They support, review and bill for all grant expenses. Accounting shares responsibility for tracking all department assets (except liquor) with IT. The unit manages all non liquor related contracts. Other duties include producing monthly financial statements and annual report, ordering all department supplies, and working with the Auditor's office to complete the annual independent audit and ensuring compliance with state wide record retention policies.

Education Unit: The Education section is responsible for in person and on line training aimed at industry members and members of the general public with regards to the Statutes and Regulations contained in 7 V.S.A. Over 9,000 people were trained in FY 2015 through in person classes and on line classes. License holders and all staff involved with selling of alcohol must have current training and certification every 24 months. Training is offered by the DLC via In Person Seminars or Online Educational programs. Additionally, the DLC offers a training packet containing a department produced DVD and instructional materials which can be purchased and off site group training can be given by a DLC certified company trainer.

Licensing: Responsibilities for licensing include issuing approximately 50 different licenses and permits which allow for the manufacturing, possession, sale, storage, distribution and consumption of alcohol and tobacco products. The DLC offers licenses that are full year, half year or seasonal, and per event. In FY 2015 DLC issued and renewed more than 12,000 licenses and permits during our licensing year which starts May 1 and continues through April 30th the following calendar year.

Enforcement: The Enforcement Division is responsible for State wide enforcement of Vermont Statutes with particular emphasis on Title 7 at Licensed and Permitted locations. Enforcement of Title 7 can also be undertaken at non licensed or permitted locations when such locations are found to be allowing activities that do not comply with Title 7. The fourteen (14) investigators in the DLC Division spend the majority of their time making sure that the Vermont license holders are current in their certifications and are selling alcohol and tobacco products responsibly. Before a license can be issued, or re issued, the licensee must meet with an investigator to certify they are compliant with State statutes and regulations pertaining to Title 7. Investigators do surprise inspections and issue Administrative tickets which are similar to a traffic fine in that the licensee can pay it immediately or contest it before the Board; they investigate complaints from the public, and complete background investigations as requested. Additionally, the Federal Department of Agriculture (FDA) has contracted the DLC to do compliance work in the areas of Tobacco Advertising and youth access to tobacco products.

Q42: Please provide the number of part-time staff related to the regulation of this occupation, including job titles and duties.

Currently the DLC has no part-time staff, however the DLC does hire minors to conduct underage purchases from licensees and Agency stores.

Q43: Please provide the following information:

Average Annual Expenses	\$66,449,354 in FY 2015.
Average Annual Revenues	\$82,060,259 in FY 2015.
Average Annual Fees Charged	\$2,123,885 in FY 2015.

Q44: Please describe any recent or unexpected budget variations which may skew answers in the above question.

We are currently in the process of planning a new budget now. There are some budget requests that are not normally made and which will result in a change to the budget for FY 2017.

Q45: Please describe the fee structure associated with the regulation of this profession. This includes the following:A) The fee amount charged;B) How fee amounts are determined and set;C) The authority to establish those fees; andD) How revenues from fees are used, indicating the specific uses if those revenues are used for purposes other than regulating the profession.

This section is governed by 7 V.S.A. 9 § 231. The DLC sets fees from \$20 to \$2,485.00 depending on the type of license or permit sought. In FY 2015 the DLC earned \$1,685,995 from licensing fees and contributed \$437,890 to the Vermont General Fund.

Under 7 V.S.A. 19, § 590 all fines and costs collected by the DLC is dedicated for transfer to the State of Vermont's General Revenue Fund general fund.

HOW FEE AMOUNTS ARE DETERMINED AND SET: The DLC must go before the Ways and Means Committee of the Legislature every three years to set fee amounts. The DLC presents information on its cost in resources of issuing a license or permit and based upon the information received the Legislature sets the final fee.

AUTHORITY TO ESTABLISH THOSE FEES: The Vermont Legislature's House Committee on Ways and Means has the authority to set the schedule of fees used by the DLC.

HOW REVENUES FROM FEES ARE USED: The DLC contributes all revenues received from penalties, licensing and fees to the general fund. The Liquor Control Fund was established under 7 V.S.A. 5 § 112, which states that the fund shall consist of all receipts from the sale of spirits, fortified wines, and other items by the DLC; fees paid to the DLC for the benefit of the DLC; all other amounts received by the DLC for its benefit; and all amounts that are from time to time appropriated to it.

Q46: Please describe any General Fund or Special Fund deposits

In FY 2015 the DLC contributed a total amount of \$22,208,485, broken down as follows to the General Fund:

License fees - \$437,890;
 Violations - \$50,115;
 Late Fees - \$200;
 Legislative Transfer to General Fund \$1,089,266;
 Liquor Excise Tax \$18,221,133;
 Sales and Use \$3,428,981;
 On-premise direct sales tax \$70,166; and
 Other income \$488,205.

Q47: Please describe any appropriations from the General Fund

The DLC does not take any appropriations from the General Fund, but rather is a complete enterprise funded department

Q48: Please describe the qualifications of any supervisor responsible for the oversight of the agency's department's professional regulatory entity and whether that supervisor has the ability to veto or modify any decision by that professional regulatory entity.

The supervisor responsible for oversight must be a full-time certified Level III enforcement officer. Such supervisor does not have any authority to usurp the regulatory entity.

Q49: Please provide any additional information you feel is relevant for the purpose of this report.

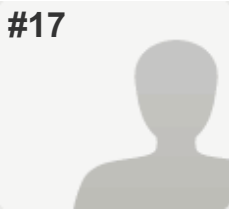
Respondent skipped this question

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Q50: Thank You for completing this survey.

End

#17

**COMPLETE**

Collector: Web Link 35 (Web Link)
Started: Tuesday, November 01, 2016 2:15:54 PM
Last Modified: Tuesday, November 01, 2016 2:25:21 PM
Time Spent: 00:09:27
IP Address: 159.105.2.116

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Q1: In the following survey, you will be asked to answer a series of questions regarding the regulatory practices of your given state agency/department. It is recommended that you prepare answers to the following questions prior to starting this survey. NOTE: only one device may be used for the survey, per profession. Therefore, while the survey may be discontinued and then resumed at a later date, all answers for a given profession must be entered through the same computer. As a result, it is recommended that for each profession, a single individual be elected to compile and enter information. Choose from the following options:

Begin Survey

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Q2: Please select an occupation from the following list.

Natural Gas Installers (Department of Public Safety)

Q3: What is the name of the agency, department and/or division responsible for the regulation of this occupation?

Department of Public Safety – Division of Fire Safety

Q4: Regulation Type. Please check all that apply for this occupation.

Certification

Q5: What is the number of regulated persons in this occupation?

667

Q6: Is there statutory authority as a legal basis for regulation of this occupation?

Yes

Q7: If "yes" to the above, please provide a citation to said statute.

Title 20, 173, 2731: The Commissioner is authorized to adopt rules regarding the construction of buildings, maintenance, and operation of premises, and prevention of fires and removal of fire hazards, and to prescribe standards necessary to protect the public, employees, and property against harm arising out of or likely to arise out of fire

Q8: Please provide a citation to any administrative rules associated with the regulation of this occupation.

2015 Vermont Fire Safety Building Code, Section 4, NFPA 1, 1:1.13.1 (4) (g)

Q9: Please provide any and all agency or department policies for the regulation of this occupation.

The Division of Fire Safety through rules, adopt The National Fire Protection Association Standard (NFPA 54) and the National Fire Protection Association Standard 58. These two national standards provide specific requirements pertaining to the installation, storage, maintenance and inspection of natural gas fired equipment.

Q10: Please describe the purpose of regulating this occupation.

Natural Gas is an explosive gas used widely in Vermont to heat homes and businesses. There are national safety standards and certification programs in place to insure those individuals engaging in this profession are qualified to do the work in a safe manner in compliance with the prescriptive standards. This occupation is regulated to protect life and property.

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Q11: Regarding stakeholder groups, please describe how this regulation affects those subject to regulation.

This regulation details the specific requirements needed for certification for the installation, design, inspection and maintenance of natural gas piping and its associated equipment.

Q12: Regarding stakeholder groups, please describe how this regulation affects State entities.

All State agencies housing natural gas fired equipment are affected by this regulation. Heating appliances require inspections by a certified gas technician not less than once every 2 years. Additionally, State entities are required to hire certified technicians when engaging in propane related work.

Q13: Regarding stakeholder groups, please describe how this regulation affects consumers or clients of this occupation's services.

The regulation prohibits consumers who are not certified from tampering with natural gas lines and equipment. The regulation protects consumers by requiring those who engage in this occupation to be certified in accordance with nationally recognized standards. Consumers can expect a safe heating system installation when a certified technician completes the install.

Q14: Regarding stakeholder groups, please describe how this regulation affects employers.

The regulation establishes the minimum qualifications necessary for a person to engage in the profession of installing, servicing, and maintaining natural gas lines and natural gas appliances. Employers who are in this occupation are able to hire certified gas technicians.

Q15: Regarding stakeholder groups, please describe how this regulation affects the public.

The regulation establishes minimum qualifications for those people engaged in the profession. The regulation and the certification requirements are in place to protect the public from the inherent hazards associated with natural gas. The standards in place prohibit non certified people from engaging in the profession. The regulation provides the necessary education and skill set to protect people from the hazards associated with natural gas.

Q16: Regarding stakeholder groups, please describe how this regulation affects any other applicable group.

The Department of Public Service has a Federal pipe line engineer who provides oversight of the underground natural gas lines and those installations defined as jurisdictional accounts. Natural gas pipe lines are regulated by the Federal Government focusing in on maintenance, operator qualifications, plant operations and numerous safety related issues. There is some overlap on jurisdiction however, for the most part we use the same standards.

Q17: Please describe the governance structure for the regulation of this occupation, including but not limited to: the use of a board; a commission; an agency or division head; a panel; or a hearing officer.

The Department of Public Safety, Division of Fire Safety issues the certification however, the Department of Public Service Pipe Line Safety Engineer inspects all jurisdictional accounts to make sure the installation and maintenance programs are completed in accordance with Federal law. Additionally the engineer will validate the employees training records, maintenance and reporting records.

Q18: Who sets application requirements and practice standards?

The Department of Public Safety, Division of Fire Safety sets application requirements and practice standards.

Q19: Who makes decisions on applicants, enforcement, and discipline?

The Department of Public Safety, Division of Fire Safety makes decisions on applicants, enforcement, and discipline.

Q20: Are any decision makers active participants in this regulated occupation? If so, please describe if the decision maker has taken a hiatus from the profession, and if so, whether the decision maker plans to return to the profession.

No

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Q21: What are the regulated qualifications for this occupation? Check all that apply.

Education Requirements, Examination,
Experience Requirements (exclusive from education)

Q22: How are applications received?

An application for a Natural Gas Installers Certification must be received through mail or hand delivered at the Division of Fire Safety's Springfield Office (100 Mineral St, Suite 307 Springfield, VT 05156). The application must be original, completed electronically or in ink and have the original applicants signature on the application.

Q23: How are applications reviewed?

Once an application is received it is date stamped and reviewed to verify all required documents are included and complete. The Regional Assistant will review the application for the successful completion of The American Gas Association (AGA) course of study including the Fundamentals of Combustion, compliance with the Vermont Departments governing Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. §795, Unemployment Compensation required by 21 V.S.A. § 1378 , and Fine or Penalty required by 4V.S.A. § 1110.

Q24: How are applications rejected?

If an applicant fails to include or complete any of the required documents or hold a completion of The American Gas Association (AGA) course of study including the Fundamentals of Combustion, then their information is added into the database and noted that the application was returned as incomplete and needs to include or correct what was missing. If the applicant submits all the required supporting documents but is not in compliance with the Vermont Departments governing Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. §795, Unemployment Compensation required by 21 V.S.A. § 1378 , and Fine or Penalty required by 4V.S.A. § 1110 then the application is entered and noted as returned and they must contact the appropriate Vermont Agency to rectify their outstanding obligation before they may reapply.

Q25: How are application rejections appealed?

If an application is rejected it is clearly explained what is missing. In the case of Natural Gas Installers there is no education or on the job hours to verify it is only a matter of if they hold a current completion of The American Gas Association (AGA) course of study including the Fundamentals of Combustion and is in compliance with Vermont Departments governing Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. §795, Unemployment Compensation required by 21 V.S.A. § 1378 , and Fine or Penalty required by 4V.S.A. § 1110, and the appropriate fee. Once these are complete and compliance is verified we can then process the application.

Q26: How are licenses/certifications/registrations issued?

A completed application satisfying all required documentation is entered into the Division's database and a three year certification is printed and mailed to the Natural Gas Installer.

Q27: What is the average time to process license/certification/registration applications?

Every completed application has the same required documentation in order to be accepted. A correctly completed and in compliance application is normally processed in less then 2 weeks from the time it is received.

Q28: Once issued, what is the duration of the license, certification, or registration for this occupation?

A Natural Gas Installer Certification is valid for a 3 year duration effective from the date of issuance and valid for 3 years expiring on the last day of the month.

Q29: Please describe the license, certification, or registration, renewal process and requirements therein.

A notice of renewal is sent to each Installer prior to the expiration of their certification. The signed renewal, the correct fee, and their complete and signed statement regarding Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. §795, Unemployment Compensation required by 21 V.S.A. § 1378 , and Fine or Penalty required by 4V.S.A. § 1110 must be completed and attached to the renewal. They also need to copies of their approved continued education class that is required (Eight (8) hours of related instruction during the previous 3 years including at least two hours regarding the prevention of CO leakage and the procedure for safety inspection of an existing appliance). Once all items are verified as complete the application is entered in our date base and a new wallet card with the new expiration date is printed and mailed to them.

PAGE 6: Act 156 of 2016: Professional Regulation Report**Q30: Please provide a citation to the standards of practice or codes of conduct for regulated persons in this occupation. These include any and all of the following:A) StatutesB) RulesC) PoliciesE) Other**

20 V.S.A. Chapter 173, Subchapter 2
The 2015 Vermont Fire and Building Safety Code

Q31: Please describe the enforcement process for receiving and evaluating complaints.

Complaints alledging unsafe gas installations are investigated by the appropriate regional office. The complaint is reviewed by the Regional Manager and then transferred to the district fire marshal. If the complaint is on a certified technician we typically involve one of our certified gas technicians for validation purposes. The Division of Fire Safety has several certified gas technicians. If the complaint involves jurisdictional accounts we may forward the complaint to the DPS.

Q32: Please describe the enforcement process for performing investigations.

Complaints are entered into our fire safety data base by the regional assistant or regional manager. The manager reviews the merit of the complaint and assigns the complaint to an Assistant State Fire Marshal. If the complaint is not under our jurisdiction we make the appropriate referral to other State agencies or in some cases the local municipality

Q33: Please describe the enforcement process for prosecutions.

Prosecution of complaints regarding the certification of Technically Qualified Persons are addressed in the manner set out in the National Fire Protection Association Standard 1- NFPA Fire Code as Adopted. In accordance with section 1.13.12- Revocation or Suspension of Certificates: The Authority Having Jurisdiction shall be permitted to revoke or suspend a certificate of fitness issued if any violation of this code is found upon inspection or where any false statements or misrepresentation are submitted in the application on which the approval was based. Revocation or suspension shall be constituted when notification is served, posted, or mailed to the address of record for the certificate holder. Failure on the part of an individual to give such notification of change of address as required shall constitute grounds for revocation of the certificate. Each individual under the provisions of NFPA 1-1.13.9 shall notify the AHJ in writing of any address change within 10 days of such change. Appeals and or request for reconsideration are completed in accordance with Section 8 of the Vermont Fire and Building Safety.

Q34: Please describe the enforcement process for hearings.

Under the rules for administrative penalties a fine may be issued. If the fine is appealed within 20 days an informal hearing is conducted. 99% of all penalties are resolved at the informal level. A person who appeals a citation issued pursuant to section 3 of the rules is entitled to a hearing before the Commissioner or designee within 60 days of filing the notice of appeal. The 60 day time frame may be extended if the appellant requests, in writing, additional time to prepare for the hearing. (3 V.S.A. 809 & 813).

Q35: Please describe the enforcement process for discipline.

Other than suspension or revocation of a certificate or issuance of an administrative fine we do not discipline certificate holders. Suspension or revocation of a certificate holder is extremely rare. There are circumstances when certificates are not renewed because there is missing information.

Q36: Please describe the enforcement process for follow-up or monitoring of previously disciplined individuals.

Individuals with less than desirable workmanship have their work inspected on a more frequent basis.

Q37: Please describe the average time to process complaints and disciplinary cases

A written complaint is reviewed by a regional manager and an investigation would be launched within 72 hours and sooner depending on the nature of the complaint. If the complaint alleges an imminent hazard, the complaint would be acted on immediately.

Q38: Please describe any inspection process relevant to this occupation.

Periodic inspection and review of an individual's work would be conducted on a more frequent basis to ensure work was being conducted properly

A complaint alleging unsafe work would be inspected and validated for compliance with the rules and standards. Inspections are likely to be conducted prior to hearings and possibly after to validate compliance with the rules

Q39: Regarding this occupation, please describe the annual average count of the following:

Complaints	1
Investigations	1
Prosecutions	1
Hearings	1
Cases Resulting in Disciplinary Action	1
Cases Resulting in Follow-up or Monitoring	1

Q40: Please describe any systems, such as information technology systems, that are used to enable licensing, certification, registration, renewal, enforcement and inspection.

The Division of Fire Safety uses the PARAGON® custom fire safety management system (“Fire Data System”) application from Relational Semantics, Inc. The Fire System application is custom built and has been deployed for over 40 years with upgrades. The fire data system is used to manage the daily operational business needs of the division to include but not limited to;

- Management of individual licensure, certification, registration of all professional occupations under the authority of Public Safety. This includes all board decisions and relevant information pertaining to the occupation.
- Management of the division’s code enforcement and inspection programs including the integration of professional regulation into the code enforcement and site specific building information.
- A complete financial record of all monetary transactions from any entity for any time frame.
- Maintain a historic account of all building activity for approximately 40 years.
- Provides a real time mobile application for users for the purpose of validating permits, licensee status, certification status and registration status in the field in real time.
- Provides tracking information for initial licensing, license renewals, license status, personal and confidential client information, contact information, suspension information and a complete historic account of individual license events.
- Provides a complete and detailed account of all permits and work projects in 90,000 plus structures throughout the State including a history of all licensee work in the buildings enabling inspectors to accurately assess findings.

The Fire System application runs on top of a MySQL server and has functioned in its current format without operational failure since its deployment over a decade ago. Recently old hardware was decommissioned and a new virtualized server was established. Data was migrated to allow for better control and asset management. The virtualized environment is hosted on hardware housed at the Department of Public Safety headquarters in Waterbury with redundancy backups scheduled on a daily basis. This redundancy backup allows the Division of Fire Safety the advantage of decommissioning an old manual backup procedure that was in place prior to migrating to the virtualized environment, building a stronger, more reliable means of redundant security. Through the use of several Department of Public Safety sanctioned means of communication, the fire system can be remotely accessed by division staff and approved municipalities through a DPS managed Citrix server and web portal. This allows local governments holding a Life Safety bond agreement with the State to make entries into the application database recognizing Public Safety has an FBI secured platform. Division staff access the fire safety system using the network domain connection in their assigned office or by using a State issued RSA SecurID token. The token provides an encrypted, secure connectivity to the DPS network and can be used with State issued smartphones, employee home networks or public and business class Wi-Fi access points when available without compromising the highest level of security access.

Regarding the PARAGON® Fire Safety Management System application, all critical division data is held and managed within this database for the State. Licensing and individual entity management combined with historical building code enforcement and permitting data allows our inspectors to effectively span all disciplines in real time. For example; a fire marshal arrives at a construction site to conduct an inspection and notices someone doing gas piping in the building. The fire marshal can obtain the name of the contractor and enter his name on our data base and instantly know his license status. Licensees who renew their licenses, certification or registration can do this instantly without delay and the licensee status can be instantly viewed by the field inspectors.

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Q41: Please provide the number of full-time staff related to the regulation of this occupation, including job titles and duties.

The Division has one full time Administrative Assistant B position responsible for Certifications. Basic duties include sending out renewal notices, entering information in the database, completing financial bank deposits, reviews continuing education classes, files certification applications and other related paperwork, answers many phone calls, reviews applications for accuracy, sends out mass mailings and completes other tasks when requested. The Deputy Director may assist in reviewing supporting documents, conduct investigations of alleged violations, investigate complaints on certification holders, and may revoke, suspend or deny renewals.

Q42: Please provide the number of part-time staff related to the regulation of this occupation, including job titles and duties.

N/A

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Q43: Please provide the following information:

Average Annual Expenses	1
Average Annual Revenues	667 Natural certified techs x \$60.00 = \$40,020 divided by 3 = \$13,340.00 per year
Average Annual Fees Charged	1

Q44: Please describe any recent or unexpected budget variations which may skew answers in the above question.

N/A

Q45: Please describe the fee structure associated with the regulation of this profession. This includes the following:A) The fee amount charged;B) How fee amounts are determined and set;C) The authority to establish those fees; andD) How revenues from fees are used, indicating the specific uses if those revenues are used for purposes other than regulating the profession.

The initial certification fee and 3 year renewal fee is \$60.00. The authority to establish the fees can be found in Title 20 V.S.A. Chapter 173 Subsection 2884. Fees are used to off set division wide expenses across all programs. Revenues generated by licensing are pooled together and deposited into special fund 21901 to off-set expenses across all division programs to meet our budget.

Q46: Please describe any General Fund or Special Fund deposits

Special funds are deposited into fund 21901

Q47: Please describe any appropriations from the General Fund

N/A

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Q48: Please describe the qualifications of any supervisor responsible for the oversight of the agency's department's professional regulatory entity and whether that supervisor has the ability to veto or modify any decision by that professional regulatory entity.

The Commissioner of Public Safety or Designee has responsibility for oversight of the program and the Commissioner has the ability to enforce compliance with the established rules.

Q49: Please provide any additional information you feel is relevant for the purpose of this report.

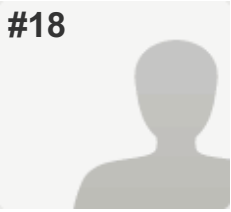
There are a total of 3 different Gas Certifications; Natural Gas, Propane Gas and we have a dual certification which allows an individual to hold both certification in propane and natural gas. The figures above are based on Natural Gas Certifications only. We have approximately 484 individuals with this dual certification.

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Q50: Thank You for completing this survey.

End

#18

**COMPLETE**

Collector: Web Link 19 (Web Link)
Started: Monday, August 29, 2016 9:07:55 AM
Last Modified: Tuesday, November 01, 2016 2:35:58 PM
Time Spent: Over a month
IP Address: 159.105.179.162

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Q1: In the following survey, you will be asked to answer a series of questions regarding the regulatory practices of your given state agency/department. It is recommended that you prepare answers to the following questions prior to starting this survey. NOTE: only one device may be used for the survey, per profession. Therefore, while the survey may be discontinued and then resumed at a later date, all answers for a given profession must be entered through the same computer. As a result, it is recommended that for each profession, a single individual be elected to compile and enter information. Choose from the following options:

Begin Survey

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Q2: Please select an occupation from the following list.

Manufacturers (Department of Liquor Control)

Q3: What is the name of the agency, department and/or division responsible for the regulation of this occupation?

The Vermont Department of Liquor Control ("DLC").

Q4: Regulation Type. Please check all that apply for this occupation.

Licensing, Certification, Registration,
 Other (please specify)
 Education. The DLC is a state department governed by a five-person board appointed by the Governor. The DLC controls alcoholic beverages and tobacco products through distribution, licensing, enforcement and education. The DLC also contracts with 80 +/- Agency stores that sell liquor to licensees and consumers. The DLC is tasked with the licensing of Manufacturers of malt and vinous beverages as well as Distillers of spirituous beverages. The DLC also license Wholesale Dealers and retail businesses and provides individual and retail licensing and permitting for special events and tastings. It further regulates tobacco licensing to allow the licensee to engage in the retail sale of tobacco products on the premises identified in the license.

Q5: What is the number of regulated persons in this occupation?

The DLC regulates 80 +/- Agency stores. Additionally, the DLC regulates all persons or entities involved in the alcohol supply chain at any stage when it enters into Vermont, including manufacturers, wholesale dealers, distributors and licensees, of which there are about thirty to forty thousand (30,000 – 40,000). Vermont instituted a three tier system of producers, wholesale distributors, and retailers to promote moderation in consumption, prevent concentration of power, and raise revenues through taxes. Vermont directly controls the sale of liquor at the wholesale level and is considered a “control state” or “control jurisdiction”.

Q6: Is there statutory authority as a legal basis for regulation of this occupation?

Yes

Q7: If "yes" to the above, please provide a citation to said statute.

The DLC obtains its statutory authority from Title 7 of the Vermont Statutes Annotated (“V.S.A.”), as amended.

Additional state statutory references are below:

- 10 V.S.A. 53: Beverage containers, deposit redemption system;
- 17 V.S.A. 35, §2018: Using intoxicating liquor to influence votes;
- 18 V.S.A. 37: Smoking in public places;
- 20 V.S.A. 111, §1817: Reports of law enforcement officer; accidents involving liquor;
- 23 V.S.A. 13: Drunken Driving;
- 24 V.S.A. 61, §2291: Municipal and county government enumeration of powers.

The DLC's statutory authority is also derived from federal law. The Federal Tax and Trade Bureau (“TTB”) regulations are published as Title 27, Chapter II, Code of Federal Regulations (CFR).

Additional Federal statutory references are below:

- Federal regulations relating to the advertising of distilled spirits, wine and malt beverages promulgated under the Federal Alcohol Administration Act (27 U.S.C. 201-211);
- Federal regulations relating to the advertising of distilled spirits, wine and malt beverages promulgated under the Federal Alcohol Administration Act (27 U.S.C. 201-211).

Q8: Please provide a citation to any administrative rules associated with the regulation of this occupation.

The DLC was created by 3 V.S.A. § 212 and follows the definitions as laid out in the Vermont Administrative Procedure Act, 3 V.S.A. § 801.

The DLC's general regulations may be found on the DLC website and in the link below:
http://liquorcontrol.vermont.gov/sites/liquorcontrol/files/pdf/gen_regs.pdf

Additional regulations governing Wholesale Dealers and Certificate of Approval Holders and Vermont Manufacturers Regulations may be found on the DLC website and in the link below:
<http://liquorcontrol.vermont.gov/sites/liquorcontrol/files/wholesale%20dealer%20regs%202015.pdf>

Q9: Please provide any and all agency or department policies for the regulation of this occupation.

The DLC's rules and regulations, as laid out on its website, have the force of law by virtue of 7 V.S.A., as amended.

The DLC's policies for regulations are on its website and at the link below:
<http://liquorcontrol.vermont.gov/laws/regulations>

Q10: Please describe the purpose of regulating this occupation.

The purpose of the DLC's regulations are for the protection of the public welfare, good order, health, peace, safety and morals of the people of the state by regulating the alcohol and tobacco industries. The DLC knows in order to achieve these goals, manufacturers of alcoholic beverages must be regulated and monitored.

The DLC's system of selling alcohol achieves a delicate balance between offering a great selection of products and reasonable pricing at convenient locations around the state, with regulating the sales of hard liquor. Studies prove that regulating sales reduces consumption, thereby limiting the physical and social damage caused by the misuse of alcohol.

The DLC contributes millions of dollars each year to the state's general fund; educates thousands of servers and sellers of alcohol beverages and tobacco products within the state and shares licensing fees that help support towns and cities. The DLC purchases, distributes, and sells distilled spirits through its agency stores; enforces Vermont's alcohol and tobacco statutes, with a strong emphasis on limiting youth access; educates licensees and promotes responsibility. An integral part of the DLC's mission is to control the distribution of alcoholic beverages, while providing excellent customer service and effective public safety, for the general good of the state.

PAGE 4: Act 156 of 2016: Professional Regulation Report**Q11: Regarding stakeholder groups, please describe how this regulation affects those subject to regulation.**

The DLC is responsible for regulating anyone involved in the alcohol supply chain at any stage upon entering the State of Vermont, including licensees, manufacturers, distributors and importers of beer and wine. In FY 2015 the DLC issued about twelve thousand (12,000) licenses and permits.

The regulations require manufacturers to produce and sell alcohol and tobacco in a responsible manner in accordance with Title 7.

Q12: Regarding stakeholder groups, please describe how this regulation affects State entities.

The DLC closely monitors manufacturers to ensure voluntary compliance with statutes and regulations. It ensures only those licensed with the DLC and properly following all rules and regulations are allowed to manufacture alcoholic beverages for sale in Vermont.

Q13: Regarding stakeholder groups, please describe how this regulation affects consumers or clients of this occupation's services.

The regulations ensure that alcohol is manufactured in accordance with federal and state rules and regulations. They also prevent the sale of alcohol to minors and impaired individuals.

Q14: Regarding stakeholder groups, please describe how this regulation affects employers.

The regulations ensure that alcoholic beverages are sold in such a way that it protects public safety as well as ensures continued business operations.

Q15: Regarding stakeholder groups, please describe how this regulation affects the public.

These regulations are in place to protect the public in a variety of contexts including safety, welfare and education and to ensure compliance with federal and state regulations.

Q16: Regarding stakeholder groups, please describe how this regulation affects any other applicable group.

These regulations affect economic development, public safety, ensures proper manufacturing and moderation in alcohol consumption.

Q17: Please describe the governance structure for the regulation of this occupation, including but not limited to: the use of a board; a commission; an agency or division head; a panel; or a hearing officer.

The DLC is governed by a Liquor Control Board and a Commissioner. The composition of the DLC is described at 7 V.S.A. 5, § 101.

The Board: The Board consists of five members appointed by the governor. The duties of the Board are described under 7 V.S.A. 5, § 104. The Board's primary responsibility is to see that the laws relating to alcohol are enforced and that the department collaborates with other law enforcement entities in the state. They act as a judicial board in hearing and adjudicating cases of violation by its licensees. In addition, they supervise the opening and operation of local agencies for the sale and distribution of spirituous liquors, oversee the financial transactions of the central office and the retail agencies, make rules and regulations and issue permits regarding alcohol manufacture, sales, and transport, adopt rules regarding labeling and advertising of malt or vinous alcoholic beverages, spirits and fortified wines, and adopt rules regarding intrastate transportation of such beverages.

Under 7 V.S.A. 5, § 102 the governor, after notice and a hearing may remove a Board member for incompetency, failure to discharge his or her duties, malfeasance, immorality or other cause inimical to the general good of the state. In such case, the governor shall appoint a person to fill the unexpired term.

The Commissioner: The Governor appoints an individual as Commissioner under 7 V.S.A. 5, § 106 (2b). The Commissioner's duties are described under 7 V.S.A. 5, § 107 and include making regulations subject to the Board's approval governing among other things, pricing, purchasing, quantities and qualities.

Q18: Who sets application requirements and practice standards?

The Board makes rules regarding the manufacture of alcohol. The Board also enforces laws and rules regarding the serving, use and sale of alcohol. In Vermont, Board Rules are similar to state laws and are commonly referred to as regulations. The regulations, Title 7, and other federal and state authority guide the Board. The initial determination in the licensing process is made by a DLC investigator who presents their findings to the Board. The investigator presents their findings to the Board which votes whether to accept or reject an application or what penalties to impose.

Q19: Who makes decisions on applicants, enforcement, and discipline?

The DLC's investigators make the initial determination on applications, enforcement and discipline. All investigator decisions are made on a case-by-case basis. The investigator will create a report and deliver their findings to the Board. The Board makes a final determination regarding the person or entity based upon the findings presented to it. For initial license or permit applications the Board makes all determinations on criminal history and prior DLC violations regarding whether to grant an application if a licensee has a felony that occurred within the last ten (10) years. For any licensee who has a felony more than ten (10) years old, the investigator makes the determination and presents their findings to the Board.

Q20: Are any decision makers active participants in this regulated occupation? If so, please describe if the decision maker has taken a hiatus from the profession, and if so, whether the decision maker plans to return to the profession.

Currently, there are no Board members, investigators or other decision makers involved in the regulated profession, nor are there any plans for such decision makers to enter into the profession. Under Communication No. 58 from the Vermont Attorney General's Office, dated April 26, 1938, relating to No. 199 of the Acts of 1935, law enforcement officers are prohibited from seeking a license from the DLC. Law enforcement officers are defined as "sheriffs, deputy sheriffs, constables, police officers, state's attorneys and inspectors of the motor vehicle department". Law enforcement officers are also prohibited from obtaining a license under 7 V.S.A. Ch. 9 § 223.

Q21: What are the regulated qualifications for this occupation? Check all that apply.

Education Requirements, Examination

Q22: How are applications received?

The licensing process is governed by 7 V.S.A. 9 §§ 221 – 241.

A license is obtained by completing the class application form and filling it out in its entirety. Several licenses are offered depending on the entity and its particular needs. Application forms may be obtained at the DLC's main office in Montpelier, VT. Additionally, all of the forms are available to download from the DLC website and the link below and most of them can be filled out on screen by clicking on areas and typing, printing out and mailing the forms in. <http://liquorcontrol.vermont.gov/which-license/manufacturer/forms> Once the proper application is completed, depending upon the license sought, the person or entity completing the application must submit it to the Town/City Clerk with the appropriate fees. Both first (1st) and second (2nd) class licenses and some permits must be filed with the Town Clerk before the DLC will issue a license. At the next duly warned meeting of the local licensing control commission, applications are taken up for consideration. If approved by the locality, or if not requiring its approval, the application gets forwarded to the DLC and its licensing investigators contacts the applicant. Anyone other than a natural person seeking a license must submit its articles of incorporation or LLC.

Additionally, all applicants will need to produce a copy of the following:

- Trade name registration obtained through the Secretary of State's Office;
- Federal employee identification number (FEIN);
- Sales and use certificate, rooms and meals and lodging tax numbers (if applicable) from the Vermont Department of Taxes;
- Health license, obtained from the Vermont Department of Health (1st Class Licenses only);
- Proof of training regarding Vermont liquor laws, rules and regulations through the DLC;
- A copy of the lease and/or proof of ownership of the property to be licensed;
- If you have employees, proof of Workman's Compensation Insurance;
- Naturalization certificate copy (if applicable).

Furthermore, all sellers and servers of alcohol must be trained before they start working and then must be trained every two (2) years thereafter. Training is available through in-person seminars conducted by our educators as well as online through our online training materials. A Director/ Partner/ Owner/ Manager who has already been to a seminar or taken the DLC online training can also train their staff using materials provided by the DLC. The DLC further provides Education Regulations on its website and located at the link below:
<http://liquorcontrol.vermont.gov/sites/liquorcontrol/files/Education%20Regulations.pdf>

Any one holding a first, second or third class license, shall complete the DLC Licensee Enforcement Seminar at least once every two years. Additionally, solicitors, manufacturers, and fourth class liquor licensees must be properly trained upon licensure and retrained within the following two years. This training requirement may be satisfied by completion of materials provided for this purpose by the DLC Education Division. Proof of this training will be documented on forms provided by the DLC and retained by the license holder. Only upon proof that the education requirement has been satisfied will the DLC issue a license.

Q23: How are applications reviewed?

No new Manufacturing license shall be granted until the applicant has met with a DLC investigator to become informed of the Vermont laws, rules and regulations pertaining to the manufacture, purchase, storage, and sale of alcoholic beverages. Every application is reviewed by the DLC. All new applications are investigated by the Enforcement and Licensing Division prior to approval/disapproval of the license by the Board. This process can take anywhere from 2 weeks to 6 weeks to complete once the DLC receives the application. An applicant submits their application to the DLC which reviews it for errors and completeness before entering it into the DLC's database. Then the DLC investigator assigned to the applicant's particular geographic area meets with the applicant at their premises and makes an initial determination on whether to grant an application request. This determination is done on a case-by-case basis considering the merits of each case. The investigator then issues his findings in a report and makes his recommendation to the Board. Following that recommendation, the Board makes the final determination on motion as to whether to grant or deny the application.

Q24: How are applications rejected?

Ultimately, applications are rejected upon a motion by the Board. Other than an absolute prohibition on a law enforcement officer seeking a license, there are no set guidelines or standards for rejecting an application. Investigators and the Board may consider any number of factors, including an applicants' criminal history and prior licensing history. As is the case for DLC investigators, the Board makes its determinations on a case-by-case basis, considering the merits of each individual case.

Q25: How are application rejections appealed?

The Board makes the final determination on an application. Any decision regarding licensing made by the Board may be appealed to the Vermont Supreme Court. However, if a law enforcement officer should challenge their licensing determination, that appeal is heard by the Board rather than the Court.

Q26: How are licenses/certifications/registrations issued?

Once it has been determined that all application materials have been properly filled out, provided to the Town Clerk (if applicable), and payment of fees made, the DLC investigators will submit their recommendations to the Board. The Board will then determine whether to issue the applicant a license. The DLC will notify an applicant of their approved license or permit and issue it to them electronically. Licenses last only for one year and each year applicants must renew their license before May 1st of that renewal year.

Q27: What is the average time to process license/certification/registration applications?

Depending on the paperwork, requested license and particular applicant, the process can take anywhere from two to six (2-6) weeks once the DLC receives a complete application. License renewals with no changes to ownership can be completed much more quickly.

Q28: Once issued, what is the duration of the license, certification, or registration for this occupation?

All liquor licenses in the State of Vermont expire at midnight on April 30th and must be renewed for the following year. A license never exceeds a one-year term. However, a license will remain valid when expired if the applicant makes a timely renewal and the renewal is delayed by no fault of the applicant. The length of permit durations vary depending on the type sought and may be valid for only one (1) day of a set time of two to six (2-6) hours or may be valid up to five (5) days.

Q29: Please describe the license, certification, or registration, renewal process and requirements therein.

All licenses are renewable, but must be sent in each year by April 30th in order to renew them for the following licensing year. Licensing years run May 1st through April 30th of each year.

Manufacturers must ensure that certain education and reporting requirements are satisfied prior to renewing a license, including that "each licensee shall ensure that every employee who is involved in the preparation, sale, service or solicitation of alcoholic beverages or the sale of tobacco products, or enforcing of alcohol and/or tobacco laws and regulations must complete a training program offered or approved by the [DLC] before the employee begins working in that capacity and at least once every two years thereafter. Each licensee shall maintain written documentation, signed by each employee trained of each training program conducted. A licensee may comply with this requirement by conducting its own training program on its premises, using all information and materials furnished by the [DLC], or from a program approved by the [DLC]. A licensee who fails to comply with these requirements shall be subject to a suspension of no less than one day of the license issued under this title. No license or permit will be renewed unless the records of the [DLC] show that the licensee has complied with the terms of the [DLC's] regulations" found on the [DLC] website and in the link below:

<http://liquorcontrol.vermont.gov/sites/liquorcontrol/files/Education%20Regulations.pdf>

The DLC sends renewal notices to the Town Clerk electronically via e-mail, whereby the Town Clerk disseminates the information to licensees in the respective town. The DLC provides each licensee a copy of their original application with the blanks filled in and asks licensees to review the application, note any errors or changes to be made, and sign the document. The signed application is submitted with or without changes to the Town Clerk. Once the changes are made, or if none are required, the Town Select board votes on whether or not to renew the license. If approved, the renewal gets sent to the DLC by the Town Clerk with all appropriate fees included. The Board then votes on whether to renew the license or permit. The DLC staff processes the renewals and the renewed license is e-mailed to the Town Clerk which mails it to the licensee.

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Q30: Please provide a citation to the standards of practice or codes of conduct for regulated persons in this occupation. These include any and all of the following:A) StatutesB) RulesC) PoliciesE) Other

Title 3 and Title 7 of the Vermont Statutes Annotated. Additionally, the DLC and Board have their own regulations that they follow. These regulations can be found on the DLC website as well as in the link below:

<http://liquorcontrol.vermont.gov/laws/regulations>

Q31: Please describe the enforcement process for receiving and evaluating complaints.

The enforcement process is governed by the rules laid out in 7 V.S.A. 19, §§ 561 - 603.

The DLC handles its enforcement process through its Board, Commissioner and its investigators. The Enforcement Division is charged with investigating possible violations of liquor laws and regulations, and carrying out law enforcement activities related to these incidents. The DLC investigates all complaints that it receives from anonymous and named sources. The DLC also conducts unannounced inspections on its licensees throughout the year to ensure all rules and regulations are being followed and to determine if any violations have occurred. The DLC's website provides assistance to individuals seeking to make a complaint by mail, phone, or online by filling out the form. Once the DLC receives a complaint, the issue is assigned to an area investigator to conduct an investigation into the complaint.

Additionally, under 7 V.S.A. 19, § 563. Search warrants: If a state's attorney, the commissioner of liquor control, or an inspector duly acting for the () Board, or a control commissioner or a town grand juror or two reputable citizens of the county, make complaint under oath or affirmation, before a judge of a criminal division of the superior court, that he or she or they have reason to believe that malt or vinous beverages or spirituous liquor or alcohol are kept or deposited for sale or distribution contrary to law, or that alcohol is manufactured or possessed contrary to law, in a dwelling house, store, shop, steamboat, or water craft of any kind, depot, railway car, motor vehicle or land or air carriage of any kind, warehouse or other building or place in the county, the judge shall issue a warrant to search the premises described in the complaint. If the liquor is found therein under circumstances warranting the belief that it is intended for sale or distribution contrary to law, or if the alcohol is found therein under circumstances warranting the belief that it is unlawfully manufactured or possessed, or if any still, or any other apparatus for the manufacture of alcohol is found therein, the officer shall seize and convey the same to some place of security, and keep it until final action is had thereon.

Q32: Please describe the enforcement process for performing investigations.

The DLC, acting through its Board and investigators handles all alleged complaints and violations regarding the sale and distribution of liquor. The DLC is informed of potential violations through community sources, police agencies and DLC investigations. Investigators review the violations utilizing standard police investigation techniques and make an individualized determination on how to handle a particular violation. After receipt of information regarding an alleged complaint, or following acknowledgement of a violation after an unannounced visit, the investigator makes a determination as to whether a violation has occurred and its severity. Depending on its severity, the investigator might draft a report on his findings and submit it to the Board to make a determination on the appropriate penalty. If the investigator decides to issue an administrative fine or penalty, the matter does not need to go before the Board unless the violator requests a hearing before the Board.

In addition, under 7 V.S.A. 19, § 561 (b) the Commissioner, Director of the Enforcement Division of the DLC, or an investigator employed by the Board or by the DLC and any other law enforcement officer may arrest and seize the property of a person whom he or she finds in the act of manufacturing alcohol or possessing a still, or other apparatus for the manufacture of alcohol, or unlawfully selling, bartering, possessing, furnishing or transporting alcohol, or unlawfully selling, furnishing or transporting spirits, fortified wines, or malt and vinous beverages, and shall seize the liquors, alcohol, vessels, and implements of sale and the stills or other apparatus for the manufacture of alcohol in the possession of the person.

Q33: Please describe the enforcement process for prosecutions.

The type of disciplinary action depends on the type and severity of the infraction, as well as prior history of the licensee and can include a warning or monetary sanction or the suspension or cancellation of a license. A licensee may request a hearing before the Board to appeal the administrative sanctions imposed. The Board may accept or reject any recommendations provided by the DLC and makes the final determination regarding the discipline involved. Additionally, the Board, as a condition of licensure, may require any retail licensee found guilty by the Board of a violation of a liquor law or regulation to attend an additional DLC Licensee Training Seminar.

The Board may establish a schedule of penalties for specifically enumerated violations, which may be imposed by the DLC, allowing for the licensee to waive a hearing and accept the stated penalty(s). Licensees may decline to accept the stated penalty(s) and ask for a hearing before the Board. When a violation is charged, the licensee is entitled to a formal hearing before the Board. A licensee may however waive the formal hearing and accept an agreed upon penalty without contesting the charges, and without personal appearance before the Board. The Board's Settlement Practice for Waiver of Formal Hearing may be found on the DLC website or at the link below:

<http://liquorcontrol.vermont.gov/sites/liquorcontrol/files/Settlement%20Practice%20for%20Waiver%20of%20Formal%20Hearing1.pdf>

Q34: Please describe the enforcement process for hearings.

The Board acts as a judicial board in hearing and adjudicating cases of violation by its licensees. Any applicant accused of a violation is entitled to notice and a hearing before the Board prior to suspension, revocation or rejection of a license. The Board provides each side an opportunity to present their evidence and witnesses and cross-examine the other side. Following the presentation of all of the evidence, the Board issues its final decision. If a person or entity disagrees with the final determination made by the Board, it may be appealed under 7 V.S.A. 19 § 577. Revocation of licenses and Rule-making proceedings initiated by the Board under Regulation No. 9(b) will be treated as formal proceedings. All other petitions, applications, submissions, requests, charges, etc., will be treated as informal proceedings. A party to a formal proceeding before the Board may appear for himself or he may be represented by an attorney admitted to practice in the State of Vermont. The Board schedules hearings once a month which are closed to the public. Following presentation of the evidence, the Board reviews the information before it and reaches a determination. The Board's decision may or may not be issued the same day as the hearing and may take several months before a decision is rendered. An individual or entity in violation of the DLC's regulations will not be liable until after a final determination by the Board is made.

An oral hearing is held in every formal proceeding except: in a formal rule-making proceeding if no request to be heard is submitted within five days of the date set for such hearing, in accordance with the provisions of 3 V.S.A. § 836(4) and § 840 in any other formal proceeding if all the parties to the proceeding file written waivers of opportunity to be heard. Upon the filing of a pleading initiating a formal proceeding, or upon the initiation of such a proceeding by the Board on its own motion, the Board shall by order or otherwise assign a time and place for the hearing thereof and the Enforcement Secretary shall cause written notice of the hearing in the form as provided by 3 V.S.A. § 809(b) and § 836(c) and 839 to be served upon each party and, if required by statute, shall arrange for publication thereof. Every party and counsel representing the Board, if any, shall have the right to participate fully in any hearing before the Board, and, in the case of rule-making proceedings, all interested persons shall also be permitted to participate in accordance with the terms of the notice of the proceeding. The admissibility of evidence in all formal proceedings before the Board shall be determined under the criteria specified in 3 V.S.A. § 810(1)-(4). The testimony of a hearing witness on direct examination may be offered in written form, either by having it read into the record or by offering it for incorporation in the record without reading, provided that a copy of such testimony shall be supplied to the Board, each attorney of record, and each party appearing for himself at a reasonable time in advance of the hearing at which testimony will be offered. Such testimony shall be subject to the same rules of admissibility and cross-examination as extemporaneous testimony.

<http://liquorcontrol.vermont.gov/sites/liquorcontrol/files/Administrative%20Organization%20and%20Procedures.pdf>

Q35: Please describe the enforcement process for discipline.

The Board has the authority to discipline those people or entities who violate Title 7 or the other rules and regulations as set forth by the DLC. All Board hearings are open to the public. Any formal proceeding for revocation of a license, certificate, etc., shall be preceded by notice to the licensee of facts or conduct which warrant the intended action, and the licensee shall be given an opportunity informally to show compliance with all lawful requirements for the retention of the license prior to initiation of such formal proceeding. The Board makes a final determination on a case-by-case basis regarding discipline and issues a Board order. Discipline ranges from warnings and administrative penalties and fines to suspension or outright revocation of a license.

Penalties for violations are addressed under 7 V.S.A. 21, §§ 651-671. The DLC investigators have a Schedule of Fines (in the link below) which they use to assist them to determine an appropriate fine based on the specific merits of a case. <http://liquorcontrol.vermont.gov/sites/liquorcontrol/files/schedule%20of%20fines%20new%20November%202014%20changes.pdf> The fines range from \$110 to \$2,010 depending on the severity of the violation.

Title 7 V.S.A. 21, § 667, states: “(a) A person, partnership, association or corporation who furnishes, sells, exposes, or keeps with intent to sell, bottles or prepares for sale any malt or vinous beverages, spirits, or fortified wines, except as authorized by this title, or sells, barter, transports, imports, exports, delivers, prescribes, furnishes, or possesses alcohol, except as authorized by the Liquor Control Board, or who manufactures alcohol or possesses a still or other apparatus for the manufacture of alcohol shall be imprisoned not more than 12 months nor less than three months or fined not more than \$1,000.00 nor less than \$100.00, or both. For a subsequent conviction thereof within one year, such person, partnership, association, or corporation shall be imprisoned not more than three years nor less than six months or fined not more than \$2,000.00 nor less than \$500.00, or both.

(b) A person, partnership, association, or corporation, who willfully violates a provision of this title for which no other penalty is prescribed or who willfully violates a provision of the regulations of the Liquor Control Board shall be imprisoned not more than three months nor less than one month or fined not more than \$200.00 nor less than \$50.00, or both.

(c) The provisions of subsection (b) of this section shall not apply to a violation of subsection 1005(a) of this title, relating to purchase of tobacco products by a person less than 18 years of age.”

For tobacco, tobacco substitutes or paraphernalia product violations, prosecutions are governed under 7 V.S.A. 40, § 1002 (e), which states that “a person who sells tobacco products, tobacco substitutes, or tobacco paraphernalia without obtaining a tobacco license in violation of this section shall be guilty of a misdemeanor and fined not more than \$200.00 for the first offense and not more than \$500.00 for each subsequent offense.”

Q36: Please describe the enforcement process for follow-up or monitoring of previously disciplined individuals.

Upon receipt of a complaint made to the DLC, an investigator will investigate the alleged violation. Additionally, the DLC conducts regular inspections of licensed premises, investigations and audits to ensure that liquor licensees meet their obligations. Procedures for follow-up monitoring are based upon the individual investigator and the particular circumstances of each licensee.

A liquor licensee may be issued an administrative sanction if an infraction is identified during an inspection. Infractions include but are not limited to:

1. Failing to request proof of age from a person who appears to be underage;
2. Serving liquor to impaired persons;
3. Serving liquor after hours; and
4. Failing to provide proper supervision and control (e.g. not having enough staff on duty and/or employing staff not properly trained to deal with situations that might occur in licensed premises).

The DLC maintains a database of unrenewed, suspended, and revoked liquor licenses. Those licenses listed as unrenewed have expired, and it is no longer lawful for the expired license holder to make orders for or receive orders of beer, wine or spirituous liquors. They are also prohibited from selling or serving alcoholic beverages on their premises. The same holds true for licensees who have had their licenses suspended (summarily or not) or revoked by either the Board or the Local Control Commissioners. Individual investigators (of which there is about one (1) to every three hundred (300) licensees), use this information in determining how they want to conduct their follow-up monitoring and inspection within their particular geographic area.

Q37: Please describe the average time to process complaints and disciplinary cases

The time to process complaints and cases varies depending on the violation. Each complaint is considered on a case-by-case basis. A fatal accident investigation will take longer than accepting a false identification inspection would. Typically, however the time frame will not exceed one year.

Q38: Please describe any inspection process relevant to this occupation.

Inspectors conduct regular unannounced inspections to ensure the proper rules and procedures are followed. These inspections occur at a minimum of once a year and may be weekly depending on the particular circumstances.

To further address Question #39 below:

Complaints: There were forty-eight (48) total complaints made in 2015 for first-class, second-class and tobacco licenses, all of which were investigated.

Cases Resulting in Discipline Action: In 2015 the Board held a total of 27 hearings. Those 27 hearings resulted as follows: 1 Warning; 2 Applications granted with conditions; 1 License revocation, 2 License dismissals; Fine penalties to five (5) different entities of \$250, \$250, \$500, \$750 and \$4,000. Suspensions: 1 – one-day suspension; 4 – two-day suspensions; 1 – four-day suspension; 1 – five-day suspension; 1 – seven-day suspension; 1 – ten-day suspension; 1 – twenty-day suspension; 9 suspensions until the entity is in good standing with the Vermont Department of Taxes.

Cases Resulting in Follow-Up or Monitoring: All cases will result in some form of follow-up or monitoring, but the timing of such is dependent upon the individual investigators.

Q39: Regarding this occupation, please describe the annual average count of the following:

Complaints	48
Investigations	48
Prosecutions	0
Hearings	27
Cases Resulting in Disciplinary Action	27
Cases Resulting in Follow-up or Monitoring	27

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Q40: Please describe any systems, such as information technology systems, that are used to enable licensing, certification, registration, renewal, enforcement and inspection.

The DLC uses two computer systems to process its licenses, renewals and perform its other functions. The two systems are Sequoia and Valcour/Spillman. The Sequoia system is used by the licensing division to record and renew licenses and permits. Compliance checks tracking and education tracking information is also recorded in this system. This system includes information at the level of: corporation/owner; licensee (DBA); licenses/permits; and individuals. This system runs on a virtualized UNIX server. It consists of COBOL programs for data entry and batch processing. The active Licenses are exported daily, to an ACCESS database system used for generation and reporting of Compliance Checks Documents. The documents are used by DLC investigators for the licensee site inspections. The results of the compliance checks is recorded in detail in the ACCESS database system, and also recorded in summary in the UNIX system. The Valcour system is a Computer Aided Dispatch/ Records Management System (CAD/RMS) designed by Crosswinds Technology. It is a new CAD/RMS system in the Vermont criminal justice domain.

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Q41: Please provide the number of full-time staff related to the regulation of this occupation, including job titles and duties.

The DLC employees twenty-five (25) total staff member positions with 1 vacant position.

Technology: The four employees in the DLC's Technology Unit support the technology functions of DLC departments as well as the remote Agent cash registers, Agent linkages to DLC software, and wireless connections for our mobile enforcement investigators. The DLC technology team ensures a stable, secure operating environment, maintains software licenses and hardware assets, writes and maintains custom software as needed to support operations.

Financial Unit: A three person team is responsible for accurately and efficiently conducting all department financial affairs. This includes weekly deposits of all receipts from Agency stores and payments to Agents and others. The unit oversees the financial reporting and accuracy of all payrolls and expense reimbursement requests. They support, review and bill for all grant expenses. Accounting shares responsibility for tracking all department assets (except liquor) with IT. The unit manages all non liquor related contracts. Other duties include producing monthly financial statements and annual report, ordering all department supplies, and working with the Auditor's office to complete the annual independent audit and ensuring compliance with state wide record retention policies.

Education Unit: The Education section is responsible for in person and on line training aimed at industry members and members of the general public with regards to the Statutes and Regulations contained in 7 V.S.A. Over 9,000 people were trained in FY 2015 through in person classes and on line classes. License holders and all staff involved with selling of alcohol must have current training and certification every 24 months. Training is offered by the DLC via In Person Seminars or Online Educational programs. Additionally, the DLC offers a training packet containing a department produced DVD and instructional materials which can be purchased and off site group training can be given by a DLC certified company trainer.

Licensing: Responsibilities for licensing include issuing approximately 50 different licenses and permits which allow for the manufacturing, possession, sale, storage, distribution and consumption of alcohol and tobacco products. The DLC offers licenses that are full year, half year or seasonal, and per event. In FY 2015 DLC issued and renewed more than 12,000 licenses and permits during our licensing year which starts May 1 and continues through April 30th the following calendar year.

Enforcement: The Enforcement Division is responsible for State wide enforcement of Vermont Statutes with particular emphasis on Title 7 at Licensed and Permitted locations. Enforcement of Title 7 can also be undertaken at non licensed or permitted locations when such locations are found to be allowing activities that do not comply with Title 7. The fourteen (14) investigators in the DLC Division spend the majority of their time making sure that the Vermont license holders are current in their certifications and are selling alcohol and tobacco products responsibly. Before a license can be issued, or re issued, the licensee must meet with an investigator to certify they are compliant with State statutes and regulations pertaining to Title 7. Investigators do surprise inspections and issue Administrative tickets which are similar to a traffic fine in that the licensee can pay it immediately or contest it before the Board; they investigate complaints from the public, and complete background investigations as requested. Additionally, the Federal Department of Agriculture (FDA) has contracted the DLC to do compliance work in the areas of Tobacco Advertising and youth access to tobacco products.

Q42: Please provide the number of part-time staff related to the regulation of this occupation, including job titles and duties.

Currently the DLC has no part-time staff, however the DLC does hire minors to conduct underage purchases from licensees and Agency stores.

PAGE 9: Act 156 of 2016: Professional Regulation Report**Q43: Please provide the following information:**

Average Annual Expenses	\$66,449,354 in FY 2015.
Average Annual Revenues	\$82,060,259 in FY 2015.
Average Annual Fees Charged	\$2,123,885 in FY 2015.

Q44: Please describe any recent or unexpected budget variations which may skew answers in the above question.

The DLC is currently in the process of planning a new budget now. There are some budget requests that are not normally made and which will result in a change to the budget for FY 2017.

Q45: Please describe the fee structure associated with the regulation of this profession. This includes the following:A) The fee amount charged;B) How fee amounts are determined and set;C) The authority to establish those fees; andD) How revenues from fees are used, indicating the specific uses if those revenues are used for purposes other than regulating the profession.

This section is governed by 7 V.S.A. 9 § 231. The DLC sets fees from \$20 to \$2,485.00 depending on the type of license or permit sought. In FY 2015 the DLC earned \$1,685,995 from licensing fees and contributed \$437,890 to the Vermont General Fund.

Under 7 V.S.A. 19, § 590 all fines and costs collected by the DLC is dedicated for transfer to the State of Vermont's General Revenue Fund general fund.

HOW FEE AMOUNTS ARE DETERMINED AND SET: The DLC must go before the Ways and Means Committee of the Legislature every three years to set fee amounts. The DLC presents information on its cost in resources of issuing a license or permit and based upon the information received the Legislature sets the final fee.

AUTHORITY TO ESTABLISH THOSE FEES: The Vermont Legislature's House Committee on Ways and Means has the authority to set the schedule of fees used by the DLC.

HOW REVENUES FROM FEES ARE USED: The DLC contributes all revenues received from penalties, licensing and fees to the general fund. The Liquor Control Fund was established under 7 V.S.A. 5, §112, which states that the fund shall consist of all receipts from the sale of spirits, fortified wines, and other items by the DLC; fees paid to the DLC for the benefit of the DLC; all other amounts received by the DLC for its benefit; and all amounts that are from time to time appropriated to it.

Q46: Please describe any General Fund or Special Fund deposits

In FY 2015 the DLC contributed a total amount of \$22,208,485, broken down as follows to the General Fund: License fees - \$437,890; Violations - \$50,115; Late Fees - \$200; Legislative Transfer to General Fund \$1,089,266; Liquor Excise Tax \$18,221,133; Sales and Use \$3,428,981; On-premise direct sales tax \$70,166 and other income \$488,205.

Q47: Please describe any appropriations from the General Fund

The DLC does not take any appropriations from the General Fund, but rather is a complete enterprise funded department.

PAGE 10: Act 156 of 2016: Professional Regulation Report**Q48: Please describe the qualifications of any supervisor responsible for the oversight of the agency's department's professional regulatory entity and whether that supervisor has the ability to veto or modify any decision by that professional regulatory entity.**

The supervisor responsible for oversight must be a full-time certified Level III enforcement officer. Such supervisor does not have any authority to usurp the regulatory entity.

Q49: Please provide any additional information you feel is relevant for the purpose of this report.

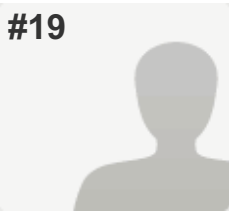
Respondent skipped this question

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Q50: Thank You for completing this survey.

End

#19

**COMPLETE**

Collector: Web Link 37 (Web Link)
Started: Tuesday, November 01, 2016 2:32:43 PM
Last Modified: Tuesday, November 01, 2016 2:46:30 PM
Time Spent: 00:13:46
IP Address: 159.105.2.116

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Q1: In the following survey, you will be asked to answer a series of questions regarding the regulatory practices of your given state agency/department. It is recommended that you prepare answers to the following questions prior to starting this survey. NOTE: only one device may be used for the survey, per profession. Therefore, while the survey may be discontinued and then resumed at a later date, all answers for a given profession must be entered through the same computer. As a result, it is recommended that for each profession, a single individual be elected to compile and enter information. Choose from the following options:

Begin Survey

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Q2: Please select an occupation from the following list.

Emergency Generator Installers (Department of Public Safety)

Q3: What is the name of the agency, department and/or division responsible for the regulation of this occupation?

Department of Public Safety – Division of Fire Safety

Q4: Regulation Type. Please check all that apply for this occupation.

Certification

Q5: What is the number of regulated persons in this occupation?

Approximately 65

Q6: Is there statutory authority as a legal basis for regulation of this occupation?

Yes

Q7: If "yes" to the above, please provide a citation to said statute.

Title 20, 173, 2731: The Commissioner is authorized to adopt rules regarding the construction of buildings, maintenance, and operation of premises, and prevention of fires and removal of fire hazards, and to prescribe standards necessary to protect the public, employees, and property against harm arising out of or likely to arise out of fire.

Q8: Please provide a citation to any administrative rules associated with the regulation of this occupation.

2015 Vermont Fire and Building Safety Code, Section 4, 1:1.13.1 (16) Emergency Generators

Q9: Please provide any and all agency or department policies for the regulation of this occupation.

2015 Vermont Fire and Building Safety Code, Section 4, 1:1.13.1 (16) Emergency Generators

Q10: Please describe the purpose of regulating this occupation.

Emergency generators provide back up power for critical life safety and building protection systems. Nationally adopted safety standards and codes provide specific requirements where and when emergency generators are required to be installed. Some examples include, but not limited to: emergency lighting, fire alarm systems, heating systems, fire pumps, emergency communication systems, refrigeration, smoke removal systems, locking arrangements at prisons, exit signs, and basic lighting of exit access corridors.

PAGE 4: Act 156 of 2016: Professional Regulation Report**Q11: Regarding stakeholder groups, please describe how this regulation affects those subject to regulation.**

The regulation provides specific guidance and requirements for obtaining a Vermont TQP (certification) to install/inspect emergency generator systems. The regulation provides requirements on inspection procedures, inspection standards, and how inspection results are reported to the Division of Fire Safety

Q12: Regarding stakeholder groups, please describe how this regulation affects State entities.

State buildings provided with emergency generators are affected by this regulation because monthly testing is required to ensure system integrity. A comprehensive annual inspection is required to be completed in accordance with the National Fire Protection Association Standard for the installation and maintenance of emergency generators.

Q13: Regarding stakeholder groups, please describe how this regulation affects consumers or clients of this occupation's services.

This regulation is in place to ensure that emergency generators are installed, inspected and maintained in accordance with NFPA standards and the manufacturer's installation instructions. Emergency power supply is critical in an emergency situation and reliability is crucial.

Q14: Regarding stakeholder groups, please describe how this regulation affects employers.

The regulation establishes the minimum qualifications necessary for a person to obtain certification. An employer who hires a certified emergency generator technician can use this person to meet his/her business needs. The employer can feel comfortable knowing the employee has the necessary skills and knowledge to safely install, maintain and test generators.

Q15: Regarding stakeholder groups, please describe how this regulation affects the public.

The regulation establishes the minimum professional standards by which all trades people may be compared. The regulation ensures competency and professionalism within the trade and provides confidence to the general public the system is designed and operates safely with oversight from the State. There are many buildings the general public enter to either work, visit, or sleep in. There are many different uses of buildings and many different construction types (wood frame, steel, wood and steel, protected steel and concrete). There are many different uses presenting many different hazards and risk. Depending on the construction type, size of the building and the use, emergency generators play a critical role in reducing loss of life and property. Night clubs, dance halls, nursing homes, hotels, lodging facilities, apartment buildings, day care centers, schools, residential homes and others are considered high risk occupancies and require special risk reduction strategies. When there is primary loss of electricity emergency generators provide illumination so occupants can safely exit while providing power to essential building components.

Q16: Regarding stakeholder groups, please describe how this regulation affects any other applicable group.

Emergency generators affect many trade groups including; fuel companies, electricians, plumbers, architects, designers, contractors, municipal zoning and public utilities, first responders, businesses and many other entities.

Q17: Please describe the governance structure for the regulation of this occupation, including but not limited to: the use of a board; a commission; an agency or division head; a panel; or a hearing officer.

The Commissioner of Public Safety has governance over this regulation.

Q18: Who sets application requirements and practice standards?

The Commissioner of Public Safety establishes the application requirements and the equipment manufacture and the National Fire Protection Association set standards in regards to installation, testing and maintenance.

Q19: Who makes decisions on applicants, enforcement, and discipline?

The Commissioner of Public Safety makes decisions on applicants, enforcement, and discipline

Q20: Are any decision makers active participants in this regulated occupation? If so, please describe if the decision maker has taken a hiatus from the profession, and if so, whether the decision maker plans to return to the profession.

No

PAGE 5: Act 156 of 2016: Professional Regulation Report**Q21: What are the regulated qualifications for this occupation? Check all that apply.**

Education Requirements,
Experience Requirements (exclusive from education)

Q22: How are applications received?

An application for an Emergency Generator Certification must be received through mail or hand delivered at the Division of Fire Safety's Springfield Office (100 Mineral St, Suite 307 Springfield, VT 05156). The application must be original, completed electronically or in ink and and have the original applicants signature on the application.

Q23: How are applications reviewed?

Once an application is received it is date stamped and reviewed to verify all required documents are included and complete. The Regional Assistant will review the application for a manufacturer specific training certificate. Compliance with the Vermont Departments governing Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. §795, Unemployment Compensation required by 21 V.S.A. § 1378 , and Fine or Penalty required by 4V.S.A. § 1110.

Q24: How are applications rejected?

Applications are reviewed for accuracy and there are instances when required documentation is missing resulting in the rejection. The reason why the application was rejected is entered into the database for documentation purposes. A return letter is attached to explain everything that is missing or incomplete to best assist the applicant with an approved submission on their next mailing to the office. If the applicant submits all the required supporting documents but is not in compliance with the Vermont Departments governing Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. §795, Unemployment Compensation required by 21 V.S.A. § 1378, and Fine or Penalty required by 4V.S.A. §1110, the application is entered and noted as returned and they must contact the appropriate Vermont Agency to rectify their outstanding obligation before they may re-apply.

Q25: How are application rejections appealed?

If an application is rejected it is clearly explained what is missing. In the case of Emergency Generator Installer there is certificate from a manufacturer specific training and is in compliance with Vermont Departments governing Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. §795, Unemployment Compensation required by 21 V.S.A. § 1378 , and Fine or Penalty required by 4V.S.A. § 1110, and the appropriate fee. Once these are complete and compliance is verified we can then process the application. Appeals can be requested under section 8 of the Vermont Fire and Building Safety Code.

Q26: How are licenses/certifications/registrations issued?

A completed application with all necessary information is recorded and updated on the Division's database and a three year certification card is printed and mailed to the Emergency Generator Installer.

Q27: What is the average time to process license/certification/registration applications?

Every completed application must contain the same required documentation in order to be accepted. A correctly completed and in compliance application is normally processed in less than 2 weeks from the time it is received.

Q28: Once issued, what is the duration of the license, certification, or registration for this occupation?

An Emergency Generator Certification is valid for a 3 year duration effective from the date of issuance and valid for 3 years expiring on the last day of the month.

Q29: Please describe the license, certification, or registration, renewal process and requirements therein.

A notice of renewal is sent to each Installer prior to the expiration of their certification. The signed renewal, the correct fee, and their complete and signed statement regarding Tax certification required by 32 V.S.A. § 3113, Child Support Certification required by 15 V.S.A. §795, Unemployment Compensation required by 21 V.S.A. § 1378 , and Fine or Penalty required by 4V.S.A. § 1110 must be completed and attached to the renewal. They also need 8 hours of continuing education which should be obtained through manufacturer specific training

PAGE 6: Act 156 of 2016: Professional Regulation Report**Q30: Please provide a citation to the standards of practice or codes of conduct for regulated persons in this occupation. These include any and all of the following:A) StatutesB) RulesC) PoliciesE) Other**

20 V.S.A. Chapter 173, Subchapter 2
The 2015 Vermont Fire and Building Safety Code

Q31: Please describe the enforcement process for receiving and evaluating complaints.

Any person may file a complaint with the Division by doing so in writing, setting forth a full statement of the facts concerning the alleged infraction of the emergency generator rules and standards.

Q32: Please describe the enforcement process for performing investigations.

Complaints are entered into our fire safety data base by the regional assistant or regional manager. The manager reviews the merit of the complaint and assigns the complaint to an Assistant State Fire Marshal provided there is merit. If the complaint is not under our jurisdiction we make the appropriate referral to other State agencies or in some cases the local municipality

Q33: Please describe the enforcement process for prosecutions.

Prosecution of complaints regarding the certification of Technically Qualified Persons are addressed in the manner set out in the National Fire Protection Association Standard 1- NFPA Fire Code as Adopted. In accordance with section 1.13.12- Revocation or Suspension of Certificates the Authority Having Jurisdiction shall be permitted to revoke or suspend a certificate of fitness issued if any violation of this code is found upon inspection or where any false statements or misrepresentation are submitted in the application on which the approval was based. Revocation or suspension shall be constituted when notification is served, posted, or mailed to the address of record for the certificate holder. Failure on the part of an individual to give such notification of change of address as required shall constitute grounds for revocation of the certificate. Each individual under the provisions of NFPA 1-1.13.9 shall notify the AHJ in writing of any address change within 10 days of such change. Appeals and or request for reconsideration are completed in accordance with Section 8 of the Vermont Fire and Building Safety Code. Administrative fines can be issued to certificate holders under the authority of 20 V.S.A. 2734, Chapter 173, Subchapter 2. Hearings and appeals are conducted under the provisions of 3 V.S.A. 809 and 813.

Q34: Please describe the enforcement process for hearings.

Under the rules for administrative penalties a fine may be issued. If the fine is appealed within 20 days an informal hearing is conducted. 99% of all penalties are resolved at the informal hearing. A person who appeals a citation issued pursuant to section 3 of the rules is entitled to a hearing before the Commissioner or designee within 60 days of filing the notice of appeal. The 60 day time frame may be extended if the appellant requests, in writing, additional time to prepare for the hearing

Q35: Please describe the enforcement process for discipline.

Other than suspension or revocation of a certificate or issuance of an administrative fine we do not discipline certificate holders. Suspension or revocation of a certificate holder is extremely rare. There are circumstances when certificates are not renewed because there is missing information.

Q36: Please describe the enforcement process for follow-up or monitoring of previously disciplined individuals.

There has never been a case where discipline has been necessary.

Q37: Please describe the average time to process complaints and disciplinary cases

A written complaint would be reviewed by the area regional manager and an investigation would be launched within 7-days of receipt of complaint.

Q38: Please describe any inspection process relevant to this occupation.

Following the complaint process a site inspection from an Assistant Fire Marshal would occur. Prior to a hearing an inspection might be conducted to validate if the alleged violation has been corrected or changed. Periodic inspection and review of an individual's work would be conducted on a more frequent basis to ensure work was being conducted properly.

Q39: Regarding this occupation, please describe the annual average count of the following:

Complaints	1
Investigations	1
Prosecutions	1
Hearings	1
Cases Resulting in Disciplinary Action	1
Cases Resulting in Follow-up or Monitoring	1

Q40: Please describe any systems, such as information technology systems, that are used to enable licensing, certification, registration, renewal, enforcement and inspection.

The Division of Fire Safety uses the PARAGON® custom fire safety management system (“Fire Data System”) application from Relational Semantics, Inc. The Fire System application is custom built and has been deployed for over 40 years with upgrades. The fire data system is used to manage the daily operational business needs of the division to include but not limited to;

- Management of individual licensure, certification, registration of all professional occupations under the authority of Public Safety. This includes all board decisions and relevant information pertaining to the occupation.
- Management of the division’s code enforcement and inspection programs including the integration of professional regulation into the code enforcement and site specific building information.
- A complete financial record of all monetary transactions from any entity for any time frame.
- Maintain a historic account of all building activity for approximately 40 years.
- Provides a real time mobile application for users for the purpose of validating permits, licensee status, certification status and registration status in the field in real time.
- Provides tracking information for initial licensing, license renewals, license status, personal and confidential client information, contact information, suspension information and a complete historic account of individual license events.
- Provides a complete and detailed account of all permits and work projects in 90,000 plus structures throughout the State including a history of all licensee work in the buildings enabling inspectors to accurately assess findings.

The Fire System application runs on top of a MySQL server and has functioned in its current format without operational failure since its deployment over a decade ago. Recently old hardware was decommissioned and a new virtualized server was established. Data was migrated to allow for better control and asset management. The virtualized environment is hosted on hardware housed at the Department of Public Safety headquarters in Waterbury with redundancy backups scheduled on a daily basis. This redundancy backup allows the Division of Fire Safety the advantage of decommissioning an old manual backup procedure that was in place prior to migrating to the virtualized environment, building a stronger, more reliable means of redundant security. Through the use of several Department of Public Safety sanctioned means of communication, the fire system can be remotely accessed by division staff and approved municipalities through a DPS managed Citrix server and web portal. This allows local governments holding a Life Safety bond agreement with the State to make entries into the application database recognizing Public Safety has an FBI secured platform. Division staff access the fire safety system using the network domain connection in their assigned office or by using a State issued RSA SecurID token. The token provides an encrypted, secure connectivity to the DPS network and can be used with State issued smartphones, employee home networks or public and business class Wi-Fi access points when available without compromising the highest level of security access.

Regarding the PARAGON® Fire Safety Management System application, all critical division data is held and managed within this database for the State. Licensing and individual entity management combined with historical building code enforcement and permitting data allows our inspectors to effectively span all disciplines in real time. For example; a fire marshal arrives at a construction site to conduct an inspection and notices someone doing gas piping in the building. The fire marshal can obtain the name of the contractor and enter his name on our data base and instantly know his license status. Licensees who renew their licenses, certification or registration can do this instantly without delay and the licensee status can be instantly viewed by the field inspectors.

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Q41: Please provide the number of full-time staff related to the regulation of this occupation, including job titles and duties.

We have a Regional Assistant in our Springfield Regional Office who processes the Emergency Generator Certification requests. Basic duties include entering information in the database, completing financial bank deposits, reviews continuing education, files certification applications and other related paperwork, answers many phone calls, reviews applications for accuracy and completes other tasks when requested. The Regional Manager and Deputy Director help to review any supporting documents in question, conducting investigations of alleged violations, investigates complaints on certification holders, revokes, suspends or denies renewals.

Q42: Please provide the number of part-time staff related to the regulation of this occupation, including job titles and duties.

N/A

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Q43: Please provide the following information:

Average Annual Expenses	1
Average Annual Revenues	65 x 60.00 = \$3900.00 divided by 3 = \$1300.00 annual revenue. \$20 Renewal fees are \$20.00 renewed every 3 years. We do not see many new certifications.
Average Annual Fees Charged	1

Q44: Please describe any recent or unexpected budget variations which may skew answers in the above question.

N/A

Q45: Please describe the fee structure associated with the regulation of this profession. This includes the following:A) The fee amount charged;B) How fee amounts are determined and set;C) The authority to establish those fees; andD) How revenues from fees are used, indicating the specific uses if those revenues are used for purposes other than regulating the profession.

The initial certification fee is \$60.00, with a renewal fee of \$20.00 every three years. Fees collected from this occupation are pooled to off set expenses across all division wide programs.

Q46: Please describe any General Fund or Special Fund deposits

Special funds are deposited into fund 21901

Q47: Please describe any appropriations from the General Fund

N/A

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Q48: Please describe the qualifications of any supervisor responsible for the oversight of the agency's department's professional regulatory entity and whether that supervisor has the ability to veto or modify any decision by that professional regulatory entity.

The Commissioner or designee has the ability to modify any decision by the professional regulatory entity.

Q49: Please provide any additional information you feel is relevant for the purpose of this report.

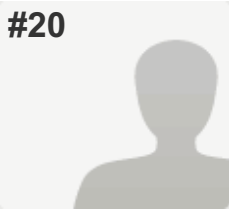
n/a

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Q50: Thank You for completing this survey.

End

#20

**COMPLETE****Collector:** Web Link 36 (Web Link)**Started:** Tuesday, November 01, 2016 2:49:47 PM**Last Modified:** Tuesday, November 01, 2016 3:13:35 PM**Time Spent:** 00:23:48**IP Address:** 159.105.2.116

PAGE 2: Act 156 of 2016: Professional Regulation Report

Q1: In the following survey, you will be asked to answer a series of questions regarding the regulatory practices of your given state agency/department. It is recommended that you prepare answers to the following questions prior to starting this survey. NOTE: only one device may be used for the survey, per profession. Therefore, while the survey may be discontinued and then resumed at a later date, all answers for a given profession must be entered through the same computer. As a result, it is recommended that for each profession, a single individual be elected to compile and enter information. Choose from the following options:

Begin Survey

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Q2: Please select an occupation from the following list.

Precious Metal Dealers (Department of Public Safety)

Q3: What is the name of the agency, department and/or division responsible for the regulation of this occupation?

Department of Public Safety

Q4: Regulation Type. Please check all that apply for this occupation.

Certification

Q5: What is the number of regulated persons in this occupation?

36

Q6: Is there statutory authority as a legal basis for regulation of this occupation?

Yes

Q7: If "yes" to the above, please provide a citation to said statute.

9v.s.a section 3881

Q8: Please provide a citation to any administrative rules associated with the regulation of this occupation.

none

Q9: Please provide any and all agency or department policies for the regulation of this occupation.

Vermont Department of Public Safety Guidelines for the Certification and Regulation of Precious Metals Dealers The Vermont Department of Public Safety is charged with overseeing implementation of Vermont law that pertains to the certification and regulation of precious metal dealers. The certification process establishes certain disqualifying offenses prohibiting a precious metals dealer from obtaining a certificate . Precious metals dealers should become familiar with the 9 V.S.A. Chapter 97A.Certification RequiredA precious metals dealer shall apply to the Department of Public Safety for a certificate to conduct business as a precious metals dealer in Vermont. The application shall include information sufficient to identify the business and the principals in accordance with T. 9 V.S.A. § 3882. The Department shall not issue or renew a certificate if an applicant or one of its principles has been convicted on or after January 1, 2015 of a disqualifying offense. The certification shall be good for two years.Criminal History Checks RequiredPrior to issuing or renewing a certificate a Vermont criminal history record, an out-of-state criminal history record and an FBI criminal history record check shall be obtained on the applicant and each of its principals. A person for whom a record check is requested shall provide their consent to the release of criminal history records in accordance with 20 V.S.A. § 2056c. The Department of Public Safety shall provide a copy of the criminal history record to the person who is the subject of the record and shall inform the person of the right to appeal pursuant to the rules of the Department's Vermont Crime Information Center.Fees: Renewal; Revocation of CertificationFeesA person shall pay a nonrefundable fee of \$200 to apply for a certification.The fee collected shall be deposited into a precious metal dealer certification account special fund which shall be used to administer this program.RevocationThe Department may revoke a certification for cause at any time during the period of certification after notice and a hearing pursuant to 3 V.S.A. Chapter 25. The "for cause" revocation shall mean any violation of the laws governing this program (9 V.S.A. chapter 97a).The Department shall revoke a certification upon the conviction (after January 1, 2015) for a disqualifying offense by a precious metal dealer of one of its principals. The Department may revoke a certification upon the conviction (after January 1, 2015) for a disqualifying offense by an employee of a precious metal dealer acting within his or her scope of employment when he or she committed the offense. For the purposes of implementing this section the term scope of employment shall mean the employee is engaged in the transactions of collecting and/or receiving and/or selling and/or otherwise disposing of precious metals. The employee is not a person defined as a principal unless that employee is engaged in the transaction of collecting and/or receiving and/or selling and/or otherwise disposing of precious metals.Display of CertificationThe precious metal dealer shall prominently display his or her certification number at his or her place of business, and shall include his or her certification number in each advertisement, in any medium, that promotes the business of services of the precious metal dealer.Records of a Precious Metal DealerFor each item of precious metal sold to a precious metal dealer, he or she shall:• Assign a distinct entry number to the item or in the case of a lot of items, an entry number for the lot and a sub-lot number for each unmatched item in the lots.• Maintain the following record for each item or lot of items:◦ Name, current address and telephone number of the seller;◦ Description of the items;◦ A digital photograph or video taken at the time of transaction for each item;◦ A governmental-issued identification card issued to the seller that bears his or her photograph; or ◦ A governmental-issued identification card and a digital photograph of the seller's face; and◦ Documentation of lawful ownership.Any precious metal dealer who sells \$50,000 or more of precious metal in a consecutive 12-month period shall maintain records in a computerized format that can be readily accessed, electronically transmitted, and reproduced in physical form. Records shall be maintained for three (3) years. The records shall be open for inspection by law enforcement. The request to review records shall be based on a reasonable amount of time provided to the precious metal dealer to produce the records. The records must be stored on premise of the business or other readily accessible and secure location. Holding periodA precious metal dealer shall retain precious metals purchased for no fewer than 10 days before offering an item for sale, or scrap and the item(s) shall not be removed from the State of Vermont prior to the expiration of the 10-day period.Purchase of Precious metals from persons under 18 years of ageA precious metal dealer shall not purchase precious metal offered for sale by a person under 18 years of age.Method of Payment to SellerWhen a precious metal dealer buys precious metals for resale valued at \$25 or more the precious metal dealer shall pay only by check, draft, or money order.Stolen Property Notification System The Department of Public Safety shall develop and implement a statewide stolen property notification system. Precious metal dealers must provide an email address to receive this information as it will be transmitted electronically.

Q10: Please describe the purpose of regulating this occupation.

To ensure the persons operating as Precious metal Dealers in Vermont meet minimum standards of professional conduct. To Aid law enforcement in the detection of crime related to the precious metal industry and to provide added confidence to the consumer.

Q11: Regarding stakeholder groups, please describe how this regulation affects those subject to regulation.

Balances the rights of businesses and citizens to engage in commerce, the needs of law enforcement in tracking illegal activity and enforcing Vermont law, and the burdens on State agencies and private business persons in complying with additional State regulation of the precious metal industry and its practices.

Q12: Regarding stakeholder groups, please describe how this regulation affects State entities.

Dept. of Public safety primarily

Q13: Regarding stakeholder groups, please describe how this regulation affects consumers or clients of this occupation's services.

Very little effect to end consumer other than providing ID

Q14: Regarding stakeholder groups, please describe how this regulation affects employers.

Licensing/reporting requirements, some employers ineligible due to criminal histories

Q15: Regarding stakeholder groups, please describe how this regulation affects the public.

Licensing/reporting requirements, some employers ineligible due to criminal histories

Q16: Regarding stakeholder groups, please describe how this regulation affects any other applicable group.

n/a

Q17: Please describe the governance structure for the regulation of this occupation, including but not limited to: the use of a board; a commission; an agency or division head; a panel; or a hearing officer.

None of the above – DPS licenses dealers. Local law enforcement or VSP enforces violations as any other criminal violation

Q18: Who sets application requirements and practice standards?

DPS

Q19: Who makes decisions on applicants, enforcement, and discipline?

DPS

Q20: Are any decision makers active participants in this regulated occupation? If so, please describe if the decision maker has taken a hiatus from the profession, and if so, whether the decision maker plans to return to the profession.

None known

PAGE 5: Act 156 of 2016: Professional Regulation Report**Q21: What are the regulated qualifications for this occupation? Check all that apply.**

Experience Requirements (exclusive from education)

Q22: How are applications received?

Mail

Q23: How are applications reviewed?

Vermont State Police

Q24: How are applications rejected?

The Department shall not issue or renew a certification if an applicant or one of its principals has been convicted on or after January 1, 2015 of a disqualifying offense.

Q25: How are application rejections appealed?

Commissioner

Q26: How are licenses/certifications/registrations issued?

Mail

Q27: What is the average time to process license/certification/registration applications?

5 Days

Q28: Once issued, what is the duration of the license, certification, or registration for this occupation? 2 years**Q29: Please describe the license, certification, or registration, renewal process and requirements therein.**

An application for certification shall include for each applicant and its principals:(1) the name, address, telephone number, and valid e-mail address or other electronic contact information;(2) the name of, and the nature of the affiliation with, any business involving the purchase or sale of precious metal within the past five years;(3) the age, date, and place of birth of each natural person;(4) the residential address and place of employment of each natural person; and(5) any crime of which a natural person has been convicted and the date and place of conviction.

PAGE 6: Act 156 of 2016: Professional Regulation Report**Q30: Please provide a citation to the standards of practice or codes of conduct for regulated persons in this occupation. These include any and all of the following:A) StatutesB) RulesC) PoliciesE) Other**

9 VSA Chapter 97A

Q31: Please describe the enforcement process for receiving and evaluating complaints.

Complaints of any statutory violation is investigated by the applicable law enforcement jurisdiction in question

Q32: Please describe the enforcement process for performing investigations.

Same as any statutory violation

Q33: Please describe the enforcement process for prosecutions.

Prosecution of violation would be referred to applicable County Prosecutor

Q34: Please describe the enforcement process for hearings.

n/a

Q35: Please describe the enforcement process for discipline.

n/a

Q36: Please describe the enforcement process for follow-up or monitoring of previously disciplined individuals.

n/a

Q37: Please describe the average time to process complaints and disciplinary cases

n/a

Q38: Please describe any inspection process relevant to this occupation.

Per statute precious metal dealers are required to keep certain information from purchases available for inspection by law enforcement

Q39: Regarding this occupation, please describe the annual average count of the following:

Complaints	5
Investigations	0
Prosecutions	0
Hearings	0
Cases Resulting in Disciplinary Action	0
Cases Resulting in Follow-up or Monitoring	0

PAGE 7: Act 156 of 2016: Professional Regulation Report**Q40: Please describe any systems, such as information technology systems, that are used to enable licensing, certification, registration, renewal, enforcement and inspection.**

Microsoft Access

PAGE 8: Act 156 of 2016: Professional Regulation Report**Q41: Please provide the number of full-time staff related to the regulation of this occupation, including job titles and duties.**

none

Q42: Please provide the number of part-time staff related to the regulation of this occupation, including job titles and duties.

Commissioner's Executive Assistant/Member of VSP

PAGE 9: Act 156 of 2016: Professional Regulation Report**Q43: Please provide the following information:**

Average Annual Expenses	\$200
Average Annual Revenues	\$7200
Average Annual Fees Charged	\$200 every 2 years

Q44: Please describe any recent or unexpected budget variations which may skew answers in the above question.

none

Q45: Please describe the fee structure associated with the regulation of this profession. This includes the following:A) The fee amount charged;B) How fee amounts are determined and set;C) The authority to establish those fees; andD) How revenues from fees are used, indicating the specific uses if those revenues are used for purposes other than regulating the profession.

\$200.00 Legislative

Q46: Please describe any General Fund or Special Fund deposits

n/a

Q47: Please describe any appropriations from the General Fund

n/a

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Q48: Please describe the qualifications of any supervisor responsible for the oversight of the agency's department's professional regulatory entity and whether that supervisor has the ability to veto or modify any decision by that professional regulatory entity.

n/a

Q49: Please provide any additional information you feel is relevant for the purpose of this report.

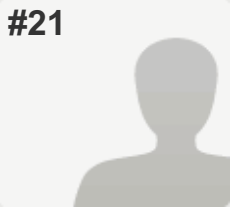
Upon passing of this legislation, vast majority of calls to DPS have been to answer questions regarding licensing requirements. There have been few complaints of non-compliance. On those occasions, dealers have come into compliance of the Statute. No prosecutor's have been necessary.

PAGE 11: Exit Page

Q50: Thank You for completing this survey.

End

#21

**COMPLETE****Collector:** Web Link 39 (Web Link)**Started:** Tuesday, November 01, 2016 3:43:36 PM**Last Modified:** Tuesday, November 01, 2016 3:51:33 PM**Time Spent:** 00:07:56**IP Address:** 159.105.2.116

PAGE 2: Act 156 of 2016: Professional Regulation Report

Q1: In the following survey, you will be asked to answer a series of questions regarding the regulatory practices of your given state agency/department. It is recommended that you prepare answers to the following questions prior to starting this survey. NOTE: only one device may be used for the survey, per profession. Therefore, while the survey may be discontinued and then resumed at a later date, all answers for a given profession must be entered through the same computer. As a result, it is recommended that for each profession, a single individual be elected to compile and enter information. Choose from the following options:

Begin Survey

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Q2: Please select an occupation from the following list.

Explosive Blasters (Department of Public Safety)

Q3: What is the name of the agency, department and/or division responsible for the regulation of this occupation?

Department of Public Safety

Q4: Regulation Type. Please check all that apply for this occupation.

Licensing

Q5: What is the number of regulated persons in this occupation?

185

Q6: Is there statutory authority as a legal basis for regulation of this occupation?

Yes

Q7: If "yes" to the above, please provide a citation to said statute.

20 VSA Chapter 177, Subchapter 2

Q8: Please provide a citation to any administrative rules associated with the regulation of this occupation.

n/a

Q9: Please provide any and all agency or department policies for the regulation of this occupation.

vsp.vermont.gov/licensing/explosive

Q10: Please describe the purpose of regulating this occupation.

It is an important public safety function that the Department of Public Safety continue to license and conduct background checks on individuals and entities using and storing explosives. This allows the Department to know who has and is using explosives and to know where they are stored, which in case of an accident, incident, or other critical event, would allow the Department to deploy the necessary resources to control the incident and preserve life and property.

PAGE 4: Act 156 of 2016: Professional Regulation Report**Q11: Regarding stakeholder groups, please describe how this regulation affects those subject to regulation.**

The regulatory scheme affords qualified individuals the opportunity to possess, purchase, store, use, transport, give, transfer, or sell explosives, provided they maintain their eligibility to do so.

Q12: Regarding stakeholder groups, please describe how this regulation affects State entities.

The regulations affords state entities a method of supervision over the possession, use, storage, transportation, and sale of explosives

Q13: Regarding stakeholder groups, please describe how this regulation affects consumers or clients of this occupation's services.

Minimally, as it is a reporting requirement only and eligibility determination

Q14: Regarding stakeholder groups, please describe how this regulation affects employers.

The regulatory scheme ensures employees meet certain minimum standards

Q15: Regarding stakeholder groups, please describe how this regulation affects the public.

It protects members of the public by ensuring that persons involved with explosives meet certain minimum standards

Q16: Regarding stakeholder groups, please describe how this regulation affects any other applicable group.

n/a

Q17: Please describe the governance structure for the regulation of this occupation, including but not limited to: the use of a board; a commission; an agency or division head; a panel; or a hearing officer.

The statute sets out minimum standards for issuance of a license. The department ensures that these standards are met. By statute this duty is assigned to the Commissioner of Public Safety.

Q18: Who sets application requirements and practice standards?

The Legislature

Q19: Who makes decisions on applicants, enforcement, and discipline?

The Department of Public Safety

Q20: Are any decision makers active participants in this regulated occupation? If so, please describe if the decision maker has taken a hiatus from the profession, and if so, whether the decision maker plans to return to the profession.

n/a

PAGE 5: Act 156 of 2016: Professional Regulation Report

Q21: What are the regulated qualifications for this occupation? Check all that apply.

Examination,
Experience Requirements (exclusive from education)

Q22: How are applications received?

Mail

Q23: How are applications reviewed?

Vermont State Police & Criminal record checks

Q24: How are applications rejected?

Non compliance with the requirements detailed in 20 VSA 3072. Primarily, non-compliance results from the criminal record requirements

Q25: How are application rejections appealed?

Commissioner of Public Safety. An appeal of the Commissioner's decision can then be filed within the Superior Court of record.

Q26: How are licenses/certifications/registrations issued?

Index card by mail

Q27: What is the average time to process license/certification/registration applications?

1 week

Q28: Once issued, what is the duration of the license, certification, or registration for this occupation?

1 to 3 years depending on new or renewal

Q29: Please describe the license, certification, or registration, renewal process and requirements therein.

20VSA3072

PAGE 6: Act 156 of 2016: Professional Regulation Report

Q30: Please provide a citation to the standards of practice or codes of conduct for regulated persons in this occupation. These include any and all of the following: A) Statutes B) Rules C) Policies E) Other

13 VSA Chapter 37, 20 VSA Chapter 177

Q31: Please describe the enforcement process for receiving and evaluating complaints.

Complaints pertaining to explosives and blasting activities are made to the policing agency with jurisdiction over where the incident occurred. Investigations are handled in accordance with agency protocol.

Q32: Please describe the enforcement process for performing investigations.

Such process may vary by policing agency. For complaints within VSP jurisdiction, the incident will be assigned to a sworn member to collect any evidence to substantiate whether a criminal violation transpired.

Q33: Please describe the enforcement process for prosecutions.

Evidence of a criminal violation will be established in paperwork delivered to the State's Attorney Office of record. A final determination related to prosecution will be made by the State's Attorney.

Q34: Please describe the enforcement process for hearings.

Violations of a criminal nature are handled within the Superior Court of Vermont. For license applications that are denied, an appeals process is established within 20VSA3074.

Q35: Please describe the enforcement process for discipline.

As assessed by the Superior Court of Vermont. Revocation of an explosive license is at the discretion of the Commissioner of Public Safety. The basis for revocation is established within 20VSA3072(e)

Q36: Please describe the enforcement process for follow-up or monitoring of previously disciplined individuals.

Explosive licensing requires reapplication at most every three (3) years. During application review, an assessment is conducted of any complaints made to VT policing agencies related to explosive or blasting activities. This is primarily accomplished through a review of shared policing records as well as a review of the applicant's criminal history. A assessment of applicable trainings and work experience is also conducted.

Q37: Please describe the average time to process complaints and disciplinary cases

This will vary by police agency and the complexity of the investigation.

Q38: Please describe any inspection process relevant to this occupation.

Investigations: 0-10, Prosecutions: Consult with State's Attorney Office, Appeal Hearings for License Denial: 0-3

Q39: Regarding this occupation, please describe the annual average count of the following:

Complaints	0
Investigations	10
Prosecutions	0
Hearings	0
Cases Resulting in Disciplinary Action	0
Cases Resulting in Follow-up or Monitoring	3

PAGE 7: Act 156 of 2016: Professional Regulation Report**Q40: Please describe any systems, such as information technology systems, that are used to enable licensing, certification, registration, renewal, enforcement and inspection.**

Microsoft access

PAGE 8: Act 156 of 2016: Professional Regulation Report**Q41: Please provide the number of full-time staff related to the regulation of this occupation, including job titles and duties.**

N/A – this duty is a part time assignment to members of the Department of Public Safety.

Q42: Please provide the number of part-time staff related to the regulation of this occupation, including job titles and duties.

VSP Detective, Executive Assistant, Criminal Record Specialist

PAGE 9: Act 156 of 2016: Professional Regulation Report

Q43: Please provide the following information:

Average Annual Expenses	\$300.00
Average Annual Revenues	\$7300.00
Average Annual Fees Charged	\$50, \$100, \$150, \$75

Q44: Please describe any recent or unexpected budget variations which may skew answers in the above question.

n/a

Q45: Please describe the fee structure associated with the regulation of this profession. This includes the following:A) The fee amount charged;B) How fee amounts are determined and set;C) The authority to establish those fees; andD) How revenues from fees are used, indicating the specific uses if those revenues are used for purposes other than regulating the profession.

Answers to the above questions are all determined by statute

Q46: Please describe any General Fund or Special Fund deposits

n/a

Q47: Please describe any appropriations from the General Fund

n/a

PAGE 10: Act 156 of 2016: Professional Regulation Report

Q48: Please describe the qualifications of any supervisor responsible for the oversight of the agency's department's professional regulatory entity and whether that supervisor has the ability to veto or modify any decision by that professional regulatory entity.

n/a

Q49: Please provide any additional information you feel is relevant for the purpose of this report.

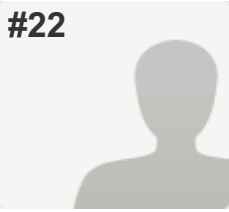
n/a

PAGE 11: Exit Page

Q50: Thank You for completing this survey.

End

#22

**COMPLETE****Collector:** Web Link 18 (Web Link)**Started:** Wednesday, August 24, 2016 10:53:43 AM**Last Modified:** Wednesday, November 02, 2016 11:25:52 AM**Time Spent:** Over a month**IP Address:** 66.220.233.162

PAGE 2: Act 156 of 2016: Professional Regulation Report

Q1: In the following survey, you will be asked to answer a series of questions regarding the regulatory practices of your given state agency/department. It is recommended that you prepare answers to the following questions prior to starting this survey. NOTE: only one device may be used for the survey, per profession. Therefore, while the survey may be discontinued and then resumed at a later date, all answers for a given profession must be entered through the same computer. As a result, it is recommended that for each profession, a single individual be elected to compile and enter information. Choose from the following options:

Begin Survey

PAGE 3: Act 156 of 2016: Professional Regulation Report

Q2: Please select an occupation from the following list.

Sellers (Department of Liquor Control)

Q3: What is the name of the agency, department and/or division responsible for the regulation of this occupation?

The Vermont Department of Liquor Control ("DLC").

Q4: Regulation Type. Please check all that apply for this occupation.

Licensing, Certification, Registration,
 Other (please specify)
 Education. The DLC is a state department governed by a five-person board appointed by the Governor. The DLC controls alcoholic beverages and tobacco products through distribution, licensing, enforcement and education. The DLC also contracts with 80 +/- Agency stores that sell liquor to licensees and consumers. The DLC is tasked with the licensing of Manufacturers of malt and vinous beverages as well as Distillers of spirituous beverages. The DLC also license Wholesale Dealers and retail businesses and provides individual and retail licensing and permitting for special events and tastings. It further regulates tobacco licensing to allow the licensee to engage in the retail sale of tobacco products on the premises identified in the license.

Q5: What is the number of regulated persons in this occupation?

The DLC regulates 80 +/- Agency stores. Additionally, the DLC regulates all persons or entities involved in the alcohol supply chain at any stage when it enters into Vermont, including manufacturers, wholesale dealers, distributors and licensees, of which there are about thirty to forty thousand (30,000 – 40,000). Vermont instituted a three tier system of producers, wholesale distributors, and retailers to promote moderation in consumption, prevent concentration of power, and raise revenues through taxes. Vermont directly controls the sale of liquor at the wholesale level and is considered a “control state” or “control jurisdiction”.

Q6: Is there statutory authority as a legal basis for regulation of this occupation?

Yes

Q7: If "yes" to the above, please provide a citation to said statute.

The DLC obtains its statutory authority from Title 7 of the Vermont Statutes Annotated (“V.S.A.”), as amended.

Additional state statutory references are below:

- 10 V.S.A. 53: Beverage containers, deposit redemption system;
- 17 V.S.A. 35, §2018: Using intoxicating liquor to influence votes;
- 18 V.S.A. 37: Smoking in public places;
- 20 V.S.A. 111, §1817: Reports of law enforcement officer; accidents involving liquor;
- 23 V.S.A. 13: Drunken Driving;
- 24 V.S.A. 61, §2291: Municipal and county government enumeration of powers.

The DLC's statutory authority is also derived from federal law. The Federal Tax and Trade Bureau (“TTB”) regulations are published as Title 27, Chapter II, Code of Federal Regulations (CFR).

Additional Federal statutory references are below:

- Federal regulations relating to the advertising of distilled spirits, wine and malt beverages promulgated under the Federal Alcohol Administration Act (27 U.S.C. 201-211);
- Federal regulations relating to the advertising of distilled spirits, wine and malt beverages promulgated under the Federal Alcohol Administration Act (27 U.S.C. 201-211).

Q8: Please provide a citation to any administrative rules associated with the regulation of this occupation.

The DLC was created by 3 V.S.A. § 212 and follows the definitions as laid out in the Vermont Administrative Procedure Act, 3 V.S.A. § 801.

The DLC's general regulations may be found on the DLC website and in the link below:
http://liquorcontrol.vermont.gov/sites/liquorcontrol/files/pdf/gen_regs.pdf

Q9: Please provide any and all agency or department policies for the regulation of this occupation.

The DLC's rules and regulations, as laid out on its website, have the force of law by virtue of 7 V.S.A., as amended.

- The DLC's policies for regulations are on its website and at the link below:

<http://liquorcontrol.vermont.gov/laws/regulations>

Advertising - <http://liquorcontrol.vermont.gov/sites/dlc/files/documents/Regulations/Advertising.pdf>

Administrative -

<http://liquorcontrol.vermont.gov/sites/dlc/files/documents/Regulations/Administrative%20Organization%20and%20Procedures.pdf>

Alcohol - <http://liquorcontrol.vermont.gov/sites/dlc/files/documents/Regulations/Alcohol%20Regulations.pdf>

Clubs - <http://liquorcontrol.vermont.gov/sites/dlc/files/documents/Regulations/Clubs.pdf>

Credit - <http://liquorcontrol.vermont.gov/sites/dlc/files/documents/Regulations/Credit.pdf>

Definitions - <http://liquorcontrol.vermont.gov/sites/dlc/files/documents/Regulations/Definitions.pdf>

Education - <http://liquorcontrol.vermont.gov/sites/dlc/files/documents/Regulations/Education%20Regulations.pdf>

General - http://liquorcontrol.vermont.gov/sites/dlc/files/documents/Regulations/gen_regs.pdf

Hours of Sale - <http://liquorcontrol.vermont.gov/sites/dlc/files/documents/Regulations/Hours%20Of%20Sale.pdf>

Wholesale Dealers -

<http://liquorcontrol.vermont.gov/sites/dlc/files/documents/Regulations/wholesale%20dealer%20regs%202015.pdf>

Q10: Please describe the purpose of regulating this occupation.

The purpose of the DLC's regulations are for the protection of the public welfare, good order, health, peace, safety and morals of the people of the state by regulating the alcohol and tobacco industries. The DLC knows in order to achieve these goals, distributors of alcoholic beverages must be regulated and monitored.

The DLC's system of selling alcohol achieves a delicate balance between offering a great selection of products and reasonable pricing at convenient locations around the state, with regulating the sales of hard liquor. Studies prove that regulating sales reduces consumption, thereby limiting the physical and social damage caused by the misuse of alcohol.

The DLC contributes millions of dollars each year to the state's general fund; educates thousands of servers and sellers of alcohol beverages and tobacco products within the state and shares licensing fees that help support towns and cities. The DLC purchases, distributes, and sells distilled spirits through its agency stores; enforces Vermont's alcohol and tobacco statutes, with a strong emphasis on limiting youth access; educates licensees and promotes responsibility. An integral part of the DLC's mission is to control the distribution of alcoholic beverages, while providing excellent customer service and effective public safety, for the general good of the state.

Q11: Regarding stakeholder groups, please describe how this regulation affects those subject to regulation.

The DLC is responsible for regulating anyone involved in the alcohol supply chain at any stage upon entering the State of Vermont, including licensees, manufacturers, distributors and importers of beer and wine. In FY 2015 the DLC issued about twelve thousand (12,000) licenses and permits.

The regulations require distributors to produce and sell alcohol and tobacco in a responsible manner in accordance with Title 7.

Q12: Regarding stakeholder groups, please describe how this regulation affects State entities.

The DLC closely monitors sellers to ensure compliance with statutes and regulations. The DLC ensures only those licensed with the DLC and properly following all state and federal rules and regulations are allowed to sell alcoholic beverages in Vermont.

Q13: Regarding stakeholder groups, please describe how this regulation affects consumers or clients of this occupation's services.

The regulations ensure that alcohol and tobacco are sold in a responsible manner through procedures that are safe for the consumer. They also prevent the sale to minors and impaired individuals.

Q14: Regarding stakeholder groups, please describe how this regulation affects employers.

The regulations ensure that alcoholic beverages are sold in such a way that it protects public safety as well as ensures continued business operations.

Q15: Regarding stakeholder groups, please describe how this regulation affects the public.

These regulations are in place to ensure public safety and compliance with federal and state regulations.

Q16: Regarding stakeholder groups, please describe how this regulation affects any other applicable group.

These regulations affect economic development, public safety, ensures proper distribution and moderation in alcohol consumption.

Q17: Please describe the governance structure for the regulation of this occupation, including but not limited to: the use of a board; a commission; an agency or division head; a panel; or a hearing officer.

The DLC is governed by a Liquor Control Board and a Commissioner. The composition of the DLC is described at 7 V.S.A. 5, § 101.

The Board: The Board consists of five members appointed by the governor. The duties of the Board are described under 7 V.S.A. 5, § 104. The Board's primary responsibility is to see that the laws relating to alcohol are enforced and that the department collaborates with other law enforcement entities in the state. They act as a judicial board in hearing and adjudicating cases of violation by its licensees. In addition, they supervise the opening and operation of local agencies for the sale and distribution of spirituous liquors, oversee the financial transactions of the central office and the retail agencies, make rules and regulations and issue permits regarding alcohol manufacture, sales, and transport, adopt rules regarding labeling and advertising of malt or vinous alcoholic beverages, spirits and fortified wines, and adopt rules regarding intrastate transportation of such beverages.

Under 7 V.S.A. 5, § 102 the governor, after notice and a hearing may remove a Board member for incompetency, failure to discharge his or her duties, malfeasance, immorality or other cause inimical to the general good of the state. In such case, the governor shall appoint a person to fill the unexpired term.

The Commissioner: The Governor appoints an individual as Commissioner under 7 V.S.A. 5, § 106 (2b). The Commissioner's duties are described under 7 V.S.A. 5, § 107 and include making regulations subject to the Board's approval governing among other things, pricing, purchasing, quantities and qualities.

Q18: Who sets application requirements and practice standards?

The Board makes rules regarding the manufacture of alcohol of tobacco. The Board also enforces laws and rules regarding the serving, use and sale of alcohol and tobacco. In Vermont, Board Rules are similar to state laws and are commonly referred to as regulations. The regulations, Title 7, and other federal and state authority guide the Board. The initial determination in the licensing process is made by a DLC investigator who presents their findings to the Board. The investigator presents their findings to the Board which votes whether to accept or reject an application or what penalties to impose.

Q19: Who makes decisions on applicants, enforcement, and discipline?

The DLC investigators make the initial determination on applications, enforcement and discipline. All investigator decisions are made utilizing a pragmatic approach to each individual licensee and scenario. Each investigator creates a report and presents their findings to the Board. The Board makes a final determination regarding the person or entity based upon the findings and evidence presented.

For initial license or permit applications the Board makes all determinations on criminal history and prior DLC violations regarding whether to grant an application if a licensee has a felony that occurred within the last ten (10) years. For any licensee who has a felony more than ten (10) years old, the investigator makes the determination and presents their findings to the Board.

Q20: Are any decision makers active participants in this regulated occupation? If so, please describe if the decision maker has taken a hiatus from the profession, and if so, whether the decision maker plans to return to the profession.

Currently, there are no Board members, investigators or other decision makers involved in the regulated profession, nor are there any plans for such decision makers to enter into the profession. Under Communication No. 58 from the Vermont Attorney General's Office, dated April 26, 1938, relating to No. 199 of the Acts of 1935, law enforcement officers are prohibited from seeking a license from the DLC. Law enforcement officers are defined as "sheriffs, deputy sheriffs, constables, police officers, state's attorneys and inspectors of the motor vehicle department". Law enforcement officers are also prohibited from obtaining a license under 7 V.S.A. Ch. 9 § 223.

PAGE 5: Act 156 of 2016: Professional Regulation Report**Q21: What are the regulated qualifications for this occupation? Check all that apply.**

Education Requirements, Examination

Q22: How are applications received?

The licensing process is governed by 7 V.S.A. 9 §§ 221 – 241.

A license is obtained by completing the class application form and filling it out in its entirety. Several licenses and permits are offered depending on the entity and its particular needs. Application forms may be obtained at the DLC's main office in Montpelier, VT. Additionally, all of the forms are available to download from the DLC website and the link below and most of them can be filled out on screen by clicking on areas and typing, printing out and mailing the forms in. <http://liquorcontrol.vermont.gov/which-license/manufacture/form>

Once the proper application is completed, depending upon the license sought, the person or entity completing the application must submit it to the Town/City Clerk with the appropriate fees. Both first (1st) and second (2nd) class licenses and some permits must be filed with the Town Clerk before the DLC will issue a license. At the next duly warned meeting of the local licensing control commission, applications are taken up for consideration. If approved by the locality, or if not requiring its approval, the application gets forwarded to the DLC and its licensing investigators contacts the applicant. Anyone other than a natural person seeking a license must submit its articles of incorporation or LLC.

Additionally, all applicants will need to produce a copy of the following:

- Trade name registration obtained through the Secretary of State's Office;
- Federal employee identification number (FEIN);
- Sales and use certificate, rooms and meals and lodging tax numbers (if applicable) from the Vermont Department of Taxes;
- Health license, obtained from the Vermont Department of Health (1st Class Licenses only);
- Proof of training regarding Vermont liquor laws, rules and regulations through the DLC;
- A copy of the lease and/or proof of ownership of the property to be licensed;
- If you have employees, proof of Workman's Compensation Insurance;
- Naturalization certificate copy (if applicable).

Furthermore, all sellers and servers of alcohol must be trained before they start working and then must be trained every 2 years thereafter. Training is available through seminars conducted by our educators as well as online through our online training. A Director/ Partner/ Owner/ Manager who has already been to a seminar or taken the DLC online training can also train their staff using materials provided by the DLC. The DLC further provides Education Regulations on its website and located at the link below:

<http://liquorcontrol.vermont.gov/sites/liquorcontrol/files/Education%20Regulations.pdf>

Any one holding a first, second or third class license, shall complete the DLC Licensee Enforcement Seminar at least once every two years. Additionally, solicitors, manufacturers, and fourth class liquor licensees must be properly trained upon licensure and retrained within the following two years. This training requirement may be satisfied by completion of materials provided for this purpose by the DLC Education Division. Proof of this training will be documented on forms provided by the DLC and retained by the license holder. Only upon proof that the education requirement has been satisfied will the DLC issue a license.

Q23: How are applications reviewed?

No new first-, second- or third-class liquor license, Manufacturing license, or tobacco license shall be granted until the applicant has met with a DLC investigator to become informed of the Vermont laws, rules and regulations pertaining to the manufacture, purchase, storage, and sale of alcoholic beverages and tobacco products. Every application is reviewed by the DLC. All new applications are investigated by the Enforcement and Licensing Division prior to approval/disapproval of the license by the Board. This process can take anywhere from 2 weeks to 6 weeks to complete once the DLC receives the application. An applicant submits their application to the DLC which reviews it for errors and completeness before entering it into the DLC's database. Then the DLC investigator assigned to the applicant's particular geographic area meets with the applicant at their premises and makes an initial determination on whether to grant an application request. This determination is done on a case-by-case basis considering the merits of each case. The investigator then issues his findings in a report and makes his recommendation to the Board. Following that recommendation, the Board makes the final determination on motion as to whether to grant or deny the application.

Q24: How are applications rejected?

Ultimately, applications are rejected upon a motion by the Board. Other than an absolute prohibition on a law enforcement officer seeking a license, there are no set guidelines or standards for rejecting an application. Investigators and the Board may consider any number of factors, including an applicants' criminal history and prior licensing history. As is the case for DLC investigators, the Board makes its determinations on a case-by-case basis, considering the merits of each individual case.

Q25: How are application rejections appealed?

As said before, the Board makes the final determination on an application. Any decision regarding licensing made by the Board may be appealed to the Vermont Supreme Court. However, if a law enforcement officer should challenge their licensing determination, that appeal is heard by the Board.

Q26: How are licenses/certifications/registrations issued?

Once it has been determined that all application materials have been properly filled out, provided to the Town Clerk (if applicable), and payment of fees made, the DLC investigators will submit their recommendations to the Board. The Board will then determine whether to issue the applicant a license. The DLC will notify an applicant of their approved license or permit and issue it to them electronically. Licenses last only for one year and each year applicants must renew their license before May 1st of that renewal year.

Q27: What is the average time to process license/certification/registration applications?

Depending on the paperwork, requested license and particular applicant, the process can take anywhere from two to six (2-6) weeks once the DLC receives a complete application. License renewals with no changes to ownership can be completed much more quickly.

Q28: Once issued, what is the duration of the license, certification, or registration for this occupation?

All liquor licenses in the State of Vermont expire at midnight on April 30th and must be renewed for the following year. A license never exceeds a one-year term. However, a license will remain valid when expired if the applicant makes a timely renewal and the renewal is delayed by no fault of the applicant. The length of permit durations vary depending on the type sought and may be valid for only one (1) day of a set time of two to six (2-6) hours or may be valid up to five (5) days.

Q29: Please describe the license, certification, or registration, renewal process and requirements therein.

All licenses are renewable, but renewals must be sent in each year by April 30th to renew them for the following licensing year. Licensing years run May 1st through April 30th of each year.

Licensees, manufacturers and distributors must ensure that certain education and reporting requirements are satisfied prior to renewing a license, including that “each licensee shall ensure that every employee who is involved in the preparation, sale, service or solicitation of alcoholic beverages or the sale of tobacco products, or enforcing of alcohol and/or tobacco laws and regulations must complete a training program offered or approved by the [DLC] before the employee begins working in that capacity and at least once every two years thereafter. Each licensee shall maintain written documentation, signed by each employee trained of each training program conducted. A licensee may comply with this requirement by conducting its own training program on its premises, using all information and materials furnished by the [DLC], or from a program approved by the [DLC]. A licensee who fails to comply with these requirements shall be subject to a suspension of no less than one day of the license issued under this title. No license or permit will be renewed unless the records of the [DLC] show that the licensee has complied with the terms of the [DLC’s] regulations found on the [DLC] website and in the link below:

<http://liquorcontrol.vermont.gov/sites/liquorcontrol/files/Education%20Regulations.pdf>

Additionally, each licensee holding a bottler’s license or a wholesale dealer’s license shall, on or before the tenth day of each calendar month, transmit to the Commissioner of Taxes or the State of Vermont the report and pay the tax as provided in 7 V.S.A. §421, upon forms furnished by such Commissioner, a statement or return under oath or affirmation showing the quantity of malt and vinous beverages sold by such licensee during the preceding calendar month, and licensees shall file such bonds and/or other security for the fulfillment of the provisions of this section as the Board may require. Bottlers and wholesale dealers shall file a surety bond with their applications for such amount as is deemed adequate by the Board. The purpose of this bond is to assure the State that tax due on the sale of malt and vinous beverages for an average two-month period. (Forms to be furnished by the board.)

The DLC sends renewal notices to the Town Clerk electronically via e-mail, whereby the Town Clerk disseminates the information to licensees in the respective town. The DLC provides each licensee a copy of their original application with the blanks filled in and asks licensees to review the application, note any errors or changes to be made, and sign the document. The signed application is submitted with or without changes to the Town Clerk. Once the changes are made, or if none are required, the Town Select board votes on whether or not to renew the license. If approved, the renewal gets sent to the DLC by the Town Clerk with all appropriate fees included. The Board then votes on whether to renew the license or permit. The DLC staff processes the renewals and the renewed license is e-mailed to the Town Clerk which mails it to the licensee.

PAGE 6: Act 156 of 2016: Professional Regulation Report**Q30: Please provide a citation to the standards of practice or codes of conduct for regulated persons in this occupation. These include any and all of the following: A) Statutes B) Rules C) Policies E) Other**

Title 7 of the Vermont Statutes Annotated. Additionally, the DLC and Board have their own regulations that they follow. These regulations can be found on the DLC website as well as in the link below.

<http://liquorcontrol.vermont.gov/laws/regulations>

Q31: Please describe the enforcement process for receiving and evaluating complaints.

The enforcement process is governed by 7 V.S.A. 19, §§ 561 - 603.

The DLC handles its enforcement process through its Board, Commissioner and investigators. The DLC's Enforcement Division is charged with investigating possible violations of liquor laws and regulations, and carrying out law enforcement activities related to these incidents. The DLC investigates all complaints that it receives from anonymous and named sources. It also conducts unannounced inspections on its licensees throughout the year to ensure all rules and regulations are being followed and to determine if any violations have occurred. The DLC's website provides assistance to individuals seeking to make a complaint by mail, phone, or online by filling out the form. Once the DLC receives a complaint, the issue is assigned to an area investigator to conduct an investigation into the complaint.

Additionally, under 7 V.S.A. 19, § 563. Search warrants: If a state's attorney, the Commissioner, a Board inspector, a control commissioner or town grand juror or two reputable citizens of the county, make complaint under oath or affirmation, before a judge of a criminal division of the superior court, that he or she or they have reason to believe that alcoholic beverages are kept or deposited for sale or distribution, or manufactured or possessed contrary to law, the judge shall issue a warrant to search the premises described in the complaint. If the alcoholic beverages are found therein under circumstances warranting the belief that it is intended for sale or distribution or unlawfully manufactured or possessed contrary to law, or if any still, or any other apparatus for the manufacture of alcohol is found therein, the officer shall seize and convey the same to some place of security, and keep it until final action is had thereon.

Q32: Please describe the enforcement process for performing investigations.

The DLC, acting through its Board and investigators handles all alleged complaints and violations regarding the manufacture, sale and distribution of alcohol and tobacco. The DLC is informed of potential violations through community sources, police agencies and DLC investigations. Investigators review violations utilizing standard police investigation techniques and make an individualized determination on how to handle a particular violation. After receipt of information regarding an alleged complaint, or following acknowledgement of a violation after an unannounced visit, the investigator determines whether a violation has occurred and its severity. Depending on its severity, the investigator might draft a report on his findings and submit it to the Board to decide an appropriate penalty. If the investigator decides to issue an administrative fine or penalty, the matter need not go before the Board unless the violator requests a hearing before the Board.

In addition, under 7 V.S.A. 19, § 561 (b) the Commissioner, Director of the Enforcement Division of the DLC, or an investigator employed by the Board or the DLC, and any other law enforcement officer may arrest and seize the property of a person whom he or she finds in the act of manufacturing alcohol or possessing a still, or other apparatus for the manufacture of alcohol, or unlawfully selling, bartering, possessing, furnishing or transporting alcohol, or unlawfully selling, furnishing or transporting spirits, fortified wines, or malt and vinous beverages, and shall seize the liquors, alcohol, vessels, and implements of sale and the stills or other apparatus for the manufacture of alcohol in the possession of the person.

Q33: Please describe the enforcement process for prosecutions.

The type of disciplinary action depends on the type and severity of the infraction, as well as prior history of the licensee and can include a warning or monetary sanction or the suspension or cancellation of a license or permit. The Board may accept or reject any recommendations provided by the DLC and it is the Board that makes the final determination regarding the sanctions imposed. Additionally, the Board, as a condition of licensure, may require any retail licensee found guilty by the Board of a violation of a liquor law or regulation to attend an additional DLC Licensee Training Seminar.

The Board has established a schedule of penalties for specifically enumerated violations, which may be imposed by the DLC, allowing for the licensee to waive a hearing and accept the stated penalty(s).

Licensees/permittees may decline to accept the stated penalty(s) and ask for a hearing before the Board and may request a hearing to appeal any administrative sanctions imposed. When a violation is charged, the licensee/permittee is entitled to a formal hearing before the Board. A formal hearing may be waived and an agreed upon penalty may be accepted without a licensee/permittee contesting the charges or personally appearing before the Board. The Board's Settlement Practice for Waiver of Formal Hearing may be found on the DLC website or at the link below:
<http://liquorcontrol.vermont.gov/sites/liquorcontrol/files/Settlement%20Practice%20for%20Waiver%20of%20Formal%20Hearing1.pdf>

Q34: Please describe the enforcement process for hearings.

The Board acts as a judicial board in hearing and adjudicating cases of violation by its licensees and permittees. Any applicant accused of a violation is entitled to notice and a hearing before the Board prior to suspension, revocation or rejection of a license or permit. Each side is given an opportunity to present evidence and witnesses, and cross-examine the other side. Following the presentation of all the evidence, the Board issues its final decision. If a person or entity disagrees with the Board's final determination, it may be appealed under 7 V.S.A. 19 § 577. Revocation of licenses and Rule-making proceedings initiated by the Board under Regulation No. 9(b) will be treated as formal proceedings. All other petitions, applications, submissions, requests, charges, etc., will be treated as informal proceedings. A party to a formal proceeding before the Board may appear for himself or be represented by an attorney admitted to practice in the State of Vermont. Board hearings are once a month and are open to the public. Following presentation and review of all the evidence, the Board issues a final decision. The Board's decision may be issued the same day as the hearing or may take several months. Liability is not imposed on a licensee or permittee until after the Board makes a final decision on the matter.

An oral hearing is held in every formal proceeding except: in a formal rule-making proceeding if no request to be heard is submitted within five days of the date set for such hearing, in accordance with the provisions of 3 V.S.A. § 836(4) and § 840 in any other formal proceeding if all the parties to the proceeding file written waivers of opportunity to be heard. Upon the filing of a pleading initiating a formal proceeding, or upon the initiation of such a proceeding by the Board on its own motion, the Board shall by order or otherwise assign a time and place for the hearing thereof and the Enforcement Secretary shall serve on each party written notice of the hearing in the form as provided by 3 V.S.A. § 809(b) and § 836(c) and 839, and, if required by statute, shall arrange for publication thereof. Every party and counsel representing the Board, if any, shall have the right to participate fully in any hearing before the Board, and, in the case of rule-making proceedings, all interested persons shall also be permitted to participate in accordance with the terms of the notice of the proceeding. The admissibility of evidence in all formal proceedings before the Board shall be determined under the criteria specified in 3 V.S.A. § 810(1)-(4). The testimony of a hearing witness on direct examination may be offered in written form, either by having it read into the record or by offering it for incorporation in the record without reading, provided that a copy of such testimony is supplied to the Board, each attorney of record, and each party appearing for himself at a reasonable time in advance of the hearing at which testimony will be offered. Such testimony shall be subject to the same rules of admissibility and cross-examination as extemporaneous testimony.

<http://liquorcontrol.vermont.gov/sites/liquorcontrol/files/Administrative%20Organization%20and%20Procedures.pdf>

Q35: Please describe the enforcement process for discipline.

The Board has the authority to discipline those people or entities violating Title 7 or the other rules and regulations as set forth by the DLC or Board. Board decisions regarding discipline are made by Board order. All Board hearings are open to the public. Any formal proceeding for revocation of a license, certificate, etc., shall be preceded by notice to the licensee of facts or conduct which warrant the intended action, and the licensee shall be given an opportunity informally to show compliance with all lawful requirements for the retention of the license prior to initiation of such formal proceeding. The DLC does not provide set guidelines for discipline, but rather makes its determination on a case-by-case basis. Discipline ranges from warnings and administrative penalties and fines to suspension or outright revocation of a license.

Penalties for violations are described under 7 V.S.A. 21, §§ 651-671. DLC investigators use a Schedule of Fines (in the link below) to assist them in determining an appropriate fine, ranging from \$110 to \$2,010, depending on the severity of the violation and the specific merits of a case.

<http://liquorcontrol.vermont.gov/sites/liquorcontrol/files/schedule%20of%20fines%20new%20November%202014%20changes.pdf>

Title 7 V.S.A. 21, § 667, states: “(a) A person, partnership, association or corporation who furnishes, sells, exposes, or keeps with intent to sell, bottles or prepares for sale any malt or vinous beverages, spirits, or fortified wines, except as authorized by this title, or sells, barter, transports, imports, exports, delivers, prescribes, furnishes, or possesses alcohol, except as authorized by the Liquor Control Board, or who manufactures alcohol or possesses a still or other apparatus for the manufacture of alcohol shall be imprisoned not more than 12 months nor less than three months or fined not more than \$1,000.00 nor less than \$100.00, or both. For a subsequent conviction thereof within one year, such person, partnership, association, or corporation shall be imprisoned not more than three years nor less than six months or fined not more than \$2,000.00 nor less than \$500.00, or both.

(b) A person, partnership, association, or corporation, who willfully violates a provision of this title for which no other penalty is prescribed or who willfully violates a provision of the regulations of the Liquor Control Board shall be imprisoned not more than three months nor less than one month or fined not more than \$200.00 nor less than \$50.00, or both.

(c) The provisions of subsection (b) of this section shall not apply to a violation of subsection 1005(a) of this title, relating to purchase of tobacco products by a person less than 18 years of age.”

For tobacco, tobacco substitutes or paraphernalia product violations, prosecutions are governed under 7 V.S.A. 40, § 1002 (e), which states that “a person who sells tobacco products, tobacco substitutes, or tobacco paraphernalia without obtaining a tobacco license in violation of this section shall be guilty of a misdemeanor and fined not more than \$200.00 for the first offense and not more than \$500.00 for each subsequent offense.”

Q36: Please describe the enforcement process for follow-up or monitoring of previously disciplined individuals.

As stated previously, upon receipt of any complaint made to the DLC, an investigator assigned to the area will investigate the alleged violation. In addition, the DLC conducts regular inspections, investigations and audits of licensed premises to ensure that licensees and permittees satisfy their obligations. Procedures for follow-up monitoring are based upon the individual investigator and the particular circumstances of each case.

A licensee or permittee may be issued an administrative sanction if an infraction is identified during an inspection. Infractions include but are not limited to:

1. Failing to request proof of age from a person who appears to be underage;
2. Serving liquor to impaired persons;
3. Serving liquor after hours; and
4. Failing to provide proper supervision and control (e.g. not having enough staff on duty and/or employing staff not properly trained to deal with situations that might occur in licensed premises).

The DLC maintains a database of unexpired, suspended, and revoked liquor licenses and permits. Those listed as unexpired have expired, and it is no longer lawful to manufacture, make orders for or receive orders of alcoholic beverages. They are also prohibited from selling or serving alcoholic beverages on their premises. The same holds true for licensees who have had their licenses suspended (summarily or not) or revoked by either the Board or the Local Control Commissioners. Individual investigators (of which there is about one (1) to every three hundred (300) licensees), use this information in determining how they want to conduct their follow-up monitoring and inspection within their particular geographic area.

Q37: Please describe the average time to process complaints and disciplinary cases

The time to process complaints and cases varies depending on the violation. Each complaint is considered on a case-by-case basis. For example, a fatal accident investigation will take longer than accepting a false identification inspection would. Typically, however the time frame will not exceed one year.

Q38: Please describe any inspection process relevant to this occupation.

Inspectors conduct regular unannounced inspections to ensure the proper rules and procedures are followed. These inspections occur at a minimum of once a year and may be weekly depending on the particular circumstances.

To further answer Question #39 below:

Complaints: There were forty-eight (48) complaints made in 2015 for first-class, second-class and tobacco licenses, all of which were investigated.

From 07/01/2015-06/30/2016 there were issued:
308 Civil tickets; 193 administrative tickets; and 86 warning tickets.

Cases Resulting in Discipline Action: In 2015 the Board held a total of 27 hearings.

Those 27 hearings resulted as follows: 1 Warning; 2 Applications granted with conditions; 1 License revocation, 2 License dismissals; Fine penalties to five (5) different entities of \$250, \$250, \$500, \$750 and \$4,000. Suspensions: 1 – one-day suspension; 4 – two-day suspensions; 1 – four-day suspension; 1 – five-day suspension; 1 – seven-day suspension; 1 – ten-day suspension; 1 – twenty-day suspension; 9 suspensions until the entity is in good standing with the Vermont Department of Taxes.

Cases Resulting in Follow-Up or Monitoring: All cases will result in some form of follow-up or monitoring, but the timing of such is dependent upon the individual investigators.

Q39: Regarding this occupation, please describe the annual average count of the following:

Complaints	48
Investigations	48
Prosecutions	0
Hearings	27
Cases Resulting in Disciplinary Action	27
Cases Resulting in Follow-up or Monitoring	48

PAGE 7: Act 156 of 2016: Professional Regulation Report**Q40: Please describe any systems, such as information technology systems, that are used to enable licensing, certification, registration, renewal, enforcement and inspection.**

The DLC uses two computer systems to process its licenses, renewals and perform its other functions. The two systems are Sequoia and Valcour/Spillman. The Sequoia system is used by the licensing division to record and renew licenses and permits. Compliance checks tracking and education tracking information is also recorded in this system. This system includes information at the level of: corporation/owner; licensee (DBA); licenses/permits; and individuals. This system runs on a virtualized UNIX server. It consists of COBOL programs for data entry and batch processing. The active Licenses are exported daily, to an ACCESS database system used for generation and reporting of Compliance Checks Documents. The documents are used by DLC investigators for the licensee site inspections. The results of the compliance checks is recorded in detail in the ACCESS database system, and also recorded in summary in the UNIX system. The Valcour system is a Computer Aided Dispatch/ Records Management System (CAD/RMS) designed by Crosswinds Technology. It is a new CAD/RMS system in the Vermont criminal justice domain.

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Q41: Please provide the number of full-time staff related to the regulation of this occupation, including job titles and duties.

FULL-TIME STAFF: The DLC employs twenty-five (25) total staff member positions with 1 vacant position.

Information Technology ("IT"): The four (4) employees in the DLC's Technology Unit support the technology functions of DLC departments as well as the remote Agent cash registers, Agent linkages to DLC software, and wireless connections for our mobile enforcement investigators. The DLC technology team ensures a stable, secure operating environment, maintains software licenses and hardware assets, writes and maintains custom software as needed to support operations.

Financial Unit: A three (3) person team is responsible for accurately and efficiently conducting all department financial affairs. This includes weekly deposits of all receipts from Agency stores and payments to Agents and others. The unit oversees the financial reporting and accuracy of all payrolls and expense reimbursement requests. They support, review and bill for all grant expenses. Accounting shares responsibility for tracking all department assets (except liquor) with IT. The unit manages all non-liquor related contracts. Other duties include producing monthly financial statements and annual report, ordering all department supplies, and working with the Auditor's office to complete the annual independent audit and ensuring compliance with state-wide record retention policies.

Education Unit: The Education section is responsible for in-person and on-line training aimed at industry members and members of the general public with regards to the Statutes and Regulations contained in 7 V.S.A. Over 9,000 people were trained in FY 2015 through in-person classes and on-line classes. License-holders and all staff involved with selling of alcohol must have current training and certification every twenty-four (24) months. Training is offered by the DLC via In-Person Seminars or Online Educational programs. Additionally, the DLC offers a training packet containing a DLC-produced DVD and instructional materials which can be purchased and off-site group training can be given by a DLC-certified company trainer.

Licensing: Responsibilities for licensing include issuing approximately fifty (50) different licenses and permits which allow for the manufacturing, possession, sale, storage, distribution and consumption of alcohol and tobacco products. The DLC offers licenses that are full-year, half year or seasonal, and per-event. In FY 2015 DLC issued and renewed more than 12,000 licenses and permits during our licensing year, May 1 through April 30th.

Enforcement: The enforcement division is responsible for State-wide enforcement of Vermont Statutes with particular emphasis on Title 7 at licensed and permitted locations. Enforcement of Title 7 can also be undertaken at non-licensed or permitted locations when such locations are found to be allowing activities that do not comply with Title 7. The fourteen (14) investigators in the DLC spend the majority of their time making sure that license holders are current in their certifications and are selling alcohol and tobacco products responsibly. Before a license can be issued, or re-issued, the licensee must meet with an investigator to certify they are compliant with State statutes and regulations pertaining to Title 7. Investigators do surprise inspections and issue administrative tickets which are similar to a traffic fine in that the licensee can pay it immediately or contest it before the Board; they investigate complaints from the public, and complete background investigations as requested. Additionally, the Federal Department of Agriculture ("FDA") has contracted the DLC to do compliance work in the areas of tobacco advertising and youth access to tobacco products.

Q42: Please provide the number of part-time staff related to the regulation of this occupation, including job titles and duties.

Currently the DLC has no part-time staff, however the DLC does hire minors to conduct underage purchases from licensees and Agency stores

Q43: Please provide the following information:

Average Annual Expenses	In Fiscal Year ("FY") 2015 the DLC's Total Operating expenses were \$7,793,130, distributed as follows: · DLC Administration \$3,806,236; · DLC Education and Enforcement \$ 2,626,785; · DLC Warehouse \$1,360,109.
Average Annual Revenues	Gross Liquor Sales (includes taxes) for FY 2015 was \$79,536,785. Of that number, Total Revenue in liquor sales to State and Local Governmental Units was \$30,088,219. Total revenue from licensing, late fines and violation costs was \$2,123,885.
Average Annual Fees Charged	\$1,685,995 in FY 2015.

Q44: Please describe any recent or unexpected budget variations which may skew answers in the above question.

The DLC is currently in the process of planning a new budget now. There are some budget requests that are not normally made and which will result in a change to the budget for FY 2017.

Q45: Please describe the fee structure associated with the regulation of this profession. This includes the following:A) The fee amount charged;B) How fee amounts are determined and set;C) The authority to establish those fees; andD) How revenues from fees are used, indicating the specific uses if those revenues are used for purposes other than regulating the profession.

This section is governed by 7 V.S.A. § 231. The DLC sets licensing and permit fees from \$20 to \$2,485.00 depending on the type of license or permit sought. In FY 2015 the DLC earned \$1,685,995 from licensing fees and contributed \$437,890 to the Vermont General Fund.

Under 7 V.S.A. 19, § 590 all fines and costs collected by the DLC is dedicated for transfer to the General Revenue Fund.

HOW FEE AMOUNTS ARE DETERMINED AND SET: The DLC must go before the Vermont Legislature's House Committee on Ways and Means every three (3) years to set fee amounts. The DLC presents information on its cost in resources of issuing a license or permit to the Legislature, which sets the final fee based on the DLC's information.

AUTHORITY TO ESTABLISH THOSE FEES: The Ways and Means Committee has the authority to set the schedule of fees used by the DLC.

HOW REVENUES FROM FEES ARE USED: The DLC contributes all revenues received from fees to the general fund. The Liquor Control Fund, established under 7 V.S.A. 5, §112, states that the fund shall consist of all receipts from the sale of spirits, fortified wines, and other items by the DLC; fees paid to the DLC for the benefit of the DLC; all other amounts received by the DLC for its benefit; and all amounts that are from time to time appropriated to it.

Q46: Please describe any General Fund or Special Fund deposits

In FY 2015 the DLC contributed a total amount of \$22,208,485, broken down as follows to the General Fund:

License fees - \$437,890;

Violations - \$50,115;

Late Fees - \$200;

Legislative Transfer to General Fund \$1,089,266; Liquor Excise Tax \$18,221,133;

Sales and Use \$3,428,981;

On-premise direct sales tax \$70,166; and

Other income \$488,205.

Q47: Please describe any appropriations from the General Fund

The DLC does not take any appropriations from the General Fund, but rather is a complete enterprise funded department.

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Q48: Please describe the qualifications of any supervisor responsible for the oversight of the agency's department's professional regulatory entity and whether that supervisor has the ability to veto or modify any decision by that professional regulatory entity.

The supervisor responsible for oversight must be a full-time certified Level III enforcement officer. Such supervisor does not have any authority to usurp the regulatory entity.

Q49: Please provide any additional information you feel is relevant for the purpose of this report.

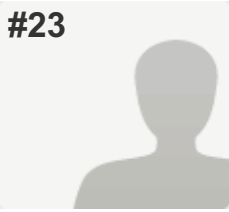
Respondent skipped this question

PAGE 11: Exit Page

Q50: Thank You for completing this survey.

End

#23

**COMPLETE**

Collector: Web Link 10 (Web Link)
Started: Tuesday, August 30, 2016 11:06:36 AM
Last Modified: Thursday, November 10, 2016 3:56:39 PM
Time Spent: Over a month
IP Address: 68.142.33.138

PAGE 2: Act 156 of 2016: Professional Regulation Report

Q1: In the following survey, you will be asked to answer a series of questions regarding the regulatory practices of your given state agency/department. It is recommended that you prepare answers to the following questions prior to starting this survey. NOTE: only one device may be used for the survey, per profession. Therefore, while the survey may be discontinued and then resumed at a later date, all answers for a given profession must be entered through the same computer. As a result, it is recommended that for each profession, a single individual be elected to compile and enter information. Choose from the following options:

Begin Survey

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Q2: Please select an occupation from the following list.

Physicians (Department of Health)

Q3: What is the name of the agency, department and/or division responsible for the regulation of this occupation?

VDH/Board of Medical Practice

Q4: Regulation Type. Please check all that apply for this occupation.

Licensing

Q5: What is the number of regulated persons in this occupation?

3732

Q6: Is there statutory authority as a legal basis for regulation of this occupation?

Yes

Q7: If "yes" to the above, please provide a citation to said statute.

26 VSA §§ 1314 and 1353. 26 VSA § 1311 provides the definition of "practice of medicine."

Q8: Please provide a citation to any administrative rules associated with the regulation of this occupation.

Code of Vermont Regulations (CVR) 13-141-001
 (Available via Secretary of State website) Note: all BMP Rules in process of revision.

Q9: Please provide any and all agency or department policies for the regulation of this occupation.

Copies of Board Of Medical Practice policies that apply to licensees are available online at:
http://healthvermont.gov/hc/med_board/rules_cases.aspx

Q10: Please describe the purpose of regulating this occupation.

Regulation of the practice of medicine is to protect the public from injury, death, and/or fraud resulting from treatment by unqualified, incompetent, or immoral individuals.

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Q11: Regarding stakeholder groups, please describe how this regulation affects those subject to regulation.

Regulation requires physicians to attend medical school, complete graduate medical education, and pass comprehensive medical licensing exams. It also requires them to practice in accordance with a broad range of laws and regulations that pertain to practice.

Q12: Regarding stakeholder groups, please describe how this regulation affects State entities.

Provides state entities that rely on physicians in any way a means to verify qualification of a physician. Examples include DVHA approval of payment for provider services; DOC providing medical care to inmates; state agencies relying on physician letters for issues such as medical leave and disability; and a means to verify the qualifications of medical experts in litigation.

Q13: Regarding stakeholder groups, please describe how this regulation affects consumers or clients of this occupation's services.

It provides them protection and access to specific information about medical providers, as provided by Vermont law.

Q14: Regarding stakeholder groups, please describe how this regulation affects employers.

It provides the employer of a physician assurance that the physician meets standards. It also imposes an obligation on employers to report employment actions against licensees (26 VSA § 1317).

Q15: Regarding stakeholder groups, please describe how this regulation affects the public.

It provides them protection and the power to learn specific information about health care professionals licensed by the Board, as set forth in Vermont law. As an example of how the public is protected (apart from as consumers of physician services), the Board's enforcement of standards for the prescribing of controlled substances helps to reduce the risk of harm to the general public as a result of diversion and misuse of controlled substances.

Q16: Regarding stakeholder groups, please describe how this regulation affects any other applicable group.

Provides insurers and governmental payors with assurance that physicians are qualified and authorized to practice for the purpose of participation in payment programs. The Board also regulates physicians in training. Physicians in residency or fellowship programs must obtain a limited training license and are subject to the Board's oversight.

Q17: Please describe the governance structure for the regulation of this occupation, including but not limited to: the use of a board; a commission; an agency or division head; a panel; or a hearing officer.

The Board consists of 17 members, including 9 physicians, a physician assistant, a podiatrist, and 6 public members. The Board operates in accordance with public meeting laws and is led by officers (chair, vice, and secretary) in accordance with the Board Rule. The Board has standing committees for licensing review and investigations (3 separate investigating committees that oversee all investigations). The Board uses hearing panels for contested cases; the panels operate with the assistance of a contracted presiding officer. Final orders are issued only upon the approval of the full Board, which also operates with the assistance of the presiding officer.

Q18: Who sets application requirements and practice standards?

Application requirements are set in statute and in the Board Rule; the Secretary of Human Services/Commissioner of Health are the authority for the Board Rule.

Q19: Who makes decisions on applicants, enforcement, and discipline?

The Board. However the Attorney General (acting through assigned Assistant Attorneys General), has a role in that an Assistant AG must sign off on any charges that are to be issued by the Board. Also, the Board is assigned the responsibility to investigate the crime of unlicensed practice of medicine; substantiated reports of unlicensed practice are forwarded to the Attorney General.

Q20: Are any decision makers active participants in this regulated occupation? If so, please describe if the decision maker has taken a hiatus from the profession, and if so, whether the decision maker plans to return to the profession.

The eleven professional members of the Board all may be active in the profession, although some members may be partly or entirely retired.

PAGE 5: Act 156 of 2016: Professional Regulation Report**Q21: What are the regulated qualifications for this occupation? Check all that apply.**

Education Requirements, Examination,
Experience Requirements (exclusive from education)

Q22: How are applications received?

The Board's online licensing system. Information entered by the applicants feeds into the Board's web-based licensing and enforcement system. Applicants are able to upload much of the supporting documentation, but several pieces of documentation are required to be submitted in hard copy directly by the third-party originator (in accordance with standards generally followed by all US licensing and credentialing authorities).

Q23: How are applications reviewed?

Applications are reviewed by the Board's full-time staff to determine if the applicant has adequately documented that he or she meets all qualifications. Applications that include any adverse information that calls for discretionary review are routed through the licensing committee.

Q24: How are applications rejected?

Applicants that do not meet the basic eligibility requirements are notified by staff, normally without Board member participation. Applicants whose applications reflect some kind of issue that might lead to a rejection are routed through the licensing committee. When the committee determines that an application may be denied, it issues a notice of intent to deny to the applicant. The applicant has a right to a hearing, where the applicant has the opportunity to establish that he or she meets the licensing requirements.

Q25: How are application rejections appealed?

Board orders are appealed directly to the Vermont Supreme Court.

Q26: How are licenses/certifications/registrations issued?

Upon completion of the online application, staff determines if review by the licensing committee is required. If not, the application is referred to the full Board for issuance of the license, which occurs twice each month, approximately every two weeks. Once approved, staff completes certificates and updates data bases. Certificates are mailed within 24 hours of approval. Those applications that must be reviewed by the licensing committee are referred to the full Board for final approval the same day that they are approved by the committee.

Q27: What is the average time to process license/certification/registration applications?

The following times reflect the time from when a completed application (including the fee and all necessary documentation) has been submitted, and the time when the license is issued. For applicants whose licenses do not require review by the licensing committee, the license is issued in two weeks or less from the "Complete date" at one of the two-per-month Board meetings. For applications with issues that require review by the licensing committee, the time depends. The licensing committee meets only once per month, so it may take up to a month once the application is completed until the day the licensing committee meets, or it may be just a day or two if the application becomes complete just before the licensing committee meeting. Also, if the licensing committee determines that it needs more information or that it requires the applicant to agree to conditions or limitations on the license, there may be a delay while the applicant provides more information or for negotiations to occur.

Q28: Once issued, what is the duration of the license, certification, or registration for this occupation?

All physician licenses expire on November 30 every two years, on the even-numbered year. Licenses issued within 90 days of the end of the licensing period are good through the end of the following period. Training licenses for residents (LTLs) are good for only one year.

Q29: Please describe the license, certification, or registration, renewal process and requirements therein.

Applicants renew online using the Board's web-based system. They are required to review and certify that the Board has complete information about certain adverse events (malpractice payments, criminal convictions, employer or hospital actions, etc.), which are maintained in the system and visible to the renewal applicant. They must also certify that they meet CME requirements, are in compliance with child support and tax obligations, and complete the workforce survey that is mandated by Vermont law. Payment is made either online by the applicant using a credit card or separately by check, which is often the case when an employer pays the fee.

PAGE 6: Act 156 of 2016: Professional Regulation Report**Q30: Please provide a citation to the standards of practice or codes of conduct for regulated persons in this occupation. These include any and all of the following: A) Statutes B) Rules C) Policies E) Other**

26 VSA § 1354; Board of Medical Practice Rule, CVR 13-141-001; Board of Medical Practice policies on website; numerous Vermont and federal laws and regulations relating to the practice of medicine, prescribing, provider reimbursements, etc.

Q31: Please describe the enforcement process for receiving and evaluating complaints.

Complaints are entered into the Board's system. Each complaint is reviewed by the Executive Director to be opened and assigned to an Investigator, investigating committee, lead member, and Assistant AG. The Executive Director also screens for matters that may call for immediate, summary suspension of a licensee because of the risk presented to the public. For information that is not a complete complaint, the matter is referred to an investigating committee for consideration of whether an investigation should be opened.

Q32: Please describe the enforcement process for performing investigations.

Once a case is opened, the investigator may begin immediately gathering evidence, to include medical records, witness statements, or other relevant evidence. The investigating committee meets each month with the investigators, AAGs, and Executive Director. The committee advises as to whether they would like additional evidence, feel that an expert opinion is necessary, or would like to meet with the Respondent. If the committee believes that unprofessional conduct occurred the members ask the Assistant AG to prepare charges. Every case is reviewed every month. When the committee feels that an investigation is complete and should be closed without public action, the committee presents the case to the full Board for approval of the case closure. The full Board can direct further investigation or recommend consideration of charges.

Q33: Please describe the enforcement process for prosecutions.

When the investigating committee and AAG believe that unprofessional conduct has occurred and an action is appropriate, per Board Rule an attempt is made to negotiate a stipulated order with the Respondent. If it is not possible to obtain a stipulation, the AAG prepares and signs charges for the investigating committee; charges are signed on behalf of the Board by the Secretary.

Q34: Please describe the enforcement process for hearings.

A hearing panel that includes at least one public member may be appointed; the full Board could hold the hearing, but a hearing panel is invariably used. With the assistance of a presiding officer, the panel makes findings of fact and recommendations for resolving the case. The full Board considers the recommendations in a public hearing, with or without taking additional evidence at the discretion of the Board. The Board votes on the final order.

Q35: Please describe the enforcement process for discipline.

Please see 33 and 34.

Q36: Please describe the enforcement process for follow-up or monitoring of previously disciplined individuals.

The case enters monitoring and is assigned to the investigating committee with which it originated. The slate of monitoring cases is reviewed each month for compliance. Typically monitoring consists of monthly or quarterly reports regarding practice or compliance with a VPHP contract (program for licensees with substance abuse issues).

Q37: Please describe the average time to process complaints and disciplinary cases

There is a wide range. Uncomplicated cases may be resolved in two to three months. Normally, no case can be resolved in less than two months because of the time it takes to notify the Respondent, allow them at least 20 days to respond, allow the investigating committee time to review investigation materials, arrive at a decision as to whether to close the case or not, and present the case to the full Board for approval of case closure without action. If there is an action, it takes much longer. Often, cases are much more complicated and may require extended periods to obtain outside expert opinions (which require time to find an expert and time to execute a Standard State of Vermont Contract). Also, when a case involves substance abuse issues, a case is opened immediately and may sit more-or-less dormant for long periods while a licensee is in treatment. In those cases, the Board issues a summary suspension or stipulates to a voluntary cessation of practice. The best answer to this question is that the investigations take as long as the Board members, who control the investigations, think they should take.

Q38: Please describe any inspection process relevant to this occupation.

There is no inspection process routinely carried out by the Board of Medical Practice. Members of the profession may be subject to inspections by other governmental entities, e.g., the DEA does compliance inspections for dispensers of controlled substances.

Q39: Regarding this occupation, please describe the annual average count of the following:

Complaints	130
Investigations	197
Prosecutions	7
Hearings	10
Cases Resulting in Disciplinary Action	7
Cases Resulting in Follow-up or Monitoring	6

Q40: Please describe any systems, such as information technology systems, that are used to enable licensing, certification, registration, renewal, enforcement and inspection.

The Board of Medical Practice uses an on-line, web-based system known as eLicense, which is hosted on state-owned servers and currently maintained by a contractor called MicroPact (formerly CAVU). Before BMP acquired the eLicense system, the Office of Professional Regulation (OPR) had established a subcontract with CAVU under the umbrella contract between the Department of Information and Innovation (DII) and the Vermont Information Consortium (VIC). The Board of Medical practice entered a similar agreement to implement eLicense. The system was implemented under a "statement of work" issued pursuant to the master agreement between DII and VIC. The current configuration is known as "Version 20130602, Version 7.2."

All licensing and enforcement actions are managed and archived in eLicense. The licensing process is administered entirely online and applicants (both initial & renewal) must apply online. Information entered by an applicant online flows into the BMP database. Applicants can upload documentation, except for items that must be received in hardcopy. Renewal applications are completed online by licensees and are prepopulated with information from the database. The system also includes an interface with VIC to allow on-line credit card payments for initial and renewal applications, as well as the ability to track alternate payment methods, including cash, check or money order.

Enforcement cases are also managed in eLicense. Administrative personnel create a system case file for each complaint or referral of a matter that may be investigated. The Executive Director authorizes the opening of each case and then assigns the case to participants, including investigators, Board members, and AAGs. Investigators enter information to document all steps in the investigation and archive evidence. The system is accessible online, so investigators are able to access information and make entries from the field or during meetings of the Board's investigation committees. The system includes templated documents for correspondence throughout the process, from notices regarding the opening of a case to a letter advising that an investigation has been closed.

PAGE 8: Act 156 of 2016: Professional Regulation Report**Q41: Please provide the number of full-time staff related to the regulation of this occupation, including job titles and duties.**

1 Executive Director (90% for all occupations under BMP/ 10% hospital licensing) - Supervise staff, draft policies, draft rules, represent Board in Legislature and rulemaking process, oversee enforcement and licensing operations. Budget oversight. Communications with licensees, including periodic newsletter. Outreach, including presentations at CME, Grand Rounds at hospitals, and UVM Medical School.

2 Investigators - Investigate all enforcement cases.

1 Medical Licensing Specialist - Process initial and renewal applications. Distribute licensing materials to the licensing committee. Lead on eLicense system for licensing issues. Provide help desk service for eLicense system users.

1 Medical Licensing and Operations Administrator – supervise Medical Licensing Specialist, Admin Assistant, and temporary employee. Business operations (payment and budget tracking, contracts, space issues). Lead contact with eLicense contractor/VIC, project manager for IT projects, maintain website, layout of newsletter.

1 Administrative Assistant – General Office Support. Support to enforcement, especially maintenance of the secure web-based system for distribution of materials to Board members. Complaint intake. Answer phones/provide help desk assistance to eLicense users.

1 Full-time AAG. Legal support for enforcement. Works with investigation committees and staff from the opening of the case through charges/prosecution.

Q42: Please provide the number of part-time staff related to the regulation of this occupation, including job titles and duties.

.4 AAG - same as above, but part-time.

1 Temporary Clerk - 8 to 10 hours per week assisting with scanning and maintenance of files.

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Q43: Please provide the following information:

Average Annual Expenses	911,196
Average Annual Revenues	1,005,178
Average Annual Fees Charged	262.50

Q44: Please describe any recent or unexpected budget variations which may skew answers in the above question.

BMP has had only one contested matter since 2013 (all actions have resulted in stipulated settlements), so the Board has not incurred the expenses of contested hearings, which can be substantial. Revenues in excess of current expenses are maintained in the Medical Board fund in order to have a reserve to meet the expenses of contested cases or other non-routine expenses, such as implementing the online system, when they arise.

Q45: Please describe the fee structure associated with the regulation of this profession. This includes the following:A) The fee amount charged;B) How fee amounts are determined and set;C) The authority to establish those fees; andD) How revenues from fees are used, indicating the specific uses if those revenues are used for purposes other than regulating the profession.

A) Fees were adjusted in 2015 to:

Biennial renewal - \$525

Initial licensing period - \$650

Verification of license - \$50

Replacement of lost license document - \$20

Per statute, \$25 of each license fee is to be used to support the Vermont practitioner recovery network.

B & C) The budget of the Board is the responsibility of the Commissioner of Health. 26 V.S.A. § 1351(c)(5). Fees are established in statute, 26 V.S.A. § 1401a, and reviewed in accordance with the three-year cycle followed by the Legislature. As provided in 26 V.S.A. § 1351(c)(5), "To ensure that revenues derived by the Department are adequate to offset the cost of regulation, the Commissioner shall review fees from time to time, and present proposed fee changes to the General Assembly."

D) No fees are used for any purpose other than regulating the profession. As provided in 26 V.S.A. § 1351(c)(5), "All Board regulatory fees received by the Department shall be deposited into this Fund and used to offset up to two years of the costs incurred by the Board, and shall not be used for any purpose other than professional regulation and responsibilities of the Board, as determined by the Commissioner of Health."

Q46: Please describe any General Fund or Special Fund deposits

Special Fund deposits are made from all revenue sources. All revenues are deposited into the fund. In addition to the fee revenues outlined in question 45, the Board can impose administrative penalties of up to \$1,000 per violation, per 26 V.S.A. § 1361(b). Administrative penalties are deposited into the same special fund, but use is limited to education and training for Board members and licensees.

Q47: Please describe any appropriations from the General Fund

None.

Q48: Please describe the qualifications of any supervisor responsible for the oversight of the agency's department's professional regulatory entity and whether that supervisor has the ability to veto or modify any decision by that professional regulatory entity.

The Board of Medical Practice is attached to the Vermont Department of Health, which is within the Agency of Human Services. Any answer regarding supervision of the Board's work depends on the nature of the action in question. With regard to rulemaking, the Board's authority is limited to input to the Commissioner of Health and the Secretary of Human Services. Rulemaking authority is granted to the Commissioner of Health in 26 V.S.A. § 1351(e). In fact, the Commissioner's role is limited by 3 V.S.A. § 801(b)(11), which provides that the adopting authority for rules for the Health Department is the Secretary of Human Services. The Board's role in rulemaking is only to provide suggested language to the Commissioner and Secretary, who hold rulemaking authority by statute. It is clear that the Commissioner and Secretary have the ability to disregard or modify the Board's input on rules. There are no required qualifications in law for the Secretary of Human Services, who is appointed by the Governor with the advice and consent of the Senate. 3 V.S.A. § 3021. The Commissioner of Health must be a physician or another health care professional who holds at least a master's degree in public health and experience in public health. 18 V.S.A. § 104(a). With regard to licensing and enforcement, the Board's actions are constrained in two ways that might be considered supervision. One is that the Board is represented by Assistant Attorneys General in all contested matters, and the positions taken by the Board are subject to the agreement of the Assistant Attorney General, acting on behalf of the Attorney General. The other constraint is the appeals process. Board decisions are directly appealable to the Vermont Supreme Court. 3 V.S.A. § 815.

Another function assigned to the Board is investigation of possible unlicensed practice. 26 V.S.A. § 1353(7). The Board's role is limited to forwarding reports of substantiated allegations to the Attorney General or the State's Attorney.

Q49: Please provide any additional information you feel is relevant for the purpose of this report.

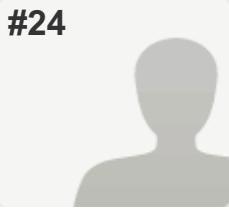
Case numbers for the professions in Question 39 are consolidated for all the Board's professions. Other than physicians and physician assistants, the numbers in the other professions are very small and case numbers are not tracked for the separate professions.

PAGE 11: Exit Page

Q50: Thank You for completing this survey.

End

#24

**COMPLETE****Collector:** Web Link 13 (Web Link)**Started:** Monday, November 07, 2016 12:03:36 PM**Last Modified:** Thursday, November 10, 2016 3:57:52 PM**Time Spent:** Over a day**IP Address:** 159.105.119.114

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Q1: In the following survey, you will be asked to answer a series of questions regarding the regulatory practices of your given state agency/department. It is recommended that you prepare answers to the following questions prior to starting this survey. NOTE: only one device may be used for the survey, per profession. Therefore, while the survey may be discontinued and then resumed at a later date, all answers for a given profession must be entered through the same computer. As a result, it is recommended that for each profession, a single individual be elected to compile and enter information. Choose from the following options:

Begin Survey

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Q2: Please select an occupation from the following list.

Podiatrists (Department of Health)

Q3: What is the name of the agency, department and/or division responsible for the regulation of this occupation?

VDH/Board of Medical Practice

Q4: Regulation Type. Please check all that apply for this occupation.

Licensing

Q5: What is the number of regulated persons in this occupation?

38

Q6: Is there statutory authority as a legal basis for regulation of this occupation?

Yes

Q7: If "yes" to the above, please provide a citation to said statute.

26 VSA § 324

Q8: Please provide a citation to any administrative rules associated with the regulation of this occupation.

See physician response.

Q9: Please provide any and all agency or department policies for the regulation of this occupation.

Copies of Board Of Medical Practice policies that apply to licensees are available online at:
http://healthvermont.gov/hc/med_board/rules_cases.aspx

Q10: Please describe the purpose of regulating this occupation.

Regulation of the practice of podiatric medicine is to protect the public from injury, death, and/or fraud resulting from treatment by unqualified, incompetent, or immoral individuals.

PAGE 4: Act 156 of 2016: Professional Regulation Report**Q11: Regarding stakeholder groups, please describe how this regulation affects those subject to regulation.**

See physician response.

Q12: Regarding stakeholder groups, please describe how this regulation affects State entities.

See physician response.

Q13: Regarding stakeholder groups, please describe how this regulation affects consumers or clients of this occupation's services.

See physician response.

Q14: Regarding stakeholder groups, please describe how this regulation affects employers.

See physician response.

Q15: Regarding stakeholder groups, please describe how this regulation affects the public.

See physician response.

Q16: Regarding stakeholder groups, please describe how this regulation affects any other applicable group.

See physician response.

Q17: Please describe the governance structure for the regulation of this occupation, including but not limited to: the use of a board; a commission; an agency or division head; a panel; or a hearing officer.

See physician response.

Q18: Who sets application requirements and practice standards?

See physician response.

Q19: Who makes decisions on applicants, enforcement, and discipline?

See physician response.

Q20: Are any decision makers active participants in this regulated occupation? If so, please describe if the decision maker has taken a hiatus from the profession, and if so, whether the decision maker plans to return to the profession.

See physician response.

PAGE 5: Act 156 of 2016: Professional Regulation Report**Q21: What are the regulated qualifications for this occupation? Check all that apply.**

Education Requirements, Examination,
Experience Requirements (exclusive from education)

Q22: How are applications received?

See physician response.

Q23: How are applications reviewed?

See physician response.

Q24: How are applications rejected?

See physician response.

Q25: How are application rejections appealed?

See physician response.

Q26: How are licenses/certifications/registrations issued?

See physician response.

Q27: What is the average time to process license/certification/registration applications?

See physician response.

Q28: Once issued, what is the duration of the license, certification, or registration for this occupation?

All podiatrist licenses expire on June 30 every two years, on the odd-numbered year. Licenses issued within 90 days of the end of the licensing period are good through the end of the following period. Training licenses for residents (LTLs) are good for only one year.

Q29: Please describe the license, certification, or registration, renewal process and requirements therein.

See physician response.

PAGE 6: Act 156 of 2016: Professional Regulation Report**Q30: Please provide a citation to the standards of practice or codes of conduct for regulated persons in this occupation. These include any and all of the following: A) Statutes B) Rules C) Policies E) Other**

26 VSA §§ 375, 1354; Board of Medical Practice Rule, CVR 13-141-001; Board of Medical Practice policies on website; numerous Vermont and federal laws and regulations relating to the practice of medicine, prescribing, provider reimbursements, etc.

Q31: Please describe the enforcement process for receiving and evaluating complaints.

See physician response.

Q32: Please describe the enforcement process for performing investigations.

See physician response.

Q33: Please describe the enforcement process for prosecutions.

See physician response.

Q34: Please describe the enforcement process for hearings.

See physician response.

Q35: Please describe the enforcement process for discipline.

See physician response.

Q36: Please describe the enforcement process for follow-up or monitoring of previously disciplined individuals.

See physician response.

Q37: Please describe the average time to process complaints and disciplinary cases

See physician response.

Q38: Please describe any inspection process relevant to this occupation.

See physician response.

Q39: Regarding this occupation, please describe the annual average count of the following:

Complaints	130
Investigations	197
Prosecutions	7
Hearings	10
Cases Resulting in Disciplinary Action	7
Cases Resulting in Follow-up or Monitoring	6

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Q40: Please describe any systems, such as information technology systems, that are used to enable licensing, certification, registration, renewal, enforcement and inspection.

See physician response.

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Q41: Please provide the number of full-time staff related to the regulation of this occupation, including job titles and duties.

See physician response.

Q42: Please provide the number of part-time staff related to the regulation of this occupation, including job titles and duties.

See physician response.

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Q43: Please provide the following information:

Average Annual Expenses	9,164
Average Annual Revenues	9,438
Average Annual Fees Charged	262.50

Q44: Please describe any recent or unexpected budget variations which may skew answers in the above question.

See physician response.

Q45: Please describe the fee structure associated with the regulation of this profession. This includes the following:A) The fee amount charged;B) How fee amounts are determined and set;C) The authority to establish those fees; andD) How revenues from fees are used, indicating the specific uses if those revenues are used for purposes other than regulating the profession.

See physician response, but add that podiatrist fees are set in 26 VSA § 374.

Q46: Please describe any General Fund or Special Fund deposits

See physician response.

Q47: Please describe any appropriations from the General Fund

See physician response.

PAGE 10: Act 156 of 2016: Professional Regulation Report**Q48: Please describe the qualifications of any supervisor responsible for the oversight of the agency's department's professional regulatory entity and whether that supervisor has the ability to veto or modify any decision by that professional regulatory entity.**

See physician response.

Q49: Please provide any additional information you feel is relevant for the purpose of this report.

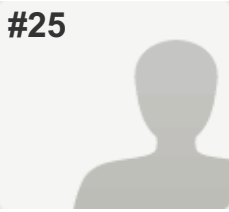
See physician response. Also, with regard to podiatry, there is only one podiatrist member on the Board of 17 members.

PAGE 11: Exit Page

Q50: Thank You for completing this survey.

End

#25

**COMPLETE****Collector:** Web Link 14 (Web Link)**Started:** Monday, November 07, 2016 12:58:31 PM**Last Modified:** Thursday, November 10, 2016 3:59:17 PM**Time Spent:** Over a day**IP Address:** 159.105.119.114

PAGE 2: Act 156 of 2016: Professional Regulation Report

Q1: In the following survey, you will be asked to answer a series of questions regarding the regulatory practices of your given state agency/department. It is recommended that you prepare answers to the following questions prior to starting this survey. NOTE: only one device may be used for the survey, per profession. Therefore, while the survey may be discontinued and then resumed at a later date, all answers for a given profession must be entered through the same computer. As a result, it is recommended that for each profession, a single individual be elected to compile and enter information. Choose from the following options:

Begin Survey

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Q2: Please select an occupation from the following list. Radiologist Assistants (Department of Health)

Q3: What is the name of the agency, department and/or division responsible for the regulation of this occupation? VDH/Board of Medical Practice

Q4: Regulation Type. Please check all that apply for this occupation. Certification

Q5: What is the number of regulated persons in this occupation? 2

Q6: Is there statutory authority as a legal basis for regulation of this occupation? Yes

Q7: If "yes" to the above, please provide a citation to said statute.

26 V.S.A. § 2852

Q8: Please provide a citation to any administrative rules associated with the regulation of this occupation.

Code of Vermont Regulations (CVR) 13-141-001
(Available via Secretary of State website) Note: all BMP Rules in process of revision.

Q9: Please provide any and all agency or department policies for the regulation of this occupation.

Copies of Board Of Medical Practice policies that apply to licensees are available online at:
http://healthvermont.gov/hc/med_board/rules_cases.aspx

Q10: Please describe the purpose of regulating this occupation.

Regulation of the practice of medicine by radiologist assistants is to protect the public from injury, death, and/or fraud resulting from treatment by unqualified, incompetent, or immoral individuals.

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Q11: Regarding stakeholder groups, please describe how this regulation affects those subject to regulation.

Regulation requires radiologist assistants to attend an accredited radiologist assistant program, to obtain and maintain certification by the national certifying body (which includes examination and periodic reexaminations and a requirement to complete regular CME). They must also maintain licensure as a radiologic technologist in radiography and national certification as a radiologic technologist in radiography. It limits them to practicing under supervision by a licensed physician who practices radiology and generally obligates them to practice in accordance with a broad range of laws and regulations that pertain to practice.

Q12: Regarding stakeholder groups, please describe how this regulation affects State entities.

See physician response.

Q13: Regarding stakeholder groups, please describe how this regulation affects consumers or clients of this occupation's services.

See physician response.

Q14: Regarding stakeholder groups, please describe how this regulation affects employers.

See physician response.

Q15: Regarding stakeholder groups, please describe how this regulation affects the public.

See physician response.

Q16: Regarding stakeholder groups, please describe how this regulation affects any other applicable group.

Provides insurers and governmental payors with assurance that radiologist assistants are qualified and authorized to practice for the purpose of participation in payment programs.

Q17: Please describe the governance structure for the regulation of this occupation, including but not limited to: the use of a board; a commission; an agency or division head; a panel; or a hearing officer.

See physician response.

Q18: Who sets application requirements and practice standards?

See physician response.

Q19: Who makes decisions on applicants, enforcement, and discipline?

See physician response.

Q20: Are any decision makers active participants in this regulated occupation? If so, please describe if the decision maker has taken a hiatus from the profession, and if so, whether the decision maker plans to return to the profession.

There are no radiologist assistants on the Board.

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Q21: What are the regulated qualifications for this occupation? Check all that apply.

Education Requirements, Examination

Q22: How are applications received?

See physician response.

Q23: How are applications reviewed?

See physician response.

Q24: How are applications rejected?

See physician response.

Q25: How are application rejections appealed?

See physician response.

Q26: How are licenses/certifications/registrations issued?

See physician response.

Q27: What is the average time to process license/certification/registration applications?

See physician response.

Q28: Once issued, what is the duration of the license, certification, or registration for this occupation?

All radiologist assistant certifications expire on January 31 every two years, on the even-numbered year. Certifications issued within 90 days of the end of the period are good through the end of the following period.

Q29: Please describe the license, certification, or registration, renewal process and requirements therein.

See physician response. RAs must also provide current national certification, current radiologic technician license, and renewed documentation of supervision signed by their supervising physicians.

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Q30: Please provide a citation to the standards of practice or codes of conduct for regulated persons in this occupation. These include any and all of the following: A) Statutes B) Rules C) Policies E) Other

26 VSA § 2858 and 26 VSA § 1354; Board of Medical Practice Rule, CVR 13-141-001; Board of Medical Practice policies on website; numerous Vermont and federal laws and regulations relating to the practice of medicine, prescribing, provider reimbursements, etc.

Q31: Please describe the enforcement process for receiving and evaluating complaints.

See physician response.

Q32: Please describe the enforcement process for performing investigations.

See physician response.

Q33: Please describe the enforcement process for prosecutions.

See physician response.

Q34: Please describe the enforcement process for hearings.

See physician response.

Q35: Please describe the enforcement process for discipline.

See physician response.

Q36: Please describe the enforcement process for follow-up or monitoring of previously disciplined individuals.

See physician response.

Q37: Please describe the average time to process complaints and disciplinary cases

See physician response.

Q38: Please describe any inspection process relevant to this occupation.

See physician response.

Q39: Regarding this occupation, please describe the annual average count of the following:

Complaints	0
Investigations	0
Prosecutions	0
Hearings	0
Cases Resulting in Disciplinary Action	0
Cases Resulting in Follow-up or Monitoring	0

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Q40: Please describe any systems, such as information technology systems, that are used to enable licensing, certification, registration, renewal, enforcement and inspection.

See physician response.

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Q41: Please provide the number of full-time staff related to the regulation of this occupation, including job titles and duties.

See physician response.

Q42: Please provide the number of part-time staff related to the regulation of this occupation, including job titles and duties.

See physician response.

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Q43: Please provide the following information:

Average Annual Expenses	495
Average Annual Revenues	120
Average Annual Fees Charged	60

Q44: Please describe any recent or unexpected budget variations which may skew answers in the above question.

See physician response.

Q45: Please describe the fee structure associated with the regulation of this profession. This includes the following:A) The fee amount charged;B) How fee amounts are determined and set;C) The authority to establish those fees; andD) How revenues from fees are used, indicating the specific uses if those revenues are used for purposes other than regulating the profession.

A) Fees were adjusted in 2015 to:

Biennial renewal - \$120

Additional practice site certification - \$55

Initial certification period - \$120

Additional site certification initial - \$55 Verification of certification - \$50

Replacement or transfer of lost certification document - \$20

Per statute, \$10 of each license fee is to be used to support the Vermont practitioner recovery network. 26 V.S.A. § 2862.

For B - D, see physician response.

Q46: Please describe any General Fund or Special Fund deposits

See physician response.

Q47: Please describe any appropriations from the General Fund

See physician response.

PAGE 10: Act 156 of 2016: Professional Regulation Report**Q48: Please describe the qualifications of any supervisor responsible for the oversight of the agency's department's professional regulatory entity and whether that supervisor has the ability to veto or modify any decision by that professional regulatory entity.**

See physician response.

Q49: Please provide any additional information you feel is relevant for the purpose of this report.

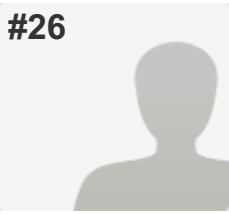
The case numbers in Q39 are all zero because there have been no RA complaints or investigations. Also, there are no RAs on the Board.

PAGE 11: Exit Page

Q50: Thank You for completing this survey.

End

#26

**COMPLETE****Collector:** Web Link 11 (Web Link)**Started:** Monday, November 07, 2016 12:23:50 PM**Last Modified:** Thursday, November 10, 2016 4:00:47 PM**Time Spent:** Over a day**IP Address:** 159.105.119.114

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Q1: In the following survey, you will be asked to answer a series of questions regarding the regulatory practices of your given state agency/department. It is recommended that you prepare answers to the following questions prior to starting this survey. NOTE: only one device may be used for the survey, per profession. Therefore, while the survey may be discontinued and then resumed at a later date, all answers for a given profession must be entered through the same computer. As a result, it is recommended that for each profession, a single individual be elected to compile and enter information. Choose from the following options:

Begin Survey

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Q2: Please select an occupation from the following list.

Anesthesiologist Assistants (Department of Health)

Q3: What is the name of the agency, department and/or division responsible for the regulation of this occupation?

VDH/Board of Medical Practice

Q4: Regulation Type. Please check all that apply for this occupation.

Certification

Q5: What is the number of regulated persons in this occupation?

14

Q6: Is there statutory authority as a legal basis for regulation of this occupation?

Yes

Q7: If "yes" to the above, please provide a citation to said statute.

26 V.S.A. § 1652

Q8: Please provide a citation to any administrative rules associated with the regulation of this occupation.

Code of Vermont Regulations (CVR) 13-141-001

(Available via Secretary of State website) Note: all BMP Rules in process of revision.

Q9: Please provide any and all agency or department policies for the regulation of this occupation.

Copies of Board Of Medical Practice policies that apply to licensees are available online at:

http://healthvermont.gov/hc/med_board/rules_cases.aspx

Q10: Please describe the purpose of regulating this occupation.

Regulation of the practice of medicine by anesthesiologist assistants is to protect the public from injury, death, and/or fraud resulting from treatment by unqualified, incompetent, or immoral individuals.

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Q11: Regarding stakeholder groups, please describe how this regulation affects those subject to regulation.

Regulation requires anesthesiologist assistants to attend an accredited anesthesiologist assistant program, to obtain and maintain certification by the national certifying body (which includes examination and periodic reexaminations and a requirement to complete regular CME). It limits them to practicing in a licensed hospital under supervision by a licensed physician who practices anesthesiology and generally obligates them to practice in accordance with a broad range of laws and regulations that pertain to practice.

Q12: Regarding stakeholder groups, please describe how this regulation affects State entities.

See physician response.

Q13: Regarding stakeholder groups, please describe how this regulation affects consumers or clients of this occupation's services.

See physician response.

Q14: Regarding stakeholder groups, please describe how this regulation affects employers.

It provides the employer of an anesthesiologist assistant assurance that the anesthesiologist assistant meets standards. It also imposes an obligation on employers to report employment actions against licensees (26 VSA § 1317).

Q15: Regarding stakeholder groups, please describe how this regulation affects the public.

See physician response.

Q16: Regarding stakeholder groups, please describe how this regulation affects any other applicable group.

Provides insurers and governmental payors with assurance that anesthesiologist assistants are qualified and authorized to practice for the purpose of participation in payment programs.

Q17: Please describe the governance structure for the regulation of this occupation, including but not limited to: the use of a board; a commission; an agency or division head; a panel; or a hearing officer.

See physician response.

Q18: Who sets application requirements and practice standards?

See physician response.

Q19: Who makes decisions on applicants, enforcement, and discipline?

See physician response.

Q20: Are any decision makers active participants in this regulated occupation? If so, please describe if the decision maker has taken a hiatus from the profession, and if so, whether the decision maker plans to return to the profession.

There are no anesthesiologist assistants on the Board.

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Q21: What are the regulated qualifications for this occupation? Check all that apply.

Examination, Education Requirements

Q22: How are applications received?

See physician response.

Q23: How are applications reviewed?

See physician response.

Q24: How are applications rejected?

See physician response.

Q25: How are application rejections appealed?

See physician response.

Q26: How are licenses/certifications/registrations issued?

See physician response.

Q27: What is the average time to process license/certification/registration applications?

See physician response.

Q28: Once issued, what is the duration of the license, certification, or registration for this occupation?

All anesthesiologist assistant certifications expire on January 31 every two years, on the even-numbered year. Certifications issued within 90 days of the end of the period are good through the end of the following period.

Q29: Please describe the license, certification, or registration, renewal process and requirements therein.

See physician response. AAs must also provide current national certification and renewed documentation of supervision signed by their supervising physicians.

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Q30: Please provide a citation to the standards of practice or codes of conduct for regulated persons in this occupation. These include any and all of the following:A) StatutesB) RulesC) PoliciesE) Other

26 VSA § 1658 and 26 VSA § 1354; Board of Medical Practice Rule, CVR 13-141-001; Board of Medical Practice policies on website; numerous Vermont and federal laws and regulations relating to the practice of medicine, prescribing, provider reimbursements, etc.

Q31: Please describe the enforcement process for receiving and evaluating complaints.

See physician response.

Q32: Please describe the enforcement process for performing investigations.

See physician response.

Q33: Please describe the enforcement process for prosecutions.

See physician response.

Q34: Please describe the enforcement process for hearings.

See physician response.

Q35: Please describe the enforcement process for discipline.

See physician response.

Q36: Please describe the enforcement process for follow-up or monitoring of previously disciplined individuals.

See physician response.

Q37: Please describe the average time to process complaints and disciplinary cases

See physician response.

Q38: Please describe any inspection process relevant to this occupation.

See physician response.

Q39: Regarding this occupation, please describe the annual average count of the following:

Complaints	130
Investigations	97
Prosecutions	7
Hearings	10
Cases Resulting in Disciplinary Action	7
Cases Resulting in Follow-up or Monitoring	6

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Q40: Please describe any systems, such as information technology systems, that are used to enable licensing, certification, registration, renewal, enforcement and inspection.

See physician response.

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Q41: Please provide the number of full-time staff related to the regulation of this occupation, including job titles and duties.

See physician response.

Q42: Please provide the number of part-time staff related to the regulation of this occupation, including job titles and duties.

See physician response.

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Q43: Please provide the following information:

Average Annual Expenses	3,467
Average Annual Revenues	1,900
Average Annual Fees Charged	60

Q44: Please describe any recent or unexpected budget variations which may skew answers in the above question.

See physician response.

Q45: Please describe the fee structure associated with the regulation of this profession. This includes the following:A) The fee amount charged;B) How fee amounts are determined and set;C) The authority to establish those fees; andD) How revenues from fees are used, indicating the specific uses if those revenues are used for purposes other than regulating the profession.

A) Fees were adjusted in 2015 to:

Biennial renewal - \$120

Additional practice site certification - \$55

Initial certification period - \$120

Additional site certification initial - \$55 Verification of certification - \$50

Replacement or transfer of lost certification document - \$20

Per statute, \$10 of each license fee is to be used to support the Vermont practitioner recovery network. 26 V.S.A. § 1662.

For B - D, see physician response.

Q46: Please describe any General Fund or Special Fund deposits

See physician response.

Q47: Please describe any appropriations from the General Fund

See physician response.

PAGE 10: Act 156 of 2016: Professional Regulation Report**Q48: Please describe the qualifications of any supervisor responsible for the oversight of the agency's department's professional regulatory entity and whether that supervisor has the ability to veto or modify any decision by that professional regulatory entity.**

See physician response.

Q49: Please provide any additional information you feel is relevant for the purpose of this report.

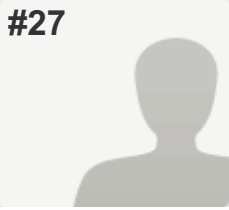
See physician response. Also, there are no AAs on the Board.

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Q50: Thank You for completing this survey.

End

#27

**COMPLETE****Collector:** Web Link 12 (Web Link)**Started:** Monday, November 07, 2016 10:51:51 AM**Last Modified:** Thursday, November 10, 2016 4:01:21 PM**Time Spent:** Over a day**IP Address:** 159.105.119.114

PAGE 2: Act 156 of 2016: Professional Regulation Report

Q1: In the following survey, you will be asked to answer a series of questions regarding the regulatory practices of your given state agency/department. It is recommended that you prepare answers to the following questions prior to starting this survey. NOTE: only one device may be used for the survey, per profession. Therefore, while the survey may be discontinued and then resumed at a later date, all answers for a given profession must be entered through the same computer. As a result, it is recommended that for each profession, a single individual be elected to compile and enter information. Choose from the following options:

Begin Survey

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Q2: Please select an occupation from the following list.

Physician Assistants (Department of Health)

Q3: What is the name of the agency, department and/or division responsible for the regulation of this occupation?

VDH/Board of Medical Practice

Q4: Regulation Type. Please check all that apply for this occupation.

Licensing

Q5: What is the number of regulated persons in this occupation?

365

Q6: Is there statutory authority as a legal basis for regulation of this occupation?

Yes

Q7: If "yes" to the above, please provide a citation to said statute.

26 V.S.A. § § 1733, 1734, 1742

Q8: Please provide a citation to any administrative rules associated with the regulation of this occupation.

Code of Vermont Regulations (CVR) 13-141-001

(Available via Secretary of State website) Note: all BMP Rules in process of revision.

Q9: Please provide any and all agency or department policies for the regulation of this occupation.

Copies of Board Of Medical Practice policies that apply to licensees are available online at:

http://healthvermont.gov/hc/med_board/rules_cases.aspx

Q10: Please describe the purpose of regulating this occupation.

Regulation of the practice of medicine is to protect the public from injury, death, and/or fraud resulting from treatment by unqualified, incompetent, or immoral individuals.

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Q11: Regarding stakeholder groups, please describe how this regulation affects those subject to regulation.

Regulation requires physician assistants to attend an accredited physician assistant program, to obtain and maintain certification by the national certifying body (which includes examination and periodic reexaminations and a requirement to complete regular CME). It limits them to practicing under supervision by a licensed physician and generally obligates them to practice in accordance with a broad range of laws and regulations that pertain to practice.

Q12: Regarding stakeholder groups, please describe how this regulation affects State entities.

Provides state entities that rely on physician assistants in any way a means to verify qualification of a physician assistant. Examples include DVHA approval of payment for provider services; DOC providing medical care to inmates; state agencies relying on physician assistant letters for issues such as medical leave, disability, a means for state agencies to verify the qualifications of medical experts in litigation.

Q13: Regarding stakeholder groups, please describe how this regulation affects consumers or clients of this occupation's services.

It provides them protection and access to specific information about medical providers, as provided by Vermont law.

Q14: Regarding stakeholder groups, please describe how this regulation affects employers.

It provides the employer of a physician assistant assurance that the physician assistant meets standards. It also imposes an obligation on employers to report employment actions against licensees (26 VSA § 1317).

Q15: Regarding stakeholder groups, please describe how this regulation affects the public.

See physician response.

Q16: Regarding stakeholder groups, please describe how this regulation affects any other applicable group.

Provides insurers and governmental payors with assurance that physician assistants are qualified and authorized to practice for the purpose of participation in payment programs.

Q17: Please describe the governance structure for the regulation of this occupation, including but not limited to: the use of a board; a commission; an agency or division head; a panel; or a hearing officer.

See physician response.

Q18: Who sets application requirements and practice standards?

See physician response.

Q19: Who makes decisions on applicants, enforcement, and discipline?

See physician response.

Q20: Are any decision makers active participants in this regulated occupation? If so, please describe if the decision maker has taken a hiatus from the profession, and if so, whether the decision maker plans to return to the profession.

There is one physician assistant on the Board.

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Q21: What are the regulated qualifications for this occupation? Check all that apply.

Education Requirements, Examination

Q22: How are applications received?

See physician response.

Q23: How are applications reviewed?

See physician response.

Q24: How are applications rejected?

See physician response.

Q25: How are application rejections appealed?

See physician response.

Q26: How are licenses/certifications/registrations issued?

See physician response.

Q27: What is the average time to process license/certification/registration applications?

See physician response.

Q28: Once issued, what is the duration of the license, certification, or registration for this occupation?

All physician assistant licenses expire on January 31 every two years, on the even-numbered year. Licenses issued within 90 days of the end of the licensing period are good through the end of the following period.

Q29: Please describe the license, certification, or registration, renewal process and requirements therein.

See physician response. PAs must also provide current national certification and renewed documentation of supervision signed by their supervising physicians.

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Q30: Please provide a citation to the standards of practice or codes of conduct for regulated persons in this occupation. These include any and all of the following: A) Statutes B) Rules C) Policies E) Other

26 VSA § 1736 and 26 VSA § 1354; Board of Medical Practice Rule, CVR 13-141-001; Board of Medical Practice policies on website; numerous Vermont and federal laws and regulations relating to the practice of medicine, prescribing, provider reimbursements, etc.

Q31: Please describe the enforcement process for receiving and evaluating complaints.

See physician response.

Q32: Please describe the enforcement process for performing investigations.

See physician response.

Q33: Please describe the enforcement process for prosecutions.

See physician response.

Q34: Please describe the enforcement process for hearings.

See physician response.

Q35: Please describe the enforcement process for discipline.

See physician response.

Q36: Please describe the enforcement process for follow-up or monitoring of previously disciplined individuals.

See physician response.

Q37: Please describe the average time to process complaints and disciplinary cases

See physician response.

Q38: Please describe any inspection process relevant to this occupation.

See physician response.

Q39: Regarding this occupation, please describe the annual average count of the following:

Complaints	130
Investigations	197
Prosecutions	7
Hearings	10
Cases Resulting in Disciplinary Action	7
Cases Resulting in Follow-up or Monitoring	6

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Q40: Please describe any systems, such as information technology systems, that are used to enable licensing, certification, registration, renewal, enforcement and inspection.

See physician response.

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Q41: Please provide the number of full-time staff related to the regulation of this occupation, including job titles and duties.

See physician response.

Q42: Please provide the number of part-time staff related to the regulation of this occupation, including job titles and duties.

See physician response.

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Q43: Please provide the following information:

Average Annual Expenses	87,429
Average Annual Revenues	46,578
Average Annual Fees Charged	107.50

Q44: Please describe any recent or unexpected budget variations which may skew answers in the above question.

See physician response.

Q45: Please describe the fee structure associated with the regulation of this profession. This includes the following:A) The fee amount charged;B) How fee amounts are determined and set;C) The authority to establish those fees; andD) How revenues from fees are used, indicating the specific uses if those revenues are used for purposes other than regulating the profession.

A) Fees were adjusted in 2015 to:

Biennial renewal - \$215

Initial licensing period - \$225

Verification of license - \$50

Replacement of lost license document - \$20

Per statute, \$10 of each license fee is to be used to support the Vermont practitioner recovery network. For B - D, see physician response.

Q46: Please describe any General Fund or Special Fund deposits

See physician response.

Q47: Please describe any appropriations from the General Fund

See physician response.

PAGE 10: Act 156 of 2016: Professional Regulation Report**Q48: Please describe the qualifications of any supervisor responsible for the oversight of the agency's department's professional regulatory entity and whether that supervisor has the ability to veto or modify any decision by that professional regulatory entity.**

See physician response.

Q49: Please provide any additional information you feel is relevant for the purpose of this report.

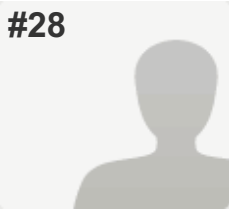
See physician response. Also, with regard to physician assistants, there is only one physician assistant member on the Board, of 17 members.

PAGE 11: Exit Page

Q50: Thank You for completing this survey.

End

#28

**COMPLETE****Collector:** Web Link 16 (Web Link)**Started:** Wednesday, December 14, 2016 12:33:16 PM**Last Modified:** Wednesday, December 14, 2016 12:55:45 PM**Time Spent:** 00:22:28**IP Address:** 159.105.174.95

PAGE 2: Act 156 of 2016: Professional Regulation Report

Q1: In the following survey, you will be asked to answer a series of questions regarding the regulatory practices of your given state agency/department. It is recommended that you prepare answers to the following questions prior to starting this survey. NOTE: only one device may be used for the survey, per profession. Therefore, while the survey may be discontinued and then resumed at a later date, all answers for a given profession must be entered through the same computer. As a result, it is recommended that for each profession, a single individual be elected to compile and enter information. Choose from the following options:

Begin Survey

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Q2: Please select an occupation from the following list.

Asbestos Abatement (Department of Health)

Q3: What is the name of the agency, department and/or division responsible for the regulation of this occupation?

Department of Health

Q4: Regulation Type. Please check all that apply for this occupation.

Licensing

Q5: What is the number of regulated persons in this occupation?

Total individual licenses: 687; Total entity licenses: 77

Q6: Is there statutory authority as a legal basis for regulation of this occupation?

Yes

Q7: If "yes" to the above, please provide a citation to said statute.

18 V.S.A Chapter 26

Q8: Please provide a citation to any administrative rules associated with the regulation of this occupation.

Vermont Regulations for Asbestos Control (VRAC)

Q9: Please provide any and all agency or department policies for the regulation of this occupation.

The Department maintains SOP's and dozens of policy clarifications. These are available upon request.

Q10: Please describe the purpose of regulating this occupation.

The purpose is to prevent the inhalation of asbestos fibers as a result of asbestos abatement activities.

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Q11: Regarding stakeholder groups, please describe how this regulation affects those subject to regulation.

Individuals who are required to be licensed under this regulation must attend private sector training, as required by VRAC. Then, they must submit an application and fee for State licensure along with required submittals, which includes the certificate of training.

Entities who are required to be licensed under this regulation must submit an application and fee along with required submittals, per VRAC.

Q12: Regarding stakeholder groups, please describe how this regulation affects State entities.

The Department of Health has the regulatory authority for implementation and administration of the statute and regulations.

The Office of the Attorney General is responsible for assisting the Department of Health with compliance and enforcement.

State facilities and buildings are impacted by the work practice requirements for licensed contractors and individuals who are performing regulated asbestos related activities.

Q13: Regarding stakeholder groups, please describe how this regulation affects consumers or clients of this occupation's services.

Inspections, surveys and abatement activities are provided to consumers in an effort to protect them from asbestos. When consumers do not use the services of the licensed community the consumer and the public are less likely to be protected.

Q14: Regarding stakeholder groups, please describe how this regulation affects employers.

Requires that firms that conduct asbestos-related projects in Vermont seek licensure as a Vermont-licensed Asbestos Entity, and employ only Vermont-certified individual Asbestos Contractors for the purpose of asbestos abatement. Further, statute and rule hold employers to VOSHA standards for protection of employees doing asbestos-related work.

The regulation also impacts employers who are not licensed abatement contractors and who are out of compliance with the VRAC, i.e., impacting asbestos-containing building materials that are subject to regulation.

Q15: Regarding stakeholder groups, please describe how this regulation affects the public.

Reduces and prevents asbestos hazards produced through asbestos-related building repair, remodeling, and restoration.

Q16: Regarding stakeholder groups, please describe how this regulation affects any other applicable group.

Town Officials - Town Health Officers assist through referring non-compliance cases to Department of Health
Municipal Officials - must comply with regulations, e.g., fire departments must notify Department of Health of training using controlled burns of vacant houses and must employ licensed asbestos abatement contractors to conduct cleanup of houses with Asbestos Containing Building Materials
FEMA responses - must comply with regulations

Q17: Please describe the governance structure for the regulation of this occupation, including but not limited to: the use of a board; a commission; an agency or division head; a panel; or a hearing officer.

Vermont licensed asbestos related services and licensing of those service providers are regulated by the Department of Health, carried out and implemented by the Asbestos and Lead Regulatory Program under the authority of the Commissioner of Health. Compliance and enforcement proceedings for noncompliance are referred the Department's Assistance Attorney General and Senior Policy Advisors.

Q18: Who sets application requirements and practice standards?

Application requirements are set by the Department of Health, under the authorization of State statute.

Standards for practice have been established at the Program level, or by the Environmental Protection Agency and American Society for Testing and Materials International and adopted by the Department of Health, under the authorization of State statute.

Q19: Who makes decisions on applicants, enforcement, and discipline?

Decisions are made by the Program Chief or authorized staff. If enforcement actions do not generate compliance, then a case will be referred to the Attorney General's office for further review and enforcement proceedings.

Q20: Are any decision makers active participants in this regulated occupation? If so, please describe if the decision maker has taken a hiatus from the profession, and if so, whether the decision maker plans to return to the profession.

No. However, program staff are required, in accordance with cooperative agreements with the EPA, to be trained and licensed as Asbestos Site Inspectors/Management Planners, Project Designers, and/or Project Monitors.

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Q21: What are the regulated qualifications for this occupation? Check all that apply.

Education Requirements, Examination,
Experience Requirements (exclusive from education)

Q22: How are applications received?

Applications are submitted on paper forms via mail or hand delivery. The payment is processed prior to review by the Asbestos and Lead Regulatory Program ("the Program"). Payment is recorded by administrative staff in an application fee tracking spreadsheet. Applications are then received by the Program, where they are recorded in an application tracking spreadsheet.

Q23: How are applications reviewed?

Applications are generally reviewed in the order they were received, within timelines established by VRAC. Each application is reviewed for completeness. Complete applications are reviewed according to VRAC, approved or noted as deficient, and issued by a Program staff member.

An incomplete application is handled differently. In these cases, deficiencies are noted, individuals or entities are contacted in writing regarding application deficiencies, and an appropriate timeframe (per VRAC) is established for the applicant to resolve deficiencies. If not, the application is denied on the basis of incompleteness.

Q24: How are applications rejected?

The application is considered abandoned if an applicant does not respond to requests for resolution of deficiencies in an application within the established timeline. The individual or entity is notified in writing that the application has been abandoned and denied. All application fees are forfeited.

Q25: How are application rejections appealed?

According to VRAC, if an applicant wants to appeal the Program's application denial decision, they may appeal by writing to the Office of the Health Commissioner.

Q26: How are licenses/certifications/registrations issued?

Licenses are issued as a printed certificate, accompanied by a photo ID (for an individual), using CERT 2004 Photo License Management System software (Microsoft Access 2003).

Q27: What is the average time to process license/certification/registration applications?

2016: 7-10 business days

Q28: Once issued, what is the duration of the license, certification, or registration for this occupation?

One year from the date of issue.

Q29: Please describe the license, certification, or registration, renewal process and requirements therein.

The license and prerequisite training requirements are the same as the initial application process.

Applicants must complete the application form and provide any required documentation that they have met minimum standards for their profession in the past year (e.g., Asbestos Worker Refresher Training certificate).

Asbestos licenses for business entities (Abatement Companies, Asbestos Consultants, Asbestos Analytical Laboratories) must be renewed annually, by submitting the required application form including any updates or changes in company structure, key personnel, or worker health and safety plans.

Asbestos licenses are issued for various individual disciplines that include Inspector, Management Planner, Project Designer, Project Monitor, Analyst (in lab PCM, PLM, TEM) and Field Analyst (PCM only). Licensees must renew annually by submitting an application form and required submittals which includes all refresher training certificates.

Asbestos-related training certifications expire 1 year from the completion date of the initial baseline training course. Trainees must consistently meet concurrent and sequential refresher training requirements without a lapsed training certification status. A lapsed training status means the trainee did not complete the required refresher training certification within the renewal period stipulated by regulation. There is a 1-year grace period on refresher training, which means the trainee must attend the required refresher training within one year of the training expiration date or initial baseline training course. The course must be repeated in order to satisfy VT State licensing requirements.

Regulations stipulate that all VT license prerequisite training certifications must be current in order to work in the licensed discipline, even with a valid VT license (because training certifications sometimes expire before the license expires).

PAGE 6: Act 156 of 2016: Professional Regulation Report**Q30: Please provide a citation to the standards of practice or codes of conduct for regulated persons in this occupation. These include any and all of the following: A) Statutes B) Rules C) Policies E) Other**

These include any and all of the following:

- A) Statutes: See above, question 7
- B) Rules: See above, question 8
- C) Policies: See above, question 9

Q31: Please describe the enforcement process for receiving and evaluating complaints.

Complaints are received by phone, email, or written communication. These are logged in an Access database. The Programs standard practice is to gather and record factual information from all parties relevant to the complaint for case file documentation.

Q32: Please describe the enforcement process for performing investigations.

Once the complaint file is developed, we review the complaint file facts as necessary to determine if Vermont Regulations for Asbestos Control are applicable. That could involve staff personnel conducting field visits, independent third parties conducting sampling and assessment, and review of the contracts. These data are collected and compiled for enforcement case file development. Sometimes interagency coordination and cooperation is necessary due to shared jurisdictions (i.e., VT Attorney General's Office, VT Department of Environmental Conversation, VOSHA, USEPA, VT AOT, etc.) .

Q33: Please describe the enforcement process for prosecutions.

Beyond administrative compliance actions that are administered at the Program level, further compliance action is taken by the Office of the Attorney General.

Q34: Please describe the enforcement process for hearings.

Compliance and enforcement cases that require adjudication are referred to the Office of the Attorney General.

Q35: Please describe the enforcement process for discipline.

Monetary penalties are established by statute and administered by an Assistant Attorney General who is assigned to the Department of Health.

Q36: Please describe the enforcement process for follow-up or monitoring of previously disciplined individuals.

The Department's Asbestos and Lead Regulatory Program maintains a file and record of all previously disciplined individuals or entities.

Q37: Please describe the average time to process complaints and disciplinary cases

There is no effective way to determine an average. Some cases are resolved within 1-2 days, and some may take months or years for case development, processing and process adjudication.

Q38: Please describe any inspection process relevant to this occupation.

Compliance inspections are conducted, via weekly random site visits, for active and permitted abatement project sites. Permits are issued to licensed entities, and individual licensees perform the work.

Compliance inspections are also conducted on a for-cause basis, after the Program receives tips or complaints.

Q39: Regarding this occupation, please describe the annual average count of the following:

Complaints	150
Investigations	100
Prosecutions	50
Hearings	10
Cases Resulting in Disciplinary Action	150
Cases Resulting in Follow-up or Monitoring	950

Q40: Please describe any systems, such as information technology systems, that are used to enable licensing, certification, registration, renewal, enforcement and inspection.

- Excel
- CERT2000 (EPA provided software)
- Access 2003 photo licensing database
- Compliance and enforcement database (Access)

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Q41: Please provide the number of full-time staff related to the regulation of this occupation, including job titles and duties.

0

Q42: Please provide the number of part-time staff related to the regulation of this occupation, including job titles and duties.

Program Chief (.5 FTE)

<http://humanresources.vermont.gov/staffing/classification/job-specifications?code=141300>

Asbestos and Lead Health Engineer (.5 FTE)

<http://humanresources.vermont.gov/staffing/classification/job-specifications?code=132600>

Asbestos and Lead Program Specialist (.5 FTE) <http://humanresources.vermont.gov/staffing/classification/job-specifications?code=008100>

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Q43: Please provide the following information:

Average Annual Expenses	\$150,000
Average Annual Revenues	\$150,000
Average Annual Fees Charged	see below

Q44: Please describe any recent or unexpected budget variations which may skew answers in the above question.

None

Q45: Please describe the fee structure associated with the regulation of this profession. This includes the following: A) The fee amount charged; B) How fee amounts are determined and set; C) The authority to establish those fees; and D) How revenues from fees are used, indicating the specific uses if those revenues are used for purposes other than regulating the profession.

- A. The fee amount charged
- Asbestos Worker: \$60
 - Asbestos Supervisor: \$120
 - Asbestos Inspector*: \$180/\$150
 - Asbestos Management Planner*: \$180/\$150
 - Asbestos Project Monitor*: \$180/\$150
 - Asbestos Project Designer*: \$180/\$150
 - *For all these categories, the fee for the first license is \$180, for a second discipline the fee is \$150
 - Asbestos Analyst (PCM, PLM, TEM-Air, TEM-Bulk, Field Analyst): \$60 for any and all licenses in this category
- B. How fee amounts are determined and set
- Determined and set by the Legislature
- C. The authority to establish those fees
- V.S.A. Title 18, Chapter 26
- D. How revenues from fees are used, indicating the specific uses if those revenues are used for purposes other than regulating the profession.
- Licensing fees generates program incomes that support program costs (salaries, expenses, vehicles, training, etc.).

Q46: Please describe any General Fund or Special Fund deposits

All fees are deposited into special fund number 21832

Q47: Please describe any appropriations from the General Fund

None

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Q48: Please describe the qualifications of any supervisor responsible for the oversight of the agency's department's professional regulatory entity and whether that supervisor has the ability to veto or modify any decision by that professional regulatory entity.

Bachelor of Science or equivalent in education and experience, plus 5 or more years of experience with regulatory program management, grant writing and grants management, licensing asbestos-related service providers, compliance and enforcement case development.

This supervisor does not have the ability to veto or modify any decision by that professional regulatory entity.

Q49: Please provide any additional information you feel is relevant for the purpose of this report.

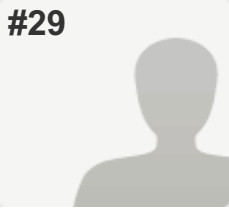
Respondent skipped this question

PAGE 11: Exit Page

Q50: Thank You for completing this survey.

End

#29

**COMPLETE****Collector:** Web Link 17 (Web Link)**Started:** Wednesday, December 14, 2016 9:58:39 AM**Last Modified:** Wednesday, December 14, 2016 1:10:00 PM**Time Spent:** 03:11:20**IP Address:** 159.105.174.95

PAGE 2: Act 156 of 2016: Professional Regulation Report

Q1: In the following survey, you will be asked to answer a series of questions regarding the regulatory practices of your given state agency/department. It is recommended that you prepare answers to the following questions prior to starting this survey. NOTE: only one device may be used for the survey, per profession. Therefore, while the survey may be discontinued and then resumed at a later date, all answers for a given profession must be entered through the same computer. As a result, it is recommended that for each profession, a single individual be elected to compile and enter information. Choose from the following options:

Begin Survey

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Q2: Please select an occupation from the following list.

Lead Abatement (Department of Health)

Q3: What is the name of the agency, department and/or division responsible for the regulation of this occupation?

Department of Health

Q4: Regulation Type. Please check all that apply for this occupation.

Licensing

Q5: What is the number of regulated persons in this occupation?

Total individual licenses: 202; Total entity licenses: 39

Q6: Is there statutory authority as a legal basis for regulation of this occupation?

Yes

Q7: If "yes" to the above, please provide a citation to said statute.

18 V.S.A. § 1752. Accreditation of training programs; certification and licensure of environmental lead inspectors and lead contractors, supervisors, and workers

<http://legislature.vermont.gov/statutes/section/18/038/01752>

Fees: <http://legislature.vermont.gov/statutes/section/18/038/01753>

Q8: Please provide a citation to any administrative rules associated with the regulation of this occupation.

Vermont Regulations for Lead Control (VRLC)

<http://www.healthvermont.gov/regs/VRLCFINAL0912.pdf>

Q9: Please provide any and all agency or department policies for the regulation of this occupation.

The Department maintains SOP's and dozens of policy clarifications. These are available upon request.

Q10: Please describe the purpose of regulating this occupation.

The purpose is to prevent and reduce lead-based paint exposure risks associated with inhalation or ingestion of lead particles as a result of improperly conducted lead-based paint activities. The regulations for this profession provide oversight of contractors and entities who perform lead-based paint activities.

PAGE 4: Act 156 of 2016: Professional Regulation Report**Q11: Regarding stakeholder groups, please describe how this regulation affects those subject to regulation.**

Individuals who are required to be licensed under this regulation must attend private sector training, as required by VRLC. Then, they must submit an application for State licensure along with required submittals (depending on the type of license they are seeking), which includes the certificate of training. Entities who are required to be licensed under this regulation must submit an application and fee along with required submittals, per VRLC. Submittals may include but are not limited to safety plans, work history, inspection experience and organizational charts.

Q12: Regarding stakeholder groups, please describe how this regulation affects State entities.

The Department of Health has the regulatory authority for implementation and administration of the statute and regulations.

The Office of the Attorney General is responsible for assisting the Department of Health with compliance and enforcement.

State facilities and buildings are impacted by the work practice requirements for licensed contractors and individuals who are performing regulated lead-based paint activities.

Q13: Regarding stakeholder groups, please describe how this regulation affects consumers or clients of this occupation's services.

Inspections, surveys and possibly abatement activities are provided to consumers in an effort to protect them from lead. When consumers do not use the services of the licensed community the consumer, building occupants and the public are less likely to be protected.

Q14: Regarding stakeholder groups, please describe how this regulation affects employers.

Requires that firms that conduct lead-based paint abatement-related projects in Vermont seek licensure as a Vermont-licensed Lead Entity, and employ only Vermont-certified Lead Contractors. Further, statute and rule hold employers to VOSHA standards for protection of employees doing lead-based paint-related work.

The regulation also impacts employers who are not licensed abatement contractors and who are out of compliance with the VRLC, i.e., impacting lead-based paint coatings that are subject to regulation.

Q15: Regarding stakeholder groups, please describe how this regulation affects the public.

Reduces and prevents lead-based paint hazards produced through lead-based paint-related building repair, remodeling, and restoration.

Q16: Regarding stakeholder groups, please describe how this regulation affects any other applicable group.

Other groups that are indirectly impacted by this regulation or the lack of compliance with this regulation include but are not limited to:

- Town Officials
- Municipal Officials
- Court systems

Q17: Please describe the governance structure for the regulation of this occupation, including but not limited to: the use of a board; a commission; an agency or division head; a panel; or a hearing officer.

This occupation is regulated by the Department of Health and the Office of the Attorney General.

Q18: Who sets application requirements and practice standards?

Applications requirements are set by the Department of Health, under the authorization of State statute.

Standards for practice have been established at the Program level, or by the Environmental Protection Agency and ASTM International and adopted by the Department of Health, under the authorization of State statute.

Q19: Who makes decisions on applicants, enforcement, and discipline?

Decisions about license applications, compliance enforcement actions and related discipline are made by the Program Chief or authorized staff. If administrative compliance enforcement actions do not achieve compliance, then a case will be referred to the Attorney General's office for further review and enforcement proceedings.

Q20: Are any decision makers active participants in this regulated occupation? If so, please describe if the decision maker has taken a hiatus from the profession, and if so, whether the decision maker plans to return to the profession.

No. However, program staff are required, in accordance with cooperative agreements with the EPA, to be licensed as Lead Inspector/Risk Assessors and/or Lead Project Designers as a job knowledge requirement necessary to perform programmatic duties.

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Q21: What are the regulated qualifications for this occupation? Check all that apply.

Experience Requirements (exclusive from education)
,
Examination, Education Requirements

Q22: How are applications received?

Applications are submitted on paper forms via mail or hand delivery. The payment is processed prior to review by the Asbestos and Lead Regulatory Program ("the Program"). Payment is recorded by administrative staff in an application fee tracking spreadsheet. Applications are then received by the Program, where they are recorded in an application tracking spreadsheet.

Q23: How are applications reviewed?

Applications are generally reviewed in the order they were received, within timelines established by VRLC. Each application is reviewed for completeness. Complete applications are reviewed according to VRLC, approved or noted as deficient, and issued by a Program staff member.

An incomplete application is handled differently. In these cases, deficiencies are noted, individuals or entities are contacted in writing regarding application deficiencies, and an appropriate timeframe (per VRLC) is established for the applicant to resolve deficiencies. If not, the application is denied on the basis of incompleteness.

Q24: How are applications rejected?

The application is considered abandoned if an applicant does not respond to requests for resolution of deficiencies in an application within the established timeline. The individual or entity is notified in writing that the application has been abandoned and denied. All application fees are forfeited.

Q25: How are application rejections appealed?

According to VRLC, they may appeal by writing to the Office of the Health Commissioner.

Q26: How are licenses/certifications/registrations issued?

Licenses are issued as a printed certificates, accompanied by a photo ID (for an individual), using CERT 2004 Photo License Management System software (Microsoft Access 2003).

Q27: What is the average time to process license/certification/registration applications?

2016: 7-10 business days

Q28: Once issued, what is the duration of the license, certification, or registration for this occupation?

One year from the date of issue.

Q29: Please describe the license, certification, or registration, renewal process and requirements therein.

The license and prerequisite training requirements are the same as the initial application process.

Applicants must complete the application form and provide any required documentation that they have met minimum standards for their profession in the past year (e.g., Lead-based Paint Abatement Worker Refresher Training certificate).

Lead-based Paint licenses for business entities (Abatement Companies, Lead-based Paint Consultants, Lead(Pb) Analytical Laboratories) must be renewed annually, by submitting the required application form including any updates or changes in company structure, key personnel, or worker health and safety plans.

Lead-based Paint related training certifications expire 3 years from the completion date of initial baseline training course. Trainees must consistently meet concurrent and sequential refresher training requirements without a lapsed training certification status. A lapsed training status means the trainee did not complete the required refresher training certification within the renewal period (3 years) stipulated by regulation.

PAGE 6: Act 156 of 2016: Professional Regulation Report**Q30: Please provide a citation to the standards of practice or codes of conduct for regulated persons in this occupation. These include any and all of the following: A) Statutes B) Rules C) Policies E) Other**

- A) Statutes: See above, question 7
- B) Rules: See above, question 8
- C) Policies: See above, question 9

Q31: Please describe the enforcement process for receiving and evaluating complaints.

Complaints are received by phone, email, or written communication. These are logged in an Access database. Effort is made to record and gather factual information from all parties relevant to the complaint.

Q32: Please describe the enforcement process for performing investigations.

Once the complaint case file is developed, the Program reviews the complaint file facts as necessary to determine if the VRLC are applicable. That could involve staff personnel conducting field visits, independent third parties conducting sampling and assessment, and/or a review of the contracts. These data are collected and compiled for enforcement case file development. Compliance and enforcement proceedings and case development can on certain occasions requires interagency coordination and joint actions (i.e. Vermont Attorney General's Office, Vermont Department of Environmental Conservation, US Environmental Protection Agency, and Vermont Occupational Health and Safety Administration).

Q33: Please describe the enforcement process for prosecutions.

Beyond administrative compliance actions that are administered at the Program level, further compliance action is taken by the Office of the Attorney General.

Q34: Please describe the enforcement process for hearings.

Compliance and enforcement cases that require adjudication are referred to the Office of the Attorney General.

Q35: Please describe the enforcement process for discipline.

Monetary penalties are established by statute and administered by the Assistant Attorney General who is assigned to the Department of Health.

Q36: Please describe the enforcement process for follow-up or monitoring of previously disciplined individuals.

The Asbestos and Lead Regulatory Program maintains records and tracks compliance and enforcement actions of all previously disciplined licensed individuals or entities.

Q37: Please describe the average time to process complaints and disciplinary cases

Some cases are resolved quickly, but some may take months or years.

Q38: Please describe any inspection process relevant to this occupation.

Compliance inspections are conducted, via weekly random site visits, for active and permitted abatement project sites. Permits are issued to licensed entities, and individual licensees perform the work.

Compliance inspections are also conducted on a for-cause basis, after the Program receives tips or complaints.

Q39: Regarding this occupation, please describe the annual average count of the following:

Complaints	150
Investigations	100
Prosecutions	50
Hearings	10
Cases Resulting in Disciplinary Action	150
Cases Resulting in Follow-up or Monitoring	950

PAGE 7: Act 156 of 2016: Professional Regulation Report**Q40: Please describe any systems, such as information technology systems, that are used to enable licensing, certification, registration, renewal, enforcement and inspection.**

- Excel
- CERT2000: Access 2003 photo licensing database
- Compliance and enforcement database (Access)

PAGE 8: Act 156 of 2016: Professional Regulation Report**Q41: Please provide the number of full-time staff related to the regulation of this occupation, including job titles and duties.**

0

Q42: Please provide the number of part-time staff related to the regulation of this occupation, including job titles and duties.

Program Chief (.5 FTE)

<http://humanresources.vermont.gov/staffing/classification/job-specifications?code=141300>

Asbestos and Lead Health Engineer (.5 FTE)

<http://humanresources.vermont.gov/staffing/classification/job-specifications?code=132600>

Asbestos and Lead Program Specialist (.5 FTE) <http://humanresources.vermont.gov/staffing/classification/job-specifications?code=008100>

PAGE 9: Act 156 of 2016: Professional Regulation Report**Q43: Please provide the following information:**

Average Annual Expenses	\$275,000
Average Annual Revenues	\$275,000
Average Annual Fees Charged	see below

Q44: Please describe any recent or unexpected budget variations which may skew answers in the above question.

None

Q45: Please describe the fee structure associated with the regulation of this profession. This includes the following:A) The fee amount charged;B) How fee amounts are determined and set;C) The authority to establish those fees; andD) How revenues from fees are used, indicating the specific uses if those revenues are used for purposes other than regulating the profession.

A. The fee amount charged

- a. Lead Worker: \$60
- b. Lead Supervisor: \$120
- c. Lead Inspector Technician I: \$180
- d. Lead Inspector Technician II: \$180
- e. Lead Inspector/Risk Assessor: \$180
- f. Lead Project Designer: \$180
- g. Lead Abatement Contractor Entity: \$600
- h. Lead Consulting Contractor Entity: \$600
- i. Lead Analytical Laboratory Entity: \$600

B. How fee amounts are determined and set

- a. Determined and set by the Legislature

C. The authority to establish those fees

- a. Given by VRLC

D. How revenues from fees are used, indicating the specific uses if those revenues are used for purposes other than regulating the profession.

- a. Fees partially support staff salaries, direct cost and indirect costs for program implementation.
- b. Fees support development of outreach and educations materials

Q46: Please describe any General Fund or Special Fund deposits

All fees are deposited into special fund number 21828.

Q47: Please describe any appropriations from the General Fund

None

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Q48: Please describe the qualifications of any supervisor responsible for the oversight of the agency's department's professional regulatory entity and whether that supervisor has the ability to veto or modify any decision by that professional regulatory entity.

Bachelor of Science or equivalent in education and experience, plus 5 or more years of experience with regulatory program management, grant writing and grants management, licensing lead-related service providers, compliance and enforcement case development.

This supervisor does not have the ability to veto or modify any decision by that professional regulatory entity.

Q49: Please provide any additional information you feel is relevant for the purpose of this report.

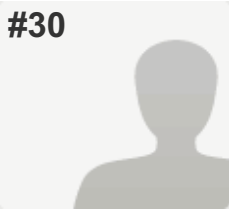
Respondent skipped this question

PAGE 11: Exit Page

Q50: Thank You for completing this survey.

End

#30

**COMPLETE****Collector:** Web Link 1 (Web Link)**Started:** Wednesday, December 14, 2016 4:15:16 PM**Last Modified:** Wednesday, December 14, 2016 4:35:21 PM**Time Spent:** 00:20:05**IP Address:** 174.199.31.226

PAGE 2: Act 156 of 2016: Professional Regulation Report

Q1: In the following survey, you will be asked to answer a series of questions regarding the regulatory practices of your given state agency/department. It is recommended that you prepare answers to the following questions prior to starting this survey. NOTE: only one device may be used for the survey, per profession. Therefore, while the survey may be discontinued and then resumed at a later date, all answers for a given profession must be entered through the same computer. As a result, it is recommended that for each profession, a single individual be elected to compile and enter information. Choose from the following options:

Begin Survey

PAGE 3: Act 156 of 2016: Professional Regulation Report

Q2: Please select an occupation from the following list.

Dairy Technicians (Agency of Agriculture, Food and Markets)

Q3: What is the name of the agency, department and/or division responsible for the regulation of this occupation?

VT Agency Agriculture Food and Markets – Dairy Section

Q4: Regulation Type. Please check all that apply for this occupation.Licensing, Registration,
Other (please specify)
enforcement against non-compliance**Q5: What is the number of regulated persons in this occupation?**

454

Q6: Is there statutory authority as a legal basis for regulation of this occupation?

Yes

Q7: If "yes" to the above, please provide a citation to said statute.

State Statute Title 6, Chapter 151, Sub chapter 2 € 2701(a) which adopts the FDA Pasteurized Milk Ordinance (PMO) as the laws regulating milk in VT. The PMO Section 3 PERMITS; and Appendix B – Milk Sampling Hauling and Transportation are the Regulations for milk samplers. Additionally, there is an Information Study guide for dairy technicians to read prior to testing for their license.

Q8: Please provide a citation to any administrative rules associated with the regulation of this occupation.

None

Q9: Please provide any and all agency or department policies for the regulation of this occupation.

The dairy technicians are licensed and inspected by the Dairy Farm Specialist and Dairy Product Specialists within their assigned territories.

Q10: Please describe the purpose of regulating this occupation.

The dairy technicians are the people responsible for the weighing, sampling, and testing of dairy farm's milk and sampling milk at dairy processing facilities for laboratory testing. These individuals can drive a milk truck, work for dairy cooperatives, laboratories and or other dairy related businesses in the state. The milk samples are used for ALL milk quality testing and weight determination for the farm's payment for the milk. Samples taken at a dairy processing facility may be used for further milk testing. Confidence in the samplers' procedures is critical to Vermont's dairy industry.

PAGE 4: Act 156 of 2016: Professional Regulation Report**Q11: Regarding stakeholder groups, please describe how this regulation affects those subject to regulation.**

Dairy farms are paid on the basis of tests run on the sample the technician takes. The dairy technician also determines the total pounds of milk for farmer payment.

The hauling companies are paid for the pounds of milk they transport so an accurate weight is important.

Lab technicians need to be accurate in their testing procedures but also need a true representative sample of the milk in farm bulk tank to get accurate results. The lab also does the required antibiotic residue testing on all milk received in processing facilities based on the samples taken by licensed dairy technicians.

Buyers of the milk want accurate weights, milk quality and milk components, such as butterfat and protein, to determine correct price to farmer. All this information comes from the accurate sample as provided by the licensed dairy technician.

Q12: Regarding stakeholder groups, please describe how this regulation affects State entities.

Accurate payments can affect the taxes paid by farmers and haulers to state.

Dairy technicians are licensed by Agency Dairy Farm Specialists and Dairy Products Specialists.

Dairy technicians are inspected every 2 years by Agency Dairy Farm Specialists or Dairy Product Specialist for proper sampling techniques.

Q13: Regarding stakeholder groups, please describe how this regulation affects consumers or clients of this occupation's services.

13) The dairy technicians are the primary people sampling milk for determining the quality of the milk being shipped to processors of dairy products. Their accuracy is critical for the processing facilities to have confidence they are receiving products that meets standards. Antibiotic residue testing prevents any residue from reaching the consumers – accurate samples are critical for this testing. A positive antibiotic residue test requires that the milk is disposed of and the dairy farmer responsible must pay for the value of all the milk on the truck.

Q14: Regarding stakeholder groups, please describe how this regulation affects employers.

Employers of dairy technicians need to be sure employees are properly licensed prior to doing any regulatory sampling, weighing, or testing. Failure to have technicians properly licensed can lead to administrative penalties (minimum of \$250 incident).

Q15: Regarding stakeholder groups, please describe how this regulation affects the public.

Licensing of dairy technicians does not directly affect the public.

Q16: Regarding stakeholder groups, please describe how this regulation affects any other applicable group.

Licensing of dairy technicians does not directly affect non stake holders.

Q17: Please describe the governance structure for the regulation of this occupation, including but not limited to: the use of a board; a commission; an agency or division head; a panel; or a hearing officer.

Licensed dairy technicians are regulated by either the Dairy Section or the Laboratory Section of the VT Agency of Agriculture, Food, Markets. Non-compliance enforcement is done within the Agency. First would be a re-inspect. If still non-compliant would move to possible hearing or administrative penalty.

Q18: Who sets application requirements and practice standards?

All standards are set by FDA's Pasteurized Milk Ordinance. Any changes to the Pasteurized Milk Ordinance are proposed Nationally through the National Conference of Interstate Milk Shippers (a nationwide regulatory conference in conjunction with FDA) where proposals are voted on and concurred with by FDA.

Q19: Who makes decisions on applicants, enforcement, and discipline?

The employer initiates the dairy technician licensing process. If the applicant does not pass the written test, the license is not issued. Any enforcement action resulting from an inspection of the dairy technician is done by the Agency of Agriculture. Some enforcement issues are to the individual, while some issues are to the employer.

Q20: Are any decision makers active participants in this regulated occupation? If so, please describe if the decision maker has taken a hiatus from the profession, and if so, whether the decision maker plans to return to the profession.

Regulatory decision makers are employees of the Agency of Agriculture and are NOT active dairy technicians of any of the non-state entities. State technicians that would sample milk are regulated by FDA.

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Q21: What are the regulated qualifications for this occupation? Check all that apply.

Examination,
Experience Requirements (exclusive from education)

Q22: How are applications received?

Dairy technician employers contact the Agency of Agriculture and a Dairy Farm Specialist or Dairy Product Specialist contacts the employer or individual to schedule an examination. After the initial examination is passed, a 3-year license is issued.

Q23: How are applications reviewed?

There is no review of the application as it is only their name and contact info and employer info.

Q24: How are applications rejected?

Failing the test would reject the applicant.

Q25: How are application rejections appealed?

Applicant can be retested at a later date.

Q26: How are licenses/certifications/registrations issued?

Application, test, required fee, and inspection are sent to Agency of Agriculture Licensing and Registration division. They are entered into Data base and license is printed. Dairy section reviews and signs and mails the license to technician.

Q27: What is the average time to process license/certification/registration applications?

7-10 days

Q28: Once issued, what is the duration of the license, certification, or registration for this occupation? three years

Q29: Please describe the license, certification, or registration, renewal process and requirements therein.

Agency of Agriculture Licensing & Registration Division send out renewals approximately 60 days prior to expiration date. Dairy technicians should have a current inspection (within last 2 years). The renewal is returned with proper fee and the renewal is issued. Delinquent licenses are followed up on and there is a late fee for delinquency.

PAGE 6: Act 156 of 2016: Professional Regulation Report

Q30: Please provide a citation to the standards of practice or codes of conduct for regulated persons in this occupation. These include any and all of the following: A) Statutes B) Rules C) Policies E) Other

State Statute Title 6, Chapter 151, Sub chapter 2 € 2701(a) which adopts the FDA Pasteurized Milk Ordinance (PMO) as the laws regulating milk in VT. The PMO Section 3 PERMITS; and Appendix B – Milk Sampling Hauling and Transportation are the Regulations for milk samplers.

Q31: Please describe the enforcement process for receiving and evaluating complaints.

Complaints are received in mail, phone, email, and in person by the Dairy Farm Specialist or Dairy Product Specialist. A Dairy Farm Specialist or Dairy Product Specialist is contacted and will contact the complainant to get more info. Dairy technicians may be re-inspected. Possible educational visit can be done with dairy technician.

Q32: Please describe the enforcement process for performing investigations.

A Dairy Farm Specialist or Dairy Product Specialist will do a re-inspect or observe whatever evidence the complainant presents. If further enforcement action is required, a notice of violation may be issued.

Q33: Please describe the enforcement process for prosecutions.

All prosecutions are done following the recommendations of our VT Agency Attorney General if the administrative penalty process is unsuccessful. General administrative penalty procedures include a Notice of Violation, Assurance of Discontinuance, possible request for hearing, hearing, Hearing officer findings, final order from hearing officer resulting in a possible administrative penalty. Increased frequency of inspection would be normal monitoring of disciplined dairy technician.

Q34: Please describe the enforcement process for hearings.

All prosecutions are done following the recommendations of our VT Agency Attorney General if the administrative penalty process is unsuccessful. General administrative penalty procedures include a Notice of Violation, Assurance of Discontinuance, possible request for hearing, hearing, Hearing officer findings, final order from hearing officer resulting in a possible administrative penalty. Increased frequency of inspection would be normal monitoring of disciplined dairy technician.

Q35: Please describe the enforcement process for discipline.

All prosecutions are done following the recommendations of our VT Agency Attorney General if the administrative penalty process is unsuccessful. General administrative penalty procedures include a Notice of Violation, Assurance of Discontinuance, possible request for hearing, hearing, Hearing officer findings, final order from hearing officer resulting in a possible administrative penalty. Increased frequency of inspection would be normal monitoring of disciplined dairy technician.

Q36: Please describe the enforcement process for follow-up or monitoring of previously disciplined individuals.

All prosecutions are done following the recommendations of our VT Agency Attorney General if the administrative penalty process is unsuccessful. General administrative penalty procedures include a Notice of Violation, Assurance of Discontinuance, possible request for hearing, hearing, Hearing officer findings, final order from hearing officer resulting in a possible administrative penalty. Increased frequency of inspection would be normal monitoring of disciplined dairy technician.

Q37: Please describe the average time to process complaints and disciplinary cases

Average time to process complaints or discipline would be 2 weeks.

Q38: Please describe any inspection process relevant to this occupation.

An Agency Dairy Farm Specialist or a Dairy Product Specialist inspects dairy technicians' techniques once every 2 years at their place of employment.

Q39: Regarding this occupation, please describe the annual average count of the following:

Complaints	4
Investigations	4
Prosecutions	1
Hearings	2
Cases Resulting in Disciplinary Action	1
Cases Resulting in Follow-up or Monitoring	2

PAGE 7: Act 156 of 2016: Professional Regulation Report**Q40: Please describe any systems, such as information technology systems, that are used to enable licensing, certification, registration, renewal, enforcement and inspection.**

After the initial inspection and written test, the licensing, inspection, enforcement and renewal of licensee is done in the USA FOOD SAFETY computer program that is the main data base for the Dairy programs for the Agency of Agriculture. Any enforcement actions would be attachments in that data base.

PAGE 8: Act 156 of 2016: Professional Regulation Report**Q41: Please provide the number of full-time staff related to the regulation of this occupation, including job titles and duties.**

The testing and inspection of these license holders is the responsibility of all the Dairy Farm Specialist field staff of the Dairy section. The Dairy Farm Program Supervisor (1) and the Dairy Farm Specialists (3) at all levels are responsible for the farm milk hauler drivers that work in their designated work area. The Dairy Product Program Supervisor (1) and the Dairy Product Specialists (4) are responsible for the licensees in their assigned dairy processing facilities. Agency of Agriculture Licensing and Registration (2) is responsible for the issuance of the original license and the renewals. Total of 11 people.

Q42: Please provide the number of part-time staff related to the regulation of this occupation, including job titles and duties.

There are no part time staff involved in regulation of this occupation.

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Q43: Please provide the following information:

Average Annual Expenses	\$5,470
Average Annual Revenues	\$5,470
Average Annual Fees Charged	Initial test \$20 - 3 year license \$30

Q44: Please describe any recent or unexpected budget variations which may skew answers in the above question.

Respondent skipped this question

Q45: Please describe the fee structure associated with the regulation of this profession. This includes the following:A) The fee amount charged;B) How fee amounts are determined and set;C) The authority to establish those fees; andD) How revenues from fees are used, indicating the specific uses if those revenues are used for purposes other than regulating the profession.

- a. The initial test is \$20 and license fee is) \$30.
 - b. Fees are set by legislative action on recommendation of Agency of Agriculture. Fee amounts are in statute and are set through the Fee Bill Process with the Legislature on a three year cycle.
 - c. State Statute Title 6, Chapter 151, Sub chapter 2 € 2701(a)
 - d. Fees are used for testing, licensing, inspection, database maintenance and administrative support for regulatory process.

Q46: Please describe any General Fund or Special Fund deposits

All fees are deposited in a Special Fund.

Q47: Please describe any appropriations from the General Fund

Regulation of the dairy industry by the VT Agency of Agriculture is supported by special funds from dairy related fees including dairy technician and general funds.

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Q48: Please describe the qualifications of any supervisor responsible for the oversight of the agency's department's professional regulatory entity and whether that supervisor has the ability to veto or modify any decision by that professional regulatory entity.

Supervisors with oversight of the plant and farm programs are the most senior members of their respective programs and are Certified by FDA to be Sampling Surveillance Officers. Currently the two supervisors have 28 and 32 years' experience in fields they supervise. The Supervisors could refuse to license a person.

Q49: Please provide any additional information you feel is relevant for the purpose of this report.

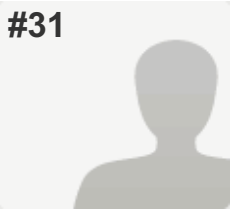
This license is very dairy farm and dairy industry based. All regulatory activity is done in the field and hours of operation vary depending on the milk hauler drivers' schedules. It would be very difficult for non-Agency of Agriculture personnel to have the required knowledge and flexibility to properly regulate this profession.

PAGE 11: Exit Page

Q50: Thank You for completing this survey.

End

#31

**COMPLETE****Collector:** Web Link 2 (Web Link)**Started:** Wednesday, December 14, 2016 4:35:35 PM**Last Modified:** Wednesday, December 14, 2016 4:54:51 PM**Time Spent:** 00:19:15**IP Address:** 174.199.31.226

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Q1: In the following survey, you will be asked to answer a series of questions regarding the regulatory practices of your given state agency/department. It is recommended that you prepare answers to the following questions prior to starting this survey. NOTE: only one device may be used for the survey, per profession. Therefore, while the survey may be discontinued and then resumed at a later date, all answers for a given profession must be entered through the same computer. As a result, it is recommended that for each profession, a single individual be elected to compile and enter information. Choose from the following options:

Begin Survey

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Q2: Please select an occupation from the following list.

Pesticide Applicators (Agency of Agriculture, Food and Markets)

Q3: What is the name of the agency, department and/or division responsible for the regulation of this occupation?

Agency of Agriculture, Food & Markets

Q4: Regulation Type. Please check all that apply for this occupation.

Licensing, Certification

Q5: What is the number of regulated persons in this occupation?

1,678

Q6: Is there statutory authority as a legal basis for regulation of this occupation?

Yes

Q7: If "yes" to the above, please provide a citation to said statute.

6 VSA § 1112

Q8: Please provide a citation to any administrative rules associated with the regulation of this occupation.

Vermont Regulation for the Control of Pesticides:

http://agriculture.vermont.gov/pesticide_regulation/applicator_dealer_resources/laws_and_regulations

Q9: Please provide any and all agency or department policies for the regulation of this occupation.

http://agriculture.vermont.gov/pesticide_regulation/applicator_dealer_resources
http://agriculture.vermont.gov/pesticide_regulation/applicator_dealer_resources/pesticide_exams
http://agriculture.vermont.gov/pesticide_regulation/applicator_dealer_resources/commercial_applicators

Q10: Please describe the purpose of regulating this occupation.

The purpose of regulating this occupation is to ensure proper application of pesticides in accordance with all state and federal laws, including worker protection, pollution prevention, recommendations and experimental uses, sales, storage, transportation, issuance of state-required permits, and technical education about pesticides. Regulation allows the Agency to track all applicators and the annual use and sales of pesticides, as required. Regulation also enforces recordkeeping requirements for farmers, nursery growers, and others that may be exempt from required annual reporting.

PAGE 4: Act 156 of 2016: Professional Regulation Report**Q11: Regarding stakeholder groups, please describe how this regulation affects those subject to regulation.**

A wide group of stakeholders are represented in this regulation. Pesticide applicators cover industries such as agriculture, forestry, terrestrial invasive plants, ornamental plant treatments, cooling tower treatment, surface water treatments, utility and railroad rights-of-way, structural and food processing, aerial applications, researchers, and experimental use and sales. Commercial, non-commercial and private entities are subject under this regulation. Commercial companies are also required to have a company license, in addition to having certified applicator(s).

Q12: Regarding stakeholder groups, please describe how this regulation affects State entities.

State and federal government entities are subject to this regulation. Anyone operating in their employment and applying a Class A (restricted-use) or Class B (controlled sale) pesticide or higher in the course of their employment is required to become a certified government applicator. Additionally, all pesticide use on Vermont state lands is subject to a pesticide use impact assessment. The Vermont Pesticide Advisory Council (VPAC), formed by statute (6 VSA §1102) and containing many state agency representatives, also serves as an advisory board to the Secretary of Agriculture.

Q13: Regarding stakeholder groups, please describe how this regulation affects consumers or clients of this occupation's services.

Consumers or clients of this occupation can expect that the applicators that are properly certified have met the minimum prerequisites for application and are held liable to all pertinent Vermont and federal applications. All complaints from consumers are investigated.

Q14: Regarding stakeholder groups, please describe how this regulation affects employers.

Employers of pesticide applicators are required to provide appropriate training or allow for such training. Employers are required to maintain records. Employees are required to obtain CEUs on a 5-year cycle, depending on class of pesticide applicator an employer generally tracks this information.

Q15: Regarding stakeholder groups, please describe how this regulation affects the public.

Mitigation of pollution and ensures proper use of pesticides throughout Vermont, whether in lakes, farms, restaurants or other food facilities, apartments and housing, utility corridors, mosquito reduction. Regulation of the occupation also provides information to the public about use.

Q16: Regarding stakeholder groups, please describe how this regulation affects any other applicable group.

N/A

Q17: Please describe the governance structure for the regulation of this occupation, including but not limited to: the use of a board; a commission; an agency or division head; a panel; or a hearing officer.

The Secretary of the Agency of Agriculture Food & Markets has primacy over all pesticide use in the state as well as authority for interpretation of pesticide labels. Within the Agency, the Agrichemical Section oversees the day-to-day activities of the program: certification & training, special product registrations, environmental monitoring, enforcement investigations and actions. Civil hearings within the Agency are held, as well as referrals for criminal enforcement.

Q18: Who sets application requirements and practice standards?

The US EPA sets a minimum criterion for applicator certification in a state certification plan. The Agency of Agriculture establishes how the state will meet that plan and is audited annually as part of its grant. Please also see 1973 Letter from Vermont Governor Thomas Salmon to EPA Region 1, designating the Vermont Department of Agriculture as the state agency responsible for the administration of any state plan which will certify applicators of pesticides.

Q19: Who makes decisions on applicants, enforcement, and discipline?

Ultimately the Secretary of the Agency of Agriculture has authority over all of these items.

Q20: Are any decision makers active participants in this regulated occupation? If so, please describe if the decision maker has taken a hiatus from the profession, and if so, whether the decision maker plans to return to the profession.

No Agency staff member are currently commercial pesticide applicators outside of their employment with the Agency, nor have they been involved in this profession prior to their employment with the Agency.

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Q21: What are the regulated qualifications for this occupation? Check all that apply.

Education Requirements, Examination

Q22: How are applications received?

Applicator applications are received at the time of initial examination and at any subsequent examination. Company license applications are received only when an approved pesticide applicator is certified.

Q23: How are applications reviewed?

Technical staff (Certification & Training Coordinator) reviews and inputs initial data. Vermont has reciprocity agreements in place with several states: NY, NJ, RI, and PA, based on state of residency. Review of these applications includes review of home state certifications and categories.

Q24: How are applications rejected?

Applications are rejected if the prerequisite criteria for certification are not met. Criteria are: passing scores on required examinations (based on by type of application, type of product used, employer type, site of application), and payment of applicable fees within established time period. Applications may also be rejected if time period expires without completion of all prerequisites.

Q25: How are application rejections appealed?

Rejections are appealed to the Agrichemical Program Manager and then to the Secretary of Agriculture.

Q26: How are licenses/certifications/registrations issued?

The Licensing & Registration section within the Agency of Agriculture is provided paperwork and payment with approval to process from the Certification & Training Coordinator. Commercial pesticide applicators are certified only with licensed commercial companies. All others are certified with either non-commercial companies or self. Data is reviewed for accuracy by the Licensing & Registration staff, forms are scanned electronically into the file. Certificate is sent to print queue and certificates are printed and mailed on a weekly basis.

Q27: What is the average time to process license/certification/registration applications?

A successful candidate can be processed in a day.

Q28: Once issued, what is the duration of the license, certification, or registration for this occupation?

Pesticide applicator certificates and pesticide company licenses are valid on a calendar year basis, expiring on 12/31. Private pesticide applicator certificates are currently valid for a period of 5 years, ending on 12/31.

Q29: Please describe the license, certification, or registration, renewal process and requirements therein.

Six weeks prior to expiration of certificates, renewals are generated from USAPlants database. The BGS Printshop handles all private, government, and non-commercial pesticide applicator mailings. Commercial company license renewals are matched with certified commercial pesticide applicators in the Agency and mailed. Renewals for commercial, non-commercial and state government entities consist of payment, renewal slip and annual pesticide use reporting and annual sales (if salesperson). All paperwork is received by the Licensing & Registration section, and if Continuing Education Credits requirements are met, the renewal is processed. Federal applicators have the same process, but are not required to pay a fee. Private applicators are required to pay a fee, sign a renewal, but are not required to submit annual pesticide use reports. The USAPlants database also tracks all of the CEU meetings, credits earned by applicator and updates applicator accounts.

PAGE 6: Act 156 of 2016: Professional Regulation Report**Q30: Please provide a citation to the standards of practice or codes of conduct for regulated persons in this occupation. These include any and all of the following: A) Statutes B) Rules C) Policies E) Other**

- A) Statutes 6 VSA § 1112
- B) Rules Vermont Regulation for the Control of Pesticides
- C) Policies Multiple procedures, State MOU's and policies
- E) Other Boards- Vermont Pesticide Advisory Council (VPAC) 6 VSA § 1101

Q31: Please describe the enforcement process for receiving and evaluating complaints.

All complaints received via phone or email or written are forwarded to appropriate Ag Resource Management Specialist and investigated. Alternatively, our Ag Resource Management Specialist have an abundant enforcement presence and may receive complaints directly.

Q32: Please describe the enforcement process for performing investigations.

All complaints are forwarded to appropriate Ag Resource Management Specialist and investigated. Ag Resource Management Specialists determine whether the pesticide operation is being carried out in accordance with the Vermont Regulations for the Control of Pesticides. Routine inspections are also conducted (i.e. inspections initiated without first receiving a complaint). Ag Resource Management Specialists conduct inspections (both announced and unannounced) of an applicator's use of pesticide(s) in agricultural and non-agricultural settings, and review records required to be maintained by pesticide applicators.

Q33: Please describe the enforcement process for prosecutions.

Please see Appendix A – "Vermont Agency of Agriculture, Food and Markets Pesticide Enforcement Response Policies."

Q34: Please describe the enforcement process for hearings.

Please see Appendix A – “Vermont Agency of Agriculture, Food and Markets Pesticide Enforcement Response Policies.”

Q35: Please describe the enforcement process for discipline.

Please see Appendix A – “Vermont Agency of Agriculture, Food and Markets Pesticide Enforcement Response Policies.”

Q36: Please describe the enforcement process for follow-up or monitoring of previously disciplined individuals.

Please see Appendix A – “Vermont Agency of Agriculture, Food and Markets Pesticide Enforcement Response Policies.”

Q37: Please describe the average time to process complaints and disciplinary cases

60 to 180 hrs. not including laboratory sample analysis. Additional 25 hrs per sample laboratory time.

Q38: Please describe any inspection process relevant to this occupation.

Inspections conducted of this occupation are done by certified field agents, these agents have specific training in pesticide evidence collection, witness interviews and pesticide regulations. Specific forms are filled out as appropriate to the investigation and the EPA’s Office of Enforcement.

Q39: Regarding this occupation, please describe the annual average count of the following:

Complaints	60
Investigations	271
Prosecutions	5
Hearings	1
Cases Resulting in Disciplinary Action	1
Cases Resulting in Follow-up or Monitoring	11

PAGE 7: Act 156 of 2016: Professional Regulation Report**Q40: Please describe any systems, such as information technology systems, that are used to enable licensing, certification, registration, renewal, enforcement and inspection.**

All aspects of the Agency’s Pesticide Regulatory Program are tracked using the USAPlants database. This database also contains information on other related certifications and licensure within the Agency, including pesticide product registration, nursery & pesticide dealers, lime and feed manufacturers. The database is being updated to contain enforcement and environmental monitoring data, but those are currently being tracked in two separate databases. The laboratory samples are tracked through a laboratory information system.

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Q41: Please provide the number of full-time staff related to the regulation of this occupation, including job titles and duties.

1. (1) Agrichemical Toxicologist. Certification & Training, Worker Protection Standard and toxicology assessment of pesticides state-wide.
2. (3) Agrichemical Resource Management Specialist. Provides training, sampling and enforcement of pesticide applicators in the northeast portion of Vermont.
3. (1) Soils Scientist. Investigates, monitors and remediates long-term pesticide and other agrichemical sites.
4. (1) Agricultural Policy & Research Specialist. Provides back-up support for certification and training, responsible for implementation of new state and federal certification rules.
5. (1) Agrichemical Resource Management Supervisor. Provides training, sampling and enforcement of pesticide applicators in the northwest portion of Vermont, as well as supervision of the 3 other field staff and oversight of golf course permit program.
6. (1) Vermont Agricultural and Environmental Laboratory Scientist V: Chemistry. Provides analytical support for compliance and enforcement investigations.
7. (1) Agrichemical Program Manager. Oversight and decision-making for the entire program. Serves as hearing officer, representative on VPAC, interpretation on all pesticide labels.
8. (1) Agricultural Resource Management Enforcement Coordinator. Compile, provide initial review on all pesticide cases. Tracks enforcement cases and submits annual enforcement report to US EPA. Provides assistance with all public records requests.
9. (1) Chief Policy Enforcement Officer. Provides legal support for enforcement cases and rulemaking requirements.
10. (2) Licensing & Registration Specialist. Processes initial and renewal paperwork, collects and processes fees, answers inquiries from applicators, updates databases.
11. (1) Administrative Assistant. Directs calls for staff, provides primary input of pesticide use reports.

Q42: Please provide the number of part-time staff related to the regulation of this occupation, including job titles and duties.

There are no part time employees.

PAGE 9: Act 156 of 2016: Professional Regulation Report**Q43: Please provide the following information:**

Average Annual Expenses	\$135,500
Average Annual Revenues	\$135,500
Average Annual Fees Charged	\$30 per category with a maximum of \$120/year

Q44: Please describe any recent or unexpected budget variations which may skew answers in the above question.

The fee was adjusted on the 2016 legislative session. The projected revenue is an estimate.

Q45: Please describe the fee structure associated with the regulation of this profession. This includes the following:A) The fee amount charged;B) How fee amounts are determined and set;C) The authority to establish those fees; andD) How revenues from fees are used, indicating the specific uses if those revenues are used for purposes other than regulating the profession.

A) The fee amount charged;
\$30 per category of license with a maximum of \$120
\$25/year for a 5 year license for a private applicator

B) How fee amounts are determined and set;
Fees are in statute and set through the legislative process on a three year basis.

C) The authority to establish those fees; and
6 VSA § 111

D) How revenues from fees are used, indicating the specific uses if those revenues are used for purposes other than regulating the profession.

The fee revenue is used to support all aspects of the pesticide regulatory program. Staff and operating, database maintenance, investigation, administration for penalty process and potential clean up of a miss-use of pesticide situation.

Q46: Please describe any General Fund or Special Fund deposits

Fees are deposited in a special fund.

Q47: Please describe any appropriations from the General Fund

General funds are used to match special funds to support costs of the pesticide control program of which the certification of applicators is a part.

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Q48: Please describe the qualifications of any supervisor responsible for the oversight of the agency's department's professional regulatory entity and whether that supervisor has the ability to veto or modify any decision by that professional regulatory entity.

Individuals serving as Pesticide Regulatory Program Supervisors must have a thorough and exemplary mastery of both State and Federal Pesticide Regulations and be able to apply these requirements to everyday pesticide program activities. A minimum of bachelor of science in chemistry, physics, biology and other similar field is required, as well as years of field experience. Supervisors can veto decisions made by staff related to the application of the regulatory requirements to a given individual/company and, ultimately guide the Secretary of Agriculture on any given regulatory decision.

Q49: Please provide any additional information you feel is relevant for the purpose of this report.

The federal Certification and Training Rule is changing and will require both state statutory and other regulatory changes. That rule is expected to be published in the federal register before the end of December 2016. The EPA grants the Agency monies to implement this program and is audited annually by a regional EPA project officer.

The pesticide applicator programs have a unique regulatory structure at the federal level, in that the state has been designated primacy over pesticide use and enforcement. The federal EPA has authority over pesticide label language, essentially identifying allowable products, uses and use patterns. This makes the federal and state agencies co-regulators, as opposed to the state being a designated authority. The federal USDA has some authority over private pesticide applicators.

The Vermont pesticide applicator certification and licensing program is a portion of the greater pesticide regulatory program. Individuals involved in the licensing and certification process must be able to rely on program staff that are thoroughly trained in the requirements (categories, sites of use, employment status) of the Pesticide Regulations and provide guidance to licensing staff. The licensing/renewal of licenses is intimately linked to the documentation and

reporting of pesticide usage. Annual applicator certification and company license renewals are based on the submission of acceptable Annual Pesticide Usage reports documenting usage over the previous year. Trained program staff review these usage reports to determine if a pesticide applicator is properly using pesticides. For example, an individual certified to perform residential/structural pest control should not be using a product labeled for use on agricultural crops. Ability to read and comprehend pesticide labels and calculate appropriate usage rates is required by staff. In addition, program staff also review annual pesticide usage reports to ensure that applicators are not using products that have been cancelled or banned due to the product's inherent danger or toxicity. If there is a problem with the pesticide usage report, the applicator certificate/company license will not be processed until a resolution is reached on the pesticide usage reported. Further, licenses/certificates cannot be renewed unless the applicator has obtained the required number of Continuing Education Units (CEUs) needed for their specific certification(s). Commercial/Non-commercial/Government applicators need to earn 16 CEUs in a period of 5 years. Private applicators need to earn 8 CEUs in 5 years. (These numbers and intervals may change in the coming rule) Pesticide Program staff either provide the training for the applicators, or review the course content of trainings held by third parties and approve them for CEUs. Proof of attendance at approved courses is tracked in the USAPlants database and is linked with the applicator's ability to renew their certification.

The entity responsible for the licensing and certification of pesticide applicators/companies must meet annually with the U.S. EPA Region 1 Pesticide Program Staff to review the previous year's licensing/certification accomplishments and discuss any issues that have arisen and how they were resolved. The Agency was designated in 1973 by then Governor Thomas Salmon as the state agency that would be responsible for the administration of any state plan designed to certify pesticide applicators. The Agency has had a successful working relationship with EPA Region 1 since that time.

Office of Professional Regulation
Appendix A
Vermont Agency of Agriculture, Food and Markets
Pesticide Enforcement Response Policies

I) Introduction

In the interest of uniform, consistent and appropriate enforcement of Vermont's pesticide laws and regulations the Agency of Agriculture, Food and Markets, (Agency) has developed this Pesticide Enforcement Response Policy which delineates the powers of the Secretary and the processes in which they may be utilized:

II) Enforcement timetable

When violations of Vermont's pesticide regulations and/or laws are documented through inspections or investigations, the Agency will make all attempts to complete a case file within 30 days of the initial contact. Legal assistance will be obtained from the Attorney General's office as required. The Agency will recommend an appropriate legal action to the Secretary who will normally approve, deny or amend the recommended action within 7 days.

III) Enforcement Options

The Secretary has statutory authority to respond to violations of Vermont's Pesticide Regulations and/or laws in any of the following ways:

A) Cease and Desist Order

A cease and desist order is a field record of violations which requires the violator to cease a particular activity or take an immediate corrective action. Cease and Desist Orders are issued by field staff when violations of pesticide regulations which need immediate response is noted. Examples of violations for which Cease and Desist: Orders are most commonly used are sales of unregistered pesticides, pesticide use by an uncertified applicator, deviation from approved permit conditions, Class 'A' or Class 'B' pesticide sales by unlicensed dealers; use of a pesticide inconsistent with its label pertaining to personal protective equipment, or faulty equipment. Cease and Desist Orders may be followed with further enforcement action for the same violation and serve as documentation that violations have been described to the violator.

B) Letter of Warning

A Letter of Warning is used when the documented violation(s) result in little or no potential harm to human health or the environment. The letter describes to the violator the nature of the violations and applicable regulations, advises them of their legal obligations and the possibility for future actions should violations continue. Violations which may result in a Letter of Warning are first offences involving delinquent filing of required reports, incomplete records, failure to wear required Personal Protective Equipment, failure to report minor spills or accidents and not properly treating treated areas

required Personal Protective Equipment, failure to report minor spills or accidents and not properly posting treated areas when required.

C) Amend, suspend or revoke certificates, licenses or permits

The Secretary has the authority to revoke or suspend any license or certificate for failure to comply with the law or regulations. The licensee or certificate holder may request a hearing on the matter within 5 days of being notified of the action. No hearing is required for permit amendments or suspensions. Permit conditions may also be changed as a result of violations of the permit or a need to further protect human health and the environment. Suspension or revocation of licenses and certificates would be considered when repeated violations by the same company or applicator are documented which may endanger human health or the environment.

D) Administrative Penalty

The Secretary has the authority to assess administrative penalties up to \$1,000 for private and certified private applicators and up to \$5,000 per violation for all other persons found to be in violation of the law or regulations (6 VSA §1111). Administrative penalties provide for the opportunity for a hearing and subsequent appeal to Superior Court. When determining the amount of a penalty the Secretary may give consideration to the size of the business involved, the gravity of the violation, the past record of violations of the company involved and their good faith. Administrative penalties are commonly assessed for repeated violations or violations which may result in harm to human health or the environment. Examples of violations for which administrative penalties may be assessed are second offences involving uncertified applicators, unlicensed sales, use inconsistent with the label, permit violations, and failure to submit required reports. Making false or fraudulent claims, improper disposal, reckless or negligent operation and violation of a cease and desist order may result in administrative penalties for a first offence.

E) Assurance of Discontinuance

An assurance is a settlement agreement as a result of a hearing. Assurances are used in instances where specific actions are required to be taken by the violator. A portion of the administrative penalty is usually suspended providing there are no further violations of regulation or law. Assurances may, at the discretion of the Secretary and Attorney General, be filed with Superior Court. Assurances are commonly used when site cleanup is required, when special or additional training is needed, or if there is a need for third party compensation.

F) Civil Penalties

6 VSA §1107 allows for civil penalties not to exceed \$25,000 or imprisonment for not more than 6 months or both. Each violation may be considered a separate and distinct offense. This power is reserved for especially heinous violations which result in injuries or environmental degradation.

G) Other Powers of the Secretary

1) Search Warrants

6 VSA § 12 allows the Secretary to apply for a search warrant when there is reason to believe that any law administered by the Secretary has been violated and when permission to inspect a property subject to routine inspections in connection with a regulatory program has been refused.

2) Seizure and Condemnation

6 VSA § 921 allows the Secretary to seize and condemn any economic poison in the state if it is found to be adulterated, misbranded, or not registered.

3) Temporary Restraining Orders

6 VSA § 1104 allows the Secretary to bring an action to court in order to restrain ongoing violations of law or regulation by temporary or permanent injunction or other relief as may be necessary for abatement of any violation.

H) Referrals to EPA Region I

The Agency will forward cases to EPA Region I when violations are of Federal law such as labeling violations, formulation violations and producer establishment violations.

IV) Severity of Violation

In general, the severity of each violation is related to the level of harm or potential harm caused by the action. Each case is evaluated individually. The Agency will consider the following when determining the severity of a violation:

- 1) Actual harm or potential harm to human health
- 2) Actual harm or potential harm to the environment
- 3) Economic or other loss to third parties
- 4) Intent

V) Enforcement Action Determination

Determining the appropriate enforcement action will depend on the severity of the violation(s) and consideration of the following:

- 1) Past history of violations
- 2) Repeated violations of the same law or regulation
- 3) Corrective actions or preventive actions taken by the violator
- 4) Economic status of the violator
- 5) Good faith or lack thereof

VI) Common violations

Pesticide-Use related:

- use inconsistent with the label
- use in violation of permit restrictions
- use in violation of state regulations
- improper storage
- improper disposal
- use of a canceled, suspended or unregistered pesticide
- application by an uncertified applicator in violation of State regulations
- failure to report an accident
- failure to wear required personal protective equipment

Non Pesticide-Use related:

- failure to notify in violation of State or Federal regulations
- failure to maintain required records
- failure to submit required reports
- unlicensed sale of pesticides
- sale of canceled, suspended or unregistered pesticides
- unlicensed company

Pesticide Product related:

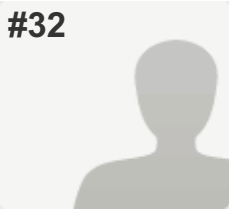
- misbranding
 - unregistered
 - faulty packaging
 - false or fraudulent claims
 - improperly formulated
-

PAGE 11: Exit Page

Q50: Thank You for completing this survey.

End

#32

**COMPLETE****Collector:** Web Link 3 (Web Link)**Started:** Thursday, December 15, 2016 5:43:24 AM**Last Modified:** Thursday, December 15, 2016 5:55:13 AM**Time Spent:** 00:11:48**IP Address:** 65.183.152.99

PAGE 2: Act 156 of 2016: Professional Regulation Report

Q1: In the following survey, you will be asked to answer a series of questions regarding the regulatory practices of your given state agency/department. It is recommended that you prepare answers to the following questions prior to starting this survey. NOTE: only one device may be used for the survey, per profession. Therefore, while the survey may be discontinued and then resumed at a later date, all answers for a given profession must be entered through the same computer. As a result, it is recommended that for each profession, a single individual be elected to compile and enter information. Choose from the following options:

Begin Survey

PAGE 3: Act 156 of 2016: Professional Regulation Report

Q2: Please select an occupation from the following list.

Weighmasters (Agency of Agriculture, Food and Markets)

Q3: What is the name of the agency, department and/or division responsible for the regulation of this occupation?

Consumer Protection Section, Food Safety and Consumer Protection Division, Agency of Agriculture, Food and Markets

Q4: Regulation Type. Please check all that apply for this occupation.

Licensing

Q5: What is the number of regulated persons in this occupation?

435

Q6: Is there statutory authority as a legal basis for regulation of this occupation?

Yes

Q7: If "yes" to the above, please provide a citation to said statute.

Title 9, Chapter 73, Section 2721

Q8: Please provide a citation to any administrative rules associated with the regulation of this occupation.

None

Q9: Please provide any and all agency or department policies for the regulation of this occupation.

The License is based on statute.

Q10: Please describe the purpose of regulating this occupation.

The purpose of this license is to ensure that all individuals performing weighing for other businesses are properly licensed and accountable.

PAGE 4: Act 156 of 2016: Professional Regulation Report**Q11: Regarding stakeholder groups, please describe how this regulation affects those subject to regulation.**

License required to provide certified weight to those that may need a certified weight to conduct business in Vermont.

Q12: Regarding stakeholder groups, please describe how this regulation affects State entities.

N/A

Q13: Regarding stakeholder groups, please describe how this regulation affects consumers or clients of this occupation's services.

License is required to provide a certified weight to another business or individual. Gives assurance that the weight given is from a licensed individual

Q14: Regarding stakeholder groups, please describe how this regulation affects employers.

Requires employers to assure all employees providing this service are licensed

Q15: Regarding stakeholder groups, please describe how this regulation affects the public.

Gives assurance that the weight given is from a licensed individual

Q16: Regarding stakeholder groups, please describe how this regulation affects any other applicable group.

N/A

Q17: Please describe the governance structure for the regulation of this occupation, including but not limited to: the use of a board; a commission; an agency or division head; a panel; or a hearing officer.

Agency of Agriculture, Food and Markets licenses the individuals, Consumer Protection Specialists periodically checks licenses for those performing weighing.

Q18: Who sets application requirements and practice standards?

Agency of Agriculture, Food and Markets

Q19: Who makes decisions on applicants, enforcement, and discipline?

Agency of Agriculture, Food and Markets

Q20: Are any decision makers active participants in this regulated occupation? If so, please describe if the decision maker has taken a hiatus from the profession, and if so, whether the decision maker plans to return to the profession.

No

PAGE 5: Act 156 of 2016: Professional Regulation Report

Q21: What are the regulated qualifications for this occupation? Check all that apply.

Experience Requirements (exclusive from education)

Q22: How are applications received?

For first time weighmaster – business or individual would request application for a license.

Q23: How are applications reviewed?

Applications are reviewed for complete information, signatures and proper initials

Q24: How are applications rejected?

Applications are not rejected. Incomplete applications are returned to businesses or individuals with a cover letter indicating what items need further attention. Once completed applications are received, a license can be granted.

Q25: How are application rejections appealed?

no appeal process

Q26: How are licenses/certifications/registrations issued?

Once a completed application is provided, Agency of Agriculture Licensing and Registration Group provides a license.

Q27: What is the average time to process license/certification/registration applications?

The average time to process a license is one week.

Q28: Once issued, what is the duration of the license, certification, or registration for this occupation?

The duration of the license is one year.

Q29: Please describe the license, certification, or registration, renewal process and requirements therein.

Renewal are sent out 60 days prior to expiration date of the license. A second notice of renewal is mailed at the end of the 2-week period. If license renewal is not received within the time frame – a late fee is charged.

PAGE 6: Act 156 of 2016: Professional Regulation Report

Q30: Please provide a citation to the standards of practice or codes of conduct for regulated persons in this occupation. These include any and all of the following: A) Statutes B) Rules C) Policies E) Other

Title 9, Chapter 73, Section 2721 – 2724

Q31: Please describe the enforcement process for receiving and evaluating complaints.

Agency of Agriculture Consumer Protection would receive a question / complaint regarding a certified weight and or the actions of the public weighmaster. Consumer Protection Specialist would follow up to assure compliance.

Q32: Please describe the enforcement process for performing investigations.

Complaints take precedence; Consumer Protection Specialist field staff would follow up as soon as possible

Q33: Please describe the enforcement process for prosecutions.

N/A

Q34: Please describe the enforcement process for hearings.

The Agency of Agriculture has authority for an administrative penalty process. A notice of violation would be issued. An opportunity for a pre hearing is offered. If resolution cannot be found, then a formal hearing with a hearing officer would be scheduled.

Q35: Please describe the enforcement process for discipline.

The hearing officer could find a penalty is warranted, an Assurance of Discontinuance or loss of license.

Q36: Please describe the enforcement process for follow-up or monitoring of previously disciplined individuals.

Consumer Protection Specialist would do follow up inspections.

Q37: Please describe the average time to process complaints and disciplinary cases

Complaints – 2 days Actions – up to 30 days

Q38: Please describe any inspection process relevant to this occupation.

N/A

Q39: Regarding this occupation, please describe the annual average count of the following:

Complaints	0
Investigations	0
Prosecutions	0
Hearings	0
Cases Resulting in Disciplinary Action	0
Cases Resulting in Follow-up or Monitoring	0

PAGE 7: Act 156 of 2016: Professional Regulation Report**Q40: Please describe any systems, such as information technology systems, that are used to enable licensing, certification, registration, renewal, enforcement and inspection.**

Information on all public weighmasters is entered into the USA Plants data base at the Agency.

PAGE 8: Act 156 of 2016: Professional Regulation Report**Q41: Please provide the number of full-time staff related to the regulation of this occupation, including job titles and duties.**

- (1) Licensing and Registration Specialist
- (3) Consumer Protection Specialist
- (1) Consumer Protection Section Chief

Q42: Please provide the number of part-time staff related to the regulation of this occupation, including job titles and duties.

here are no part-time employees.

PAGE 9: Act 156 of 2016: Professional Regulation Report

Q43: Please provide the following information:

Average Annual Expenses	\$10,875
Average Annual Revenues	\$10,875
Average Annual Fees Charged	\$25 per license

Q44: Please describe any recent or unexpected budget variations which may skew answers in the above question.

This fee was adjusted in the 2016 legislative session – revenue is estimated for FY 17.

Q45: Please describe the fee structure associated with the regulation of this profession. This includes the following:A) The fee amount charged;B) How fee amounts are determined and set;C) The authority to establish those fees; andD) How revenues from fees are used, indicating the specific uses if those revenues are used for purposes other than regulating the profession.

Fee - \$25/public weighmaster license

Fee amounts are in statute and are set through the Fee Bill Process with the Legislature on a three- year cycle.

Title 9, Chapter 73, Section 2721 – 2724

Funds are utilized to support data base management, licensing and registration employees and Consumer Protection Specialist.

Q46: Please describe any General Fund or Special Fund deposits

All funds are deposited to a special fund.

Q47: Please describe any appropriations from the General Fund

No general funds are used to support this program.

PAGE 10: Act 156 of 2016: Professional Regulation Report**Q48: Please describe the qualifications of any supervisor responsible for the oversight of the agency's department's professional regulatory entity and whether that supervisor has the ability to veto or modify any decision by that professional regulatory entity.**

The Chief of Consumer Protection can initiate action, with input from Consumer Protection Specialists and the Director of Food Safety and Consumer Protection.

Q49: Please provide any additional information you feel is relevant for the purpose of this report.

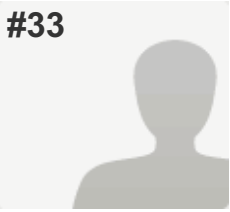
Weights and measures accuracy is important for businesses in Vermont. The Agency of Agriculture provides a full program supporting weights and measures work in Vermont which includes the public weighmaster license.

PAGE 11: Exit Page

Q50: Thank You for completing this survey.

End

#33

**COMPLETE****Collector:** Web Link 4 (Web Link)**Started:** Thursday, December 15, 2016 5:55:21 AM**Last Modified:** Thursday, December 15, 2016 6:09:01 AM**Time Spent:** 00:13:40**IP Address:** 65.183.152.99

PAGE 2: Act 156 of 2016: Professional Regulation Report

Q1: In the following survey, you will be asked to answer a series of questions regarding the regulatory practices of your given state agency/department. It is recommended that you prepare answers to the following questions prior to starting this survey. NOTE: only one device may be used for the survey, per profession. Therefore, while the survey may be discontinued and then resumed at a later date, all answers for a given profession must be entered through the same computer. As a result, it is recommended that for each profession, a single individual be elected to compile and enter information. Choose from the following options:

Begin Survey

PAGE 3: Act 156 of 2016: Professional Regulation Report

Q2: Please select an occupation from the following list.

Weights and Measures Repairers (Agency of Agriculture, Food and Markets)

Q3: What is the name of the agency, department and/or division responsible for the regulation of this occupation?

Consumer Protection Section, Food Safety and Consumer Protection Division, Agency of Agriculture, Food and Markets

Q4: Regulation Type. Please check all that apply for this occupation.

Licensing

Q5: What is the number of regulated persons in this occupation?

202

Q6: Is there statutory authority as a legal basis for regulation of this occupation?

Yes

Q7: If "yes" to the above, please provide a citation to said statute.

Title 9, Chapter 73, Section 2725

Q8: Please provide a citation to any administrative rules associated with the regulation of this occupation.

N/A

Q9: Please provide any and all agency or department policies for the regulation of this occupation.

Guidelines for Scale and Meter Sales and Service

Vermont Agency of Agriculture Food & Markets

Consumer Protection Section, Weights and Measures Program

The following explains the legal requirements and policies of the Vermont Weights & Measures (W&M) program as it

The following explains the legal requirements and policies of the Vermont Weights & Measures (W&M) program as it relates to the installation, repair, and sales of commercial scales and meters.

Although the registration of dealers and service persons is voluntary, the sale or repair of a legal for trade device by an unregistered agency does not allow the customer to legally operate their equipment until it is tested and approved by an authorized party (a Consumer Protection inspector or registered service person). Registration allows the service person to put new, used, or re-calibrated devices into commercial use, or place back into service after repair, a scale or meter that has failed an official inspection. Registered service persons must notify the Consumer Protection (CP) Office by a Placed in Service Report within 48 hours after they take the following actions on commercial scales or meters:

1. Repair a rejected or condemned device.
2. Put into commercial service, new or used equipment.
3. Break or replace a security seal on a calibrator, compensator, audit trail or any other part that limits access to adjustable components.
4. Break or replace a seal on a rejected device.
5. Make any repair or adjustment that affects the measurement accuracy of a device.
6. Change LPG registers or scale indicators.

The CP Office needs to be notified when a service person installs, repairs, or calibrates a commercial weighing or measuring device. The CP office does not need to know when routine maintenance such as light bulbs or hoses are changed on a gas pump, or routine cleaning and maintenance on a vehicle scale. However, service persons must duly notify the CP office of situations that require initial or follow-up inspections.

A repair person may be fined and lose their registration if they fail to comply with these requirements.

Weights and Measures law is found in Title 9, Chapter 73 of the Vermont Statutes. The registration of dealers and service persons are referenced in sections 2725-2729 and 2766. The W&M program also adopts as regulation the most recent National Institute of Standards and Technology (NIST) Handbook-44 Specifications, Tolerances and other Technical Requirements for Weighing and Measuring Devices. We do not supply service agencies with copies of this document, but you may obtain one by contacting:

Page 1 of 4

Superintendent of Documents
U.S. Government Printing Office
Washington, DC 20402-9325
Telephone (202) 783-3283

Also, download at:

<http://ts.nist.gov/ts/htdocs/230/235/pubs.htm>

Some parts of the regulation can be somewhat complicated because it also deals with manufacturing specifications as well as field testing. What follows is a summary of some, but not all, of the high points in the regulation and law that could routinely affect a service person.

1. All adjustments must be made as close to zero error as possible. Service persons don't have a tolerance. Tolerances are for a W&M inspector to apply to a device. The service person must adjust the device as close to zero error as practical. Errors should be small and random. As a guide; plus or minus 0 to 3 in 3 on gas pumps, no more than one division at capacity on small and medium scales, 40 lb range @ 40,000 lbs on truck scale section tests. Devices must not be adjusted predominately in favor of a device owner. Vermont Law, Regulation, and Policy give an inspector the authority to reject devices adjusted predominately in favor of the device owner. On new, rejected, or repaired devices (within 30 days) inspectors will apply acceptance tolerances which are one half of maintenance tolerances.
2. Direct sale scales or meters must be installed on solid foundations and be within reasonable customer view. Scales and meters that are designed to be used inside a building or under cover must be protected from adverse environmental conditions.
3. Service persons must fill out correctly and send to the CP office Placed in Service Reports.
4. Calibrators, compensators, registers, etc., (whatever the terms of your registration allows) must be properly sealed. Meters and scales that are not security sealed by a duly registered service person will be rejected by an inspector.
5. Scales should be installed and tested by the service person and the customer shown how to operate. If this is not practical, please try to contract out installation with a local service agency.
6. For commercial applications The CP Section recommends installing only NTEP (National Type Evaluation Program) approved devices. This includes gas pump consoles, load cells, shipping scales and on-board weighing devices. NTEP approved equipment is more likely to pass on site inspection. Prototypes of each device model undergo rigorous testing in order to insure that the end product meets HB-44 specifications and tolerances.

Page 2 of 4

Seal and Press Contact Information:
United Security Seals, Inc.
2000 Fairwood Avenue,

Columbus, OH 43207-1607,
 United States of America
 Phone: 614-443-7633
 E –Mail: info@unitedsecurityseals.com
 Web Site for Seals:
<http://unitedsecurityseals.com/contact-us/>

Minimum Test Standards

Type of Device	Test Standard
Small Scales (1 to 30 lbs)	31 lb Stainless Steel kit or equivalent
Dormant, Portable Platform,	500 lbs of Weights
Small Hopper Scales	
Truck and Large Hopper Scales	Access to 15,000 lbs of test weight or a master scale
Gas Pumps	5 Gallon Measure
Vehicle Meters (Oil & LPG)	100 gal Prover or Master Meter
Plant Meters	1000 gal Prover – Bottom and Top Loading if necessary
Meter Register (Printer) Replacement	None required. No Change of Calibration or Repair (still need hand seal) for LPG or Oil meters

All of the above stated standards need to be tested and approved each year; with the exception of 100 and 1000 gallon provers. 100 and 1000 gallon provers are required to be certified once every 5 years. The Vermont W&M Metrology Lab can be contacted and notification will be given if the standard(s) can be tested based on the labs current scope of operation. Referrals and contact information will be given for items not coming under the Vermont Lab's scope. Vermont will accept test certificates from any NIST Recognized Metrology Lab and would include New Hampshire, Maine, New York, Massachusetts and Connecticut, Rice Lake Inc. and Troemner Inc.

Page 3 of 4

State of Vermont Contact Information:

Lab:

Marc Paquette
 VT Weights & Measures Metrology Laboratory
 322 Industrial Lane
 Berlin, VT 05641
 802-793-6744
 802-828-2426
marc.paquette@vermont.gov

Office:

Henry Marckres
 Consumer Protection Section
 VT Agency of Agriculture Food & Markets
 116 State Street
 Montpelier, VT 05620-2901
 802-828-3458

Q10: Please describe the purpose of regulating this occupation.

To ensure that all individuals and businesses selling or repairing weighing and measuring devices in Vermont are duly licensed, maintain a valid seal for equipment installation and are accountable.

PAGE 4: Act 156 of 2016: Professional Regulation Report

Q11: Regarding stakeholder groups, please describe how this regulation affects those subject to regulation.

A license is required to do install and repair weighing devices in Vermont. This allows businesses who need these services to be sure that sellers or repairers of devices are reputable.

Q12: Regarding stakeholder groups, please describe how this regulation affects State entities.

N/A

Q13: Regarding stakeholder groups, please describe how this regulation affects consumers or clients of this occupation's services.

A license is required to do install and repair weighing devices in Vermont. This allows businesses who need these services to be sure that sellers or repairers of devices are reputable.

Q14: Regarding stakeholder groups, please describe how this regulation affects employers.

. Individual repairers must be licensed to provide installation and repair of weighing devices in Vermont. Sellers of weighing devices must also be licensed – can be an individual or a company.

Q15: Regarding stakeholder groups, please describe how this regulation affects the public.

This assures that the weighing devices are installed properly and are accurate. Scales are used in many businesses such as supermarkets, hardware stores and for bulk human and animal feed sales.

Q16: Regarding stakeholder groups, please describe how this regulation affects any other applicable group.

N/A

Q17: Please describe the governance structure for the regulation of this occupation, including but not limited to: the use of a board; a commission; an agency or division head; a panel; or a hearing officer.

The Chief of Consumer Protection enforces this regulation, with input from staff and legal advice from the Attorney Generals' Office.

Q18: Who sets application requirements and practice standards?

Agency of Agriculture, Food and Markets

Q19: Who makes decisions on applicants, enforcement, and discipline?

Agency of Agriculture, Food and Markets

Q20: Are any decision makers active participants in this regulated occupation? If so, please describe if the decision maker has taken a hiatus from the profession, and if so, whether the decision maker plans to return to the profession.

No

PAGE 5: Act 156 of 2016: Professional Regulation Report

Q21: What are the regulated qualifications for this occupation? Check all that apply.

Experience Requirements (exclusive from education)

Q22: How are applications received?

An individual or a company new to installing and repairing weighing devices in Vermont would contact the Agency of Agriculture. An application would be provided for the individual, company and possibly company employees to become licensed dealer repairman.

Q23: How are applications reviewed?

Application are reviewed for completeness of information.

Q24: How are applications rejected?

Incomplete application are returned to the individual or company with a cover letter pointing out the missing information.

Q25: How are application rejections appealed?

Application are not rejected.

Q26: How are licenses/certifications/registrations issued?

Once application is complete with payment of the fee, a license is provided.

Q27: What is the average time to process license/certification/registration applications?

1 to 2 weeks.

Q28: Once issued, what is the duration of the license, certification, or registration for this occupation?

1 year

Q29: Please describe the license, certification, or registration, renewal process and requirements therein.

Renewal are sent out 60 days prior to expiration date of the license. A second notice of renewal is mailed at the end of the 2-week period. If license renewal is not received within the time frame – a late fee is charged.

PAGE 6: Act 156 of 2016: Professional Regulation Report**Q30: Please provide a citation to the standards of practice or codes of conduct for regulated persons in this occupation. These include any and all of the following: A) Statutes B) Rules C) Policies E) Other**

Title 9, Chapter 73, Section 2725 – 2729

December 26, 2013

Guidelines for Scale and Meter Sales and Service

Vermont Agency of Agriculture Food & Markets

Consumer Protection Section, Weights and Measures Program

The following explains the legal requirements and policies of the Vermont Weights & Measures (W&M) program as it relates to the installation, repair, and sales of commercial scales and meters.

Although the registration of dealers and service persons is voluntary, the sale or repair of a legal for trade device by an unregistered agency does not allow the customer to legally operate their equipment until it is tested and approved by an authorized party (a Consumer Protection inspector or registered service person). Registration allows the service person to put new, used, or re-calibrated devices into commercial use, or place back into service after repair, a scale or meter that has failed an official inspection. Registered service persons must notify the Consumer Protection (CP) Office by a Placed in Service Report within 48 hours after they take the following actions on commercial scales or meters:

1. Repair a rejected or condemned device.
2. Put into commercial service, new or used equipment.
3. Break or replace a security seal on a calibrator, compensator, audit trail or any other part that limits access to adjustable components.
4. Break or replace a seal on a rejected device.
5. Make any repair or adjustment that affects the measurement accuracy of a device.
6. Change LPG registers or scale indicators.

The CP Office needs to be notified when a service person installs, repairs, or calibrates a commercial weighing or measuring device. The CP office does not need to know when routine maintenance such as light bulbs or hoses are changed on a gas pump, or routine cleaning and maintenance on a vehicle scale. However, service persons must duly notify the CP office of situations that require initial or follow-up inspections.

A repair person may be fined and lose their registration if they fail to comply with these requirements.

Weights and Measures law is found in Title 9, Chapter 73 of the Vermont Statutes. The registration of dealers and service persons are referenced in sections 2725-2729 and 2766. The W&M program also adopts as regulation the most recent National Institute of Standards and Technology (NIST) Handbook-44 Specifications, Tolerances and other Technical Requirements for Weighing and Measuring Devices. We do not supply service agencies with copies of this document, but you may obtain one by contacting:

Page 1 of 4

Superintendent of Documents

U.S. Government Printing Office
 Washington, DC 20402-9325
 Telephone (202) 783-3283

Also, download at:

<http://ts.nist.gov/ts/htdocs/230/235/pubs.htm>

Some parts of the regulation can be somewhat complicated because it also deals with manufacturing specifications as well as field testing. What follows is a summary of some, but not all, of the high points in the regulation and law that could routinely affect a service person.

1. All adjustments must be made as close to zero error as possible. Service persons don't have a tolerance. Tolerances are for a W&M inspector to apply to a device. The service person must adjust the device as close to zero error as practical. Errors should be small and random. As a guide; plus or minus 0 to 3 in3 on gas pumps, no more than one division at capacity on small and medium scales, 40 lb range @ 40,000 lbs on truck scale section tests. Devices must not be adjusted predominately in favor of a device owner. Vermont Law, Regulation, and Policy give an inspector the authority to reject devices adjusted predominately in favor of the device owner. On new, rejected, or repaired devices (within 30 days) inspectors will apply acceptance tolerances which are one half of maintenance tolerances.
2. Direct sale scales or meters must be installed on solid foundations and be within reasonable customer view. Scales and meters that are designed to be used inside a building or under cover must be protected from adverse environmental conditions.
3. Service persons must fill out correctly and send to the CP office Placed in Service Reports.
4. Calibrators, compensators, registers, etc., (whatever the terms of your registration allows) must be properly sealed. Meters and scales that are not security sealed by a duly registered service person will be rejected by an inspector.
5. Scales should be installed and tested by the service person and the customer shown how to operate. If this is not practical, please try to contract out installation with a local service agency.
6. For commercial applications The CP Section recommends installing only NTEP (National Type Evaluation Program) approved devices. This includes gas pump consoles, load cells, shipping scales and on-board weighing devices. NTEP approved equipment is more likely to pass on site inspection. Prototypes of each device model undergo rigorous testing in order to insure that the end product meets HB-44 specifications and tolerances.

Page 2 of 4

Seal and Press Contact Information:

United Security Seals, Inc.
 2000 Fairwood Avenue,
 Columbus, OH 43207-1607,
 United States of America
 Phone: 614-443-7633
 E-Mail: info@unitedsecurityseals.com
 Web Site for Seals:
<http://unitedsecurityseals.com/contact-us/>

Minimum Test Standards

Type of Device	Test Standard
Small Scales (1 to 30 lbs)	31 lb Stainless Steel kit or equivalent
Dormant, Portable Platform,	500 lbs of Weights
Small Hopper Scales	
Truck and Large Hopper Scales	Access to 15,000 lbs of test weight or a master scale
Gas Pumps	5 Gallon Measure
Vehicle Meters (Oil & LPG)	100 gal Prover or Master Meter
Plant Meters	1000 gal Prover – Bottom and Top Loading if necessary
Meter Register (Printer) Replacement	None required. No Change of Calibration or Repair (still need hand seal) for LPG or Oil meters

All of the above stated standards need to be tested and approved each year; with the exception of 100 and 1000 gallon provers. 100 and 1000 gallon provers are required to be certified once every 5 years. The Vermont W&M Metrology Lab can be contacted and notification will be given if the standard(s) can be tested based on the labs current scope of operation. Referrals and contact information will be given for items not coming under the Vermont Lab's scope. Vermont will accept test certificates from any NIST Recognized Metrology Lab and would include New Hampshire, Maine, New York, Massachusetts and Connecticut, Rice Lake Inc. and Troemner Inc.

Page 3 of 4

State of Vermont Contact Information:

1 - 5 -

Lad:
 Marc Paquette
 VT Weights & Measures Metrology Laboratory
 322 Industrial Lane
 Berlin, VT 05641
 802-793-6744
 802-828-2426
 marc.paquette@vermont.gov

Office:
 Henry Marckres
 Consumer Protection Section
 VT Agency of Agriculture Food & Markets
 116 State Street
 Montpelier, VT 05620-2901
 802-828-3458
 802-828-2426
 Henry.marckres@vermont.gov

Q31: Please describe the enforcement process for receiving and evaluating complaints.

Complaints or questions would be received by the Consumer Protection Section Chief or Consumer Protection Specialist. Consumer Protection Specialists would investigate the complaint.

Q32: Please describe the enforcement process for performing investigations.

The Consumer Protection Section Chief would assign a Consumer Protection Specialist to investigate and file a report that may lead to further action.

Q33: Please describe the enforcement process for prosecutions.

Agency of Agriculture has authority for an administrative penalty process.

Q34: Please describe the enforcement process for hearings.

An Administrative penalty process is outline in statute. A notice of violation would be written and sent to the individual or company. A pre- hearing conference would be offered to the individual or company. If resolution is not reached at the pre-hearing, the issue would go to a formal hearing with a hearing officer.

Q35: Please describe the enforcement process for discipline.

The hearing officer could assess a penalty, require an Assurance of Discontinuance, revoke the license or dismiss the action.

Q36: Please describe the enforcement process for follow-up or monitoring of previously disciplined individuals.

Consumer Protection Specialist would monitor the activities to assure compliance.

Q37: Please describe the average time to process complaints and disciplinary cases

Complaints – 2 days Actions – 30 days

Q38: Please describe any inspection process relevant to this occupation.

Consumer Protection Specialists routinely check weighing and measuring devices for compliance and accuracy. Placed in Service reports filed by the licensed individual or company are required of all selling or repairing devices for commerce by businesses in Vermont.

Q39: Regarding this occupation, please describe the annual average count of the following:

Complaints	2
Investigations	4
Prosecutions	0
Hearings	2
Cases Resulting in Disciplinary Action	2
Cases Resulting in Follow-up or Monitoring	2

PAGE 7: Act 156 of 2016: Professional Regulation Report**Q40: Please describe any systems, such as information technology systems, that are used to enable licensing, certification, registration, renewal, enforcement and inspection.**

USA Plants Database is used to input all data, generate renewals and track violations.

PAGE 8: Act 156 of 2016: Professional Regulation Report**Q41: Please provide the number of full-time staff related to the regulation of this occupation, including job titles and duties.**

(4) Consumer Protection Specialist
 (1) Licensing and Registration Specialist
 (1) Consumer Protection Section Chief

Q42: Please provide the number of part-time staff related to the regulation of this occupation, including job titles and duties.

There are no part time employees.

PAGE 9: Act 156 of 2016: Professional Regulation Report**Q43: Please provide the following information:**

Average Annual Expenses	\$12,120
Average Annual Revenues	\$12,120
Average Annual Fees Charged	\$60/individual or company

Q44: Please describe any recent or unexpected budget variations which may skew answers in the above question.

Fee was changed in 2016 legislative session and revenue is an estimate.

Q45: Please describe the fee structure associated with the regulation of this profession. This includes the following:A) The fee amount charged;B) How fee amounts are determined and set;C) The authority to establish those fees; andD) How revenues from fees are used, indicating the specific uses if those revenues are used for purposes other than regulating the profession.

Fee - \$60/individual or company yearly

Fee amounts are determined by legislative process every three years. Fee amounts are to cover cost of the program including business function of licensing.

Title 9, Chapter 73, Section 2725 – 2729

Fees are used to support staff and operating of the Consumer Protection Specialist, Licensing and Registration Specialist, database maintenance and administrative support for the administrative penalty process.

Q46: Please describe any General Fund or Special Fund deposits

All fee income is deposited in a special fund

Q47: Please describe any appropriations from the General Fund

General fund amount matches amount of special funds to support the program.

PAGE 10: Act 156 of 2016: Professional Regulation Report

Q48: Please describe the qualifications of any supervisor responsible for the oversight of the agency's department's professional regulatory entity and whether that supervisor has the ability to veto or modify any decision by that professional regulatory entity.

The Consumer Protection Chief, with input from Consumer Protection Specialists, licensing and legal advice from the attorney Generals' Office is responsible.

Q49: Please provide any additional information you feel is relevant for the purpose of this report.

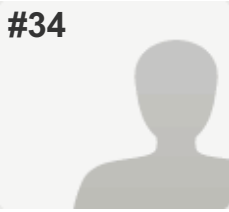
The licensing of individuals and or companies to install and service weighing devices in Vermont is a part of the Weights and Measures program at the Agency of Agriculture. The Consumer Protections Specialist have responsibility to determine is businesses using scales in commerce at weighing and labeling products in commerce correctly. During this work, Consumer protection Specialists discover many incorrectly installed scales that are incorrectly weighing products moving into commerce. The education, technical assistance and regulatory work of the Consumer Protection Specialist along with the Consumer Protection Section Chief, provides service to the individuals and companies installing and repairing weighing devices and protect the general public.

PAGE 11: Exit Page

Q50: Thank You for completing this survey.

End

#34

**COMPLETE****Collector:** Web Link 15 (Web Link)**Started:** Friday, December 16, 2016 12:47:01 PM**Last Modified:** Friday, December 16, 2016 1:28:40 PM**Time Spent:** 00:41:38**IP Address:** 159.105.69.119

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Q1: In the following survey, you will be asked to answer a series of questions regarding the regulatory practices of your given state agency/department. It is recommended that you prepare answers to the following questions prior to starting this survey. NOTE: only one device may be used for the survey, per profession. Therefore, while the survey may be discontinued and then resumed at a later date, all answers for a given profession must be entered through the same computer. As a result, it is recommended that for each profession, a single individual be elected to compile and enter information. Choose from the following options:

Begin Survey

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Q2: Please select an occupation from the following list.

Emergency Medical Personnel (Department of Health)

Q3: What is the name of the agency, department and/or division responsible for the regulation of this occupation?

Department of Health, Division of Emergency Preparedness, Response, and Injury Prevention, EMS Office

Q4: Regulation Type. Please check all that apply for this occupation.

Licensing

Q5: What is the number of regulated persons in this occupation?

2,620

Q6: Is there statutory authority as a legal basis for regulation of this occupation?

Yes

Q7: If "yes" to the above, please provide a citation to said statute.<http://legislature.vermont.gov/statutes/fullchapter/18/017>**Q8: Please provide a citation to any administrative rules associated with the regulation of this occupation.**http://www.healthvermont.gov/hc/ems/ems_rules.aspx**Q9: Please provide any and all agency or department policies for the regulation of this occupation.**

N/A

Q10: Please describe the purpose of regulating this occupation.

Emergency Medical Services are ultimately responsible for the wellbeing of the patients that call for help during their most challenging moments. Regulation and licensing of emergency medical personnel in Vermont assure that all practitioners, paid or volunteer, have obtained an initial minimum technical competency and that they maintain an ongoing proficiency commiserate with a dynamic field of emergency medicine. Although our licensees come from a wide range of backgrounds, occupations and emergency medical delivery models, it is essential that they be held accountable to a common standard of care and high level of professional responsibility.

Professional licensing oversight by Vermont Department of Health personnel further offers insight into the local nuance and unique challenges of emergency medical care in a rural state. Licensing agents are themselves licensed EMS providers and as such bring both expertise and institutional memory to this important responsibility.

Regulation further extends to the licensing of ambulance and first responder agencies. The purpose of this regulation is to assure that emergency medical agencies comply with rules regarding response capability, mutual aid and scope of practice. In addition, services are annually inspected to ensure that minimum emergency medical services equipment and ambulances are in safe, working order.

Finally, the Department is also responsible for setting the statewide scope of practice and authoring the statewide EMS protocols, which guide the actual practice of EMS in Vermont.

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Q11: Regarding stakeholder groups, please describe how this regulation affects those subject to regulation.

All emergency medical personnel are required to complete a standardized education program and successfully pass a national certification examination. These qualifications are then used to demonstrate competency toward obtaining a Vermont EMS license. Because our providers are primarily volunteers, costs of the licensing process are underwritten by the Department of Health and no fees are assessed to individual applicants. Providers are licensed for a two-year period during which all practice levels must complete a standardized continuing education process. The number of continuing education hours required varies depending upon the level of license, but all providers must demonstrate that they have met these requirements prior to renewal of licensure. There are no fees associated with relicensing.

In the process of licensing, Vermont EMS applicants interface with Department of Health subject matter experts who can apply not only the rules and regulations, but also direct, personal experience into the sometimes challenging process.

Ambulance and first responder agencies apply for initial licenses after assuring all standardized requirements have been met. There is no fee associated with this process. Services license for a one-year period and inspections are conducted annually.

Q12: Regarding stakeholder groups, please describe how this regulation affects State entities.

It does not affect state entities

Q13: Regarding stakeholder groups, please describe how this regulation affects consumers or clients of this occupation's services.

The consumers of emergency medical services are patients. Regulation of emergency medical personnel affords them the security that any provider attending to their medical needs will have demonstrated minimum and ongoing medical competency. Licensure of services assures that individual agencies work together within a larger emergency medical system and offers our patients the confidence that all ambulances will be minimally stocked with appropriate equipment. Furthermore, annual inspections assure that patients will be transported safely in vehicles that have met a common safety standard.

Q14: Regarding stakeholder groups, please describe how this regulation affects employers.

By centrally regulating emergency medical providers, employers can rely upon the fact that licensed potential employees have all met a minimum and ongoing national competency. In many cases, employers pay for, or contribute to, the cost of initial licensure education and often play a significant role in ongoing continuing education. Although these requirements often impose a budgetary impact upon employers, the value of competency and the cost efficiencies of a primarily volunteer system substantially offset these costs. Furthermore, the interaction with a staff that has real world emergency medical experience lends credibility to the regulations and offers employers the knowledge that those regulating them have stood in their shoes and understand the challenges they face.

Q15: Regarding stakeholder groups, please describe how this regulation affects the public.

Regulation of emergency medical personnel and services provides the public a common trust that the men and women caring for them in their worst moments are competent in the decisions they make and the skills they perform. Although there is a cost to this regulation, the state's primarily volunteer system makes the expense comparably small considering other health professions.

Q16: Regarding stakeholder groups, please describe how this regulation affects any other applicable group.

Emergency medical services interface with a wide array of other stakeholders. Physicians, nurses, law enforcement and primary care practitioners are just a few examples of the other components of the larger healthcare system. Regulation of emergency medical personnel follows a common model enforced among our other healthcare partners. It further offers confidence among our stakeholders in the capabilities of emergency personnel and the larger emergency medical system.

In many ways, the Department of Health licensing agents offer a liaison between emergency medical service and the other arms of health care. It serves as an unbiased observer and often can identify key challenges and solutions within the larger system.

Q17: Please describe the governance structure for the regulation of this occupation, including but not limited to: the use of a board; a commission; an agency or division head; a panel; or a hearing officer.

All personnel and vehicle licenses are governed by the EMS office within the Department of Emergency Preparedness, Response and Injury Prevention, unless a licensee (or applicant) appeals a decision or action taken on their license. Appeals are made to the Health Commissioner or his designee and may be escalated to the Board of Health and the Vermont Supreme Court. The Board of Health governs the licensure of EMS agencies.

Q18: Who sets application requirements and practice standards?

Application requirements and practice standards are set by the EMS Office, as described in EMS Rule. It should be noted however, that those standards are designed and implemented by personnel who have direct experience serving in the Vermont EMS system. This insight is vital to creating fair and reasonable expectations in a primarily volunteer system.

Q19: Who makes decisions on applicants, enforcement, and discipline?

Initial decisions on applicants, enforcement and discipline for personnel or vehicle licenses are made by the EMS office. Initial discipline is filtered through experienced licensing agents who understand and consider the challenges of EMS in a rural state. Appeals of these decisions are made to the Health Commissioner or the Commissioner's designee and may be appealed to the Board of Health and the Vermont Supreme Court. The Board of Health governs the licensure of EMS agencies.

Q20: Are any decision makers active participants in this regulated occupation? If so, please describe if the decision maker has taken a hiatus from the profession, and if so, whether the decision maker plans to return to the profession.

The decision makers may participate in the EMS system as licensed EMS providers, and it is not uncommon for them to do so. However, if a decision is to be made about an EMS agency where the decision maker is affiliated, that person will recuse himself or herself from the decision-making process. Most decision makers, at a minimum, represent prior experience in the EMS system and this expertise is a valuable and appreciated commodity with regard to reaching equitable and manageable disciplinary outcomes.

Q21: What are the regulated qualifications for this occupation? Check all that apply.

Education Requirements, Examination

Q22: How are applications received?

Currently, license applications are paper forms which are received by mail. Our office is in the process of switching to a web-based system that will allow for electronic submissions and approval

Q23: How are applications reviewed?

Applications are reviewed for completeness and suitability by Division of Emergency Preparedness, Response and Injury Prevention staff.

Q24: How are applications rejected?

An application would be rejected if it were not complete or if the candidate did not meet the qualifications for licensure under the governing rule. All rejected applicants are notified in writing by Division staff.

Q25: How are application rejections appealed?

Applicants who are not satisfied with a decision made on their application may appeal to the Health Commissioner or the Commissioner's designee and may appeal that decision to the Board of Health, and then the Vermont Supreme Court.

Q26: How are licenses/certifications/registrations issued?

After a paper personnel license application is reviewed by EMS Office staff, the appropriate background and certifications checks are completed. The application's contents are recorded in the electronic licensing system, and a paper license card and supporting correspondence is issued to the applicant.

Vehicle licenses are issued upon inspection of the vehicle by EMS Office staff. An agency can apply for a temporary license using a paper application, which is approved by EMS Office staff, and the vehicle is temporarily authorized for service until an inspection can occur.

Agencies are issued a paper license annually by the Board of Health after the EMS office approves a paper application.

NOTE: The EMS office is in the process of implementing a new, online electronic licensing system that will obviate the use of paper applications.

Q27: What is the average time to process license/certification/registration applications?

From the time of receipt, personnel licenses are typically processed within 2 days. Vehicle licenses are issued in-person at the time of inspection. Agency licenses are issued within 1-2 days of approval by the Board of Health

Q28: Once issued, what is the duration of the license, certification, or registration for this occupation?

EMS licenses are issued for a two-year period. Service licenses are issued for one year

Q29: Please describe the license, certification, or registration, renewal process and requirements therein.

EMS Personnel must complete a standardized continuing education program. Different levels of EMS providers complete different amounts of ongoing training. This training must be completed and satisfy the standardized requirements of national certification prior to applying for State license renewal. The Department of Health staff contributes to the national certification process both as stakeholders in the larger federal system, but also with local requirements created and maintained by EMS office staff and the State Medical Director. Providers then submit a license application which is reviewed and processed by Division of Emergency Preparedness, Response and Injury Prevention staff.

Q30: Please provide a citation to the standards of practice or codes of conduct for regulated persons in this occupation. These include any and all of the following: A) Statutes B) Rules C) Policies E) Other

A) Statutes: 21 V.S.A. Section 1378, 15 V.S.A. Section 795, 32 V.S.A. Section 3113

B) Rules: EMS Rule Section 11

Q31: Please describe the enforcement process for receiving and evaluating complaints.

In most instances, complaints are received in writing and reviewed by the EMS Chief who determines on a case-by-case basis the state EMS office's role in addressing the complaint, if any. The EMS Chief represents the EMS system not only as an administrator, but also as an experienced provider who understands the inner workings of pre-hospital emergency medicine. Ordinarily, the complaint is passed to the relevant EMS agency leader (and district medical advisor if it is a clinical concern) to address with state office monitoring and support. The EMS Chief and office staff work with these local resources first to attempt to manage a complaint at a local level. If the complaint is more significant than local resources can or should manage, the issue would be managed at the state office level.

Q32: Please describe the enforcement process for performing investigations.

The EMS office conducts several kinds of investigations, including clinical errors or malpractice, criminal history, and alleged operational and professional violations. Investigations are managed by staff members who have experience with the investigation process, but also with the Vermont EMS system. In this manner, investigators can often identify significant features that make each situation unique, especially in a primarily volunteer system. Enrollees in courses and applicants for licensure are required to disclose criminal history, actions on other professional licenses, and their tax and child support payment status. The state EMS office also checks the Vermont Crime Information Center database on all course enrollees and applications for initial and renewed personnel licensure.

Should the disclosure or the VCIC report reveal one or more criminal convictions, the applicant receives a letter explaining what documentation is required to begin the investigation. In making an eligibility decision, the EMS office considers the severity and number of the crime convictions, how long ago the crimes took place, the age of the applicant at the time of the conviction and what positive steps the applicant has taken in their life since the conviction(s). Staff members must weigh the consequence of offenses and determine if a threat is posed to our most important constituents. If these factors portray a person who is at little to no risk to future patients, the applicant may be cleared by the EMS Programs Administrator. Those who have more concerning histories are referred to the EMS Chief who may meet with the applicant before making a decision on licensure eligibility. The EMS Chief may refuse, suspend, revoke or place conditions on the applicant's license. The applicant may appeal the EMS Chief's decision to the Commissioner or his designee, then to the Board of Health and then the Vermont Supreme Court. The EMS Chief can also issue a summary suspension of a person's license if the behavior in question could reasonably be perceived as an immediate threat to future EMS patients, fellow crew members, or the public. Recipients of summary suspensions are afforded a hearing with the Commissioner or designee within 30 days of the suspension.

The process is identical for applicants who have had an adverse action taken on another professional license.

Applicants found not in compliance with tax or child support payments are informed in writing that they are not eligible for a state EMS license until the tax department or office of child support provides documentation to the EMS office that the applicant has returned to compliance.

In the case of suspected clinical errors or malpractice, negligence, abuse, unprofessional or otherwise adverse professional behavior, the EMS office works closely with the EMS agency leader in discovering the facts of the case.

It is vital to differentiate the highly important performance improvement process, managed at the service level, from a true disciplinary event that would be managed through the licensing system. For clinical investigations, the District Medical Advisor is included. In fact, clinical errors are usually first addressed by the District Medical Advisor, who is often the first to learn of clinical infractions. The DMA has the authority to restrict, deny, condition or terminate an EMS provider's ability to practice medicine within that particular district but does not have the authority to take action on a provider's license. In cases where the infraction(s) is/are serious enough to warrant action on the provider's license, the DMA will ask the EMS office to open an investigation. A typical investigation involves speaking with all of the witnesses to the infraction (as well as the provider) to learn the circumstances of the incident(s) and determine whether license action is required. Once a decision is made to revoke, deny or condition a license, the provider is entitled to the same appeal process described previously.

Q33: Please describe the enforcement process for prosecutions.

N/A

Q34: Please describe the enforcement process for hearings.

N/A

Q35: Please describe the enforcement process for discipline.

N/A

Q36: Please describe the enforcement process for follow-up or monitoring of previously disciplined individuals.

This process depends on individual circumstances (repeated offenses, etc.), and may include more frequent checks of the Vermont Crime Information Center database than just at license renewal time, or contact with the individual's employer or EMS agency leader

Q37: Please describe the average time to process complaints and disciplinary cases

Each investigation is conducted on a case-by-case basis and can last anywhere from days to months. The length of an investigation is dependent on a number of factors, principally how long it takes to collect documentation and interview interested parties. Every effort is made to complete investigations and reach a decision in a timely manner.

Q38: Please describe any inspection process relevant to this occupation.

Each ambulance vehicle is inspected once every 2 years. A team of ambulance inspectors visits half of the ambulance agencies each year to ensure that each ambulance is in good working order; holds a current DMV registration, red light permit and insurance; and is stocked with all of the required equipment and supplies associated the level of care for which it is licensed. A standard form is used to track a vehicle's compliance with inspection regulations and serves as the vehicle's license.

During ambulance inspection visits, EMS office staff also inspect training and other operational records (duty rosters, vehicle maintenance records, etc.) held by each EMS agency. The visit also affords the agency leaders and EMS staff the opportunity to discuss other matters that are timely and relevant to the EMS system.

Q39: Regarding this occupation, please describe the annual average count of the following:

Complaints	3
Investigations	54
Prosecutions	0
Hearings	4
Cases Resulting in Disciplinary Action	3
Cases Resulting in Follow-up or Monitoring	2

PAGE 7: Act 156 of 2016: Professional Regulation Report**Q40: Please describe any systems, such as information technology systems, that are used to enable licensing, certification, registration, renewal, enforcement and inspection.**

The EMS office employs a comprehensive relational electronic database provided by GL Solutions, Inc. to manage all aspects of licensing personnel, agencies and ambulance vehicles. The database allows EMS office staff to track demographic information, exam scores, license application status, licensing history, investigations, and affiliations and roles with EMS agencies. The database also produces letters and license cards.

As noted earlier, the EMS office will replace this database with an online licensing system in 2017.

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Q41: Please provide the number of full-time staff related to the regulation of this occupation, including job titles and duties.

There are four full-time staff members whose responsibilities include, but are not limited to regulation of emergency medical personnel and services.

The Director of the Division of Emergency Preparedness, Response and Injury Prevention has ultimate oversight and responsibility for all regulatory activity. He also oversees Emergency Preparedness, Injury Prevention, and the Statewide Naloxone program. The Chief of EMS oversees the regulatory activities of the EMS Program Administrator and Administrative Assistant. The Chief also oversees violations, disputes and appeals. The EMS Program Administrator and Administrative Assistant are principally responsible for licensing activities including managing applications and all correspondence with licensees. This comprises most of the time of the EMS Administrator and approximately 30% of the time for the Administrative Assistant

Q42: Please provide the number of part-time staff related to the regulation of this occupation, including job titles and duties.

There are 6 part-time EMS Instructor-Coordinators that conduct the psychomotor examinations around the state. They conduct approximately 50 exams annually. These psychomotor exams require expert-level knowledge of the EMS profession and current licensure.

PAGE 9: Act 156 of 2016: Professional Regulation Report**Q43: Please provide the following information:**

Average Annual Expenses	280,000
Average Annual Revenues	0
Average Annual Fees Charged	0

Q44: Please describe any recent or unexpected budget variations which may skew answers in the above question.

In addition to being prevented from charging for licensing, the department pays the fees for the national certification exam for all candidates for EMS licenses. This amount to approximately 40,000 of the above figure, but varies depending on the number of candidates annually.

Q45: Please describe the fee structure associated with the regulation of this profession. This includes the following:A) The fee amount charged;B) How fee amounts are determined and set;C) The authority to establish those fees; andD) How revenues from fees are used, indicating the specific uses if those revenues are used for purposes other than regulating the profession.

The Department is statutorily prohibited from charging any fees for EMS licensing. This is owed to the highly volunteer nature of the EMS workforce

Q46: Please describe any General Fund or Special Fund deposits

\$150,000 is deposited in the EMS special fund annually to provide opportunities for online and regional EMS continuing education programs. All of this fund is distributed annually to the 13 EMS districts and to pay for access for all licensees to LearnEMS and online CE platform. Courses are provided by LearnEMS and developed by EMS Office staff members to train on the statewide EMS protocols

Q47: Please describe any appropriations from the General Fund

There is no specific appropriation from the general fund. EMS licensing activities are funded typically under the global commitment for health Medicaid waiver.

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Q48: Please describe the qualifications of any supervisor responsible for the oversight of the agency's department's professional regulatory entity and whether that supervisor has the ability to veto or modify any decision by that professional regulatory entity.

The EMS Chief has been a paramedic since 1996 and has worked in administrative roles in the Maine EMS office for eight years. This incumbent in this role has been a paramedic or advanced EMT for the last 30 years.

The director of the division which includes EMS has been a paramedic since 1995. He has been the division director for five years and worked in hospital-based, third-service, private, and rotor-wing EMS systems as a paramedic.

Q49: Please provide any additional information you feel is relevant for the purpose of this report.

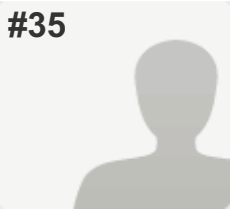
N/A

PAGE 11: Exit Page

Q50: Thank You for completing this survey.

End

#35

**COMPLETE****Collector:** Web Link 8 (Web Link)**Started:** Thursday, December 29, 2016 1:25:00 PM**Last Modified:** Thursday, December 29, 2016 2:08:56 PM**Time Spent:** 00:43:55**IP Address:** 159.105.113.164**PAGE 2: Act 156 of 2016: Professional Regulation Report**

Q1: In the following survey, you will be asked to answer a series of questions regarding the regulatory practices of your given state agency/department. It is recommended that you prepare answers to the following questions prior to starting this survey. NOTE: only one device may be used for the survey, per profession. Therefore, while the survey may be discontinued and then resumed at a later date, all answers for a given profession must be entered through the same computer. As a result, it is recommended that for each profession, a single individual be elected to compile and enter information. Choose from the following options:

Begin Survey

PAGE 3: Act 156 of 2016: Professional Regulation Report**Q2: Please select an occupation from the following list.**

Water System Operators (Agency of Natural Resources)

Q3: What is the name of the agency, department and/or division responsible for the regulation of this occupation?

Agency of Natural Resources (ANR), Department of Environmental Conservation (DEC), Drinking Water and Groundwater Protection Division (DWGPD)

Q4: Regulation Type. Please check all that apply for this occupation.

Certification

Q5: What is the number of regulated persons in this occupation?

1197 (as of 10/10/16) Currently there are approximately 1197 certified public water operators for various water operator classes (411 Class 1A, 127 Class 1B Operators, 309 Class 2 Operators, 140 Class 3 Operators, 156 Class 4 Operators, 54 Class D Operators.) Approximately 49 of these operators are grandfathered and 1 has provisional certification. In addition, there are approximately 37 certifications in effect for the operator class titled Operators in training. Consideration for regulation by the Office of Professional Regulation includes the public water operator certification Classes 2, 3, 4 and D for about 659 operators. The Class 2, 3, 4 and D operators are a broad mixture of people, from paid contract operators or municipal employees to volunteers who are customers of a system who receive little or no financial compensation for their services. These operators work at approximately 668 Class 2, 3, 4 and D Public Water Systems. Not included for consideration include certification Class 1A and 1B. For the most a Class 1A and 1B operator is the owner, employee or family member of a business or volunteer of an organization with a Class 1 water system and are not specifically employed as water operator at the system. There are approximately 720 Class 1 systems. While information about the public water operator certification Classes 1A and 1B is provided to answer the survey monkey questions about the program, the certification of these operator classifications for Transient Non-Community Water Systems would be retained within DEC. The reasons for not including are these categories for consideration for regulation by the Office of Professional Regulation are because the certification process for these is very simple and the cost of certification by the Office of Professional Regulation would be very burdensome to these classes of operators.

Q6: Is there statutory authority as a legal basis for regulation of this occupation?

Yes

Q7: If "yes" to the above, please provide a citation to said statute.

10 V.S.A. Chapter 56, Section 1674

Q8: Please provide a citation to any administrative rules associated with the regulation of this occupation.

Environmental Protection Rules, Chapter 21, Subchapter 21-12

Q9: Please provide any and all agency or department policies for the regulation of this occupation.

It is the policy of ANR to protect public health and the environment.

Q10: Please describe the purpose of regulating this occupation.

All public drinking water systems need to have a certified operator of the appropriate class in responsible charge available at all times. The certification process identifies persons qualified to operate specific classes of public water systems based on background and system size and complexity. As part of the federal Safe Drinking Water Act, EPA requires that Vermont has a Public Water Operator Certification Program which meets EPA guidelines. By July 1 of each year Vermont submits an annual submittal for the previous calendar year which must demonstrate on-going implementation of EPA's baseline standards and meet the intent of the EPA guidelines. Failure to make this demonstration to EPA would result in EPA withholding of 20% of the Drinking Water State Revolving Fund capitalization grant for the next fiscal year. Any changes to be made to the certification program require an Attorney General's certification which would need to be submitted to EPA with the states next year's operator certification annual submittal.

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Q11: Regarding stakeholder groups, please describe how this regulation affects those subject to regulation.

Approximately 659 certified Class 2, 3, 4 & D operators for 700 active public drinking water systems that are classified 2,3, 4 or D. All active public water systems are required to have at least one certified operator available at all times. Certain systems have more than 1 certified operator. To be eligible for initial certification an applicant must submit an application, meet educational and experience requirements, obtain a passing grade for operator class and pay a required fee. The certification officer must evaluate past experience and often make a determination how much time the person is credited toward the experience requirement for past experience and or advanced education. Renewal of an operator certification is more straight forward. To be eligible for renewal on a 3-year basis, an applicant must submit an application, meet continuing education requirements and pay a required fee. Any certified operator working at a public water system is required to comply with requirements set forth in Subchapter 21-12 if the ANR/DEC Environmental Protection Rules Chapter 21 – Water Supply Rule.

Q12: Regarding stakeholder groups, please describe how this regulation affects State entities.

State entities that have a public water system are subject to all the state and federal requirements including having a certified operator. This includes State Parks, State Highway Rest Stops, Wilderness Camps, BGS facilities (such as prisons, schools, airports etc). Some of these have transient non-community water systems for which the operator certification would still reside within DEC.

Q13: Regarding stakeholder groups, please describe how this regulation affects consumers or clients of this occupation's services.

Approximately 604,626 consumers/users are served by public drinking water systems in Vermont per year. Certified operators have critical responsibilities for compliance with Federal and State Safe Drinking Water Requirement to ensure safe drinking water for consumers/users.

Q14: Regarding stakeholder groups, please describe how this regulation affects employers.

Owners which included municipal entities, school districts, private businesses (with their own sources), office complexes that own a public water system must have a certified operator of the appropriate class in responsible charge available at all times. Depending on the system, the operator may be a paid employee or a retained under contract for a fee. In some cases, the operator is a person who served by the water system and volunteers to be the operator.

Q15: Regarding stakeholder groups, please describe how this regulation affects the public.

See answer 13 above

Q16: Regarding stakeholder groups, please describe how this regulation affects any other applicable group.

There are contract operator businesses in Vermont with 1 or more employees that contract with public water systems to provide water operator services. These businesses need to be informed of any changes in the operator certification requirement in order to properly budget and charge for their services at public water systems.

Q17: Please describe the governance structure for the regulation of this occupation, including but not limited to: the use of a board; a commission; an agency or division head; a panel; or a hearing officer.

Certification and actions taken against an operator lies within responsibilities of the Secretary of ANR. There is an operator certification advisory committee which provides recommendations to ANR but is not involved in the actual certification process nor any actions taken against an operator.

Q18: Who sets application requirements and practice standards?

ANR Secretary

Q19: Who makes decisions on applicants, enforcement, and discipline?

ANR Secretary

Q20: Are any decision makers active participants in this regulated occupation? If so, please describe if the decision maker has taken a hiatus from the profession, and if so, whether the decision maker plans to return to the profession.

No

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Q21: What are the regulated qualifications for this occupation? Check all that apply.

Experience Requirements (exclusive from education)

Examination, Education Requirements

Q22: How are applications received?

Applications are received primarily through the US mail as paper forms. Currently there is no ability for electronic submission. They are date stamped upon receipt and passed to Administrative Staff for preliminary review.

Q23: How are applications reviewed?

Administrative staff reviews for completeness, fee received, signatures and information. The operator contact is created, along with contact information, education, work experience, fee and any course credits are entered. For initial certification, the certification officer must evaluate past experience and often make a determination how much time the person is credited toward the experience requirement for past experience and or advanced education.

Q24: How are applications rejected?

Applications are rejected if no signature received for child support and tax standing, the fee not enclosed, and/or there is not enough education or work experience to fulfill requirements. Also, a letter from supervisor outlining knowledge and length of training at water system is required. Applications are not usually rejected but are put on hold awaiting fulfillment of requirements.

Q25: How are application rejections appealed?

Applications are rarely rejected and typically are put on hold until necessary information is acquired and applicant meets qualifications. In the unlikely event a rejection is issued the decision may be appealed as provided by 10 V.S.A. section 1680.

Q26: How are licenses/certifications/registrations issued?

Administrative staff issues certificate in data base and prepares cover letter for signature by Operator Certification manager and the Certificates for signature by DWGWPD Director. These are routed and obtained electronically. Once signed, administrative staff prints the letter and certificate and mails them to the Operator. The data base is updated and the Operator is added as contact to Water System once verified by the Water System usually by inclusion in an Official Contact Form or by email notification.

Q27: What is the average time to process license/certification/registration applications?

The required PEP time is 30 days or less upon receipt. During the height of an operator renewal period (April – August, during 2 out of every 3 years) the Division's goal is to complete the process within the required PEP time. When the Division not in the height of an operator renewal period, the average time to process an initial application which meets all requirements is about 1 week. This includes 2 hours for actual review and preparation of certification, 3 days for electronic routing and waiting for signatures and preparation for mailing is approximately 15 minutes.

Q28: Once issued, what is the duration of the license, certification, or registration for this occupation?

Each certificate valid for 3 years, based on the established renewal date.

Q29: Please describe the license, certification, or registration, renewal process and requirements therein.

All Class 2 & 4 and all Class 3 & D certificates expire in the same 3-year cycle, respectively. All certificates expire on June 30th of the last year in the cycle. As an example, all current Class 2 & 4 certificates must be renewed by 6/30/2017 and Class 3 & D must be renewed by 6/30/2019. Classes 1A & 1B also expire after 3 years, and expiration occurs on June 30th, three years after the certificate was issued. Renewal process: Administrative staff receives application with required fee (currently \$80 for 2,3,4 and D and \$45 for 1A/1B operators) and signatures; reviews and updates contact information and any Training Contact Hours (TCH) received (Class 2 needs 10 TCH, 3,4, D needs 20 TCH and 1B needs 3 TCH taken during the 3-year cycle); and updates any water system affiliation indicated by operator once verified by water system. The same procedure as for initial certification process then followed (prepare cover letter and certificate for electronic signature and route to individuals, prepare hard copy and mail). Any that do not meet the requirements for renewal are put on hold until they do or indicate withdrawal of application. If the outstanding information is not provided with 60 days of the renewal application deadline and the Division has not been able to make contact with the operator, the Division notifies the operator that the certification has been inactivated and the process necessary for reactivation.

PAGE 6: Act 156 of 2016: Professional Regulation Report**Q30: Please provide a citation to the standards of practice or codes of conduct for regulated persons in this occupation. These include any and all of the following: A) Statutes B) Rules C) Policies E) Other**

Statute: 10 VSA Chapter 56, § 1674. Certification of water system operators. (b)(1) and (b)(2) Rules: Environmental Protection Rule Chapter 21 – Water Supply Rule. Subchapter 12 §12.4 Policies

Q31: Please describe the enforcement process for receiving and evaluating complaints.

Any complaints received by the Drinking Water and Groundwater Protection Division are reviewed by Division technical staff. Any that require further review and are unsubstantiated are referred to the Department of Environmental Conservation Compliance and Enforcement Division for investigation by an Environmental Enforcement Officer. Confirmed and documented violations are referred to the Agency of Natural Resources General Council for litigation.

Q32: Please describe the enforcement process for performing investigations.

Investigations are done by an Environmental Enforcement Officer within the the Department of Environmental Conservation Compliance and Enforcement.

Q33: Please describe the enforcement process for prosecutions.

The enforcement process is carried out by the Enforcement Division and prosecutions are done by the Agency of Natural Resources General Council.

Q34: Please describe the enforcement process for hearings.

An administrative hearing is provided before suspending or revoking an operator certification - 10 VSA Chapter 56, § 1674 (b)(1) & (b)(2)

Q35: Please describe the enforcement process for discipline.

Discipline is provided in the written decision issued after the administrative hearing.

Q36: Please describe the enforcement process for follow-up or monitoring of previously disciplined individuals.

There is no standard formal process. It depends on the situation and outcome of the administrative hearing process.

Q37: Please describe the average time to process complaints and disciplinary cases

The time involved varies case by case and could be quite lengthy considering the administrative process.

Q38: Please describe any inspection process relevant to this occupation.

The compliance with operator certification requirements by certified operators at public water systems is reviewed as part of the day to day work by DWGWPD staff

Q39: Regarding this occupation, please describe the annual average count of the following:

Complaints	2
Investigations	2
Prosecutions	1
Hearings	2
Cases Resulting in Disciplinary Action	2
Cases Resulting in Follow-up or Monitoring	1

PAGE 7: Act 156 of 2016: Professional Regulation Report**Q40: Please describe any systems, such as information technology systems, that are used to enable licensing, certification, registration, renewal, enforcement and inspection.**

The Safe Drinking Water Information System (SDWIS) is used to:

- Enable Operator certification and renewal of certification.
- Designation of certified operators to public water system where the operator is employed/contracted.
- Maintain information about certification status, testing, courses and technical credit hours necessary to meet the continuing education requirement for certification renewal.

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Q41: Please provide the number of full-time staff related to the regulation of this occupation, including job titles and duties.

1.75 FTE shared amongst 3-6 DWGWPD staff. – Day to day work operator certification is shared 4 full-time staff: Certification Officer (Class 2, 3, 4 & D operator Application); TNC Program Manager (Class 1A & 1B), Administration Supervisor and Program Services Clerk. The Compliance and Support Services Section Chief and the Compliance and Certification manager direct and carry out work related to the overall operator certification program development. The Program Services Clerk receives application, enters fee and all information in SDWIS database. Reviews application, determines if requirements are met and issues certificate. If not met, routes electronically to Operator Certification manager or TNC Program Manager depending on the class, for review. Progress is tracked using an Excel spreadsheet. The cover letter and certificate are routed electronically. A paper copy is prepared once electronically signed by the Division Director and mailed to the applicant. The SDWIS database is updated. All course information received is entered into SDWIS as well as updates on operator affiliations with water systems are entered into SDWIS. Exam participants are registered twice per year, scores are entered into SDWIS and letters with exam results are mailed to participant. The Administration Supervisor oversees above and verifies for completeness, accuracy and PEP times. The Certification Officer oversees day to day program, answers operator questions regarding requirements, approves courses, determines reciprocity, manages compliance of water systems and makes final determinations. The Certification Officer manages exams with assistance by the Compliance and Certification Officer in conducting exams and scoring Class 2 exams.

Q42: Please provide the number of part-time staff related to the regulation of this occupation, including job titles and duties.

None

PAGE 9: Act 156 of 2016: Professional Regulation Report**Q43: Please provide the following information:**

Average Annual Expenses	\$64,180 (Class 1A & 1B - \$21,000, Class 2,3,4&D - \$43,180)
Average Annual Revenues	\$50,560 ((Class 1A & 1B - \$10,900, Class 2,3,4&D - \$39,660)
Average Annual Fees Charged	\$47,060 (\$50560 minus \$3500 from income from payment for tests)

Q44: Please describe any recent or unexpected budget variations which may skew answers in the above question.

None

Q45: Please describe the fee structure associated with the regulation of this profession. This includes the following:A) The fee amount charged;B) How fee amounts are determined and set;C) The authority to establish those fees; andD) How revenues from fees are used, indicating the specific uses if those revenues are used for purposes other than regulating the profession.

A) \$80 for Class 2,3,4&D operator certification, \$45 for Class 1a and 1b operators B) Statute C) 3 VSA Chapter 51 Subchapter 2 § 2822. (j)(8) D) Revenues come back to the division.

Q46: Please describe any General Fund or Special Fund deposits

None

Q47: Please describe any appropriations from the General Fund

None

Q48: Please describe the qualifications of any supervisor responsible for the oversight of the agency's department's professional regulatory entity and whether that supervisor has the ability to veto or modify any decision by that professional regulatory entity.

There is no professional regulatory entity other than the DWGWPD which is overseen by the DEC Commissioner

Q49: Please provide any additional information you feel is relevant for the purpose of this report.

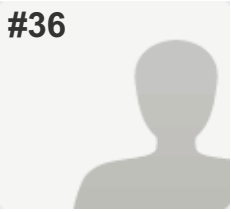
In moving the operator certification (Class 2,3,4, and D) program to the Office of Professional Regulation, there would be approximately \$43,000 less in expenses, which represents a saving of roughly 0.5 FTE in staff resources. In addition, salaried operators believe that OPR will add a measure of professionalism to the public water system operator profession. Problematic Issues for moving Drinking Water Operator Certification to OPR are the following:

EPA Requirements for Operator Certification – EPA requires a comprehensive Drinking Water Operator Certification program, without which the State of Vermont would lose 20% of its Drinking Water State Revolving Funds (roughly \$2.5 million). If the certification program went to OPR, the Division would still need to provide training, administer exams, and track operator compliance with the Water Supply Rule; that is, perform the bulk of the program required by EPA, all without benefit of the certification fee which would go to OPR. A further issue is the fees would essentially triple for operators, which OPR and not the DWGWPD would obtain. It is not clear what new benefits operators would receive from shifting the certification program to OPR, and there are concerns that operators, faced with the new higher fee and no increase of services, would rather leave their volunteer positions. Already facing a “silver tsunami” of retiring operators, having additional operators leave their systems would represent a major problem, as EPA requires each water system to have a certified operator or the state risks the 20% sanction. It is extremely difficult to find volunteers willing to serve as operators, which is why historically the Division has subsidized the program by providing administrative services. Database Issues – Data flow is an issue that will need to be resolved if a certification is transferred to OPR. Daily electronic updates from OPR are needed, to know the appropriate person to deal with for immediate drinking water emergencies, operational issues, and violations. This would entail OPR’s database to effectively communicate with our database. However, the national database (SDWIS) that the Division uses to report to EPA is undergoing massive changes, so any IT fix to deliver data from OPR to DEC would need to be dramatically re-configured in 2-3 years. Management of Volunteer Operators – Under OPR, operators will need to manage their continuing education credits and yearly certification renewals. This is quite different from the current model. The majority of operators are actually volunteers and not paid municipal staff. The Drinking Water and Groundwater Protection Division has been closely managing operator training, tracking continuing education credits, evaluating the appropriateness of the education and experience of proposed new operators, and issuing both new and renewal certificates. Most operators have other employment, and while they have technical skills they have not necessarily been motivated to keep track of the administrative details behind their certification requirements. In summary, the OPR model for certification may not be a good fit for a program where a federal agency is overseeing the state’s performance for the overall certification program. Currently, the challenges outweigh the benefits for the state overall, and for the certified operators in particular. Nevertheless, a consideration for potential transfer of the operator certification to OPR should be re-evaluated in 3 years’ time, once SDWIS database transition has occurred. Ways to address the funding shortfalls would be examined before this re-evaluation and database needs would be more clearly known (and could also be implemented more efficiently if transfer to OPR occurs).

Q50: Thank You for completing this survey.

End

#36

**COMPLETE****Collector:** Web Link 9 (Web Link)**Started:** Wednesday, January 04, 2017 9:28:27 PM**Last Modified:** Wednesday, January 04, 2017 9:45:45 PM**Time Spent:** 00:17:17**IP Address:** 50.137.118.125

PAGE 2: Act 156 of 2016: Professional Regulation Report

Q1: In the following survey, you will be asked to answer a series of questions regarding the regulatory practices of your given state agency/department. It is recommended that you prepare answers to the following questions prior to starting this survey. NOTE: only one device may be used for the survey, per profession. Therefore, while the survey may be discontinued and then resumed at a later date, all answers for a given profession must be entered through the same computer. As a result, it is recommended that for each profession, a single individual be elected to compile and enter information. Choose from the following options:

Begin Survey

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Q2: Please select an occupation from the following list.

Well Drillers (Agency of Natural Resources)

Q3: What is the name of the agency, department and/or division responsible for the regulation of this occupation?

ANR/Environmental Conservation/Drinking Water & Groundwater Protection Division

Q4: Regulation Type. Please check all that apply for this occupation.

Licensing

Q5: What is the number of regulated persons in this occupation?

61

Q6: Is there statutory authority as a legal basis for regulation of this occupation?

Yes

Q7: If "yes" to the above, please provide a citation to said statute.

Title 10: Conservation & Development, Chapter 48: Groundwater Protection

Q8: Please provide a citation to any administrative rules associated with the regulation of this occupation.

Environmental Protection Rules Chapter 15: Well Driller Licensing Rule

Q9: Please provide any and all agency or department policies for the regulation of this occupation.

It is the policy of the Agency of Natural Resources to protect public health and the environment.

Q10: Please describe the purpose of regulating this occupation.

Protect public health and the environment to protect groundwater quality and quantity.

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Q11: Regarding stakeholder groups, please describe how this regulation affects those subject to regulation.

Well drillers must meet educational requirements, obtain a license and renew the license, pay a fee, record characteristics of each well drilled, tag each well, and provide a report regarding the well to the well owner and the State.

Q12: Regarding stakeholder groups, please describe how this regulation affects State entities.

State must develop licensing regulations and exams. Proctor exams, review applications and enter application information into database. Provide tags and blank well completion reports to drillers. Enter completed well report information into database.

Q13: Regarding stakeholder groups, please describe how this regulation affects consumers or clients of this occupation's services.

Clients are assured that a licensed well driller meets the standards in the regulations. Clients receive a well completion report for their well.

Q14: Regarding stakeholder groups, please describe how this regulation affects employers.

Employers engaged in the business of well drilling must have a well driller who has completed an application and obtained a license and pay a \$140.00 annual fee.

Q15: Regarding stakeholder groups, please describe how this regulation affects the public.

Public has access to well completion report database with 112,000 reports (ie. realtors, academics, environmental consultants).

Q16: Regarding stakeholder groups, please describe how this regulation affects any other applicable group.

Individual well completion reports provide important information to real estate agencies and lending institutions. Landowners wishing to develop wells, environmental consultants seeking subsurface information.

Q17: Please describe the governance structure for the regulation of this occupation, including but not limited to: the use of a board; a commission; an agency or division head; a panel; or a hearing officer.

Division Director of the DW&GWPD issues licenses and initiates enforcement actions with Environmental Enforcement and the Vermont Water Well Advisory Committee was established by statute to provide advice regarding regulatory and enforcement matters. The Vermont Water Well Advisory Committee has seven members. Three members are licensed well drillers and serve for a five-year term. By rule the committee meets no less than quarterly.

Q18: Who sets application requirements and practice standards?

DEC, DW&GWPD subject to approval by the DEC Commissioner.

Q19: Who makes decisions on applicants, enforcement, and discipline?

DW&GWPD subject to approval by the DEC Commissioner. Also, see answer to #31.

Q20: Are any decision makers active participants in this regulated occupation? If so, please describe if the decision maker has taken a hiatus from the profession, and if so, whether the decision maker plans to return to the profession.

No, as no decision makers are licensed as a well driller or own a well drilling company.

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Q21: What are the regulated qualifications for this occupation? Check all that apply.

Education Requirements,
Experience Requirements (exclusive from education)
,
Examination

Q22: How are applications received?

Applications are received by U.S. mail.

Q23: How are applications reviewed?

A 6 page application is reviewed by a Hydrogeologist and are assessed for education, experience, fee and signed statements made by the applicant. Information is put into a database. If approved, a license and cover letter is sent to the applicant. Otherwise, a letter denying the applicant is sent.

Q24: How are applications rejected?

. A letter stating that the application was denied is sent to the applicant with the reasons why it was denied

Q25: How are application rejections appealed?

Rejections may be appealed as provided by 10 V.S.A. section 1400. This has never been done. Applicants can reapply at any time.

Q26: How are licenses/certifications/registrations issued?

A license is sent to the applicant by mail.

Q27: What is the average time to process license/certification/registration applications?

The average time to process a license is 3 hours.

Q28: Once issued, what is the duration of the license, certification, or registration for this occupation?

The license is issued for a 3 year period.

Q29: Please describe the license, certification, or registration, renewal process and requirements therein.

A 5 page renewal application is reviewed by a Hydrogeologist and are assessed for education, fee and signed statements made by the applicant. Information is put into a database. If approved, a license and cover letter is sent to the applicant. Otherwise, a letter denying the applicant is sent.

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Q30: Please provide a citation to the standards of practice or codes of conduct for regulated persons in this occupation. These include any and all of the following: A) Statutes B) Rules C) Policies E) Other

“B” Section 15-510 of the Environmental Protection Rules, Chapter 15, Well Driller Licensing Rule.

Q31: Please describe the enforcement process for receiving and evaluating complaints.

The DW&GWPD can investigate and refer an alleged violation to the DEC Enforcement Referral Review Committee, which upon a finding of completeness shall forward to ANR’s office of General Counsel.

Q32: Please describe the enforcement process for performing investigations.

See #31

Q33: Please describe the enforcement process for prosecutions.

The ANR Office of General Counsel has authority to pursue administrative remedies or can refer the complaints to the Attorney General’s Office.

Q34: Please describe the enforcement process for hearings.

See #31

Q35: Please describe the enforcement process for discipline.

See #31

Q36: Please describe the enforcement process for follow-up or monitoring of previously disciplined individuals.

There has been no activity with respect to the above to date.

Q37: Please describe the average time to process complaints and disciplinary cases

An average of one complaint occurs per year and the average time to process complaint is 2 days and there has been no disciplinary cases to date.

Q38: Please describe any inspection process relevant to this occupation.

There has been no inspections to date

Q39: Regarding this occupation, please describe the annual average count of the following:

Complaints	1
Investigations	1
Prosecutions	0
Hearings	0
Cases Resulting in Disciplinary Action	0
Cases Resulting in Follow-up or Monitoring	0

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Q40: Please describe any systems, such as information technology systems, that are used to enable licensing, certification, registration, renewal, enforcement and inspection.

A database is used to capture well driller contact information, dates for when fee was paid and licensed issued. A well completion report database is used which describes well characteristics.

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Q41: Please provide the number of full-time staff related to the regulation of this occupation, including job titles and duties.

Hydrogeologist reviews the application and Environmental Technician tracks payments, sends out bills, and enters information into database. Staff time is 0.1FTE.

Q42: Please provide the number of part-time staff related to the regulation of this occupation, including job titles and duties.

1

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Q43: Please provide the following information:

Average Annual Expenses	\$10,816
Average Annual Revenues	0
Average Annual Fees Charged	\$8540

Q44: Please describe any recent or unexpected budget variations which may skew answers in the above question.

none

Q45: Please describe the fee structure associated with the regulation of this profession. This includes the following:A) The fee amount charged;B) How fee amounts are determined and set;C) The authority to establish those fees; andD) How revenues from fees are used, indicating the specific uses if those revenues are used for purposes other than regulating the profession.

\$140. DEC Fee Bill. BillH.489 effective 7/1/2015 3VSAE Section 2822. Fees are used only available for the purpose of regulating the profession.

Q46: Please describe any General Fund or Special Fund deposits

n/a

Q47: Please describe any appropriations from the General Fund

n/a

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Q48: Please describe the qualifications of any supervisor responsible for the oversight of the agency's department's professional regulatory entity and whether that supervisor has the ability to veto or modify any decision by that professional regulatory entity.

There is no professional regulatory entity other than the DW&GWPD which is overseen by the DEC Commissioner who has authority to modify decisions of the DW&GWPD Director.

Q49: Please provide any additional information you feel is relevant for the purpose of this report.

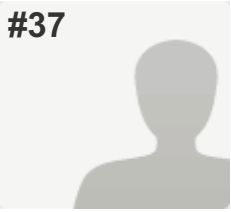
Maintaining the program at DEC is more efficient as there is only one point of contact. It also provides yet another avenue of rapport with the well drilling community.

PAGE 11: Exit Page

Q50: Thank You for completing this survey.

End

#37

**COMPLETE**

Collector: Web Link 5 (Web Link)
Started: Friday, January 06, 2017 5:54:24 PM
Last Modified: Friday, January 06, 2017 7:32:10 PM
Time Spent: 01:37:45
IP Address: 72.169.81.111

PAGE 2: Act 156 of 2016: Professional Regulation Report

Q1: In the following survey, you will be asked to answer a series of questions regarding the regulatory practices of your given state agency/department. It is recommended that you prepare answers to the following questions prior to starting this survey. NOTE: only one device may be used for the survey, per profession. Therefore, while the survey may be discontinued and then resumed at a later date, all answers for a given profession must be entered through the same computer. As a result, it is recommended that for each profession, a single individual be elected to compile and enter information. Choose from the following options:

Begin Survey

PAGE 3: Act 156 of 2016: Professional Regulation Report

Q2: Please select an occupation from the following list.

Child Care Center Workers (Agency of Human Services)

Q3: What is the name of the agency, department and/or division responsible for the regulation of this occupation?

Agency of Human Services, Department for Children and Families, Child Development Division

Q4: Regulation Type. Please check all that apply for this occupation.

Other (please specify)
 This survey is requesting information related to the regulation of occupations. As explained in our letter dated November 4, 2016 to the Office of Professional Regulation, the Department for Children and Families' Child Development Division (CDD) does not regulate occupations, but rather regulates the business of providing child care. As such, because each question in this survey relates to the regulation of an occupation, this survey is not applicable to DCF/CDD. Although questions 1 through 50 in the survey are not applicable to the regulation of child care programs by CDD, CDD has attempted to provide responses to each question relevant to its regulation of the business of providing child care. Responses provided are applicable to center-based child care, home-based providers and afterschool programs. The same responses are provided in both the survey for child care center workers and the survey for child care home providers.

Q5: What is the number of regulated persons in this occupation?

CDD currently licenses 522 center-based child care centers, 728 child-care homes and 151 afterschool programs. In those programs, there are the following number of individual persons: Child care center workers - 3988 Child care home providers - 925 Afterschool program employees - 704

Q6: Is there statutory authority as a legal basis for regulation of this occupation?

Yes

Q7: If "yes" to the above, please provide a citation to said statute.

The statutory authority for the regulation of child care businesses is found at 33 V.S.A. §§105(b) & 3502.

Q8: Please provide a citation to any administrative rules associated with the regulation of this occupation.

The administrative rules for the regulation of child care businesses can be found at:
 Child Care Licensing Regulations for Center Based Child Care and Preschool Programs
http://dcf.vermont.gov/sites/dcf/files/CDD/Docs/Licensing/CBCCPP_Regulations_FINAL.pdf
 Child Care Licensing Regulations for Registered and Licensed Family Child Care Homes
http://dcf.vermont.gov/sites/dcf/files/CDD/Docs/Licensing/FCCH_Final.pdf
 Child Care Licensing Regulations for After School Child Care Programs
http://dcf.vermont.gov/sites/dcf/files/CDD/Docs/Licensing/AS_Regulations_Final.pdf

Q9: Please provide any and all agency or department policies for the regulation of this occupation.

Department policies relating to child care may be found on the CDD website at <http://dcf.vermont.gov/cdd>

Q10: Please describe the purpose of regulating this occupation.

CDD regulates the business of providing child care. The purpose of this regulation is to protect the health and safety of Vermont's children in out-of-home care and ensure that children in care, early education and afterschool programs in Vermont are provided with wholesome growth and educational experiences. These regulations set baseline (minimum) standards for programs regulated in Vermont.

PAGE 4: Act 156 of 2016: Professional Regulation Report**Q11: Regarding stakeholder groups, please describe how this regulation affects those subject to regulation.**

The regulation of child care businesses sets clear, consistent, developmentally appropriate standards based on observable program characteristics known to protect and promote the health, safety and well-being of children in care and education settings. Programs must adhere to these minimum standards or risk losing their license to operate and provide care.

Q12: Regarding stakeholder groups, please describe how this regulation affects State entities.

CDD consulted with other state agencies in the development and promulgation of these regulations, including the Vermont Department of Health (relating to requirements around child immunizations, safe drinking water, lead inspections of the building in which child care services are being provided and other health considerations of children in care), the Department of Public Safety's Division of Fire Safety (relating to building code and fire safety requirements) and the Agency of Education.

Q13: Regarding stakeholder groups, please describe how this regulation affects consumers or clients of this occupation's services.

The regulations for child care businesses ensure stability and consistency in child care services as well as the productive engagement of children in care. High quality child care results in better education, social and health outcomes for children and allows parents and caregivers to work and contribute to the economy as well as society.

Q14: Regarding stakeholder groups, please describe how this regulation affects employers.

Child care services have proven to have a net positive impact on local and state economies as child care services allow employees to enter the work force.

Q15: Regarding stakeholder groups, please describe how this regulation affects the public.

Please see the responses to 13 and 14 above.

Q16: Regarding stakeholder groups, please describe how this regulation affects any other applicable group.

Please see the responses to 13, 14 and 15 above. In addition there are many community-based and other organizations such as Let's Grow Kids, etc., that are interested and involved in early education and child care.

Q17: Please describe the governance structure for the regulation of this occupation, including but not limited to: the use of a board; a commission; an agency or division head; a panel; or a hearing officer.

Decisions regarding child care business licenses are made by CDD. The appeal process for reviewing these decisions is set forth in regulation and include options for a Commissioner's review hearing or review by the Human Services Board.

Q18: Who sets application requirements and practice standards?

The requirements for child care program license applications is set forth in the regulations promulgated by CDD.

Q19: Who makes decisions on applicants, enforcement, and discipline?

CDD makes decisions regarding child care program business licenses. CDD is also responsible for citing program violations.

Q20: Are any decision makers active participants in this regulated occupation? If so, please describe if the decision maker has taken a hiatus from the profession, and if so, whether the decision maker plans to return to the profession.

CDD licensing unit employees are not also concurrently child care provider business owners. Some CDD licensing staff have previously been in the business of providing child care services.

PAGE 5: Act 156 of 2016: Professional Regulation Report**Q21: What are the regulated qualifications for this occupation? Check all that apply.**

Education Requirements

Q22: How are applications received?

Prospective child care licensees must apply for a license on forms provided by CDD.

Q23: How are applications reviewed?

CDD reviews license applications and required supporting documentation and information.

Q24: How are applications rejected?

Child care business license applications may be denied by CDD if the prospective licensee does not meet all the requirements provided for in regulation. CDD may also suspend or revoke a child care business license in cases of serious program violations relating to the health or safety of children.

Q25: How are application rejections appealed?

The appeal process for reviewing CDD's regulatory decisions is set forth in regulation and include options for a Commissioner's review hearing or review by the Human Services Board.

Q26: How are licenses/certifications/registrations issued?

CDD issues certificates to operate a child care business. The child care program is required to clearly post the license to operate for parents, staff, visitors and others to see. The following information is required to be displayed: status of the license (full or provisional), effective date of the license, expiration date of the license, maximum number of children who may be served at one (1) time, ages of the children who may be served, applicable type of regulated service for which authorization to operate has been granted, terms and conditions of the license if applicable and finally, approval to prepare and provide meals if granted.

Q27: What is the average time to process license/certification/registration applications?

The average processing time for becoming a licensed or registered child care program is anywhere between four weeks to six months. This varies greatly however depending on the preparation of the applicant. Some programs need to do construction prior to licensing which can delay, while others are prepared and can be licensed within one to two weeks.

Q28: Once issued, what is the duration of the license, certification, or registration for this occupation?

A full license to operate a child care business is effective for three years from the date of issuance, unless modified, revoked, surrendered or suspended. A provisional license to operate is effective for a period determined by CDD, not to exceed one year, unless modified, revoked, surrendered or suspended.

Q29: Please describe the license, certification, or registration, renewal process and requirements therein.

Licensees are required to complete the all annual licensing requirements by the anniversary date of the license. CDD conducts a licensing visit at least once every 365 days at each program. At least 60 days before the expiration date of a license, CDD sends the licensee electronic notice of the requirements to apply for license renewal through the Bright Futures Information System.

PAGE 6: Act 156 of 2016: Professional Regulation Report**Q30: Please provide a citation to the standards of practice or codes of conduct for regulated persons in this occupation. These include any and all of the following: A) Statutes B) Rules C) Policies E) Other**

There are several standards of best practice that child care programs can consider in their business including national:

- Accreditation by the National Association for the Education of Young Children or Accreditation by the National Association of Family Child Care

- National Caring for Our Children best practice health and safety standards

And State best practice including the voluntary STep Ahead Recognition System (STARS), and professional core competencies including the

- Early Childhood Core Knowledge and Competencies
- Afterschool Core Competences
- Vermont Agency of Education Professional Standards
- Program Director Competencies

Q31: Please describe the enforcement process for receiving and evaluating complaints.

CDD maintains capacity to receive and respond to complaints from the public regarding regulated child care and early education providers. CDD assesses every complaint received to determine whether it pertains to CDD licensing regulations. CDD investigates complaints related to compliance with licensing regulations. CDD refers complaints related to other governmental entities to the appropriate authority.

Q32: Please describe the enforcement process for performing investigations.

CDD requires, as part of the license to operate, the authority to inspect the program at reasonable hours. Licensed programs must allow CDD staff to interview staff members. CDD may open an investigation based on a complaint, concern or based on observations from a licensing visit to the program. When violations of regulations are found, CDD offers licensees the opportunity to develop a program improvement plan whereby the violations will be corrected within a time period mutually agreeable to CDD and the licensee. When violations are found that present an imminent risk of physical, emotional or developmental harm to children, show a pattern of repeated non-compliance or when a licensee fails to comply with corrective action requirements, the Division may suspend or revoke a license to operate.

Q33: Please describe the enforcement process for prosecutions.

Procedures for the denial, suspension or revocation of a license to operate a child care business are set forth in regulations.

Q34: Please describe the enforcement process for hearings.

Child care program licensees may appeal regulatory actions by CDD as described in responses previously provided above.

Q35: Please describe the enforcement process for discipline.

CDD also does not discipline individuals. If program violations are cited by CDD, violations are posted publicly on-line for the purpose of informing parents and the public about regulatory status and compliance history of the child care program. In cases of serious program violations, regulated programs are required to send out parental notification letters to the families of each enrolled child in the program.

Q36: Please describe the enforcement process for follow-up or monitoring of previously disciplined individuals.

CDD also does not discipline individuals. Please see the response to question # 32 above regarding the procedures for corrective action plans for program violations.

Q37: Please describe the average time to process complaints and disciplinary cases

CDD promptly responds to complaints. A complaint line is staffed Monday through Friday, 8:00 AM to 4:30 PM by a licensing field staff, and are assigned immediately.

Q38: Please describe any inspection process relevant to this occupation.

CDD performs inspections of the location and building of every licensed or prospective licensed child care program.

Q39: Regarding this occupation, please describe the annual average count of the following:

Complaints	0
Investigations	0
Prosecutions	0
Hearings	0
Cases Resulting in Disciplinary Action	0
Cases Resulting in Follow-up or Monitoring	0

Q40: Please describe any systems, such as information technology systems, that are used to enable licensing, certification, registration, renewal, enforcement and inspection.

CDD utilizes the Bright Futures Information System (BFIS), which is a web-based information and management system used by CDD to communicate with providers and parents. BFIS is used to manage processes, actions, documents and information related to child care licensing, qualifications of individuals working in the program, and child care financial assistance subsidies.

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Q41: Please provide the number of full-time staff related to the regulation of this occupation, including job titles and duties.

The CDD licensing unit has 18 full-time positions, including 1 - Director of Child Care Licensing 1 - Program Technician I, 3 - Child Care Licensing Supervisors, 9 – Child Care Licensing Field Specialist, and 4 - Licensing Technician II. Job descriptions and duties may be found on the DHR website.

Q42: Please provide the number of part-time staff related to the regulation of this occupation, including job titles and duties.

The CDD licensing unit has no part-time positions. CDD currently utilizes one temporary position.

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Q43: Please provide the following information:

Average Annual Expenses	The CDD budget does not separately list its licensing unit. The following expenses are an estimate for the licensing unit - \$1,417,450 annually
Average Annual Revenues	0
Average Annual Fees Charged	0

Q44: Please describe any recent or unexpected budget variations which may skew answers in the above question.

not applicable

Q45: Please describe the fee structure associated with the regulation of this profession. This includes the following:A) The fee amount charged;B) How fee amounts are determined and set;C) The authority to establish those fees; andD) How revenues from fees are used, indicating the specific uses if those revenues are used for purposes other than regulating the profession.

CDD does not charge fees for licensing child care providers.

Q46: Please describe any General Fund or Special Fund deposits

The licensing unit is funded with approximately 47 percent federal funds and 53 percent general fund.

Q47: Please describe any appropriations from the General Fund

Please see above.

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Q48: Please describe the qualifications of any supervisor responsible for the oversight of the agency's department's professional regulatory entity and whether that supervisor has the ability to veto or modify any decision by that professional regulatory entity.

The Director of Child Care Licensing minimum requirements are:

Knowledge, Skills and Abilities:

Thorough knowledge of early child development, early learning, and child care.

Thorough knowledge of the principles and practices of regulatory administration including knowledge of investigatory principles and practices

Thorough knowledge and understanding of the legal basis for child care regulation in Vermont and of all current child care regulations for any type of care

Considerable knowledge of state and federal child care delivery systems and state and federal child care laws, rules, and regulations.

Knowledge of the principles and practices of public administration.

Ability to plan, integrate, organize, coordinate and direct major program activities.

Ability to understand and consistently interpret complex laws, rules and regulations, to anticipate their impact, to make sound judgments based on available evidence and deliver impartial, consistent and timely decisions with firmness and tact.

Knowledge of due process and ability to help prepare a legal case for presentation at hearing or court.

Ability to manage and utilize computerized management information systems.

Ability to analyze and evaluate administrative, programmatic, financial or operational goals, objectives, systems and controls.

Ability to use data effectively, study and analyze issues and problems and recommend changes in child care systems.

Ability to communicate effectively orally and in writing.

Ability to work cooperatively and effectively in a team environment.

Ability to maintain objectivity and confidentiality in a regulatory setting.

Ability to manage time and resources effectively.

Supervisory ability and working knowledge of supervisory principles and practices.

Ability to prepare clear and comprehensive reports, analyses and recommendations.

Ability to provide leadership and accountability within the framework of the four key practices of the Agency of Human Services: customer service, holistic service, strengths-based relationships and results orientation.

Education and Experience:

Bachelor's degree in public or business administration, early childhood development/education, or a human service field AND five (5) years of experience at a professional level in government, early childhood programs or human services, INCLUDING at least two years in a managerial or supervisory role.

Note: Early childhood programs is defined as licensed or registered community based child care programs, Head Start (center based) programs, parent/child centers or other facilities, whose major focus is developmentally beneficial early care and education services

Master's degree preferred

Special Requirements:

Candidates must pass any level of background investigation applicable to the position. AHS Policy 4.02, Hiring Standards, pursuant to 20 V.S.A. 2056c or other applicable statutory authority, requires criminal record checks for all AHS positions, including motor vehicle driving record checks and national record checks where appropriate.

The Director of Child Care Licensing or Deputy Commissioner of the Child Development Division on behalf of the Commissioner of the Vermont Department for Children and Families may award a variance to a specific rule to a program for a time limited basis.

Q49: Please provide any additional information you feel is relevant for the purpose of this report.

Please see responses below to questions 21 and 39. The survey monkey did not allow for narrative responses to these questions:

21. What are the regulated qualifications for this occupation? Check all that apply.

Education requirements

Examination

Experience requirements

Response:

Regarding the child care business, in order to be licensed to operate and meet the standards provided for in regulation, certain staff members must meet minimum education requirements. For example, the program director must certain education requirements depending on the licensed capacity of the program. For the general health and safety of children in the program, the child care program's policies and procedures must ensure that all staff are provided orientation and training on basic information related to child care, including basic knowledge of child growth and development, routine and emergency health protection, safety and sanitation procedures, safe sleep practices, etc. All staff who have unsupervised access to children are also required to submit to a fingerprint supported criminal background check. In order to provide universal preK through Act 166, programs must also partner with or employ a licensed teacher (licensed by the Agency of Education).

39. Regarding this occupation, please describe the annual average count of the following:

Complaints: We do not have this data readily available. (See below)

Investigations: There were 1672 visits to child care programs from July 2015 to June 2016, of those 253 were due to complaints received by the division.

Prosecutions: not applicable

Hearings: From the period July 2015 through June 2016, CDD conducted 28 Commissioner Review hearings and had two Human Services Board appeals

Cases Resulting in Disciplinary Action: not applicable

Cases Resulting in Follow-up or Monitoring: not applicable

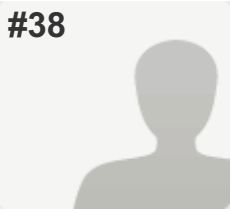
Although the responses provided above are not relevant to the survey regarding the regulation of occupations, we hope that these answers are helpful to you. Please feel free to reach out to Leslie Wisdom, DCF General Counsel, with any questions you may have. Thank you!

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Q50: Thank You for completing this survey.

End

#38

**COMPLETE****Collector:** Web Link 6 (Web Link)**Started:** Friday, January 06, 2017 7:35:54 PM**Last Modified:** Friday, January 06, 2017 7:58:48 PM**Time Spent:** 00:22:54**IP Address:** 72.169.81.111**PAGE 2: Act 156 of 2016: Professional Regulation Report**

Q1: In the following survey, you will be asked to answer a series of questions regarding the regulatory practices of your given state agency/department. It is recommended that you prepare answers to the following questions prior to starting this survey. NOTE: only one device may be used for the survey, per profession. Therefore, while the survey may be discontinued and then resumed at a later date, all answers for a given profession must be entered through the same computer. As a result, it is recommended that for each profession, a single individual be elected to compile and enter information. Choose from the following options:

Begin Survey

PAGE 3: Act 156 of 2016: Professional Regulation Report**Q2: Please select an occupation from the following list.**

Child Care Home Providers (Agency of Human Services)

Q3: What is the name of the agency, department and/or division responsible for the regulation of this occupation?

Agency of Human Services, Department for Children and Families, Child Development Division

Q4: Regulation Type. Please check all that apply for this occupation.

Other (please specify)

This survey is requesting information related to the regulation of occupations. As explained in our letter dated November 4, 2016 to the Office of Professional Regulation, the Department for Children and Families' Child Development Division (CDD) does not regulate occupations, but rather regulates the business of providing child care. As such, because each question in this survey relates to the regulation of an occupation, this survey is not applicable to DCF/CDD. Although questions 1 through 50 in the survey are not applicable to the regulation of child care programs by CDD, CDD has attempted to provide responses to each question relevant to its regulation of the business of providing child care. Responses provided are applicable to center-based child care, home-based providers and afterschool programs. The same responses are provided in both the survey for child care center workers and the survey for child care home providers.

Q5: What is the number of regulated persons in this occupation?

CDD currently licenses 522 center-based child care centers, 728 child-care homes and 151 afterschool programs. In those programs, there are the following number of individual persons: Child care center workers - 3988 Child care home providers - 925 Afterschool program employees - 704

Q6: Is there statutory authority as a legal basis for regulation of this occupation?

Yes

Q7: If "yes" to the above, please provide a citation to said statute.

The statutory authority for the regulation of child care businesses is found at 33 V.S.A. §§105(b) & 3502.

Q8: Please provide a citation to any administrative rules associated with the regulation of this occupation.

The administrative rules for the regulation of child care businesses can be found at:
 Child Care Licensing Regulations for Center Based Child Care and Preschool Programs
http://dcf.vermont.gov/sites/dcf/files/CDD/Docs/Licensing/CBCCPP_Regulations_FINAL.pdf
 Child Care Licensing Regulations for Registered and Licensed Family Child Care Homes
http://dcf.vermont.gov/sites/dcf/files/CDD/Docs/Licensing/FCCH_Final.pdf
 Child Care Licensing Regulations for After School Child Care Programs
http://dcf.vermont.gov/sites/dcf/files/CDD/Docs/Licensing/AS_Regulations_Final.pdf

Q9: Please provide any and all agency or department policies for the regulation of this occupation.

Department policies relating to child care may be found on the CDD website at <http://dcf.vermont.gov/cdd>

Q10: Please describe the purpose of regulating this occupation.

CDD regulates the business of providing child care. The purpose of this regulation is to protect the health and safety of Vermont's children in out-of-home care and ensure that children in care, early education and afterschool programs in Vermont are provided with wholesome growth and educational experiences. These regulations set baseline (minimum) standards for programs regulated in Vermont.

PAGE 4: Act 156 of 2016: Professional Regulation Report**Q11: Regarding stakeholder groups, please describe how this regulation affects those subject to regulation.**

The regulation of child care businesses sets clear, consistent, developmentally appropriate standards based on observable program characteristics known to protect and promote the health, safety and well-being of children in care and education settings. Programs must adhere to these minimum standards or risk losing their license to operate and provide care.

Q12: Regarding stakeholder groups, please describe how this regulation affects State entities.

CDD consulted with other state agencies in the development and promulgation of these regulations, including the Vermont Department of Health (relating to requirements around child immunizations, safe drinking water, lead inspections of the building in which child care services are being provided and other health considerations of children in care), the Department of Public Safety's Division of Fire Safety (relating to building code and fire safety requirements) and the Agency of Education.

Q13: Regarding stakeholder groups, please describe how this regulation affects consumers or clients of this occupation's services.

The regulations for child care businesses ensure stability and consistency in child care services as well as the productive engagement of children in care. High quality child care results in better education, social and health outcomes for children and allows parents and caregivers to work and contribute to the economy as well as society.

Q14: Regarding stakeholder groups, please describe how this regulation affects employers.

Child care services have proven to have a net positive impact on local and state economies as child care services allow employees to enter the work force.

Q15: Regarding stakeholder groups, please describe how this regulation affects the public.

Please see the responses to 13 and 14 above.

Q16: Regarding stakeholder groups, please describe how this regulation affects any other applicable group.

Please see the responses to 13, 14 and 15 above. In addition there are many community-based and other organizations such as Let's Grow Kids, etc., that are interested and involved in early education and child care.

Q17: Please describe the governance structure for the regulation of this occupation, including but not limited to: the use of a board; a commission; an agency or division head; a panel; or a hearing officer.

Decisions regarding child care business licenses are made by CDD. The appeal process for reviewing these decisions is set forth in regulation and include options for a Commissioner's review hearing or review by the Human Services Board.

Q18: Who sets application requirements and practice standards?

The requirements for child care program license applications is set forth in the regulations promulgated by CDD.

Q19: Who makes decisions on applicants, enforcement, and discipline?

CDD makes decisions regarding child care program business licenses. CDD is also responsible for citing program violations.

Q20: Are any decision makers active participants in this regulated occupation? If so, please describe if the decision maker has taken a hiatus from the profession, and if so, whether the decision maker plans to return to the profession.

CDD licensing unit employees are not also concurrently child care provider business owners. Some CDD licensing staff have previously been in the business of providing child care services.

PAGE 5: Act 156 of 2016: Professional Regulation Report**Q21: What are the regulated qualifications for this occupation? Check all that apply.**

Education Requirements

Q22: How are applications received?

Prospective child care licensees must apply for a license on forms provided by CDD.

Q23: How are applications reviewed?

CDD reviews license applications and required supporting documentation and information.

Q24: How are applications rejected?

Child care business license applications may be denied by CDD if the prospective licensee does not meet all the requirements provided for in regulation. CDD may also suspend or revoke a child care business license in cases of serious program violations relating to the health or safety of children.

Q25: How are application rejections appealed?

The appeal process for reviewing CDD's regulatory decisions is set forth in regulation and include options for a Commissioner's review hearing or review by the Human Services Board.

Q26: How are licenses/certifications/registrations issued?

CDD issues certificates to operate a child care business. The child care program is required to clearly post the license to operate for parents, staff, visitors and others to see. The following information is required to be displayed: status of the license (full or provisional), effective date of the license, expiration date of the license, maximum number of children who may be served at one (1) time, ages of the children who may be served, applicable type of regulated service for which authorization to operate has been granted, terms and conditions of the license if applicable and finally, approval to prepare and provide meals if granted.

Q27: What is the average time to process license/certification/registration applications?

The average processing time for becoming a licensed or registered child care program is anywhere between four weeks to six months. This varies greatly however depending on the preparation of the applicant. Some programs need to do construction prior to licensing which can delay, while others are prepared and can be licensed within one to two weeks.

Q28: Once issued, what is the duration of the license, certification, or registration for this occupation?

A full license to operate a child care business is effective for three years from the date of issuance, unless modified, revoked, surrendered or suspended. A provisional license to operate is effective for a period determined by CDD, not to exceed one year, unless modified, revoked, surrendered or suspended.

Q29: Please describe the license, certification, or registration, renewal process and requirements therein.

Licensees are required to complete the all annual licensing requirements by the anniversary date of the license. CDD conducts a licensing visit at least once every 365 days at each program. At least 60 days before the expiration date of a license, CDD sends the licensee electronic notice of the requirements to apply for license renewal through the Bright Futures Information System.

PAGE 6: Act 156 of 2016: Professional Regulation Report**Q30: Please provide a citation to the standards of practice or codes of conduct for regulated persons in this occupation. These include any and all of the following:A) StatutesB) RulesC) PoliciesE) Other**

There are several standards of best practice that child care programs can consider in their business including national:

- Accreditation by the National Association for the Education of Young Children or Accreditation by the National Association of Family Child Care

- National Caring for Our Children best practice health and safety standards

And State best practice including the voluntary STep Ahead Recognition System (STARS), and professional core competencies including the

- Early Childhood Core Knowledge and Competencies
- Afterschool Core Competences
- Vermont Agency of Education Professional Standards
- Program Director Competencies

Q31: Please describe the enforcement process for receiving and evaluating complaints.

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Q32: Please describe the enforcement process for performing investigations.

CDD requires, as part of the license to operate, the authority to inspect the program at reasonable hours. Licensed programs must allow CDD staff to interview staff members. CDD may open an investigation based on a complaint, concern or based on observations from a licensing visit to the program. When violations of regulations are found, CDD offers licensees the opportunity to develop a program improvement plan whereby the violations will be corrected within a time period mutually agreeable to CDD and the licensee. When violations are found that present an imminent risk of physical, emotional or developmental harm to children, show a pattern of repeated non-compliance or when a licensee fails to comply with corrective action requirements, the Division may suspend or revoke a license to operate.

Q33: Please describe the enforcement process for prosecutions.

Procedures for the denial, suspension or revocation of a license to operate a child care business are set forth in regulations.

Q34: Please describe the enforcement process for hearings.

Child care program licensees may appeal regulatory actions by CDD as described in responses previously provided above.

Q35: Please describe the enforcement process for discipline.

CDD also does not discipline individuals. If program violations are cited by CDD, violations are posted publicly on-line for the purpose of informing parents and the public about regulatory status and compliance history of the child care program. In cases of serious program violations, regulated programs are required to send out parental notification letters to the families of each enrolled child in the program.

Q36: Please describe the enforcement process for follow-up or monitoring of previously disciplined individuals.

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Master's degree preferred

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Examination

Experience requirements

Response:

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Hearings: From the period July 2015 through June 2016, CDD conducted 28 Commissioner Review hearings and had two Human Services Board appeals

Cases Resulting in Disciplinary Action: not applicable

Cases Resulting in Follow-up or Monitoring: not applicable

Although the responses provided above are not relevant to the survey regarding the regulation of occupations, we hope that these answers are helpful to you. Please feel free to reach out to Leslie Wisdom, DCF General Counsel, with any questions you may have. Thank you!

PAGE 11: Exit Page

Q50: Thank You for completing this survey.

End