



VIRGINIA

REGISTER OF REGULATIONS

VOL. 31 ISS. 8

PUBLISHED EVERY OTHER WEEK BY THE VIRGINIA CODE COMMISSION

DECEMBER 15, 2014

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VIRGINIA REGISTER INFORMATION PAGE

THE VIRGINIA REGISTER OF REGULATIONS is an official state publication issued every other week throughout the year. Indexes are published quarterly, and are cumulative for the year. The *Virginia Register* has several functions. The new and amended sections of regulations, both as proposed and as finally adopted, are required by law to be published in the *Virginia Register*. In addition, the *Virginia Register* is a source of other information about state government, including petitions for rulemaking, emergency regulations, executive orders issued by the Governor, and notices of public hearings on regulations.

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

An agency wishing to adopt, amend, or repeal regulations must first publish in the *Virginia Register* a notice of intended regulatory action; a basis, purpose, substance and issues statement; an economic impact analysis prepared by the Department of Planning and Budget; the agency's response to the economic impact analysis; a summary; a notice giving the public an opportunity to comment on the proposal; and the text of the proposed regulation.

Following publication of the proposal in the *Virginia Register*, the promulgating agency receives public comments for a minimum of 60 days. The Governor reviews the proposed regulation to determine if it is necessary to protect the public health, safety and welfare, and if it is clearly written and easily understandable. If the Governor chooses to comment on the proposed regulation, his comments must be transmitted to the agency and the Registrar no later than 15 days following the completion of the 60-day public comment period. The Governor's comments, if any, will be published in the *Virginia Register*. Not less than 15 days following the completion of the 60-day public comment period, the agency may adopt the proposed regulation.

The Joint Commission on Administrative Rules (JCAR) or the appropriate standing committee of each house of the General Assembly may meet during the promulgation or final adoption process and file an objection with the Registrar and the promulgating agency. The objection will be published in the *Virginia Register*. Within 21 days after receipt by the agency of a legislative objection, the agency shall file a response with the Registrar, the objecting legislative body, and the Governor.

When final action is taken, the agency again publishes the text of the regulation as adopted, highlighting all changes made to the proposed regulation and explaining any substantial changes made since publication of the proposal. A 30-day final adoption period begins upon final publication in the *Virginia Register*.

The Governor may review the final regulation during this time and, if he objects, forward his objection to the Registrar and the agency. In addition to or in lieu of filing a formal objection, the Governor may suspend the effective date of a portion or all of a regulation until the end of the next regular General Assembly session by issuing a directive signed by a majority of the members of the appropriate legislative body and the Governor. The Governor's objection or suspension of the regulation, or both, will be published in the *Virginia Register*. If the Governor finds that changes made to the proposed regulation have substantial impact, he may require the agency to provide an additional 30-day public comment period on the changes. Notice of the additional public comment period required by the Governor will be published in the *Virginia Register*.

The agency shall suspend the regulatory process for 30 days when it receives requests from 25 or more individuals to solicit additional public comment, unless the agency determines that the changes have minor or inconsequential impact.

A regulation becomes effective at the conclusion of the 30-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 21-day objection period; (ii) the Governor exercises his authority to require the agency to provide for additional public comment, in which event the regulation,

unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the period for which the Governor has provided for additional public comment; (iii) the Governor and the General Assembly exercise their authority to suspend the effective date of a regulation until the end of the next regular legislative session; or (iv) the agency suspends the regulatory process, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 30-day public comment period and no earlier than 15 days from publication of the readopted action.

A regulatory action may be withdrawn by the promulgating agency at any time before the regulation becomes final.

FAST-TRACK RULEMAKING PROCESS

Section 2.2-4012.1 of the Code of Virginia provides an exemption from certain provisions of the Administrative Process Act for agency regulations deemed by the Governor to be noncontroversial. To use this process, Governor's concurrence is required and advance notice must be provided to certain legislative committees. Fast-track regulations will become effective on the date noted in the regulatory action if no objections to using the process are filed in accordance with § 2.2-4012.1.

EMERGENCY REGULATIONS

Pursuant to § 2.2-4011 of the Code of Virginia, an agency, upon consultation with the Attorney General, and at the discretion of the Governor, may adopt emergency regulations that are necessitated by an emergency situation. An agency may also adopt an emergency regulation when Virginia statutory law or the appropriation act or federal law or federal regulation requires that a regulation be effective in 280 days or less from its enactment. The emergency regulation becomes operative upon its adoption and filing with the Registrar of Regulations, unless a later date is specified. Emergency regulations are limited to no more than 18 months in duration; however, may be extended for six months under certain circumstances as provided for in § 2.2-4011 D. Emergency regulations are published as soon as possible in the *Register*. During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures. To begin promulgating the replacement regulation, the agency must (i) file the Notice of Intended Regulatory Action with the Registrar within 60 days of the effective date of the emergency regulation and (ii) file the proposed regulation with the Registrar within 180 days of the effective date of the emergency regulation. If the agency chooses not to adopt the regulations, the emergency status ends when the prescribed time limit expires.

STATEMENT

The foregoing constitutes a generalized statement of the procedures to be followed. For specific statutory language, it is suggested that Article 2 (§ 2.2-4006 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia be examined carefully.

CITATION TO THE VIRGINIA REGISTER

The *Virginia Register* is cited by volume, issue, page number, and date. **29:5 VA.R. 1075-1192 November 5, 2012**, refers to Volume 29, Issue 5, pages 1075 through 1192 of the *Virginia Register* issued on November 5, 2012.

The Virginia Register of Regulations is published pursuant to Article 6 (§ 2.2-4031 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia.

Members of the Virginia Code Commission: **John S. Edwards**, Chair; **James M. LeMunyon**, Vice Chair, **Gregory D. Habeeb**; **Ryan T. McDougle**; **Pamela S. Baskerville**; **Robert L. Calhoun**; **Carlos L. Hopkins**; **E.M. Miller, Jr.**; **Thomas M. Moncure, Jr.**; **Christopher R. Nolen**; **Timothy Oksman**; **Charles S. Sharp**; **Robert L. Tavenner**.

Staff of the Virginia Register: **Jane D. Chaffin**, Registrar of Regulations; **Karen Perrine**, Assistant Registrar; **Anne Bloomsburg**, Regulations Analyst; **Rhonda Dyer**, Publications Assistant; **Terri Edwards**, Operations Staff Assistant.

PUBLICATION SCHEDULE AND DEADLINES

This schedule is available on the *Register's* Internet home page (<http://register.dls.virginia.gov>).

December 2014 through December 2015

<u>Volume: Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
31:8	November 25, 2014 (Tuesday)	December 15, 2014
31:9	December 10, 2014	December 29, 2014
31:10	December 22, 2014 (Monday)	January 12, 2015
31:11	January 7, 2015	January 26, 2015
31:12	January 21, 2015	February 9, 2015
31:13	February 4, 2015	February 23, 2015
31:14	February 18, 2015	March 9, 2015
31:15	March 4, 2015	March 23, 2015
31:16	March 18, 2015	April 6, 2015
31:17	April 1, 2015	April 20, 2015
31:18	April 15, 2015	May 4, 2015
31:19	April 29, 2015	May 18, 2015
31:20	May 13, 2015	June 1, 2015
31:21	May 27, 2015	June 15, 2015
31:22	June 10, 2015	June 29, 2015
31:23	June 24, 2015	July 13, 2015
31:24	July 8, 2015	July 27, 2015
31:25	July 22, 2015	August 10, 2015
31:26	August 5, 2015	August 24, 2015
32:1	August 19, 2015	September 7, 2015
32:2	September 2, 2015	September 21, 2015
32:3	September 16, 2015	October 5, 2015
32:4	September 30, 2015	October 19, 2015
32:5	October 14, 2015	November 2, 2015
32:6	October 28, 2015	November 16, 2015
32:7	November 11, 2015	November 30, 2015
32:8	November 24, 2015 (Tuesday)	December 14, 2015

*Filing deadlines are Wednesdays unless otherwise specified.

REGULATIONS

For information concerning the different types of regulations, see the Information Page.

Symbol Key

Roman type indicates existing text of regulations. Underscored language indicates proposed new text. Language that has been stricken indicates proposed text for deletion. Brackets are used in final regulations to indicate changes from the proposed regulation.

TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

CRIMINAL JUSTICE SERVICES BOARD

Proposed Regulation

Title of Regulation: **6VAC20-280. Rules Relating to Compulsory Minimum Training Standards for Law-Enforcement Field Training Officers (adding 6VAC20-280-10 through 6VAC20-280-90).**

Statutory Authority: § 9.1-102 of the Code of Virginia.

Public Hearing Information: No public hearings are scheduled.

Public Comment Deadline: February 13, 2015.

Agency Contact: Cindy Campbell, Law Enforcement Program Coordinator, Department of Criminal Justice Services, 1100 Bank Street, Richmond, VA 23229, telephone (804) 786-7898, or email cindy.campbell@dcjs.virginia.gov.

Basis: Section 9.1-102 of the Code of Virginia authorizes the Department of Criminal Justice Services (DCJS), under the direction of the Criminal Justice Services Board, to establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers.

Purpose: Currently, there are no regulations in place regarding field training officers. As a result, DCJS is unable to enforce training standards that are necessary and required to protect the public health, welfare, and safety.

Substance: Subdivision 3 of § 9.1-102 of the Code of Virginia instructs the DCJS to establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers. Such standards must include, but are not limited to, the role and responsibility of law-enforcement field training officers, relevant to state laws. The law-enforcement field training officer regulations address the necessary definitions, compulsory minimum training standards, applicability, compliance, grading, recertification, failure to comply, and administrative requirements for certification and recertification procedures. A field training officer is responsible for training recent law-enforcement academy graduates on departmental policies, procedures, and operations.

Issues: The primary advantage to the public and the Commonwealth will be a standard level of training for all law-enforcement officers serving as field training officers that will increase the professionalism of the field by ensuring that

all field training officers are receiving the same mandated training.

There are no disadvantages to the public or the Commonwealth.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Amendments to Regulation. Pursuant to subdivision 3 of § 9.1-102 of the Code of Virginia, the Criminal Justice Services Board (Board) proposes to establish minimum training standards and qualifications for certification and recertification of law enforcement officers serving as field training officers. Currently there are no regulations in place regarding field training officers.

Result of Analysis. The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact. Subdivision 3 of § 9.1-102 Code of Virginia instructs the Department of Criminal Justice Services (Department), under the direction of the Board, to establish minimum training standards and qualifications for certification and recertification for law enforcement officers serving as field training officers. Such standards include, but are not limited to the role and responsibility of law enforcement field training officers, relevant to state laws. The proposed law enforcement field training officer regulations address the necessary definitions, compulsory minimum training standards, applicability, compliance, grading, recertification, failure to comply and administrative requirements for certification and recertification procedures. A field training officer is responsible for training recent law enforcement academy graduates on departmental policies, procedures and operations.

The proposed regulations are consistent with the policies and procedures that the Board and Department have maintained for several years. Putting this language into regulation will increase clarity for law enforcement field training officers and the 40 certified criminal justice training academies in the Commonwealth. This will help ensure that there will be a standard level of training for all law enforcement officers serving as field training officers.

Businesses and Entities Affected. The proposed regulations affect law enforcement field training officers and the 40 certified criminal justice training academies in the Commonwealth.

Localities Particularly Affected. The proposed regulations affect all Virginia localities.

Regulations

Projected Impact on Employment. The proposed regulations are not likely to significantly affect numbers of jobs.

Effects on the Use and Value of Private Property. The proposed regulations do not significantly affect the value and use of private property.

Small Businesses: Costs and Other Effects. The proposed regulations do not significantly affect small businesses.

Small Businesses: Alternative Method that Minimizes Adverse Impact. The proposed regulations do not significantly affect small businesses.

Real Estate Development Costs. The proposed regulations are unlikely to significantly affect real estate development costs.

Legal Mandate. The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Administrative Process Act and Executive Order Number 14 (10). Section 2.2-4007.04 requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. Further, if the proposed regulation has adverse effect on small businesses, § 2.2-4007.04 requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.

Agency's Response to Economic Impact Analysis: The Department of Criminal Justice Services concurs generally with the economic impact analysis.

Summary:

The proposed regulation establishes minimum training standards and qualifications for the certification and recertification of law-enforcement officers serving as field training officers.

CHAPTER 280
RULES RELATING TO COMPULSORY MINIMUM
TRAINING STANDARDS FOR LAW-ENFORCEMENT
FIELD TRAINING OFFICERS

6VAC20-280-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Academy director" means the chief administrative officer of a certified training academy.

"Agency administrator" means any chief of police, sheriff, or agency head of a state or local law-enforcement agency.

"Board" means the Criminal Justice Services Board.

"Certified training academy" means a training facility in compliance with academy certification standards operated by the state or by local units of government for the purpose of providing instruction of compulsory minimum training standards.

"Compulsory minimum training standards" means the performance outcomes and training criteria approved by the board's Committee on Training.

"Department" means the Department of Criminal Justice Services.

"Director" means the chief administrative officer of the department or his designee.

"Field training officer" means a certified law-enforcement officer who provides training to newly employed law-enforcement officers for the purposes of training and measuring entry-level officer performance.

"Provisional field training officer" means a certified law-enforcement officer who provides training to a newly employed law-enforcement officer for the purposes of training and measuring entry-level officer performance, but who has not met the standards as prescribed under 6VAC20-280-20. A provisional field training officer is only allowed to act as a field training officer if no other field training officer is available for that department.

6VAC20-280-20. Compulsory minimum training standards.

Pursuant to the provisions of subdivision 3 of § 9.1-102 of the Code of Virginia, the department establishes these standards for compulsory minimum training standards for law-enforcement field training officers.

1. The course shall include a minimum of 32 hours of training and must address each of the following subjects:
 - a. Field training program and the field training officer.
 - b. Field training program delivery and evaluation.
 - c. Training liability.
 - d. Characteristics of the adult learner.
 - e. Methods of instruction.

- f. Fundamentals of communication.
- g. Written test.

2. A field training officer recertification course shall include a minimum of two hours of training. The director of a certified training academy shall establish recertification criteria for that academy.

6VAC20-280-30. Applicability.

A. Every law-enforcement officer designated by the agency administrator to serve as a field training officer must meet the compulsory minimum training standards established in 6VAC20-280-20 after December 31, 2013.

B. The law-enforcement officer selected as a field training officer shall successfully complete a field training program designed by the certified criminal justice academy.

C. All officers serving as field training officers after December 31, 2013, shall be required to comply with this chapter other than for recertification.

D. A provisional field training officer must be certified by the department. A provisional field training officer certification:

- 1. Requires a high school diploma or high school equivalency examination approved by the Board of Education;
- 2. Requires that the field training officer has met the minimum training standards for the primary function for which he is employed by a criminal justice agency, if applicable;
- 3. Does not authorize an individual to instruct or qualify others in mandated firearms, defensive tactics, driver training, or radar courses; and
- 4. Is not valid for more than one year and is not renewable.

Individuals may apply for field training officer certification upon meeting the requirements of this chapter.

6VAC20-280-40. Time required for completion of training.

Effective January 1, 2014, each law-enforcement officer designated by the agency administrator to serve as a field training officer shall comply with field training officer training requirements in 6VAC20-280-20 prior to serving in the capacity of that position.

6VAC20-280-50. Compliance with compulsory minimum training standards.

A. The field training officer curriculum shall be maintained in accordance with the academy certification standards. The academy director shall maintain documentation of the type of training approved, means of attaining such training, and means of testing such programs.

B. Training developed and conducted shall be subject to inspection and reviewed by the department.

C. Agencies without a certified field training officer may complete the Category 10 requirements of 6VAC20-20-21

with a certified field training officer from another Virginia criminal justice agency.

6VAC20-280-60. Grading.

A. All certified training academies shall utilize testing procedures for initial certification that indicate that the field training officer has satisfactorily completed the training standards of this chapter.

B. Academy training records must be maintained in accordance with the provisions of this chapter and §§ 42.1-76 through 42.1-90.1 of the Code of Virginia.

6VAC20-280-70. Recertification.

A field training officer's initial certification is valid for three years and may be renewed by attending a field training officer recertification course. The recertification course must contain at least two hours of training, and the director of a certified training academy shall establish recertification criteria for that academy.

6VAC20-280-80. Failure to comply with rules and regulations.

Any individual attending a certified training academy shall comply with the rules and regulations promulgated by the department. The academy director shall be responsible for enforcement of all rules and regulations established to govern the conduct of attendees. If the academy director considers a violation of the rules and regulations detrimental to the welfare of the academy, the academy director may expel the individual from the academy. Notification of such action shall immediately be reported in writing to the agency administrator of the individual in accordance with the rules and regulations within the authority of the certified training academy.

6VAC20-280-90. Administrative requirements.

Records of field training officer certification and recertification shall be maintained by the employing agency.

VA.R. Doc. No. R13-2896; Filed November 19, 2014, 11:18 a.m.



TITLE 8. EDUCATION

STATE BOARD OF EDUCATION

Final Regulation

REGISTRAR'S NOTICE: The State Board of Education is claiming an exemption from Article 2 of the Administrative Process Act in accordance with § 2.2-4006 A 4 a of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The State Board of Education will receive, consider, and respond to petitions from any interested person at any time with respect to reconsideration or revision.

Regulations

Title of Regulation: 8VAC20-22. Licensure Regulations for School Personnel (amending 8VAC20-22-10, 8VAC20-22-40, 8VAC20-22-50, 8VAC20-22-90, 8VAC20-22-220 through 8VAC20-22-250, 8VAC20-22-270, 8VAC20-22-280, 8VAC20-22-290; repealing 8VAC20-22-670).

Statutory Authority: § 22.1-298.1 of the Code of Virginia.

Effective Date: January 14, 2015.

Agency Contact: Patty Pitts, Assistant Superintendent, Division of Teacher Education and Licensure, Department of Education, 101 North 14th Street, 24th Floor, Richmond, VA 23219, telephone (804) 371-2522, or email patty.pitts@doe.virginia.gov.

Summary:

The amendments (i) require every teacher seeking initial licensure with an endorsement in the area of career and technical education to have an industry certification credential in the area in which the teacher seeks endorsement that is earned by successfully passing a Board of Education-approved industry certification examination, being issued a state professional license, or passing an occupational competency examination and (ii) remove the Board of Education as a licensing entity for school speech-language pathologists thereby making the Board of Audiology and Speech-Language Pathology the only licensing entity. The amendments conform to changes in the Code of Virginia enacted by Chapters 79 and 781 of the 2014 Acts of Assembly.

Part I
Definitions

8VAC20-22-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings indicated unless the context clearly implies otherwise:

"Accredited institution" means an institution of higher education accredited by a regional accrediting agency recognized by the United States Department of Education.

"Alternate route to licensure" means a nontraditional route to licensure available to individuals who meet the criteria specified in 8VAC20-22-90.

"Approved program" means a professional education program recognized as meeting state standards for the content and operation of such programs so graduates of the program will be eligible for state licensure. The Board of Education has the authority to approve programs in Virginia.

"Cancellation" means the withdrawal of a teaching license following the voluntary return of the license by the license holder.

"Certified provider" means a provider certified by the Department of Education to provide preparation and training for applicants seeking the Provisional License specified in 8VAC20-22-90.

"Collegiate Professional License" means a five-year, renewable license available to an individual who has satisfied all requirements for licensure, including the professional teacher's assessments prescribed by the Board of Education.

"Content area coursework" means courses at the undergraduate level (i.e., two-year or four-year institution) or at the graduate level that will not duplicate previous courses taken in the humanities, history and social sciences, the sciences, mathematics, health and physical education, and the fine arts. These courses are usually available through the college or department of arts or sciences.

"Denial" means the refusal to grant a teaching license to a new applicant or to an applicant who is reapplying after the expiration of a license.

"Division Superintendent License" means a five-year, renewable license available to an individual who has completed an earned master's degree from an accredited institution of higher education and meets the requirements specified in 8VAC20-22-600. The individual's name must be listed on the Board of Education's list of eligible division superintendents.

"Experiential learning" means a process of applying for an initial license through the alternate route as prescribed by the Board of Education and meeting the criteria specified in 8VAC20-22-90 E to be eligible to request experiential learning credits in lieu of the coursework for the endorsement (teaching) content area.

"Industry certification credential" means a career and technical education credential that is earned by successfully completing a Board of Education-approved industry certification examination, being issued a state professional license, or successfully completing an occupational competency examination.

"International Educator License" means a three-year cultural exchange opportunity for Virginia students and international teachers. The International Educator License is a professional, teaching license issued for no more than three years to an exchange educator with citizenship in a nation other than the United States of America, and employed as an educator in a Virginia public or accredited nonpublic school, to teach for up to three consecutive years.

"Licensure by reciprocity" means a process used to issue a license to an individual coming into Virginia from another state when that individual meets certain conditions specified in the Board of Education regulations.

"Local Eligibility License" means a license issued pursuant to § 22.1-299.3 of the Code of Virginia to an individual by a local school board based on specified criteria set forth by that section. The Local Eligibility License shall not be issued in the federal core teaching areas or special education. The license is valid for three years and is not transferable to another school division. The Local Eligibility License is a

nonrenewable credential and is not reciprocal with other states.

"Mentor" means a classroom teacher hired by the local school division who has achieved continuing contract status or other instructional personnel including retired teachers who meet local mentor selection criteria. The mentor should work in the same building as the beginning teacher or be instructional personnel who is assigned solely as a mentor. A mentor should be assigned a limited number of teachers at any time. Instructional personnel who are not assigned solely as mentors should not be assigned to more than four teachers at any time. Mentors guide teachers in the program through demonstrations, observations, and consultations.

"Postgraduate Professional License" means a five-year, renewable license available to an individual who has qualified for the Collegiate Professional License and who holds an appropriate earned graduate degree from a regionally accredited institution.

"Professional teacher's assessment" means those tests or other requirements mandated for licensure as prescribed by the Board of Education.

"Provisional License" means a nonrenewable license valid for a period not to exceed three years issued to an individual who has allowable deficiencies for full licensure as set forth in these regulations. The individual must have a minimum of an undergraduate degree from a regionally accredited college or university (with the exception of those individuals seeking the Technical Professional License). The Provisional License, with the exception of those individuals seeking licensure through a career switcher program who will be issued a one-year Provisional License, will be issued for three years. Individuals must complete all requirements for a renewable license within the validity period of the license.

"Pupil Personnel Services License" means a five-year, renewable license available to an individual who has earned an appropriate graduate degree from a regionally accredited institution with an endorsement for guidance counselor, school psychologist, school social worker, ~~special education~~ ~~speech language pathologist~~ ~~preK-12~~, or vocational evaluator. This license does not require teaching experience.

"Renewable license" means a license issued by the Board of Education for five years to an individual who meets the requirements specified in the Board of Education regulations.

"Revocation" means the withdrawal of a teaching license.

"Suspension" means the temporary withdrawal of a teaching license.

"Technical Professional License" means a five-year, renewable license available to an individual who has graduated from an accredited high school (or possesses a General Education Development Certificate); has exhibited academic proficiency, technical competency, and occupational experience; and meets the requirements specified in 8VAC20-22-50.

8VAC20-22-40. Conditions for licensure.

A. Applicants for licensure must:

1. Be at least 18 years of age;
2. Pay the appropriate fees as determined by the Board of Education and complete the application process;
3. Have earned a baccalaureate degree (with the exception of the Technical Professional License) from a regionally accredited institution of higher education and meet requirements for the license sought. Persons seeking initial licensure who graduate from Virginia institutions of higher education shall only be licensed as instructional personnel by the Board of Education if the endorsement areas offered at such institutions have been assessed by a national accrediting agency or by a state approval process with final approval by the Board of Education; and
4. Possess good moral character (free of conditions outlined in Part VII (8VAC20-22-690 et seq.) of this chapter.

B. All candidates who hold at least a baccalaureate degree from a regionally accredited college or university and who seek an initial Virginia teaching license must obtain passing scores on professional teacher's assessments prescribed by the Board of Education. With the exception of the career switcher program that requires assessments as prerequisites, individuals must complete the professional teacher's assessments within the three-year validity of the initial provisional license. Candidates seeking a Technical Professional License, the International License, the School Manager License, or the Pupil Personnel Services License are not required to take the professional teacher's assessments. Individuals who hold a valid out-of-state license (full credential with no deficiencies) and who have completed a minimum of three years of full-time, successful teaching experience in a public or accredited nonpublic school (kindergarten through grade 12) in a state other than Virginia are exempted from the professional teacher's assessment requirements.

C. All individuals seeking an initial endorsement in early/primary education preK-3, elementary education preK-6, special education-general curriculum, special education-hearing disorders, special education-visual impairments and individuals seeking an endorsement as a reading specialist must obtain passing scores on a reading instructional assessment prescribed by the Board of Education.

D. Licensure by reciprocity is set forth in 8VAC20-22-100. A school leader's assessment prescribed by the Board of Education must be met for all individuals who are seeking an initial endorsement authorizing them to serve as principals and assistant principals in the public schools. Individuals seeking an initial administration and supervision endorsement who are interested in serving as central office instructional personnel are not required to take and pass the school leaders assessment prescribed by the Board of Education.

Regulations

E. Individuals seeking initial licensure must demonstrate proficiency in the use of educational technology for instruction, complete study in child abuse recognition and intervention in accordance with curriculum guidelines developed by the Board of Education in consultation with the Department of Social Services, and receive professional development in instructional methods tailored to promote student academic progress and effective preparation for the Standards of Learning end-of-course and end-of-grade assessments.

F. Every person seeking initial licensure of a license shall provide evidence of completion of certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators. The certification or training program shall be based on the current national evidenced-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross. The Virginia Board of Education shall provide a waiver for this requirement for any person with a disability whose disability prohibits such person from completing the certification or training.

G. Every teacher seeking initial licensure with an endorsement in the area of career and technical education shall have an industry certification credential, as defined in 8VAC20-22-10, in the area in which the teacher seeks endorsement.

8VAC20-22-50. Types of licenses; dating licenses.

The following types of licenses are available:

1. Provisional License. The Provisional License is a nonrenewable license valid for a period not to exceed three years issued to an individual who has allowable deficiencies for full licensure as set forth in these regulations. The individual must have a minimum of an undergraduate degree from a regionally accredited college or university (with the exception of those individuals seeking the Technical Professional License). The Provisional License, with the exception of those individuals seeking licensure through a career switcher program, will be issued for three years. Individuals must complete the requirements for the regular, five-year license within the validity period of the Provisional License.

2. Collegiate Professional License. The Collegiate Professional License is a five-year, renewable license available to an individual who has satisfied all requirements for licensure, including an earned undergraduate degree from a regionally accredited college or university and the professional teacher's assessments prescribed by the Board of Education.

3. Postgraduate Professional License. The Postgraduate Professional License is a five-year, renewable license available to an individual who has qualified for the Collegiate Professional License and who holds an

appropriate earned graduate degree from a regionally accredited college or university.

4. Technical Professional License. The Technical Professional License is a five-year, renewable license available to a person who has graduated from an accredited high school (or possesses a General Education Development Certificate); has exhibited academic proficiency, skills in literacy and communication, technical competency, and occupational experience; and has completed nine semester hours of specialized professional studies credit from a regionally accredited college or university. The nine semester hours of professional studies coursework must include human growth and development (three semester hours), curriculum and instructional procedures (three semester hours), and applications of instructional technology or classroom and behavior management (three semester hours). The Technical Professional License is issued at the recommendation of an employing educational agency in the areas of career and technical education, educational technology, and military science. Individuals seeking military science must have the appropriate credentials issued by the United States military. In addition to demonstrating competency in the endorsement area sought, the individual must:

- a. Hold a license issued by the appropriate Virginia board for those program areas requiring a license and a minimum of two years of satisfactory experience at the journeyman level or an equivalent;
- b. Have completed a registered apprenticeship program and two years of satisfactory experience at the journeyman level or an equivalent level in the trade; or
- c. Have four years of work experience at the management or supervisory level or equivalent or have a combination of four years of training and work experience at the management or supervisory level or equivalent.

Individuals holding the Technical Professional License who seek the Collegiate Professional or Postgraduate Professional License must meet the professional teacher's assessments requirement.

5. School Manager License. The school manager license is a five-year, renewable license intended to provide for the differentiation of administrative responsibilities in a school setting. A school manager is licensed to administer noninstructional responsibilities in an educational setting. For example, a school manager is restricted from evaluating teachers, supervising instruction, developing and evaluating curriculum, and serving as a school's student disciplinarian. The license is available to a candidate who holds a baccalaureate degree from a regionally accredited college or university; has three years of successful managerial experience; and is recommended for the license by a Virginia school division superintendent.

6. Pupil Personnel Services License. The Pupil Personnel Services License is a five-year, renewable license available to an individual who has earned an appropriate graduate degree from a regionally accredited college or university with an endorsement for guidance counselor, school psychologist, school social worker, ~~special education speech language pathologist preK-12~~, or vocational evaluator. This license does not require teaching experience.

7. Division Superintendent License. The Division Superintendent License is a five-year, renewable license available to an individual who has completed an earned master's degree from a regionally accredited college or university and meets the requirements specified in 8VAC20-22-600. The individual's name must be listed on the Board of Education's list of eligible division superintendents.

8. International Educator License. The International Educator License provides a three-year cultural exchange opportunity for Virginia students and international teachers. The International Educator License is a professional, teaching license issued for no more than three years to an exchange educator with citizenship in a nation other than the United States of America, and employed as an educator in a Virginia public or accredited nonpublic school, to teach for up to three consecutive years. This license does not require professional teacher's assessments; however, the individual will be subject to assessment requirements if the individual seeks a five-year renewable license. To be issued the International Educator License an individual must:

- a. Be employed by a Virginia public or accredited nonpublic school;
- b. Hold non-U.S. citizenship and be a nonpermanent resident;
- c. Serve as an exchange teacher for a time period not to exceed three consecutive years; and
- d. Meet the following requirements as verified by a state-approved, federally-designated Exchange Visitor Program (22 CFR Part 62):
 - (1) Be proficient in written and spoken English;
 - (2) Demonstrate competence in the appropriate academic subject area(s);
 - (3) Hold the U.S. equivalent of a baccalaureate degree or higher as determined by an approved credential agency; and
 - (4) Hold U.S. or foreign educator credentials and completed at least one year of successful teaching experience that:
 - (a) Enables the educator to fulfill a similar assignment in his home country; or

(b) Is comparable to those requirements for Virginia teachers.

9. Local Eligibility License. The Local Eligibility License, established by the Virginia General Assembly, is a valid, three-year nonrenewable license issued by a local school board to an individual who has met specified criteria set forth in § 22.1-299.3 of the Code of Virginia. The Local Eligibility License shall not be issued in the federal core teaching areas or special education. The license is not transferable to another division. The Local Eligibility License is a nonrenewable credential and is not reciprocal with other states.

All licenses will be effective from July 1 in the school year in which the application is made. A Virginia employing education division or agency is required to notify employees in writing at the time of employment of the need to meet appropriate assessment requirements for licensure.

8VAC20-22-90. Alternate routes to licensure.

A. Career switcher alternate route to licensure for career professions. An alternate route is available to career switchers who seek teaching endorsements preK through grade 12 with the exception of special education.

1. An individual seeking a Provisional License through the career switcher program must meet the following prerequisite requirements:
 - a. An application process;
 - b. A baccalaureate degree from a regionally accredited college or university;
 - c. The completion of requirements for an endorsement in a teaching area or the equivalent through verifiable experience or academic study;
 - d. At least five years of full-time work experience or its equivalent; and
 - e. Virginia qualifying scores on the professional teacher's assessments as prescribed by the Board of Education.
2. The Provisional License is awarded at the end of Level I preparation. All components of the career switcher alternate route for career professions must be completed by the candidate.
3. The Level I requirements must be completed during the course of a single year and may be offered through a variety of delivery systems, including distance learning programs. If an employing agency recommends extending the Provisional License for a second year, the candidate will enter Level III of the program. Career switcher programs must be certified by the Virginia Department of Education.
 - a. Level I preparation. Intensive Level I preparation includes a minimum of 180 clock hours of instruction, including field experience. This phase includes, but is not limited to, curriculum and instruction, including

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technology, reading, and other specific course content relating to the Standards of Learning, differentiation of instruction, classroom/behavior management, instructional design based on assessment data, and human growth and development.

b. Level II preparation during first year of employment.

(1) Candidate seeks employment in Virginia with the one-year Provisional License.

(2) Continued Level II preparation during the first year of employment with a minimum of five seminars that expand the intensive preparation requirements listed in subdivision 3 a of this subsection. The five seminars will include a minimum of 20 cumulative instructional hours. A variety of instructional delivery techniques will be utilized to implement the seminars.

(3) One year of successful, full-time teaching experience in a Virginia public or accredited nonpublic school under a one-year Provisional License. A trained mentor must be assigned to assist the candidate during the first year of employment. Responsibilities of the mentor include, but are not limited to, the following:

(a) Collaborate with the beginning teacher in the development and implementation of an individualized professional development plan;

(b) Observe, assess, coach, and provide opportunities for constructive feedback, including strategies for self-reflection;

(c) Share resources and materials;

(d) Share best instructional, assessment, and organizational practices; classroom and behavior management strategies; and techniques for promoting effective communication; and

(e) Provide general support and direction regarding school policies and procedures.

(4) Upon completion of Levels I and II of the career switcher alternate route to licensure program and submission of a recommendation from the Virginia educational employing agency, the candidate will be eligible to apply for a five-year, renewable license. Renewal requirements for the regular license will be subject to current regulations of the Board of Education.

c. Level III preparation, if required.

(1) Post preparation, if required, will be conducted by the Virginia employing educational agency to address the areas where improvement is needed as identified in the candidate's professional improvement plan; and

(2) Upon completion of Levels I, II, and III of the career switcher alternate route to licensure program and submission of a recommendation from the Virginia educational employing agency, the candidate will be eligible to receive a five-year renewable license.

4. Verification of program completion will be documented by the certified program provider and the division superintendent or designee.

5. Certified providers implementing a career switcher program may charge a fee for participation in the program.

B. An alternate route is available to individuals employed by an educational agency who seek teaching endorsements preK through grade 12. Individuals must complete the requirements for the regular, five-year license within the validity period of the provisional license.

1. An individual seeking a license through this alternate route must have met the following requirements:

a. Are entering the teaching field through the alternate route to licensure upon the recommendation of the Virginia employing educational agency;

b. Hold a baccalaureate degree from a regionally accredited college or university with the exception of individuals seeking the Technical Professional License;

c. Have met requirements for the endorsement area; and

d. Need to complete an allowable portion of professional studies and licensure requirements.

2. The professional studies requirements for the appropriate level of endorsement sought must be completed. A Virginia educational agency may submit to the Superintendent of Public Instruction for approval an alternate program to meet the professional studies requirements. The alternate program must include training (seminar, internship, coursework, etc.) in human growth and development, curriculum and instructional procedures (including technology), instructional design based on assessment data, classroom and behavior management, foundations of education and reading.

3. One year of successful, full-time teaching experience in the appropriate teaching area in a Virginia public or accredited nonpublic school must be completed. A fully licensed experienced teacher must be available in the school building to assist the beginning teacher employed through the alternate route.

C. Alternate route in special education. The Provisional License is a three-year nonrenewable teaching license issued to an individual employed as a special education teacher in a public school or a nonpublic special education school in Virginia who does not hold the appropriate special education endorsement. ~~This alternate route to special education is not applicable to individuals employed as speech pathologists.~~ To be issued the Provisional License through this alternate route, an individual must:

1. Be employed by a Virginia public or nonpublic school as a special educator and have the recommendation of the employing educational agency;

2. Hold a baccalaureate degree from a regionally accredited college or university;

3. Have an assigned mentor endorsed in special education; and

4. Have a planned program of study in the assigned endorsement area, make progress toward meeting the endorsement requirements each of the three years of the license, and have completed coursework in the competencies of foundations for educating students with disabilities and an understanding and application of the legal aspects and regulatory requirements associated with identification, education, and evaluation of students with disabilities. A survey course integrating these competencies would satisfy this requirement. The Provisional License through this alternate route shall not be issued without the completion of these prerequisites.

D. Alternate programs at institutions of higher education or Virginia school divisions. Alternate programs developed by institutions of higher education (i) recognize the unique strengths of prospective teachers from nontraditional backgrounds and (ii) prepare these individuals to meet the same standards that are established for others who are granted a license through an alternate route.

E. Experiential learning. Individuals applying for an initial license through the alternate route as prescribed by the Board of Education must meet the following criteria to be eligible to request experiential learning credits in lieu of the coursework for the endorsement (teaching) content area:

1. Hold a baccalaureate degree from a regionally accredited college or university;
2. Have at least five years of documented full-time work experience that may include specialized training related to the endorsement sought; and
3. Have met the qualifying score on the content knowledge assessment prescribed by the Board of Education.

The criteria do not apply to teachers of special education and elementary education (preK-3 and preK-6) .

8VAC20-22-220. Career and technical education – agricultural education.

A. Endorsement requirements. The candidate must have:

1. Graduated from an approved teacher preparation program in agricultural education; or
2. Completed a major in agricultural education or 39 semester hours of coursework in agriculture, including at least three semester hours in each of the following:
 - a. Plant science;
 - b. Animal science;
 - c. Agricultural mechanics;
 - d. Agricultural economics and management;
 - e. Forestry/wildlife management; and
 - f. Horticulture.

If an individual is seeking initial licensure with an endorsement in the area of career and technical education, an

industry certification credential, as defined in 8VAC20-22-10, in the area in which the teacher seeks endorsement is required.

B. Technical Professional License. An endorsement in horticulture or agricultural machinery may be granted to individuals who have:

1. Been recommended by an employing Virginia educational agency;
2. Completed four years of occupational experience in the endorsement area sought; and
3. Completed professional studies requirements (human growth and development: ~~3~~ three semester hours; curriculum and instructional procedures in career and technical education: ~~3~~ three semester hours; and applications of instructional technology or classroom and behavior management: ~~3~~ three semester hours).

If an individual is seeking initial licensure with an endorsement in the area of career and technical education, an industry certification credential, as defined in 8VAC20-22-10, in the area in which the teacher seeks endorsement is required.

8VAC20-22-230. Career and technical education – business and information technology.

A. Endorsement requirements. The candidate must have:

1. Graduated from an approved teacher preparation program in business and information technology; or
2. Completed 39 hours of coursework in business and information technology, including:
 - a. Accounting: ~~6~~ six semester hours;
 - b. Economics: ~~3~~ three semester hours;
 - c. Business law, business principles, management, marketing, or finance: ~~9~~ nine semester hours;
 - d. Communications: ~~3~~ three semester hours;
 - e. Information systems and technology to include computer software applications (word processing, spreadsheet, database, and presentation) information technology fundamentals, database management, programming, and networking: 12 semester hours;
 - f. Input technologies to include touch keyboarding (required), speech recognition, handwriting recognition, Personal Digital Assistants (PDAs) and other ~~held-held~~ hand-held devices, touch screen or mouse, scanning, and other emerging input technologies: ~~3~~ three semester hours; and
 - g. Supervised business experience: ~~3~~ three semester hours.

If an individual is seeking initial licensure with an endorsement in the area of career and technical education, an industry certification credential, as defined in 8VAC20-22-10, in the area in which the teacher seeks endorsement is required.

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B. Technical Professional License. An endorsement in a specialized business and information technology area, such as networking, administration, communications systems, programming, database management, Internet application development, medical office procedures, legal office procedures, network administration, and other emerging highly specialized areas may be granted to individuals who have:

1. Been recommended by an employing Virginia educational agency;
2. Completed two years of occupational experience in the endorsement area sought;
3. Completed a business program equivalent to a two-year associate degree in the endorsement area sought; and
4. Completed professional studies requirements (human growth and development: ~~3~~ three semester hours; curriculum and instructional procedures in career and technical education: ~~3~~ three semester hours; and applications of instructional technology or classroom and behavior management: ~~3~~ three semester hours).

If an individual is seeking initial licensure with an endorsement in the area of career and technical education, an industry certification credential, as defined in 8VAC20-22-10, in the area in which the teacher seeks endorsement is required.

8VAC20-22-240. Career and technical education – family and consumer sciences.

A. Endorsement requirements. The candidate must have:

1. Graduated from an approved teacher preparation program in family and consumer sciences; or
2. Completed 39 semester hours of coursework distributed in the following areas:
 - a. Development of individual and family: ~~9~~ nine semester hours;
 - b. Management, family finance, and consumer economics: ~~6~~ six semester hours;
 - c. Food and nutrition: ~~6~~ six semester hours;
 - d. Housing, home furnishing, and equipment: ~~6~~ six semester hours;
 - e. Clothing and textiles: ~~3~~ three semester hours;
 - f. Health: ~~3~~ three semester hours;
 - g. Occupational program management: ~~3~~ three semester hours; and
 - h. Documented work experience related to family and consumer sciences: ~~3~~ three semester hours.

If an individual is seeking initial licensure with an endorsement in the area of career and technical education, an industry certification credential, as defined in 8VAC20-22-10, in the area in which the teacher seeks endorsement is required.

B. Technical Professional License. An endorsement in a specialized family and consumer sciences area, such as child care occupations, consumer services, family and human services, fashion design occupations, food occupations, hospitality occupations, interior design occupations, and home furnishings occupations, and home and institutional services, may be granted to individuals who have:

1. Been recommended by an employing Virginia educational agency;
2. A license or are certified as a professional practitioner in the endorsement area ~~in which one is to be teaching sought~~, if applicable, or demonstrate competency in the specialized area of family and consumer sciences;
3. In the area of occupational experience, evidence of at least two years or 4,000 clock hours of satisfactory occupational experience within the past five years in the teaching specialty for which they are seeking endorsement.
4. Completed professional studies requirements (human growth and development: ~~3~~ three semester hours; curriculum and instructional procedures in career and technical education: ~~3~~ three semester hours; and applications of instructional technology or classroom and behavior management: ~~3~~ three semester hours).

If an individual is seeking initial licensure with an endorsement in the area of career and technical education, an industry certification credential, as defined in 8VAC20-22-10, in the area in which the teacher seeks endorsement is required.

8VAC20-22-250. Career and technical education – health and medical sciences.

A. Endorsement requirements. The candidate must have:

1. Graduated from an approved program of study for the preparation of health care professionals;
2. A license or be certified as a professional practitioner in the endorsement area ~~in which one is to be teaching sought~~; and
3. Completed two years of occupational experience in an area related to the area to be taught.

If an individual is seeking initial licensure with an endorsement in the area of career and technical education, an industry certification credential, as defined in 8VAC20-22-10, in the area in which the teacher seeks endorsement is required.

B. Technical Professional License. An endorsement in a specialized health occupations area may be granted to individuals who have:

1. Been recommended by an employing Virginia educational agency;
2. A license or be certified as a professional practitioner in the endorsement area ~~in which one is to be teaching sought~~;

3. Completed two years of occupational experience in the area sought;
4. Completed a health occupations' certificate or associate degree program; and
5. Completed professional studies requirements (human growth and development: ~~3~~ three semester hours; curriculum and instructional procedures in career and technical education: ~~3~~ three semester hours; and applications of instructional technology or classroom and behavior management: ~~3~~ three semester hours).

If an individual is seeking initial licensure with an endorsement in the area of career and technical education, an industry certification credential, as defined in 8VAC20-22-10, in the area in which the teacher seeks endorsement is required.

8VAC20-22-270. Career and technical education – marketing education.

- A. Endorsement requirements. The candidate must have:
1. Graduated from an approved teacher preparation program in marketing education; or
 2. Completed the following educational and occupational requirements:
 - a. A major in marketing or 30 semester hours of coursework distributed in the following areas: marketing process and management, economics, merchandising and operations, advertising/sales promotion, personal selling, marketing math, communication theory and techniques, business ethics, human resources/training and development, international business/marketing, and marketing technology; and
 - b. Supervised marketing internship: ~~3~~ three semester hours or one year of successful work experience in the field of marketing.

If an individual is seeking initial licensure with an endorsement in the area of career and technical education, an industry certification credential, as defined in 8VAC20-22-10, in the area in which the teacher seeks endorsement is required.

B. Technical Professional License. An endorsement in a specialized marketing area, such as apparel and accessories, financial services, hotel/motel operations, international marketing, real estate, or restaurant, may be granted to individuals who have:

1. Been recommended by an employing Virginia educational agency;
2. A license or are certified as a professional practitioner in the endorsement area in which one is to be teaching sought;
3. Completed a registered apprenticeship program and two years of satisfactory experience at the journeyman level or an equivalent level in the trade;

4. Completed four years of work experience at the management or supervisory level or equivalent or have a combination of four years of training and work experience at the management or supervisory level or equivalent; and
5. Completed professional studies requirements (human growth and development: ~~3~~ three semester hours; curriculum and instructional procedures in career and technical education: ~~3~~ three semester hours; and applications of instructional technology or classroom and behavior management: ~~3~~ three semester hours)

If an individual is seeking initial licensure with an endorsement in the area of career and technical education, an industry certification credential, as defined in 8VAC20-22-10, in the area in which the teacher seeks endorsement is required.

8VAC20-22-280. Career and technical education – technology education.

- Endorsement requirements. The candidate must have:
1. Graduated from an approved teacher preparation program in technology education;
 2. Completed a major in technology education or 39 semester hours in technology education distributed in the following areas:
 - a. Technology and culture (experiences shall include the historical development of technology and its present and future impact on the individual, society, and the environment): ~~6~~ six semester hours;
 - b. Technological foundations (experiences shall include technical design and illustration, energy and power, electronics, and materials science): 12 semester hours;
 - c. Technological processes (experiences shall include technical design, material processing, manufacturing, construction, and graphic communication): 12 semester hours; and
 - d. Technological systems (experiences shall include communication, production, and transportation systems): ~~9~~ nine semester hours; or
 3. Earned a baccalaureate degree from a regionally accredited college or university with a major in one of the following fields of study: architecture, design, engineering, industrial technology, or physics; and completed 12 semester hours of technology education content coursework, including at least ~~3~~ three semester hours in each of the following areas: technology and culture, technological foundations, technological processes, and technological systems.

If an individual is seeking initial licensure with an endorsement in the area of career and technical education, an industry certification credential, as defined in 8VAC20-22-10, in the area in which the teacher seeks endorsement is required.

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8VAC20-22-290. Career and technical education – trade and industrial education.

A. Endorsement requirements.

1. The candidate must have graduated from an approved teacher preparation program in the trade and industrial education program subject area for which the candidate is seeking endorsement; or
2. A candidate who has graduated from an approved teacher preparation program that is not in the trade and industrial education program subject area for which the candidate is seeking endorsement must have:
 - a. A current state licensure or industry certification based upon the prescribed standard or examination, if applicable; and
 - b. Evidence of at least two years or 4,000 clock hours of satisfactory occupational experience within the past five years in the teaching specialty for which ~~they are seeking endorsement is sought~~. A candidate whose occupational experience has not been within the last five years must participate in a supervised technical update related to the teaching specialty or area of endorsement or complete a supervised internship of work experience of not less than six weeks related to the area of endorsement or teaching specialty.

If an individual is seeking initial licensure with an endorsement in the area of career and technical education, an industry certification credential, as defined in 8VAC20-22-10, in the area in which the teacher seeks endorsement is required.

B. Technical Professional License. An endorsement in a specialized trade and industrial education area will be granted to individuals who have:

1. Been recommended by an employing Virginia educational agency;
2. A license or are certified as a professional practitioner in the endorsement area ~~in which one is to be teaching sought~~, if applicable, or can demonstrate competency in the that area of trade and industrial education ~~one is to be teaching~~;
3. Evidence of at least two years or 4,000 clock hours of satisfactory occupational experience within the past five years in the teaching specialty for which they are seeking endorsement. Candidates whose occupational experience has not been within the last five years must participate in a supervised technical update related to the teaching specialty or area of endorsement or complete a supervised internship of work experience of not less than six weeks related to the area of endorsement or teaching specialty; and
4. Completed professional studies requirements (human growth and development: 3 three semester hours; curriculum and instructional procedures in career and technical education: 3 three semester hours; and

applications of instructional technology or classroom and behavior management: 3 three semester hours).

If an individual is seeking initial licensure with an endorsement in the area of career and technical education, an industry certification credential, as defined in 8VAC20-22-10, in the area in which the teacher seeks endorsement is required.

C. Add-on endorsement requirements. A candidate must:

1. Hold a Collegiate Professional or Postgraduate Professional License with a teaching endorsement;
2. Demonstrate competency in the trade or technology to be taught;
3. Hold licensure for the trade or industrial area for which endorsement is sought based upon the prescribed standard or examination;
4. Have completed two years or 4,000 clock hours of satisfactory, full-time employment experience at the journeyman level or an equivalent level in the occupation within the last five years. Candidates whose occupational experience has not been within the last five years must participate in a supervised technical update related to the teaching specialty or area of endorsement or complete a supervised internship of work experience of not less than six weeks related to the area of endorsement or teaching specialty; and
5. Have completed 3 three semester hours in curriculum and instructional procedures specific to vocational industrial education.

~~8VAC20-22-670. Special education: speech language pathologist preK-12. (Repealed.)~~

~~Endorsement requirements. The candidate must have:~~

- ~~1. An earned master's degree in speech language pathology from an accredited institution; or~~
- ~~2. A current license in speech pathology issued by the Virginia Board of Examiners for Audiology and Speech Pathology.~~

VA.R. Doc. No. R15-4188; Filed November 19, 2014, 9:52 a.m.

TITLE 9. ENVIRONMENT

VIRGINIA WASTE MANAGEMENT BOARD

Forms

REGISTRAR'S NOTICE: The following forms used in administering the regulation were filed by the Virginia Waste Management Board. The forms are not being published; however, online users of this issue of the Virginia Register of Regulations may click on the name of a form with a hyperlink to access it. The forms are also available from the agency contact or may be viewed at the Office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia 23219.

Titles of Regulations: **9VAC20-81. Solid Waste Management Regulations.**

9VAC20-90. Solid Waste Management Permit Action Fees and Annual Fees.

Agency Contact: Debra Harris, Policy and Planning Specialist, Department of Environmental Quality, 629 East Main Street, Richmond, VA 23219, telephone (804) 698-4209, or email debra.harris@deq.virginia.gov.

FORMS (9VAC20-81)

Annual Report QA/QC Submission Checklist, DEQ Form ARSC-01 (rev. 7/11)

Solid Waste Management Facility Permit Applicant's Disclosure Statement, DEQ Form DISC-01 (rev. 7/12)

Solid Waste Management Facility Permit Applicant's Disclosure Statement - Key Personnel, DEQ Form DISC-02 (rev. 7/12)

Solid Waste Management Facility Disclosure Statement - Quarterly Update, DEQ Form DISC-03 (rev. 7/12)

Request for Certification (Local Government), DEQ Form SW-11-1 (rev. 7/11)

Special Waste Disposal Request, DEQ Form SWDR (rev. 1/12)

Solid Waste Part A Application, DEQ Form SW PTA (rev. 3/11)

Solid Waste Disposal Facility Part B Application, DEQ Form SW PTB (rev. 3/11)

~~Statement of Economic Benefits and Instructions for Completing Form DEQ 50-25 (rev. 12/12).~~

Solid Waste Information and Assessment Program - Reporting Table, Form DEQ 50-25 with Statement of Economic Benefits Form and Instructions (rev. 11/14)

Exempt Yard Waste Composting Annual Report, DEQ Form YW-2 (rev. 7/11)

Exempt Yard Waste Compost Facility – Notice of Intent and Certification, DEQ Form YW-3 (rev. 7/11)

Exempt Yard Waste & Herbivorous Manures Compost Facility – Notice of Intent and Certification, DEQ Form YW-4 (rev. 7/11)

FORMS (9VAC20-90)

~~Solid Waste Information and Assessment Program Reporting Table, Form DEQ 50-25 (rev. 11/12)~~

~~Statement of Economic Benefits and Instructions for Completing Form DEQ 50-25 (rev. 12/12)~~

Solid Waste Information and Assessment Program - Reporting Table, Form DEQ 50-25 with Statement of Economic Benefits Form and Instructions (rev. 11/14)

Solid Waste Annual Permit Fee Quarter Payment, Form PF001 (rev. 7/14)

VA.R. Doc. No. R15-4221; Filed November 25, 2014,



TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Proposed Regulation

Title of Regulation: **12VAC30-120. Waivered Services (adding 12VAC30-120-927).**

Statutory Authority: § 32.1-325 of the Code of Virginia; 42 USC § 1396.

Public Hearing Information: No public hearings are scheduled.

Public Comment Deadline: February 19, 2015.

Agency Contact: Melissa Fritzman, Project Manager, Division of Long-Term Care Services, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 225-4206, FAX (804) 612-0040, or email melissa.fritzman@dmas.virginia.gov.

Basis: Section 32.1-325 of the Code of Virginia grants to the Board of Medical Assistance Services the authority to administer and amend the Plan for Medical Assistance. Sections 32.1-324 and 32.1-325 of the Code of Virginia authorize the Director of the Department of Medical Assistance Services (DMAS) to administer and amend the Plan for Medical Assistance according to the board's requirements. The Medicaid authority as established by § 1902 (a) of the Social Security Act (42 U.S.C. 1396a) provides governing authority for payments for services.

Chapter 890, Item 297 CCCC of the 2011 Acts of Assembly mandated the imposition of a limit on the number of hours of personal care services at 56 hours per week that will be covered for Medicaid individuals who participate in the Elderly or Disabled with Consumer Direction (EDCD) Waiver. This same mandate also directed DMAS to develop criteria to provide for individual exceptions to this limit using criteria based on dependency in activities of daily living and level of care and taking into account the risk of institutionalization if additional hours are not provided. This proposed action intends to promulgate the criteria that DMAS adopted via an emergency regulation, which was published in the Volume 29, Issue 2 of the Virginia Register of Regulations as 12VAC30-120-990.

Purpose: The purpose of this action is to promulgate permanent regulations that establish criteria by which EDCD Waiver individuals may establish the medical necessity for personal care services in excess of the maximum allowed 56 hours per week. The criteria are needed for two reasons: (i) so that DMAS will uniformly apply standards for all applicable waiver individuals and (ii) so DMAS will be supported in appeals that Medicaid individuals may file when they have been denied personal care hours in excess of 56 per week. This regulatory action responds to a statutory mandate and is necessary to interpret the law. The provision is clearly written

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and is understandable to the regulated communities. These regulations are not expected to affect the health, safety, or welfare of citizens of the Commonwealth.

Even though the Children's Mental Health Waiver and Alzheimer's Assisted Living Waiver are referenced in the legislative mandate in Chapter 890, these waivers are not included in this regulatory action because those waivers do not cover personal care services.

The HIV/AIDS Waiver also was included in the mandate in Chapter 890, but is not included here. Due to an action in Item 307 JJJ of Chapter 3 of the 2012 Acts of Assembly, DMAS is pursuing another regulatory action to repeal all of the HIV/AIDS Waiver regulations. (see Virginia Regulatory Townhall Action ID 3716/Stage ID 6217) The persons who have been participating in the HIV/AIDS Waiver are now receiving all of their required services via the EDCD Waiver.

Substance: The chapter affected by this action is the Elderly or Disabled with Consumer Direction Waiver (12VAC30-120-900 et seq.).

Other than the current emergency regulation, there are no criteria for any exceptions to the limit on the coverage of personal care services in the affected Elderly or Disabled with Consumer Direction Waiver. DMAS adopted the limit of 56 hours on this service effective September 4, 2012, in response to Chapter 890 of the 2011 Acts of Assembly. This mandate directed DMAS to take into consideration the following elements: (i) dependency in activities of daily living, such as bathing, dressing, eating, toileting, ambulating; (ii) required level of care; and (iii) risk of institutionalization if additional hours are not provided.

DMAS has complied with this mandate in formulating its proposal and is recommending the same standards as recommended in the previous emergency regulations. Given the legislatively mandated elements that DMAS was directed to consider, its latitude in crafting these suggested criteria was focused by the legislation. DMAS has conformed to the legislative directive in its proposed regulations.

Issues: There are no advantages or disadvantages to the citizens of the Commonwealth. The advantage to Medicaid individuals who use this affected waiver is that those individuals who require more than the maximum covered personal care hours (56 hours) have a way to demonstrate their needs and be approved for the additional hours. Furthermore, small businesses that render personal care services will now have a way to secure agency approvals of additional hours for those clients that they serve. The advantage to the Commonwealth is that this new limit will save a modest expenditure for the agency.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Amendments to Regulation. Pursuant to Chapter 890, Item 297 CCCCC of the 2011 Acts of Assembly, the proposed regulation establishes criteria for

cases where the number of hours per week of personal care services may exceed the limit of 56 hours.

Result of Analysis. The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact. Pursuant to Chapter 890, Item 297 CCCCC of the 2011 Acts of Assembly, the proposed regulation establishes criteria for cases where the number of hours per week of personal care services may exceed the limit of 56 hours. Currently, there are no criteria for any exceptions to the limit on the coverage of personal care services.

In this same act, the General Assembly imposed a limit of 56 hours of personal care services per week for Medicaid recipients who participate in the Elderly or Disabled with Consumer Direction waiver. The act also required the Department of Medical Assistance Services (DMAS) to provide for individual exceptions to this limit using criteria based on the dependency in activities of living, the level of care, and the risk of institutionalization. Consequently, DMAS adopted an emergency regulation to establish the service limit and exceptions which became effective on July 1, 2011. The service limit has already been made permanent through an exempt regulatory action since DMAS did not have any discretion in implementing it. This action makes permanent the exemption criteria that have been in effect under the emergency regulation.

According to DMAS, 37.5% of the requests for personal care hours beyond 56 hours per week were approved (804 out of 2,139) in fiscal year 2012. The 68 percent of these approvals were for agency-directed personal care which costs \$13.20 per hour and 32 percent were for consumer-directed personal care which costs \$10.24 per hour. The average number of hours provided for the exception was 70.6 hours. Thus, the total fiscal cost of this exemption is estimated to be \$695,498 per year. One half of this cost is borne by the state while the rest is funded by the federal government.

The main benefit of the proposed exemption is allowing access to personal care services for those individuals who require more than the maximum limit of 56 hours of per week imposed by the same act. In addition, the providers will continue to benefit from this exemption as they will avoid a potentially larger reduction in their revenues. Moreover, DMAS will have a uniform procedure to apply to all exemption requests and will be supported in appeals that Medicaid individuals may file when they have been denied personal care hours in excess of 56 per week. Finally, avoiding a larger reduction in federal funds coming in to the Commonwealth's economy should have a positive overall economic impact.

Businesses and Entities Affected. There are 423 home health and personal care agencies providing personal care services to Medicaid recipients. In fiscal year 2012, there were 2,139 requests for additional personal care hours of which 804 were approved.

Localities Particularly Affected. The proposed regulation applies throughout the Commonwealth.

Projected Impact on Employment. The proposed exemption will allow providers to provide additional hours of personal care services beyond what would otherwise be possible. Thus, a positive impact on demand for labor providing personal care services is expected due to this change.

Effects on the Use and Value of Private Property. The proposed exemption should have a positive impact on the asset value of personal care provider businesses by avoiding a potentially larger reduction in their revenues.

Small Businesses: Costs and Other Effects. Most of the home health and personal care agencies providing personal care services are believed to be small businesses. The proposed exemption does not impose costs on small businesses. Other effects on small businesses are the same as discussed above.

Small Businesses: Alternative Method that Minimizes Adverse Impact. The proposed exemption is not anticipated to have an adverse impact on small businesses.

Real Estate Development Costs. No effect on real estate development costs is expected.

Legal Mandate. The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Administrative Process Act and Executive Order Number 14 (10). Section 2.2-4007.04 requires that such economic impact analyses include, but need not be limited to, a determination of the public benefit, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. Further, if the proposed regulation has an adverse effect on small businesses, § 2.2-4007.04 requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.

Agency's Response to Economic Impact Analysis: The agency concurs with the analysis.

Summary:

The proposed regulation establishes criteria for approval of personal care service hours that exceed the maximum allowed limit of 56 hours per week. This action is required by Item 297 CCCCC of Chapter 890 of the 2011 Acts of Assembly and only affects the Elderly or Disabled with Consumer Direction Waiver.

12VAC30-120-927. Exception criteria for personal care services.

DMAS shall apply the following criteria to individuals who request approval of more personal care hours than the maximum allowed 56 hours per week. The waiver individual shall:

1. Presently have a minimum level of care of B (the waiver individual has a composite activities of daily living (ADL) score between seven and 12 and has a medical nursing need) or C (the waiver individual has a composite ADL score of nine or higher and has a skilled medical nursing need).

2. In addition to meeting the requirements set out in subdivision 1 of this subsection, the individual shall have one or more of the following:

a. Documentation of dependencies in all of the following activities of daily living: bathing, dressing, transferring, toileting, and eating/feeding, as defined by the current preadmission screening criteria (submitted to the service authorization contractor via DMAS-99);

b. Documentation of dependencies in both behavior and orientation as defined by the current preadmission screening criteria (submitted to the service authorization contractor via DMAS-99); or

c. Documentation from the local department of social services that the individual has an open case (as described in subdivisions c (1) and c (2) of this subdivision) with either Adult Protective Services (APS) or Child Protective Services (CPS) and is in need of additional services beyond the maximum allowed 56 hours per week. Documentation can be in the form of a phone log contact or any other documentation supplied (submitted to the service authorization contractor via attestation).

(1) For APS an open case is defined as a substantiated APS case with a disposition of needs protective services and the adult accepts the needed services.

(2) For CPS an open case is defined as being open to CPS investigation if it is both founded by the investigation and the completed family assessment documents the case with moderate or high risk.

V.A.R. Doc. No. R13-2812; Filed November 18, 2014, 3:40 p.m.

Regulations

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Final Regulation

Titles of Regulations: 18VAC65-20. Regulations of the Board of Funeral Directors and Embalmers (amending 18VAC65-20-70, 18VAC65-20-154).

18VAC65-40. Regulations for the Funeral Service Internship Program (amending 18VAC65-40-40).

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Effective Date: January 14, 2015.

Agency Contact: Lisa Russell Hahn, Executive Director, Board of Funeral Directors and Embalmers, 9960 Mayland Drive, Suite 300, Richmond, VA 23233-1463, telephone (804) 367-4424, FAX (804) 527-4637, or email lisa.hahn@dhp.virginia.gov.

Summary:

The amendments increase almost all fees charged to applicants, registrants, and licensees regulated by the Board of Funeral Directors and Embalmers. Renewal fees for funeral service licensees will increase to \$225 and for funeral establishments to \$400. Application fees, reinstatement fees, and late fees will increase. The fee for initial registration of a funeral service internship will increase to \$150, and the renewal fee will increase to \$125.

In the adoption of final regulations, a shortfall reduction assessment was added to the renewal fees due in 2015 and 2016. For funeral service providers, funeral directors, embalmers, and crematories, the assessment is \$40; for funeral establishments and continuing education providers, the assessment is \$75; and for surface transportation and removal services and courtesy card holders, the assessment is \$60.

Summary of Public Comments and Agency's Response: No public comments were received by the promulgating agency.

18VAC65-20-70. Required fees.

A. The following fees shall apply for initial licensure or registration:

1. License to practice funeral service or as a funeral director or an embalmer	\$275 <u>\$325</u>
2. Funeral service establishment license	\$500 <u>\$600</u>
3. Surface transportation and removal service registration	\$300 <u>\$325</u>
4. Courtesy card	\$275 <u>\$325</u>

5. Crematory ~~\$200~~ \$250

6. Waiver of full-time manager requirement \$150

B. The following fees shall apply for renewal of licensure or registration:

1. License to practice funeral service or as a funeral director or an embalmer ~~\$175~~ \$225

2. Funeral service establishment license ~~\$300~~ \$400

3. Surface transportation and removal service registration ~~\$250~~ \$300

4. Courtesy card ~~\$275~~ \$300

5. Crematory ~~\$150~~ \$200

6. Waiver of full-time manager requirement \$100

C. The following fees shall apply for late renewal of licensure or registration up to one year following expiration:

1. License to practice funeral service or as a funeral director or an embalmer ~~\$60~~ \$75

2. Funeral service establishment license ~~\$100~~ \$135

3. Surface transportation and removal service registration ~~\$85~~ \$100

4. Courtesy card ~~\$90~~ \$100

5. Crematory ~~\$50~~ \$75

6. Waiver of full-time manager requirement \$35

D. The following fees shall apply for reinstatement of licensure or registration:

1. License to practice funeral service or as a funeral director or an embalmer ~~\$275~~ \$400

2. Establishment license ~~\$500~~ \$635

3. Surface transportation and removal service registration ~~\$350~~ \$425

4. Courtesy card ~~\$275~~ \$425

5. Crematory ~~\$225~~ \$275

6. Reinstatement following suspension ~~\$500~~ \$1,000

7. Reinstatement following revocation ~~\$1,000~~ \$2,000

E. Other fees.

1. Change of manager or establishment name	\$75 <u>\$100</u>
2. Verification of license or registration to another state	\$50
3. Duplicate license, registration, or courtesy card	\$15 <u>\$25</u>
4. Duplicate wall certificates	\$60
5. Change of ownership	\$100
6. Nonroutine reinspection (i.e., structural change to preparation room, change of location or ownership)	\$300 <u>\$400</u>

F. Fees for approval of continuing education providers.

1. Application or renewal for continuing education provider	\$300 <u>\$400</u>
2. Late renewal of continuing education provider approval	\$100
3. Review of additional courses not included on initial or renewal application	\$300

[G. For each renewal in the two years after January 14, 2015, the following shortfall reduction fee shall be assessed:

<u>1. License to practice funeral service or as a funeral director or an embalmer</u>	<u>\$40</u>
<u>2. Funeral service establishment license</u>	<u>\$75</u>
<u>3. Surface transportation and removal service registration</u>	<u>\$60</u>
<u>4. Courtesy card</u>	<u>\$60</u>
<u>5. Crematory</u>	<u>\$40</u>
<u>6. Continuing education provider</u>	<u>\$75]</u>

18VAC65-20-154. Inactive license.

A. A funeral service licensee, funeral director, or embalmer who holds a current, unrestricted license in Virginia shall, upon a request for inactive status on the renewal application and submission of the required renewal fee of ~~\$90~~ \$115, be issued an inactive license. The fee for late renewal up to one year following expiration of an inactive license shall be ~~\$30~~ \$40.

1. An inactive licensee shall not be entitled to perform any act requiring a license to practice funeral service in Virginia.

2. The holder of an inactive license shall not be required to meet continuing education requirements, except as may be required for reactivation in subsection B of this section.

B. A funeral service licensee, funeral director, or embalmer who holds an inactive license may reactivate his license by:

1. Paying the difference between the renewal fee for an inactive license and that of an active license for the year in which the license is being reactivated; and
2. Providing proof of completion of the number of continuing competency hours required for the period in which the license has been inactive, not to exceed three years.

18VAC65-40-40. Fees.

A. The following fees shall be paid as applicable for registration:

1. Funeral service intern registration; reinstatement or renewal	\$100 <u>\$150</u>
<u>2. Funeral service intern renewal</u>	<u>\$125</u>
2. <u>3. Late fee for renewal up to one year after expiration</u>	\$35 <u>\$45</u>
3. <u>4. Duplicate copy of intern registration</u>	<u>\$25</u>
4. <u>5. Returned check</u>	<u>\$35</u>
5. <u>6. Registration of supervisor</u>	\$25 <u>\$35</u>
6. <u>7. Change of supervisor</u>	\$25 <u>\$35</u>
7. <u>8. Reinstatement fee</u>	\$170 <u>\$195</u>

B. Fees shall be made payable to the Treasurer of Virginia and shall not be refundable once submitted.

VA.R. Doc. No. R10-2522; Filed November 17, 2014, 7:18 a.m.

TITLE 21. SECURITIES AND RETAIL FRANCHISING

STATE CORPORATION COMMISSION

Final Regulation

REGISTRAR'S NOTICE: The State Corporation Commission is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4002 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency that by the Constitution is expressly granted any of the powers of a court of record.

Title of Regulation: 21VAC5-20. Broker-Dealers, Broker-Dealer Agents and Agents of the Issuer (amending 21VAC5-20-280, 21VAC5-20-285).

Regulations

Statutory Authority: §§ 12.1-13 and 13.1-523 of the Code of Virginia.

Effective Date: December 1, 2014.

Agency Contact: Hazel Stewart, Section Chief, Securities Division, State Corporation Commission, Tyler Building, 9th Floor, P.O. Box 1197, Richmond, VA 23218, telephone (804) 371-9685, FAX (804) 371-9911, or email hazel.stewart@scc.virginia.gov.

Summary:

The amendments make several changes to 21VAC5-20-280 that previously were adopted in 2013. Overall, the revisions change 21VAC5-20-280 to more closely match the language of the rule prior to the amendments in 2013. The amendments (i) remove several provisions of 21VAC5-20-280 A governing the conduct of broker-dealers and broker-dealer agents and create a new subsection that is similar to the former 21VAC5-20-280 E that was removed in 2013, (ii) reintroduce language to specify that certain provisions apply only in connection with the solicitation of a purchase or sale of over-the-counter unlisted non-NASDAQ equity securities, and (iii) include typographical and stylistic changes and corresponding revisions to 21VAC5-20-285.

AT RICHMOND, NOVEMBER 19, 2014

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. SEC-2014-00041

Ex Parte: In the matter of
Adopting a Revision to the Rules
Governing the Virginia Securities Act

ORDER ADOPTING AMENDED RULES

By Order to Take Notice ("Order") entered on September 12, 2014¹, all interested persons were ordered to take notice that the State Corporation Commission ("Commission") would consider the adoption of a revision to Sections 280 and 285 of Chapter 20 of Title 21 of the Virginia Administrative Code ("Regulations") entitled "Prohibited Business Conduct." On September 19, 2014, the Division of Securities and Retail Franchising ("Division") mailed and emailed the Order of the proposed Regulations to all interested parties pursuant to the Virginia Securities Act, § 13.1-501 et seq. of the Code of Virginia. The Order described the proposed amendments and afforded interested parties an opportunity to file comments and request a hearing by November 5, 2014, with the Clerk of the Commission ("Clerk").

No comments were filed nor were any requests for hearing made in this matter.

NOW THE COMMISSION, upon consideration of the proposed amendments to the Regulations, the recommendations of the Division, and the record in this case, finds that the proposed amendments to the Regulations should be adopted.

Accordingly, IT IS ORDERED THAT:

(1) The proposed Regulations are attached hereto, made a part hereof, and are hereby ADOPTED effective December 1, 2014.

(2) AN ATTESTED COPY hereof, together with a copy of the adopted Rules, shall be sent by the Clerk to the Division in care of Ron Thomas, who forthwith shall give further notice of the adopted Rules by mailing a copy of this Order, to all interested persons.

(3) This Order and the attached adopted Rules shall be posted on the Commission's website: <http://www.scc.virginia.gov/case>.

(4) The Commission's Division of Information Resources forthwith shall cause a copy of this Order, together with the adopted Rules, to be forwarded to the Virginia Registrar of Regulations for appropriate publication in the Virginia Register of Regulations.

(5) This case is dismissed from the Commission's docket, and the papers herein shall be placed in the file for ended causes.

¹ Doc. Con. Cen. No. 140920097.

21VAC5-20-280. Prohibited business conduct.

A. Every broker-dealer is required to observe high standards of commercial honor and just and equitable principles of trade in the conduct of its business. The acts and practices described below are considered contrary to such standards and may constitute grounds for denial, suspension, or revocation of registration or such other action authorized by the Act. No broker-dealer who is registered or required to be registered shall:

1. Engage in a pattern of unreasonable and unjustifiable delays in the delivery of securities purchased by any of its customers or in the payment upon request of free credit balances reflecting completed transactions of any of its customers, or take any action that directly or indirectly interferes with a customer's ability to transfer his account; provided that the account is not subject to any lien for moneys owed by the customer or other bona fide claim, including, but not limited to, seeking a judicial order or decree that would bar or restrict the submission, delivery or acceptance of a written request from a customer to transfer his account;
2. Induce trading in a customer's account which is excessive in size or frequency in view of the financial resources and character of the account;
3. Recommend to a customer the purchase, sale or exchange of any security without reasonable grounds to believe that the recommendation is suitable for the customer. The reasonable basis to recommend any such transaction to a customer shall be based upon the risks associated with a particular security, and the information obtained through the diligence and inquiry of the broker-

dealer to ascertain the customer's investment profile. A customer's investment profile includes, but is not limited to, the customer's investment objectives, financial situation, risk tolerance and needs, tax status, age, other investments, investment experience, investment time horizon, liquidity needs, and any other relevant information known by the broker-dealer or of which the broker-dealer is otherwise made aware in connection with such recommendation;

4. Execute a transaction on behalf of a customer without authority to do so or, when securities are held in a customer's account, fail to execute a sell transaction involving those securities as instructed by a customer, without reasonable cause;

5. Exercise any discretionary power in effecting a transaction for a customer's account without first obtaining written discretionary authority from the customer, unless the discretionary power relates solely to the time or price for the execution of orders;

6. Execute any transaction in a margin account without securing from the customer a properly executed written margin agreement promptly after the initial transaction in the account, or fail, prior to or at the opening of a margin account, to disclose to a noninstitutional customer the operation of a margin account and the risks associated with trading on margin at least as comprehensively as required by FINRA Rule 2264;

7. Fail to segregate customers' free securities or securities held in safekeeping;

8. Hypothecate a customer's securities without having a lien thereon unless the broker-dealer secures from the customer a properly executed written consent promptly after the initial transaction, except as permitted by Rules of the SEC;

9. Enter into a transaction with or for a customer at a price not reasonably related to the current market price of a security or receiving an unreasonable commission or profit;

10. Fail to furnish to a customer purchasing securities in an offering, no later than the date of confirmation of the transaction, either a final prospectus or a preliminary prospectus and an additional document, which together include all information set forth in the final prospectus, by the following means: (i) hard copy prospectus delivery or (ii) electronic prospectus delivery.

When a broker-dealer delivers a prospectus electronically, it must first allow its clients to affirmatively opt-in to the program. The ~~acknowledgement~~ acknowledgment of the opt-in may be by any written or electronic means, but the broker-dealer is required to acknowledge the opt-in. For any client that chooses not to opt-in to electronic delivery, the broker-dealer shall continue to deliver to the client a hard copy of the prospectus;

11. Introduce customer transactions on a "fully disclosed" basis to another broker-dealer that is not exempt under § 13.1-514 B 6 of the Act;

12. a. Charge unreasonable and inequitable fees for services performed, including miscellaneous services such as collection of moneys due for principal, dividends or interest, exchange or transfer of securities, appraisals, safekeeping, or custody of securities and other services related to its securities business;

b. Charge a fee based on the activity, value or contents (or lack thereof) of a customer account unless written disclosure pertaining to the fee, which shall include information about the amount of the fee, how imposition of the fee can be avoided and any consequence of late payment or nonpayment of the fee, was provided no later than the date the account was established or, with respect to an existing account, at least 60 days prior to the effective date of the fee;

13. Offer to buy from or sell to any person any security at a stated price unless the broker-dealer is prepared to purchase or sell at the price and under such conditions as are stated at the time of the offer to buy or sell;

14. Represent that a security is being offered to a customer "at a market" or a price relevant to the market price unless the broker-dealer knows or has reasonable grounds to believe that a market for the security exists other than that made, created or controlled by the broker-dealer, or by any person for whom he is acting or with whom he is associated in the distribution, or any person controlled by, controlling or under common control with the broker-dealer;

15. ~~Offer~~ Effect any transaction in, or induce the purchase or sale of, or effect any transaction in, any security by means of any manipulative, deceptive or fraudulent device, practice, plan, program, design or contrivance, which may include but not be limited to:

a. Effecting any transaction in a security which involves no change in the beneficial ownership thereof;

b. Entering an order or orders for the purchase or sale of any security with the knowledge that an order or orders of substantially the same size, at substantially the same time and substantially the same price, for the sale of any security, has been or will be entered by or for the same or different parties for the purpose of creating a false or misleading appearance of active trading in the security or a false or misleading appearance with respect to the market for the security; however, nothing in this subdivision shall prohibit a broker-dealer from entering bona fide agency cross transactions for its customers; or

c. Effecting, alone or with one or more other persons, a series of transactions in any security creating actual or apparent active trading in the security or raising or

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depressing the price of the security, for the purpose of inducing the purchase or sale of the security by others;

~~d. Entering into a transaction with a customer in any security at an unreasonable price or at a price not reasonably related to the current market price of the security or receiving an unreasonable commission or profit;~~

~~e. Contradicting or negating the importance of any information contained in a prospectus or other offering materials that would deceive or mislead or using any advertising or sales presentation in a deceptive or misleading manner;~~

~~f. Leading a customer to believe that the broker-dealer or agent is in possession of material, nonpublic information that would affect the value of the security;~~

~~g. Engaging in a pattern or practice of making contradictory recommendations to different investors of similar investment objective for some to sell and others to purchase the same security, at or about the same time, when not justified by the particular circumstances of each investor;~~

~~h. Failing to make a bona fide public offering of all the securities allotted to a broker-dealer for distribution by, among other things, (i) transferring securities to a customer, another broker-dealer or a fictitious account with the understanding that those securities will be returned to the broker-dealer or its nominees or (ii) parking or withholding securities;~~

~~i. Effecting any transaction in or inducing the purchase or sale of any security by means of any manipulative, deceptive, or other fraudulent device or contrivance including but not limited to the use of boiler room tactics or use of fictitious or nominee accounts;~~

~~j. Failing to comply with any prospectus delivery requirements promulgated under federal law or the Act;~~

~~k. Failing to promptly provide the most current prospectus or the most recently filed periodic report filed under § 13 of the Securities Exchange Act when requested to do so by a customer;~~

~~l. Marking any order tickets or confirmations as unsolicited when in fact the transaction was solicited; or~~

~~m. Failing to comply with the following provisions in connection with the solicitation of a purchase or sale of a designated security:~~

~~(1) Failing to disclose to the customer the bid and ask price at which the broker-dealer effects transactions with individual, retail customers of the designated security as well as its spread in both percentage and dollar amounts at the time of solicitation and on the trade confirmation documents; or~~

~~(2) Failing to include with the confirmation, the notice disclosure contained under 21VAC5-20-285, except the following shall be exempt from this requirement:~~

~~(a) Transactions in which the price of the designated security is \$5.00 or more, exclusive of costs or charges; however, if the designated security is a unit composed of one or more securities, the unit price divided by the number of components of the unit other than warrants, options, rights, or similar securities must be \$5.00 or more, and any component of the unit that is a warrant, option, right, or similar securities, or a convertible security must have an exercise price or conversion price of \$5.00 or more;~~

~~(b) Transactions that are not recommended by the broker-dealer or agent;~~

~~(c) Transactions by a broker-dealer: (i) whose commissions, commission equivalents, and mark ups from transactions in designated securities during each of the preceding three months, and during 11 or more of the preceding 12 months, did not exceed 5.0% of its total commissions, commission equivalents, and mark ups from transactions in securities during those months; and (ii) who has not executed principal transactions in connection with the solicitation to purchase the designated security that is the subject of the transaction in the preceding 12 months; and~~

~~(d) Any transaction or transactions that, upon prior written request or upon its own motion, the commission conditionally or unconditionally exempts as not encompassed within the purposes of this section;~~

~~(3) For purposes of this section, the term "designated security" means any equity security other than a security:~~

~~(a) Registered, or approved for registration upon notice of issuance, on a national securities exchange and makes transaction reports available pursuant to 17 CFR 11Aa3-1 under the Securities Exchange Act of 1934;~~

~~(b) Authorized, or approved for authorization upon notice of issuance, for quotation in the NASDAQ system;~~

~~(c) Issued by an investment company registered under the Investment Company Act of 1940;~~

~~(d) That is a put option or call option issued by The Options Clearing Corporation; or~~

~~(e) Whose issuer has net tangible assets in excess of \$4,000,000 as demonstrated by financial statements dated within no less than 15 months that the broker-dealer has reviewed and has a reasonable basis to believe are true and complete in relation to the date of the transaction with the person; and~~

~~(i) In the event the issuer is other than a foreign private issuer, are the most recent financial statements for the issuer that have been audited and reported on by an independent public accountant in accordance with the~~

~~provisions of 17 CFR 210.2-02 under the Securities Exchange Act of 1934; or~~

~~(ii) In the event the issuer is a foreign private issuer, are the most recent financial statements for the issuer that have been filed with the SEC; furnished to the SEC pursuant to 17 CFR 240.12g3-2(b) under the Securities Exchange Act of 1934; or prepared in accordance with generally accepted accounting principles in the country of incorporation, audited in compliance with the requirements of that jurisdiction, and reported on by an accountant duly registered and in good standing in accordance with the regulations of that jurisdiction.~~

16. Guarantee a customer against loss in any securities account of the customer carried by the broker-dealer or in any securities transaction effected by the broker-dealer with or for the customer;

17. Publish or circulate, or cause to be published or circulated, any notice, circular, advertisement, newspaper article, investment service, or communication of any kind which purports to report any transaction as a purchase or sale of any security unless the broker-dealer believes that the transaction was a bona fide purchase or sale of the security; or which purports to quote the bid price or asked price for any security, unless the broker-dealer believes that the quotation represents a bona fide bid for, or offer of, the security;

18. Use any advertising or sales presentation in such a fashion as to be deceptive or misleading. An example of such practice would be a distribution of any nonfactual data, material or presentation based on conjecture, unfounded or unrealistic claims or assertions in any brochure, flyer, or display by words, pictures, graphs or otherwise designed to supplement, detract from, supersede or defeat the purpose or effect of any prospectus or disclosure;

19. Fail to make reasonably available upon request to any person expressing an interest in a solicited transaction in a security, not listed on a registered securities exchange or quoted on an automated quotation system operated by a national securities association approved by regulation of the commission, a balance sheet of the issuer as of a date within 18 months of the offer or sale of the issuer's securities and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operations, the names of the issuer's proprietor, partners or officers, the nature of the enterprises of the issuer and any available information reasonably necessary for evaluating the desirability or lack of desirability of investing in the securities of an issuer. All transactions in securities described in this subdivision shall comply with the provisions of § 13.1-507 of the Act;

20. Fail to disclose that the broker-dealer is controlled by, controlling, affiliated with or under common control with the issuer of any security before entering into any contract

with or for a customer for the purchase or sale of the security, the existence of control to the customer, and if disclosure is not made in writing, it shall be supplemented by the giving or sending of written disclosure at or before the completion of the transaction;

21. Fail to make a bona fide public offering of all of the securities allotted to a broker-dealer for distribution, whether acquired as an underwriter, a selling group member, or from a member participating in the distribution as an underwriter or selling group member;

22. Fail or refuse to furnish a customer, upon reasonable request, information to which the customer is entitled, or to respond to a formal written request or complaint;

23. Fail to clearly and separately disclose to its customer, prior to any security transaction, providing investment advice for compensation or any materially related transaction that the customer's funds or securities will be in the custody of an investment advisor or contracted custodian, in a manner that does not provide Securities Investor Protection Corporation protection, or equivalent third-party coverage over the customer's assets;

24. Market broker-dealer services that are associated with financial institutions in a manner that is misleading or confusing to customers as to the nature of securities products or risks;

25. In transactions subject to breakpoints, fail to:

a. Utilize advantageous breakpoints without reasonable basis for their exclusion;

b. Determine information that should be recorded on the books and records of a member or its clearing firm, which is necessary to determine the availability and appropriateness of breakpoint opportunities; or

c. Inquire whether the customer has positions or transactions away from the member that should be considered in connection with the pending transaction, and apprise the customer of the breakpoint opportunities;

26. Use a certification or professional designation in connection with the offer, sale, or purchase of securities, that indicates or implies that the user has special certification or training in advising or servicing senior citizens or retirees in such a way as to mislead any person.

a. The use of such certification or professional designation includes, but is not limited to, the following:

(1) Use of a certification or designation by a person who has not actually earned or is otherwise ineligible to use such certification or designation;

(2) Use of a nonexistent or self-conferred certification or professional designation;

(3) Use of a certification or professional designation that indicates or implies a level of occupational qualifications obtained through education, training, or experience that

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the person using the certification or professional designation does not have; or

(4) Use of a certification or professional designation that was obtained from a designating or certifying organization that:

(a) Is primarily engaged in the business of instruction in sales ~~and/or~~ or marketing;

(b) Does not have reasonable standards or procedures for assuring the competency of its designees or certificants;

(c) Does not have reasonable standards or procedures for monitoring and disciplining its designees or certificants for improper or unethical conduct; or

(d) Does not have reasonable continuing education requirements for its designees or certificants in order to maintain the designation or certificate.

b. There is a rebuttable presumption that a designating or certifying organization is not disqualified solely for purposes of subdivision 26 a (4) of this subsection, when the organization has been accredited by:

(1) The American National Standards Institute;

(2) The Institute for Credentialing Excellence (formerly the National Commission for Certifying Agencies); or

(3) An organization that is on the United States Department of Education's list entitled "Accrediting Agencies Recognized for Title IV Purposes" and the designation or credential issued therefrom does not primarily apply to sales ~~and/or~~ or marketing.

c. In determining whether a combination of words (or an acronym standing for a combination of words) constitutes a certification or professional designation indicating or implying that a person has special certification or training in advising or servicing senior citizens or retirees, factors to be considered shall include:

(1) Use of one or more words such as "senior," "retirement," "elder," or like words, combined with one or more words such as "certified," "chartered," "adviser," "specialist," "consultant," "planner," or like words, in the name of the certification or professional designation; and

(2) The manner in which those words are combined.

d. For purposes of this section, a certification or professional designation does not include a job title within an organization that is licensed or registered by a state or federal financial services regulatory agency when that job title:

(1) Indicates seniority within the organization; or

(2) Specifies an individual's area of specialization within the organization.

For purposes of this subdivision d, "financial services regulatory agency" includes, but is not limited to, an agency that regulates broker-dealers, investment advisers, or investment companies as defined under

§ 3 (a)(1) of the Investment Company Act of 1940 (15 USC § 80a-3(a)(1)).

e. Nothing in this regulation shall limit the commission's authority to enforce existing provisions of law;

27. Represent that securities will be listed or that application for listing will be made on a securities exchange or the NASDAQ system or other quotation system without reasonable basis in fact for the representation;

28. Falsify or alter so as to make false or misleading any record or document or any information provided to the commission;

29. Negotiate, facilitate, or otherwise execute a transaction on behalf of an investor involving securities issued by a third party pursuant to a claim for exemption under subsection B of § 13.1-514 of the Act unless the broker-dealer intends to report the securities owned and the value of such securities on at least a quarterly basis to the investor;

30. Offer or sell securities pursuant to a claim for exemption under subsection B of § 13.1-514 of the Act without having first verified the information relating to the securities offered or sold, which shall include, but not be limited to, ascertaining the risks associated with investing in the respective security;

31. Allow any person to represent or utilize its name as a trading platform without conspicuously disclosing the name of the registered broker-dealer in effecting or attempting to effect purchases and sales of securities;

~~32. Fail to advise the customer, both at the time of solicitation and on the confirmation, of any and all compensation related to a specific securities transaction to be paid to the agent including commissions, sales charges, or concessions;~~

~~33. Fail to disclose, both at the time of solicitation and on the confirmation in connection with a principal transaction, a short inventory position in the firm's account of more than 3.0% of the issued and outstanding shares of that class of securities of the issuer;~~

~~34. Conduct sales contests in a particular security without regard to an investor's suitability;~~

~~35. Fail or refuse to promptly execute sell orders in connection with a principal transaction after a solicited purchase by a customer;~~

~~36. Solicit a secondary market transaction when there has not been a bona fide distribution in the primary market;~~

~~37. Compensate an agent in different amounts for effecting sales and purchases in the same security;~~

~~38. Fail to provide each customer with a statement of account with respect to all securities in the account, containing a value for each such security based on the closing market bid on a date certain for any month in~~

which activity has occurred in a customer's account, but in no event less than three months;

~~39. Fail to comply with any applicable provision of the FINRA Rules or any applicable fair practice or ethical standard promulgated by the SEC or by a self-regulatory organization approved by the SEC; or~~

~~40.~~ 32. Engage in any conduct that constitutes a dishonest or unethical practice including, but not limited to, forgery, embezzlement, nondisclosure, incomplete disclosure or material omissions or untrue statements of material facts, manipulative or deceptive practices, or fraudulent course of business.

B. Every agent is required to observe high standards of commercial honor and just and equitable principles of trade in the conduct of his business. The acts and practices described below are considered contrary to such standards and may constitute grounds for denial, suspension, or revocation of registration or such other action authorized by the Act. No agent who is registered or required to be registered shall:

1. Engage in the practice of lending or borrowing money or securities from a customer, or acting as a custodian for money, securities or an executed stock power of a customer;
2. Effect any securities transaction not recorded on the regular books or records of the broker-dealer which the agent represents, unless the transaction is authorized in writing by the broker-dealer prior to execution of the transaction;
3. Establish or maintain an account containing fictitious information in order to execute a transaction which would otherwise be unlawful or prohibited;
4. Share directly or indirectly in profits or losses in the account of any customer without the written authorization of the customer and the broker-dealer which the agent represents;
5. Divide or otherwise split the agent's commissions, profits or other compensation from the purchase or sale of securities in this state with any person not also registered as an agent for the same broker-dealer, or for a broker-dealer under direct or indirect common control;
6. Engage in conduct specified in subdivision A 2, 3, 4, 5, 6, 10, 15, 16, 17, 18, 23, 24, 25, 26, 28, 30, 31, or 32, 34, 35, 36, 39, or 40 of this section;
7. Fail to comply with the continuing education requirements under 21VAC5-20-150 C; or
8. Hold oneself out as representing any person other than the broker-dealer with whom the agent is registered and, in the case of an agent whose normal place of business is not on the premises of the broker-dealer, failing to conspicuously disclose the name of the broker-dealer for whom the agent is registered when representing the dealer in effecting or attempting to effect the purchases or sales of securities.

C. No person shall publish, give publicity to, or circulate any notice, circular, advertisement, newspaper article, letter, investment service or communication which, though not purporting to offer a security for sale, describes the security, for a consideration received or to be received, directly or indirectly, from an issuer, underwriter, or dealer, without fully disclosing the receipt, whether past or prospective, of such consideration and the amount thereof.

D. The purpose of this subsection is to identify practices in the securities business that are generally associated with schemes to manipulate and to identify prohibited business conduct of broker-dealers or sales agents who are registered or required to be registered.

1. Entering into a transaction with a customer in any security at an unreasonable price or at a price not reasonably related to the current market price of the security or receiving an unreasonable commission or profit.
2. Contradicting or negating the importance of any information contained in a prospectus or other offering materials with intent to deceive or mislead or using any advertising or sales presentation in a deceptive or misleading manner.
3. In connection with the offer, sale, or purchase of a security, falsely leading a customer to believe that the broker-dealer or agent is in possession of material, nonpublic information that would affect the value of the security.
4. In connection with the solicitation of a sale or purchase of a security, engaging in a pattern or practice of making contradictory recommendations to different investors of similar investment objective for some to sell and others to purchase the same security, at or about the same time, when not justified by the particular circumstances of each investor.
5. Failing to make a bona fide public offering of all the securities allotted to a broker-dealer for distribution by, among other things, (i) transferring securities to a customer, another broker-dealer, or a fictitious account with the understanding that those securities will be returned to the broker-dealer or its nominees or (ii) parking or withholding securities.
6. Although nothing in this subsection precludes application of the general antifraud provisions against anyone for practices similar in nature to the practices discussed below, the following subdivisions a through f specifically apply only in connection with the solicitation of a purchase or sale of over the counter (OTC) unlisted non-NASDAQ equity securities:
 - a. Failing to advise the customer, both at the time of solicitation and on the confirmation, of any and all compensation related to a specific securities transaction to be paid to the agent including commissions, sales charges, or concessions.

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b. In connection with a principal transaction, failing to disclose, both at the time of solicitation and on the confirmation, a short inventory position in the firm's account of more than 3.0% of the issued and outstanding shares of that class of securities of the issuer; however, subdivision 6 of this subsection shall apply only if the firm is a market maker at the time of the solicitation.

c. Conducting sales contests in a particular security.

d. After a solicited purchase by a customer, failing or refusing, in connection with a principal transaction, to promptly execute sell orders.

e. Soliciting a secondary market transaction when there has not been a bona fide distribution in the primary market.

f. Engaging in a pattern of compensating an agent in different amounts for effecting sales and purchases in the same security.

7. Effecting any transaction in, or inducing the purchase or sale of, any security by means of any manipulative, deceptive, or other fraudulent device or contrivance including but not limited to the use of boiler room tactics or use of fictitious or nominee accounts.

8. Failing to comply with any prospectus delivery requirements promulgated under federal law or the Act.

9. In connection with the solicitation of a sale or purchase of an OTC unlisted non-NASDAQ security, failing to promptly provide the most current prospectus or the most recently filed periodic report filed under § 13 of the Securities Exchange Act when requested to do so by a customer.

10. Marking any order tickets or confirmations as unsolicited when in fact the transaction was solicited.

11. For any month in which activity has occurred in a customer's account, but in no event less than every three months, failing to provide each customer with a statement of account with respect to all OTC non-NASDAQ equity securities in the account, containing a value for each such security based on the closing market bid on a date certain; however, this subdivision shall apply only if the firm has been a market maker in the security at any time during the month in which the monthly or quarterly statement is issued.

12. Failing to comply with any applicable provision of the FINRA Rules or any applicable fair practice or ethical standard promulgated by the SEC or by a self-regulatory organization approved by the SEC.

13. In connection with the solicitation of a purchase or sale of a designated security:

a. Failing to disclose to the customer the bid and ask price, at which the broker-dealer effects transactions with individual, retail customers, of the designated security as well as its spread in both percentage and dollar amounts

at the time of solicitation and on the trade confirmation documents; or

b. Failing to include with the confirmation, the notice disclosure contained under 21VAC5-20-285, except the following shall be exempt from this requirement:

(1) Transactions in which the price of the designated security is \$5.00 or more, exclusive of costs or charges; however, if the designated security is a unit composed of one or more securities, the unit price divided by the number of components of the unit other than warrants, options, rights, or similar securities must be \$5.00 or more, and any component of the unit that is a warrant, option, right, or similar securities, or a convertible security must have an exercise price or conversion price of \$5.00 or more.

(2) Transactions that are not recommended by the broker-dealer or agent.

(3) Transactions by a broker-dealer: (i) whose commissions, commission equivalents, and mark-ups from transactions in designated securities during each of the preceding three months, and during 11 or more of the preceding 12 months, did not exceed 5.0% of its total commissions, commission-equivalents, and mark-ups from transactions in securities during those months; and (ii) who has not executed principal transactions in connection with the solicitation to purchase the designated security that is the subject of the transaction in the preceding 12 months.

(4) Any transaction or transactions that, upon prior written request or upon its own motion, the commission conditionally or unconditionally exempts as not encompassed within the purposes of this section.

c. For purposes of this section, the term "designated security" means any equity security other than a security:

(1) Registered, or approved for registration upon notice of issuance, on a national securities exchange and makes transaction reports available pursuant to 17 CFR 11Aa3-1 under the Securities Exchange Act of 1934;

(2) Authorized, or approved for authorization upon notice of issuance, for quotation in the NASDAQ system;

(3) Issued by an investment company registered under the Investment Company Act of 1940;

(4) That is a put option or call option issued by The Options Clearing Corporation; or

(5) Whose issuer has net tangible assets in excess of \$4 million as demonstrated by financial statements dated within no less than 15 months that the broker-dealer has reviewed and has a reasonable basis to believe are true and complete in relation to the date of the transaction with the person, and

(a) In the event the issuer is other than a foreign private issuer, are the most recent financial statements for the

issuer that have been audited and reported on by an independent public accountant in accordance with the provisions of 17 CFR 210.2-02 under the Securities Exchange Act of 1934; or

(b) In the event the issuer is a foreign private issuer, are the most recent financial statements for the issuer that have been filed with the SEC; furnished to the SEC pursuant to 17 CFR 240.12g3-2(b) under the Securities Exchange Act of 1934; or prepared in accordance with generally accepted accounting principles in the country of incorporation, audited in compliance with the requirements of that jurisdiction, and reported on by an accountant duly registered and in good standing in accordance with the regulations of that jurisdiction.

21VAC5-20-285. Customer notice for designated securities.

A. Broker-dealers that solicit the purchase and sale of designated securities shall provide the following notice to customers:

IMPORTANT CUSTOMER NOTICE-READ CAREFULLY

You have just entered into a solicited transaction involving a security which may not trade on an active national market. The following should help you understand this transaction and be better able to follow and protect your investment.

Q. What is meant by the BID and ASK price and the spread?

A. The BID is the price at which you could sell your securities at this time. The ASK is the price at which you bought. Both are noted on your confirmation. The difference between these prices is the "spread," which is also noted on the confirmation, in both a dollar amount and a percentage relative to the ASK price.

Q. How can I follow the price of my security?

A. For the most part, you are dependent on broker-dealers that trade in your security for all price information. You may be able to find a quote in the newspaper, but you should keep in mind that the quote you see will be for dealer-to-dealer transactions (essentially wholesale prices and will not necessarily be the prices at which you could buy or sell).

Q. How does the spread relate to my investments?

A. The spread represents the profit made by your broker-dealer and is the amount by which your investment must increase (the BID must rise) for you to break even. Generally, a greater spread indicates a higher risk.

Q. How do I compute the spread?

A. If you bought 100 shares at an ASK price of \$1.00, you would pay \$100 (100 shares X \$1.00 = \$100). If the BID price at the time you purchased your stock was \$.50, you could sell the stock back to the broker-dealer for \$50 (100

shares X \$.50 = \$50). In this example, if you sold at the BID price, you would suffer a loss of 50%.

Q. Can I sell at any time?

A. Maybe. Some securities are not easy to sell because there are few buyers, or because there are no broker-dealers who buy or sell them on a regular basis.

Q. Why did I receive this notice?

A. The laws of some states require your broker-dealer or sales agent to disclose the BID and ASK price on your confirmation and include this notice in some instances. If the BID and ASK were not explained to you at the time you discussed this investment with your broker, you may have further rights and remedies under both state and federal law.

Q. Where do I go if I have a problem?

A. If you cannot work the problem out with your broker-dealer, you may contact the Virginia State Corporation Commission or the securities commissioner in the state in which you reside, the United States Securities and Exchange Commission, or FINRA.

B. For the purpose of this section, the term "designated security" shall be defined ~~as in subdivision A 15 m 3~~ under 21VAC5-20-280 D 13 c.

VA.R. Doc. No. R15-4148; Filed November 19, 2014, 2:58 p.m.

GOVERNOR

EXECUTIVE ORDER NUMBER 33 (2014)

Designation of Executive Branch Officers and Employees Required to File Financial Disclosure Statements

Important of the Issue

The State and Local Government Conflict of Interests Act reflects the Commonwealth's steadfast commitment to ensure that designated public officers and employees file financial disclosure statements in order to prevent inappropriate conflicts between personal economic interests and the official duties of Virginia's public servants.

In furtherance of the purposes of the State and Local Government Conflict of Interests Act, Section 2.2-3100 et seq. of the Code of Virginia (hereinafter, "the Act"), and by virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to Sections 2.2-104, 2.2-110, and 2.2-3114 of the Code of Virginia, and subject always to my continuing and ultimate authority and responsibility to act in such matters and to reserve powers, I hereby delegate to the Secretary of the Commonwealth the power and duty to implement the Act with respect to Executive Branch agencies, institutions, boards, commissions, councils, and authorities through the following policies and procedures:

1. A comprehensive system for specifying Executive Branch officers and employees who shall file a disclosure form, as follows:

Office of the Governor

- Secretaries, Deputy Secretaries, and Assistant Secretaries
- Chief of Staff and Deputy Chief of Staff
- Counsel and Deputy Counsel
- Legislative Director and Deputy Legislative Director
- Policy Director and Deputy Policy Director
- Scheduler and Deputy Scheduler
- Policy Analysts
- Special Assistants

Executive Branch Agencies

- Agency Heads, Chief Deputies, and Deputies
- Legislative Liaisons and Policy Advisors
- Division/Department/Section Chiefs
- Chief Administrative Officers and Deputies
- Chief Financial Officers and Deputies
- Chief Technology Officers and Deputies
- Human Resource Management Directors
- Procurement Officers and Deputies
- Any persons with approval authority over contracts or audits

Institutions of Higher Education

- Presidents/Vice Presidents/Provosts
- Deans/Department Chairs
- Associate/Assistant Deans
- Any persons designated under Executive Branch Agencies, and those with approval authority over contracts or audits

Executive Branch Authorities

- Authorities established within the Executive Branch
- All persons within this group will file the form set forth in Section 2.2-3118, unless required by law to file the form set forth in Section 2.2-3117

Executive Branch Appointees

- All non-salaried citizen members of Executive Branch advisory boards, commissions, councils, and authorities are hereby designated to file the financial disclosure form included in Section 2.2-3118
- Appointees to boards or commissions who are salaried, such as the Parole Board or ABC Board, shall file the form set forth in Section 2.2-3117

2. Each of the Governor's Secretaries and the head of each agency, institution, board, commission, council and authority within the Executive Branch shall annually submit to the Office of the Secretary of the Commonwealth by April 1st, a report identifying:

- (a) Each position, whether classified or non-classified, that involves substantive responsibility for inspection, investigation, licensure, or other regulation of the activities of private firms, organizations, or professions; and
- (b) Each position, whether classified or non-classified, that involves substantive responsibility for procurement, audit, investment, or other activities that could be subject to abuse or improper influence as a result of the personal economic interests of the officeholder or employee.

3. The Secretary of the Commonwealth shall prepare from the reports submitted, pursuant to Paragraph 2 of this order a comprehensive list of officers and employees, including their position titles, who shall be required to file the statement of economic interests set out in the Act. The Secretary of the Commonwealth, with the assistance and cooperation of the parties listed in Paragraph 2, shall maintain this list, review and revise it annually to reflect the creation and abolition of offices and positions, and inform each officer and employee listed of his or her obligation to file the statement of economic interests in accordance with Section 2.2-3114 of the Code of Virginia.

4. The Governor's Secretaries and the heads of each agency, institution, board, commission, council and

authority within the Executive Branch shall assist the Secretary of the Commonwealth in compiling the information required by this Executive Order, ensuring that appropriate additions to and deletions from the list of those designated to file the statement of economic interests are recommended in a timely fashion, and ensuring that designated officers and employees file their statements of economic interests in accordance with Section 2.2-3114 of the Code of Virginia.

5. The head of each agency, institution, board, commission, council and authority within the Executive Branch shall be responsible for obtaining a statement of economic interests from each new officer or employee so long as the officer or employee is hired for a position previously designated. Agency heads shall also be responsible for ensuring that appropriate employees receive the necessary orientation on the State and Local Government Conflict of Interests Act in accordance with the provisions Section 2.2-3128 of the Code of Virginia.

6. The head of each agency, institution, board, commission, council and authority within the Executive Branch shall communicate to the officers, employees, and members within his or her organization the importance and necessity of maintaining the highest standards of conduct, and avoiding even the appearance of impropriety arising out of personal economic interests and the conduct of the business of the Commonwealth.

Effective Date of the Executive Order

This Executive Order replaces Executive Order Number 16 (2010) issued on June 29, 2010, by Governor Robert F. McDonnell.

This Executive Order shall be effective upon its signing and shall remain in full force and effect until June 30, 2018, unless amended or rescinded by further Executive Order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 14th day of November 2014.

/s/ Terence R. McAuliffe
Governor

EXECUTIVE ORDER NUMBER 34 (2014)

The Commonwealth Council on Bridging the Nutritional Divide

Importance of the Initiative

The foundation for a new Virginia economy rests upon the pillars of a world-class education system, infrastructure, business climate, and workforce. In order to cultivate and sustain economic success, all Virginians, especially children and young adults, must have access to nutritious, affordable, and locally-sourced foods that will enable them to learn, grow, and thrive. We must work to bridge the nutritional divide in Virginia by pursuing these objectives with a cross-

Secretariat, public-private approach, relying on the Commonwealth's vast resources and the vibrancy of our large agriculture sector.

Establishment of the Council

Accordingly, by virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby establish the Commonwealth Council on Bridging the Nutritional Divide ("Council").

Initiative

The Council will seek to achieve three major objectives through partnerships across the Governor's Cabinet, with state agencies, national, regional, and local nonprofits, local governments, schools, and private businesses, and with increased data sharing and research:

1. Eliminate childhood hunger in Virginia by increasing participation in nutrition assistance programs:
 - Increase school division and community participation in a) the Community Eligibility Provision, b) the Summer Food Service Program, c) the Child and Adult Care Food Program, d) alternative breakfast models, and e) additional pathways to expand meal access as determined by the Council.
 - Increase eligible household participation in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) and Supplemental Nutrition Assistance Program (SNAP)
2. Promote Virginia's leading industry – agriculture – and increase access to affordable, healthy, and local foods:
 - Improve food distribution systems to better serve a diversifying Virginia agricultural economy
 - Improve accessibility to farmers' markets
 - Increase acceptance of SNAP/Electronic Benefit Transfer (EBT) and WIC/EBT at farmers' markets
 - Encourage the development of innovative and sustainable retail models to provide access to healthy foods in areas classified as food deserts
 - Increase farm-to-school and other farm-to-institution programs
3. Facilitate efficient and effective local initiatives related to community nutrition, food access, and health strategies and programs across the Commonwealth:
 - Support the development of regional agricultural councils, nutrition education programs, and additional community and learning gardens
 - Serve as a communications hub for initiatives and convener of partners, and recognize and promote innovative local programs, that align with the council's mission

Governor

Composition of the Council

The Chair of the Council will be the First Lady of Virginia and consist of representatives of the Secretaries of Agriculture and Forestry, Commerce and Trade, Education, Health and Human Resources, Veterans and Defense Affairs, state and local agencies, the agriculture and business communities, leaders in education and health, and others with appropriate expertise, as appointed by the Governor.

Staffing

Staff support for the Council will be provided by the Office of the Governor, and any other agencies or offices as may be designated by the Governor. The Council will serve in an advisory role, in accordance with § 2.2-2100 of the Code of Virginia, and will meet upon the call of the Chair at least four times per year.

Accountability

The Council shall develop a three-year plan to achieve its objectives and shall regularly report to the Governor and the Children's Cabinet. The plan shall include quantifiable metrics and associated goals for each objective, and progress toward achieving these goals shall be made available to the public via an online scorecard.

Effective Date of the Executive Order

This Executive Order shall be effective upon its signing and shall remain in force and effect until January 12, 2018, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 20th day of November, 2014.

/s/ Terence R. McAuliffe
Governor

GENERAL NOTICES/ERRATA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Proposed Revision to State Implementation Plan - Infrastructure

Notice of action: The Department of Environmental Quality (DEQ) is announcing an opportunity for public comment on a proposed plan to assure necessary authorities are contained in the state implementation plan (SIP) to allow areas to attain and maintain the national ambient air quality standard for fine particulate matter (PM_{2.5}). The Commonwealth intends to submit the plan as a revision to the Commonwealth of Virginia SIP in accordance with the requirements of § 110(a) of the federal Clean Air Act. The SIP is the plan developed by the Commonwealth in order to fulfill its responsibilities under the federal Clean Air Act to attain and maintain the ambient air quality standards promulgated by the U.S. Environmental Protection Agency (EPA) under the Act.

Purpose of notice: DEQ is seeking comment on the issue of whether the plan demonstrates the Commonwealth's compliance with federal Clean Air Act requirements related to general state plan infrastructure for controlling PM_{2.5}.

Public comment period: December 15, 2014, through January 14, 2015.

Public hearing: A public hearing will be conducted if a request is made in writing to the contact listed below. In order to be considered, the request must include the full name and address of the person requesting the hearing and be received by DEQ by the last day of the comment period. Notice of the date, time, and location of any requested public hearing will be announced in a separate notice, and another 30-day comment period will be conducted.

Description of proposal: The proposed revision consists of a demonstration of compliance with the general requirements of § 110(a)(2) of the federal Clean Air Act for the 2013 PM_{2.5} national ambient air quality standard (NAAQS).

Federal information: This notice is being given to satisfy the public participation requirements of federal regulations (40 CFR 51.102). The proposal will be submitted as a revision to the Commonwealth of Virginia SIP under § 110(a) of the federal Clean Air Act in accordance with 40 CFR 51.104. It is planned to submit all provisions of the proposal as a revision to the Commonwealth of Virginia SIP.

How to comment: DEQ accepts written comments by email, fax, and postal mail. In order to be considered, comments must include the full name, address, and telephone number of the person commenting and be received by DEQ by the last day of the comment period. All information received is part of the public record.

To review proposal: The proposal and any supporting documents are available on the DEQ Air Public Notices for Plans website at

<http://www.deq.state.va.us/Programs/Air/PublicNotices/airplansandprograms.aspx>. The documents may also be obtained by contacting the DEQ representative named below. The public may review the documents between 8:30 a.m. and 4:30 p.m. of each business day until the close of the public comment period at the following DEQ locations:

- 1) DEQ Main Street Office, 629 East Main Street, 8th Floor, Richmond, VA, telephone (804) 698-4070,
- 2) Southwest Regional Office, 355 Deadmore Street, Abingdon, VA, telephone (276) 676-4800,
- 3) Blue Ridge Regional Office, Roanoke Location, 3019 Peters Creek Road, Roanoke, VA, telephone (540) 562-6700,
- 4) Blue Ridge Regional Office, Lynchburg Location, 7705 Timberlake Road, Lynchburg, VA, telephone (434) 582-5120,
- 5) Valley Regional Office, 4411 Early Road, Harrisonburg, VA, telephone (540) 574-7800,
- 6) Piedmont Regional Office, 4949-A Cox Road, Glen Allen, VA, telephone (804) 527-5020,
- 7) Northern Regional Office, 13901 Crown Court, Woodbridge, VA, telephone (703) 583-3800, and
- 8) Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, VA, telephone (757) 518-2000.

Contact Information: Doris A. McLeod, Department of Environmental Quality, 629 East Main Street, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4197, FAX (804) 698-4510, or email doris.mcleod@deq.virginia.gov.

Proposed Extension of Runway 15 and Associated Improvements at Richmond Executive Airport-Chesterfield County

Purpose of notice: The Department of Environmental Quality (DEQ) and the Department of Aviation (DOAV) in conjunction with the Federal Aviation Administration (FAA) seek public comments on the economic, social, and environmental effects of the proposed extension of Runway 15 and associated improvements at Richmond Executive Airport-Chesterfield County located within the County of Chesterfield, Virginia.

Public comment period: November 16, 2014, through January 7, 2015.

Type of response: Chesterfield County has submitted a License Modification Application to DOAV. DEQ is reviewing the FAA's draft environmental assessment (EA) for the proposed runway extension as part of DOAV'S license modification process. DEQ is also reviewing the federal consistency certification (FCC) submitted pursuant to the Coastal Zone Management Act and implementing federal consistency regulations.

General Notices/Errata

Name of agency proposing the project: Chesterfield County.

Project description: The draft EA has been prepared to address the range of potential environmental impacts that could result from the implementation of the proposed extension of Runway 15 with a parallel taxiway and associated improvements. The EA describes potential impacts associated with the development actions of the 2012 Airport Layout Plan, which includes an 800-foot runway extension and associated property interest acquisition, relocation of navigational aids and fueling facilities, and removal of tree obstructions.

How a decision is made: DOAV must consider the environmental review conducted by DEQ prior to approving the airport's License Modification Application. DOAV must approve the License Modification Application, and the FAA must make a final decision on the draft EA before the project can start. DEQ coordinates the Commonwealth's response to the draft EA. DEQ has distributed the EA to appropriate state agencies, the planning district and the locality for review and comment. Upon consideration of all comments, DEQ prepares a single state response and submits it to DOAV and FAA. DEQ also coordinates the Commonwealth's review of the FCC to ensure that federal activities that can affect Virginia's coastal resources and uses are conducted in ways that are consistent with the enforceable policies of Virginia's Coastal Zone Management Program (VCP). The FAA cannot approve the proposal unless DEQ concurs that it is consistent with the VCP.

How to comment: DEQ accepts comments from the public by email, fax, or U.S. Mail (see below). All comments must include the name, address, and telephone number of the person commenting and be received by DEQ within the comment period. The public may review the project documents at DOAV (below), DEQ's Central Office in Richmond (below), and at the following locations:

- Richmond Executive Airport-Chesterfield County, Airport Management Offices, 7427 Airfield Drive, Richmond, VA 23237
- Chesterfield Public Library, 9501 Lori Road, Chesterfield, VA 23832
- Virginia Department of Aviation, 5702 Gulfstream Road, Richmond, VA 23250
- Federal Aviation Administration, Washington Airports District Office, 23723 Air Freight Lane, Suite 210, Dulles, VA 20166
- DEQ Central Office, 629 East Main Street, Room 646, Richmond, VA 23219

A Joint Public Hearing on the draft EA and the FCC will be hosted by DEQ and DOAV in conjunction with the FAA for the purposes of compliance with the National Environmental Protection Act, the Coastal Zone Management Act, and state

licensing requirements (Title 5.1 of the Code of Virginia). Anyone desiring to be heard in support of, or in opposition to, this proposed action may attend and have their comments considered by DEQ and DOAV.

Date: December 10, 2014

Time: Informational workshop 6 p.m. to 7 p.m.

Public Hearing: 7 p.m.

Location: Community Development Building, Conference Rooms A-B, 9800 Government Center Parkway; Chesterfield, VA 23832

Contact Information: Ellie Irons, Department of Environmental Quality, 629 East Main Street, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4330, FAX (804) 698-4319, or email ellie.iron@deq.virginia.gov.

Public Meeting and Public Comment for a TMDL Implementation Plan for The Gulf, Mattawoman, Barlow, Jacobus, and Hungars Creeks in Northampton County

The Virginia Department of Environmental Quality (DEQ) will host a public meeting on a water quality study for The Gulf, Mattawoman, Barlow, Jacobus, and Hungars Creeks in Northampton County, Virginia on January 20, 2015.

The meeting will start at 5:30 p.m. at the Barrier Island Center located at 7295 Young Street, Machipongo, VA 23405. In the case of inclement weather, the meeting will be moved to January 22, 2015, at 5:30 p.m. in the Northampton Board Room located on the 2nd floor of the Administration Building, 16404 Courthouse Road, Eastville, VA. The purpose of the meeting is to provide information and discuss the study with interested local community members and local government.

The waters listed for this study were identified in Virginia's Water Quality Assessment Integrated Report as impaired for not supporting the fecal coliform criteria for shellfish waters. The impairments are based on water quality monitoring data reports of sufficient exceedances of Virginia's water quality standard for bacteria.

The meeting will review the final implementation plan for the impaired waters. The implementation plan (IP) is developed to provide a clean-up plan that will lead to attainment of the water quality standards. Public participation and stakeholder involvement are necessary in order to develop an effective and reasonable IP.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop total maximum daily loads (TMDLs) for pollutants responsible for each impaired water contained in Virginia's § 303(d) TMDL Priority List and Report and subsequent water quality assessment reports. A TMDL is the total amount of a pollutant a water body can contain and still meet water

quality standards. To restore water quality, pollutant levels have to be reduced to the TMDL amount. The TMDL report for The Gulf, which was approved by EPA on September 20, 2007, can be found at: <http://www.deq.virginia.gov/portals/0/DEQ/Water/TMDL/apptmdls/shellfish/thegulf.pdf>. The TMDL report for Mattawoman Creek, which was approved by EPA on May 6, 2010, can be found at: <http://www.deq.virginia.gov/portals/0/DEQ/Water/TMDL/apptmdls/baycoast/mattawoman.pdf>. The TMDL report for Barlow and Jacobus Creeks, which was approved by EPA on March 17, 2009, can be found at: <http://www.deq.virginia.gov/portals/0/DEQ/Water/TMDL/apptmdls/shellfish/barlowjacob.pdf>. The TMDL report for Hungars Creek, which was approved by EPA on April 30, 2008, can be found at: <http://www.deq.virginia.gov/portals/0/DEQ/Water/TMDL/apptmdls/shellfish/hungar.pdf>. Additional information is also available on the DEQ website at www.deq.virginia.gov/tmdl.

The public comment period on materials presented at this meeting will extend from January 20, 2015, through February 20, 2015. For additional information or to submit comments, contact Dana Gonzalez at the Virginia Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, VA 23462, telephone (757) 518-2137, or email dana.gonzalez@deq.virginia.gov.

STATE WATER CONTROL BOARD

Proposed Consent Order for Colchester Utilities, Inc.

An enforcement action has been proposed for Colchester Utilities, Inc. The consent order describes a settlement to resolve violations of State Water Control Law and the applicable regulations associated with the Harbor View Wastewater Treatment Plant located in Lorton, Virginia. A description of the proposed action is available at the Department of Environmental Quality office named below or online at www.deq.virginia.gov. Daniel Burstein will accept comments by email at daniel.burstein@deq.virginia.gov, FAX at (703) 583-3821, or postal mail at Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, VA 22193, from December 16, 2014, through January 15, 2015.

Proposed Consent Order for Six-0-Five Mobile Home Group, LLC

An enforcement action has been proposed for Six-0-Five Mobile Home Group, LLC, for violations of the State Water Control Law and regulations in Louisa County, Virginia. The State Water Control Board proposes to issue a consent order resolving violations at the Six-0-Five Village Mobile Home Park Sewage Treatment Plant. A description of the proposed action is available at the Department of Environmental Quality office named below or online at

www.deq.virginia.gov. Stephanie Bellotti will accept comments by email at stephanie.bellotti@deq.virginia.gov, FAX at (703) 583-3821, or postal mail at Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, VA 22193, from December 16, 2014, through January 15, 2014.

Proposed Consent Order for Daniel H. Link dba Squeeky Clean

An enforcement action has been proposed for Daniel H. Link dba Squeeky Clean for violations in Harrisonburg, Virginia. The State Water Control Board proposes to issue a consent order to Daniel H. Link to address noncompliance with State Water Control Law. A description of the proposed action is available at the Department of Environmental Quality office named below or online at www.deq.virginia.gov. Tiffany Severs will accept comments by email at tiffany.severs@deq.virginia.gov, FAX at (540) 574-7878, or postal mail at Department of Environmental Quality, Valley Regional Office, 4411 Early Road, P.O. Box 3000, Harrisonburg, VA 22801, from December 15, 2014, through January 14, 2015.

Proposed Consent Order for Two Spruce Enterprises, LLC

An enforcement action has been proposed for Two Spruce Enterprises, LLC regarding Blue Ridge Meats, Inc. for violations in Front Royal, Virginia. The State Water Control Board proposes to issue a consent order to Two Spruce Enterprises, LLC to address noncompliance with State Water Control Law. A description of the proposed action is available at the Department of Environmental Quality office named below or online at www.deq.virginia.gov. Tiffany Severs will accept comments by email at tiffany.severs@deq.virginia.gov, FAX at (540) 574-7878, or postal mail at Department of Environmental Quality, Valley Regional Office, 4411 Early Road, P.O. Box 3000, Harrisonburg, VA 22801, from December 15, 2014, through January 14, 2015.

2014 Water Quality Assessment Integrated Report

The Virginia Department of Environmental Quality (DEQ) will release the Draft 2014 Water Quality Assessment Integrated Report (Integrated Report) on December 15, 2014, for public comment.

The Integrated Report combines both the § 305(b) Water Quality Assessment and the § 303(d) Report on Impaired Waters. Both are required by the Federal Clean Water Act and the Virginia Water Quality Monitoring Information and Restoration Act. The report will be available for download on the DEQ website at <http://www.deq.state.va.us/Programs/Water/?WaterQualityInformationTMDLs/WaterQualityAssessments.aspx> throughout the public comment period, which will end January 30, 2015.

General Notices/Errata

A public webinar summarizing the Integrated Report is scheduled for January 8, 2015. The public is invited to submit questions pertaining to the report during this event. All submitted questions will be addressed in a "FAQ" document that will be subsequently posted on the DEQ webpage. Registration information for the webinar can be found at <https://www3.gotomeeting.com/register/728422390>.

Written comments on the draft Integrated Report can be sent to the contact listed below. Comments must include the commentor's name, postal address, telephone number, and email address.

Contact Information: John Kennedy, Director of Ecology, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4312, or email john.kennedy@deq.virginia.gov.

VIRGINIA CODE COMMISSION

Notice to State Agencies

Contact Information: *Mailing Address:* Virginia Code Commission, General Assembly Building, 201 North 9th Street, 2nd Floor, Richmond, VA 23219; *Telephone:* Voice (804) 786-3591; FAX (804) 692-0625; *Email:* varegs@dls.virginia.gov.

Meeting Notices: Section 2.2-3707 C of the Code of Virginia requires state agencies to post meeting notices on their websites and on the Commonwealth Calendar at <http://www.virginia.gov/connect/commonwealth-calendar>.

Cumulative Table of Virginia Administrative Code Sections Adopted, Amended, or Repealed: A table listing regulation sections that have been amended, added, or repealed in the *Virginia Register of Regulations* since the regulations were originally published or last supplemented in the print version of the Virginia Administrative Code is available at <http://register.dls.virginia.gov/documents/cumultab.pdf>.

Filing Material for Publication in the *Virginia Register of Regulations*: Agencies use the Regulation Information System (RIS) to file regulations and related items for publication in the *Virginia Register of Regulations*. The Registrar's office works closely with the Department of Planning and Budget (DPB) to coordinate the system with the Virginia Regulatory Town Hall. RIS and Town Hall complement and enhance one another by sharing pertinent regulatory information.