

STATE OF WEST VIRGINIA

**PRELIMINARY PERFORMANCE REVIEW**

OF THE

**BOARD OF EXAMINERS IN COUNSELING**

*Ineffective and  
Inappropriate  
Operating Practices*

Performance Evaluation and Research Division  
Building 5, Room 751  
State Capitol Complex

CHARLESTON, WEST VIRGINIA 25305  
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PE95-05-26

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July, 1995

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Antonio E. Jones, Ph.D.  
Director

July 9, 1995

The Honorable A. Keith Wagner  
State Senate  
Box 446  
Iaeger, West Virginia 24844

The Honorable Joe Martin  
House of Delegates  
Building 1, Room 213E  
1900 Kanawha Blvd. East  
Charleston, West Virginia 25305

Gentlemen:

Pursuant to the West Virginia Sunset Law, we are transmitting this Preliminary Performance Review of the Board of Examiners in Counseling, which will be reported to the Joint Committee on Government Operations on Sunday, July 9, 1995. The issue covered herein is "Ineffective and Inappropriate Operating Practices."

Sincerely,

  
Antonio E. Jones

AEJ/wsc

Enclosure



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# **Preliminary Performance Review of the West Virginia Board of Examiners in Counseling**

## **Executive Summary**

The Board of Examiners in Counseling was created in 1986 under Chapter 138, Acts of the Legislature. The Board is currently governed by the provisions of Chapter 30, Article 31, Section 1 of the West Virginia Code, as amended.

The primary function of the BOEC is to regulate and control the profession of Counseling. The Performance Evaluation and Research Division's review of the BOEC found two major issue areas and two minor issue areas. These issues are as follows:

1. The BOEC's staffing arrangement is ineffective in carrying out the mission and mandates of the Board.
2. There have been a number of inappropriate and illegal operating procedures due to poor internal controls.
3. The current fee structure contains excessive "Name Change" and License Replacement fees.
4. Several members of the BOEC have failed to submit their 1994 financial disclosure statements to the WV Ethics Commission.





## **ISSUE AREA 1: The BOEC's staffing arrangement is ineffective in carrying out the mission and mandates of the board.**

The West Virginia Board of Examiners in Counseling is responsible for regulating and licensing the counseling profession in West Virginia. The Board's mandates are within WVC §30-31. The state also has general provisions for all professional licensing boards in WVC §30-1 with which the BOEC must comply. In addition, the BOEC must follow general provisions for appropriations, expenditures and deductions for state entities [WVC §12-3].

Currently, the Board's responsibilities are carried out by Board members and a volunteer Board administrator. The BOEC does not have permanent staff. The amount of time required of members to carry out Board responsibilities is significant. Moreover, all but one Board member and the Board administrator hold full-time employment, which requires Board work to be conducted during off-work hours or on week-ends. Although the Performance Evaluation and Research Division (PERD) commends Board members for their service to the BOEC, the evidence suggests that there is more work than Board members and a volunteer board administrator are able to manage and be effective.

In order for the Board to effectively regulate the profession of counseling, it must carry out the following functions:

- Be accessible to the public and counselors;
- Maintain a thorough licensing review process; and,
- Keep accurate records of:
  - budgetary matters,
  - Board proceedings,
  - annual reports,
  - licensees, and,
  - complaints

Some of the Board's work is not being done in a timely manner, and some work is not being done at all. With Board work divided among members and the administrator, there is a lack of centralization of important information. Therefore, PERD recommends that the Board hire a part-time or full-time employee who could centralize Board information, assist members, and carry out Board duties which are not currently being completed. The Board has accumulated a surplus of approximately \$27,000 which could be used to hire permanent staff. Some current expenditures would also be reduced with permanent staff.

In addition, PERD recommends that the BOEC find a state board with which to share office space or merge administrative functions. This would give the Board the accessibility it currently does not have. The BOEC must share either office space or staff since the current fee structure may not adequately meet the cost of staff and office space.

The information which follows highlights in detail areas of ineffectiveness that could be improved with permanent staff. Emphasized first are those areas weakening the BOEC's ability to meet its mission and second are those mandates which have not been completed by the BOEC.

## **Areas Weakening the BOEC's Ability to Meet its Mission**

### **Lack of Accessibility**

State Legislators have received various complaints from citizens claiming that they have difficulty getting in contact with the Board. There are three components which create the lack of accessibility. These components include no full-time or part-time staff, no public office, and a potential lack of consumer awareness.

### **No Permanent Staff**

Four Board members and a volunteer Board administrator take care of a majority of the operations, with the members reimbursed for their work.<sup>1</sup> The Board contends that because the Board's office is located in the home of the administrator and the Chairman keeps records considered archival, the arrangement "does not lend itself to part-time or full-time staff." Also, the Board asserts that the present fee schedule is not sufficient to budget for a business office with permanent staff.<sup>2</sup>

However, as of May 1995, the Board has accumulated over several fiscal years, a budget surplus of approximately \$27,000. In addition, during fiscal year 1994, the Board spent \$1143.20 to reimburse a board member for days (per diem) of work and travel not related to attending a board meeting. These costs would be reduced with permanent staff who would perform some of these tasks.

### **No Office**

Another factor to the lack of accessibility is that there is no established public office from which the Board operates. The Board considers the home of the administrator as the Board's office, since he is responsible for much of the day-to-day operations of the Board. Because there is no office, the public has little or no physical access to the Board.

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<sup>1</sup>When first created, the Board's secretary (the current volunteer administrator) used staff from his private business for general operations. As fees were collected, the Board contracted temporary staff to do this work. According to the BOEC, expenses for handling business such as hearings for complaints, increased and took precedence over contractual staff work. Currently, the board secretary and a volunteer administrator are responsible for carrying out the general operations of the Board.

<sup>2</sup>The Board explained that they have requested the Legislature to change the licensing and renewal fees, but such legislation has not passed.

The Board explained that the Legislature recommended they look into sharing expenses with another professional licensing board. They contended that they had made an effort, but that these efforts had "proved unsuccessful." The Board's minutes reflect limited discussions with other licensing boards and an interest by at least one licensing board. Had the BOEC been more diligent in collaboration efforts, office space and resources might have been possible, thus, allowing the Board to operate more effectively. It is important that the Board share office space and/or administrative functions since the current fee structure may not be able to provide an individual office and part-time or full-time staff.

### **Delayed Response to Public Inquiries**

The Board uses an answering service to answer telephone calls instead of hiring a staff person. Requests are relayed from the answering service to the Board. These calls are returned by either the Board administrator or the Board secretary. The PERD was told that the Board receives 20 to 40 calls per day. Calls are not returned promptly since the administrator and Board secretary do not return the calls until the evening or on weekends. It is obviously difficult for members to respond to these many requests during their personal time. A staff person, however, would be able to respond immediately to questions or requests for information.

### **Consumer Awareness**

A lack of consumer awareness also contributes to the lack of accessibility to the BOEC. Even though the BOEC has an answering service, there is no listing under its name in any West Virginia telephone directory or with the telephone company. Instead, the number used by the Board is listed under Recovery and *Rehabilitation Services*, a business formerly owned by the Board secretary.<sup>3</sup> Also, the Board is not listed in the *West Virginia Blue Book*.<sup>4</sup>

The PERD was unable to find any marketing techniques used by the Board to educate the public about ethical and legal standards to which counselors must adhere, about consumer's rights concerning reporting abuse, nor about what disciplinary actions can be taken by the Board. The BOEC explained that public access to the Board is through requests to Legislative or Government offices. The Board also contends that the public has access to the Board through the display of the Statement of Professional Disclosure for Licensed Professional Counselors at

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<sup>3</sup>The Board's secretary pays for the answering service known as *Sincerely Yours Services*, based in Charleston. She indicated that she and Mr. Fritz Maine, the Board administrator, had originally hired the answering service for a private business, known as *Recovery and Rehabilitation Services*, in which they were partners. The business still exists but has not provided services since 1990. Because the phone number was also being used for Board business, the secretary kept the service and had the service answer for the Board of Examiners in Counseling. The Board's secretary still uses the service for her personal business as a consultant. She pays the base rate of the service (\$38 per month) and the Board pays \$53 a month for the calls received. Currently, the Board owes her \$600 for reimbursement for the use of the answering service.

<sup>4</sup>Karl C. Lilly, Assistant Clerk of the Senate and Associate Editor of the *West Virginia Blue Book*, explained to PERD that some boards may be unintentionally overlooked.

the counselor's business, which only provides the Board's address. However, even though counselors are required to display this statement, there is no guarantee counselors are meeting this requirement or that consumers are able to recognize the statements.

The Board has made several attempts to create informational materials including a newsletter similar to that of the WV Board of Examiners in Nursing. However, the newsletter was never created. The Board did hire the current Board administrator to create a brochure and the Board submits articles to the West Virginia Counseling Association's newsletter. However, the newsletter and brochure are targeted toward members of the counseling profession rather than members of the public.

It is interesting to note that the only oversight the Board has regarding a licensee and his/her adherence to the code of ethics or other legislative rules outlining unacceptable behavior is through a formal complaint by the public or another counselor. This process is conceivably hindered due to a lack of visibility and accessibility to the BOEC.

### *License Processing*

There are strict guidelines established through statute and legislative rules which specify the conditions under which an applicant may be licensed. These include the appropriate training, education, and experience; meeting the requirement of a passing score on a National Counseling Examination approved by the Board; and proof that the individual is of good character through three personal and three professional reference letters. For the renewal of a license, a person must provide documentation of the required forty hours of professional counseling continuing education. The Board averages around 52 new applicants each year and must renew licenses for approximately 800 licensees every two years.

The Board has two members who review new applications to determine eligibility. They are designated as the credentials committee and make recommendations on licensure. Permanent staff could assist these two members in this process.

In addition, minutes from 1991 indicate that the renewal process was extended 60 days because the Board could not process the licenses in time to meet the license expiration date. This has not reoccurred since then. Nevertheless, this occurrence illustrates that reviewing approximately 800 licenses every two years is time consuming, and can be improved through employing staff.

### *Mandates the BOEC has Failed to Meet*

The BOEC has several responsibilities under its own statutes, under general provisions for professional licensing boards, and under general provisions for appropriations, expenditures and deductions of state entities. The following categories include six mandates which have not been completed by the Board.

#### *Recordkeeping*

The BOEC's poor recordkeeping with regard to budgetary matters leads to the violation of several mandates. These mandates include:

1. The Board has failed to keep accurate and complete records of the Board's proceedings [§30-31-5a(3)].
2. The Board has failed to file and preserve itemized statements of compensation and expenses for its members [§12-3-7]. In reviewing original reimbursement documentation, the copies the BOEC are required to keep in their records, by law, are being submitted along with the Auditor's copy.
3. The Board's failure to maintain accurate and complete records of its financial records hinders the Joint Committee on Government and Finance's ability to determine if the Board is operating in a sound fiscal manner [§4-10-11].

#### *Annual Reports*

The completion of an annual report is an issue which has carried forward from a post audit of the BOEC completed by *Arnett & Foster* in 1992. The report found that the Board was not submitting an annual report to the Legislature and Governor every year as required by law. Instead, the Board was submitting a report every two years. For this preliminary performance review, it took over a month for PERD to receive annual reports from 1991-1994. However, there is no record of annual reports filed with either Clerk of the Legislature, the Legislative Librarian, the Governor's office, or the Secretary of State.<sup>5</sup> Therefore, the following violation of statute has occurred:

4. The Board has failed to submit an annual report to the Governor, Legislature and the Secretary of State [§30-1-12 and 30-31-5a(3)].

#### *Register and Roster*

Two further mandates required of the BOEC have not been completed. These mandates involve a register of applicants and licensees and a roster of licensees. PERD acknowledges the

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<sup>5</sup>The Governor's office does have record of a 1992 West Virginia Board of Examiners in Counseling Annual Report.

BOEC does have an alphabetical listing of licensees. However, the detailed requirements of the following statutes have not been met:

5. The Board has failed to keep a register of applicants for license or registration, showing the date of application, name, age, educational and other qualifications, place of residence, whether an examination was required, whether the applicant was rejected or a license was granted, the date of such action, the license or registration number, all renewals of such license, and any suspension or revocation [§30-1-12].
6. The Board has failed to maintain a roster of the names and office addresses arranged alphabetically by name and also by the counties in which their offices are situated [§30-1-13].

### *The BOEC has Sufficient Funds to Hire Staff*

The mission and mandates of the BOEC could be more effectively completed if permanent staff were employed. The BOEC has the necessary monies to hire staff. The Board has consistently spent around \$11,000 each fiscal year since 1992. Currently, the Board maintains a \$27,000 account balance. This money could be used to contract temporary staff as was done in the past.

The BOEC contends that there are unexpected expenses when the Board must take disciplinary action and pay for the costs involved in a disciplinary hearing. According to the Board, the expenses of the hearings "take precedence over Board travel, per diem expenses, etc." The Board implied that the cost of hearings were reasons behind their maintaining a volunteer staff and not employing temporary, part-time or full-time staff.

However, under the Board's own statute, they have an avenue through which they can require any person requesting the hearing, who does not "substantially prevail," to pay for the costs of the hearing. Under the Board's statute [§30-31-10(b)] they may take one of two routes. Prior to the hearing, the Board may require "reasonable security" for the costs of the hearing from the person demanding the hearing, which shall be forfeited if the person does not prevail. Or, the Board can assess the costs of the hearing against the person who requested the hearing. The Board is currently seeking reimbursement from an individual who demanded a hearing and lost. The cost of the hearing was over \$3,000. **The Board was not aware they could secure the costs of the hearing before the hearing took place.**

**Recommendation 1**

*The Board of Examiners in Counseling should hire a part-time or full-time staff person to assist the Board in carrying out its mandatory duties.*

**Recommendation 2**

*The Board of Examiners in Counseling should make another attempt to share office space with another state board. The Board should report to the Joint Committee on Government Operations no later than November 1995 with details of what boards were contacted and the written response by each board contacted.*

**Recommendation 3**

*The Board of Examiners in Counseling should follow the procedure of securing the costs of a hearing in advance of the hearings by having the individual demanding the hearing provide reasonable security as allowed under WVC §30-31-10(b).*

**Recommendation 4**

*The Board of Examiners in Counseling should submit all necessary information to the Senate Clerk for placement in the West Virginia Blue Book, and have its telephone number listed in West Virginia telephone directories.*





## **ISSUE AREA 2: The Current Fee Structure Contains Excessive "Name Change" and License Replacement Fees.**

### **Name Change Fee**

There is currently a fee established through Legislative Rules which requires a \$20 fee for a "name change" in licensure. This fee seems high when considering that the Department of Motor Vehicles only requires a \$5 fee. Also, only four of the 28 other boards have a name change fee. One board charges \$10, a second board charges \$2, a third board charges \$1 and a fourth board charges according to the actual cost of the service. Also, this fee seems somewhat discriminatory since this would overwhelmingly affect more women than men. Approximately 63 percent of the licensed counselors are female. To date, only five women have paid the name change fee since 1991.

### **License Replacement Fee**

The license replacement fee is listed under the BOEC's rules [§27-1-7] as a "Duplicate Wall Hanging" with a charge of \$20. This fee seems high when compared to the other 28 boards reviewed. Only 15 of the 28 boards have a replacement fee or duplicate license fee. Five boards charge \$10, six boards charge \$5, one board charges \$2 and one board charges \$1. Two boards charge for the actual cost of the services for a duplicate license. Approximately three requests have been made for duplicate licenses since the Board first established this fee.

### **Recommendation 5**

*The PERD recommends the BOEC reduce the name change fee to five dollars. PERD also recommends that the BOEC reduce their license replacement fee to ten dollars.*



**ISSUE AREA 3: Several members of the BOEC have failed to submit their 1994 financial disclosure statements to the WV Ethics Commission.**

Four of the seven members of the Board have failed to submit their financial disclosure statements for calendar year 1994. In addition, one member has failed to file a statement for calendar year 1993 as well.

All Board members receive a form by the Ethics Commission explaining what information they are required to submit and when the statements are due. Statements were due February 1, 1995. Members are also reminded that failure or refusal to submit a financial disclosure statement is a misdemeanor punishable by a fine of not less than \$100, nor more than \$1,000. The PERD recognizes that any enforcement of this violation is at the discretion of the WV Ethics Commission.

***Recommendation 6***

*The PERD recommends that members of the BOEC submit their financial disclosure forms as required by law.*



## APPENDICES



## APPENDIX A

### Board of Examiners in Counseling Roster of Members

<b>MEMBER</b>	<b>TERM EXPIRATION</b>
Dr. Jeffrey Messing Counselor Educator	June 30, 1999
Patricia Posey Practicing Counselor	June 30, 1998
John Charonko General Public	June 30, 1999
Dr. William Mullett Counselor Educator	June 30, 1998
Dr. Gerald Wilhelm Practicing Counselor	June 30, 1998
A. Gordon Slonaker General Public	June 30, 1997
John Panza Practicing Counselor	June 30, 1997





## APPENDIX B

### Record Of The Board Of Examiners in Counseling Meetings

<u>Meeting Dates</u>	<u>Location</u>	<u>Time</u>	<u>Members in Attendance</u>
<b><u>1991</u></b>			
(F) January 18	Institute (DOR)	11:10 a.m.-12:45 p.m.	4
(F) March 1	Institute (DOR)	10:30 a.m.-12:45 p.m.	6
(F) July 19	Clarksburg	? - 2:45 p.m.	5
(M) August 12	Flatwoods	7:00 p.m.-10:00 p.m.	7
(T) August 13	Flatwoods	8:30 a.m.-1:50 p.m.	5
(Th) October 3	Beckley	10:30 a.m.-2:45 p.m.	7
<b><u>1992</u></b>			
(F) February 7	Clarksburg	10:30 a.m.-3:30 p.m.	6
(F) April 3	Flatwoods	10:15 a.m.-4:00 p.m.	7
(F) May 1	Morgantown	11:00 a.m.-3:00 p.m.	5
(Th) June 18	Sutton	10:00 a.m.-2:15 p.m.	5
(M) July 27	Institute (DOR)	10:30 a.m.-3:45 p.m.	7
(F) October 2	Parkersburg	3:00 p.m.-5:30 p.m.	6
(F) December 4	Institute (DOR)	10:45 a.m.- ?	5

<u>Meeting Dates</u>	<u>Location</u>	<u>Time</u>	<u>Members in Attendance</u>
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**1993**

(F) March 26	Clarksburg (DOR)	10:45 a.m.-4:15 p.m.	6
(M) April 26	Institute (DOR)	10:40 a.m.-3:15 p.m.	5
(T) May 18	Sutton	10:45 a.m.-3:45 p.m.	5
(Th) June 24	Cairo (North Bend)	4:00 p.m.-11:00 p.m.	5
(F) June 25	Cairo (North Bend)	9:30 a.m.-?	?
(T) July 27	Institute (DOR)	10:15 a.m.-3:45 p.m.	5
(Sa) August 14	Institute (DOR)	10:00 a.m.-4:30 p.m.	4
(M) September 13	Flatwoods	10:20 a.m.-3:45 p.m.	6
(F) December 3	Clarksburg (DOR)	10:30 a.m.-2:45 p.m.	6

**1994**

(F) February 18	Morgantown	10:00 a.m.-3:15 p.m.	5
(M) April 25	Morgantown	10:45 a.m.-3:40 p.m.	6
(M) June 20	Shepherdstown	10:20 a.m.-1:00 p.m.	5
(M) July 18	Institute (DOR)	11:00 a.m.-2:45 p.m.	6
(F) September 9	Clarksburg (DOR)	10:45 a.m.-3:15 p.m.	5
(Th) September 29	Canaan Valley	4:00 p.m.-5:45 p.m.	6
(F) December 2	Flatwoods	10:15 a.m.-2:45 p.m.	5

## APPENDIX C

### *Purpose and Authority for the Preliminary Performance Review*

This preliminary performance review of the Board of Examiners in Counseling was conducted in accordance with the West Virginia Sunset Law, Chapter 4, Article 10, Section 11 of the West Virginia Code, as amended. This preliminary performance review is intended to assist the Joint Committee on Government Operations in making one of five recommendations according to Chapter 4, Article 10, Section 12 of the West Virginia Code, as amended. These recommendations include:

- 1) The department, agency, or board be terminated as scheduled;
- 2) The department, agency, or board be continued and reestablished;
- 3) The department, agency or board be continued and reestablished, but the statutes governing it be amended in specific ways to correct ineffective or discriminatory practices and procedures, burdensome rules and regulations, lack of protection of the public interest, overlapping of jurisdiction with other governmental entities, unwarranted exercise of authority either in law or any other deficiencies;
- 4) A performance audit be performed on a department, agency or board on which a preliminary review has been completed; or
- 5) The department, agency, or board be continued for a period of time not to exceed one year for the purpose of completing a performance audit.



## APPENDIX D

### *Scope and Methodology for the Preliminary Performance Review*

A preliminary performance review is defined in Chapter 4, Article 10, Section 3 of the West Virginia Code, as amended, as follows:

"To determine the goals and objectives of a department, agency, or board; and to determine the extent to which plan of a department, agency, or board has met or is meeting those goals and objectives."

The criteria for a preliminary performance review are set forth in Chapter 4, Article 10, Section 11 of the West Virginia Code, as amended as follows:

- 1) If the board or agency was created to solve a problem or provide a service.
- 2) If the problem has been solved or the service has been provided.
- 3) The extent to which past board or agency activities and accomplishments, current projects and operations, and planned activities and goals for the future are or have been effective.
- 4) The extent to which there would be significant and discernible adverse effects on the public health, safety, or welfare if the board or agency were abolished.
- 5) Whether or not the board or agency operates in a sound fiscal manner.

The preliminary performance review of the Board of Examiners in Counseling covers the period July 1, 1989 through December 1994. Information compiled in this report has been acquired from the West Virginia Code, annual reports, the 1992 Post Audit, minutes of meetings of the Board, fiscal records, and personal interviews with members of the Board, and with staff for the Division of Rehabilitation Services.



*West Virginia Board of Examiners in Counseling*

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July 5, 1995

RECEIVED  
JUL 05 1995  
RESEARCH AND PERFORMANCE  
EVALUATION DIVISION

Performance Evaluation Research Division  
West Virginia Legislature  
Joint Committee on Government and Finance  
Building 1, Room 132-E  
1900 Kanawha Boulevard, East  
Charleston, WV 25305-0610

Attention: Aaron Allred


As advised on June 29, 1995, the Board of Counseling submits a response to the Performance Evaluation Research Division on its draft preliminary review date June 27, 1995. There are five pages which address Issue Areas #1., #3, and #4.

In addition, there is a two page response from the Board Secretary on Issue Area #2. It is my understanding that the Board Chairman is preparing a response to the first item in Issue Area #2. and will present this today, under separate cover. It is also my understanding from our meeting of June 29, 1995 that you plan to present this material to the Joint Committee on Government Operations on July 9, 1995 and do not plan to mail the information to the members on July 5, 1995 as part of the complete preliminary report.

The following Board members plan to attend the Sunday, July 9, 1995 session with the Joint Committee on Government Operations:

Mr. John Panza, Chairman  
Ms. Patricia Posey, Board Secretary  
Dr. William Mullett, Board Member.

Sincerely,

  
Patricia Posey, LPC  
Board Secretary

Enclosures





Response to Audit  
by  
Performance Evaluation Research Division

Although the Board of Counseling was unable to meet as a group, the responses were gathered from individual Board Members by the Secretary in order to make a response to the findings of the PERD Audit. It is our understanding this response will accompany the Report to be mailed to the Joint Committee on Government and Finance on July 5, 1995.

Issue Area 1: The BOEC's staffing arrangement is ineffective in carrying out the mission and mandates of the board.

The W.V. Board of Examiners in Counseling would be the first to agree that the present staffing arrangement does not offer an efficient and effective effort for the State of West Virginia.

The Board of Examiners has depended on its citizen members to carry out the activities of the Board. The Board has been hampered by its lack of administrative support which it has not been able to afford. As we reviewed the report by PERD we found a most significant understatement in the comment ". . .since the current fee structure may not adequately meet the cost of staff and office space."

The following information will be helpful in identifying the Board's ability to hire permanent staff and establish an office:

Based on current fee structure, optimistic projections for annual income would be \$13,000.

To hire a professional staff person at \$10.00 an hour (no benefits) the cost of 2080 hours would be \$20,800.00 a year.

According to a local survey of realtors, office space will run about \$5,000 each year. According to the State Purchasing Office, equipment will run about \$13,000.00 plus maintenance contracts.

Presently the Board Administrator provides the Board office space, utilities, telephone, 486 computer, a lap-top computer, printer, computer desk, and 20 to 30 hours per week. The Board Secretary provides a typewriter, six four drawer filing cabinets, book case, desk, two chairs, two lamps, office accessories, and the base rate for telephone service.

Invoices for these rents and fees have not been submitted to the Board for payment from the special account.

### Lack of Accessibility

The Board is aware that the lack of a public office, lack of staff, and lack of consumer awareness weakens our ability to meet our mission.

In its discussion of lack of permanent staff, PERD notes that one year the Board Secretary charged \$1,143.20 for days of work and travel not related to attending a board meeting. According to PERD: "These costs would be reduced with permanent staff who would perform some of these tasks."

The assumption that a permanent staff person would reduce the amount of work required by the Board Secretary is probably inaccurate. Recommendations on how to improve the Board's ability to meet its mission suggests a great deal more work than is presently being done. Hiring a professional staff person still requires that there be Board oversight of the staff's activities. Such oversight would continue to take time by Board members.

The secretary's charges for time were for specific dates where a period of six to ten hours work were done (usually on weekends) and the \$50 per diem cost is less than would be paid for eight hours at \$10.00 an hour for a professional staff person. The day-to-day activities by the Board Secretary and Administrator have not been reflected in per diem charges.

The Board agrees that sharing office space and/or administrative functions is imperative. Although the Board frequently made overtures to other Boards in 1992, 1993, 1994, and 1995, there is no written record other than reports in meetings to reflect these efforts. The Board agrees with the PERD recommendation to find a Board or agency with whom we can share resources.

### Delayed Response to Public Inquiries

The Board agrees it would be ideal to respond immediately to telephone calls instead of returning such calls in the evenings and on weekends. The assumption that a permanent staff person ". . . would be able to respond immediately to questions or requests for information. . . ." may not be accurate since this assumes that a staff person would not need to consult with Board members on many calls.

Presently, the answering service screens calls and takes addresses when a request for material is made; these calls do not need to be returned; when calls are urgent, the answering service is advised to contact a Board member to make an immediate response. The Board agrees with PERD's observation: "It is obviously difficult for members to respond to these many requests during their personal time."

The Board notes that PERD suggests an answering service would not be necessary with a permanent staff person. This amount (which has not been paid for FY 1994 and FY 1995) would increase available funds by \$636 a year. (This expense has been absorbed by the Board Secretary in the past three years.)

### Consumer Awareness

Upon review of the audit, the listing of the Board's number has been requested through directory information. The telephone listing will be available in the next published directory.

The Board will contact the Editor of the West Virginia Blue Book for publication of the Board in its next published listings.

At its annual meeting, scheduled July 31, 1995, the Board will discuss ways to disseminate information to consumers about the role of the Board regarding licensees who do not adhere to the code of ethics or other legislative rules outlining unacceptable behavior.

### License Processing

The Board has used volunteer help, as well as part-time temporary help, to assist with the renewal process. A professional staff person would be a tremendous asset in this time-consuming and important process.

## Mandates the BOEC has Failed to Meet

### Poor Recordkeeping

The Board agrees that recordkeeping is "poor". In one instance the Board Secretary twice submitted an expense account for four days (January, 1993.) According to PERD, expense accounts should be paid in the fiscal year in which they were generated. The Board Secretary has not submitted expense accounts for four board meetings in FY 1993 and for seven board meetings in FY 1994. In addition, the Board Secretary has not billed for work done for the Board during the past two and a half calendar years. (PERD suggests that bills submitted after the end of the fiscal year should not be paid. However, since WVBECE is a revolving fund, this is not a mandate.) The Board agrees that to wait extended periods of time to submit invoices invites mistakes. The Board Secretary admits to feelings of defeat when it comes to preparing travel expense reimbursement. The forms provided take an inordinate amount of time to complete correctly. The priorities of the Board's work have taken precedence over reimbursement for time spent in carrying out Board activities.

### Annual Reports

The completion of annual reports did not occur in a timely manner. During the last legislative session the annual reports were compiled for use by one of the Legislative Committees looking at the work of all Boards. The Board Secretary indicates the annual reports would be a high priority for a staff person when one is hired for the Board's work.

### Register and Roster

The Board does keep an alphabetical roster of licensees. The Board has not kept information about age and gender of the licensees or applicants. The Board's application does not require this information, and to request such information was thought to be in violation of federal constraints on such requests. Further research as to the propriety of requesting such information prior to granting a license will be done before changing the application form.

Each licensee is listed on the computer and all data requested by the application is present, including date of licensure and date of renewals. In addition, the computer program provides both home and office addresses, as well as county locations.

Although the Board keeps an alphabetized list of requests for applications, the Board has not placed the names of applicants who have not been licensed in the computer file.

#### The BOEC Has Sufficient Funds to Hire Staff

This information was addressed on page one of our response. While PERD is correct that the Board has spent around \$11,000 each fiscal year since 1992, the \$27,000 account balance would not be sufficient to meet the needs of the Board to hire a professional staff person and provide an office.

In addition, had Board members submitted expenses for time and services each year, the balance would be significantly lower.

Issue Area 2: Information to be provided to the Legislative Committee on July 9, 1995.

Issue Area 3: The Current Fee Structure Contains Excessive "Name Change" and License Replacement Fees.

Since 1991 only five women have paid the name change fee. License replacement fees have been even fewer. Since the Board does not realize revenue from this source we would consider reducing the fee to an actual cost of service. We believe the comment ". . . seemingly discriminatory. . ." about the fee because of the greater number of females to be spurious.

The Board will need to make rule changes in order to follow this recommendation.

Issue Area 4: Several members of the BOEC have failed to submit their 1994 financial disclosure statements to the WV Ethics Commission.

Those members of the BOEC who have not submitted their financial disclosure forms required by law will be asked to do so.