



December 2016  
PE 16-03-587

## REGULATORY BOARD REVIEW

# BOARD OF SANITARIANS

### AUDIT OVERVIEW

The West Virginia State Board of Sanitarians Is Not Needed Because the Employment Requirements for the Large Majority of Sanitarians Provide Adequate Protection to the Public and Those Requirements Are Similar to What Is Required By the Board

The Board Complies With Most Chapter 30 Requirements But It Is Financially Dependent on the Department of Health and Human Resources and It Does Not Adequately Enforce Continuing Education

The Website for the State Board of Sanitarians Needs Improvements to Enhance User-friendliness and Transparency



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## EXECUTIVE SUMMARY

The Performance Evaluation and Research Division (PERD) within the Office of the Legislative Auditor conducted a Regulatory Board Review of the West Virginia State Board of Sanitarians (Board) pursuant to West Virginia Code §4-10-10(b)(9). Objectives of this audit were to determine if regulation of the practice of sanitarians is needed to protect the public, assess the Board's compliance with provisions of Chapter 30 and other applicable laws, and evaluate the Board's website for user-friendliness and transparency. The issues of this report are highlighted below.

### **Frequently Used Acronyms in this Report:**

PERD - Performance Evaluation and Research Division

NEHA - National Environmental Health Association

DHHR - Department of Health and Human Resources

DOP - Division of Personnel

### **Report Highlights:**

#### **Issue 1: The West Virginia State Board of Sanitarians Is Not Needed Because the Employment Requirements for the Large Majority of Sanitarians Provide Adequate Protection to the Public and Those Requirements Are Similar to What Is Required By the Board.**

- Sanitarians working for government agencies make up 94 percent of all licensees.
- The Board has not received a complaint since 2007.
- Since most sanitarians work within government, the state's civil service system requires the same levels of education and work experience as the Board.
- The training opportunities provided and organized by the Bureau of Public Health Sanitation and county health departments is likely to continue if the Board does not exist.
- Therefore, since the risk of harm is relatively low because of existing processes in place, the Legislature should consider termination.

#### **Issue 2: The Board Complies With Most Chapter 30 Requirements But It Is Financially Dependent on the Department of Health and Human Resources and It Does Not Adequately Enforce Continuing Education.**

- The Board complied with Chapter 30 requirements by having met at least once annually, promulgated procedural rules specifying the investigation of complaints, established continuing education requirements, and is accessible to the public.

- The Board is technically financially self-sufficient. However, unless it imposed a fee increase it would be difficult to maintain this status without the assistance of the DHHR.
- The Board’s annual budget estimates are in excess of its annual expenditures which means the transfer of excess funds to the State General Revenue Fund has been averted. The Treasurer’s Office bases the need to remit funds on estimated budgets rather than a sum or average of actual expenditures, causing some occupational licensing boards to do the same. Consideration should be given to appropriately amend the mechanism of transferring excess funds to the State General Revenue Fund.
- The Board has established continuing education requirements but has not followed through with enforcement. A significant number of licensees have not obtained the required 15 hours.

### **Issue 3: The Website for the State Board of Sanitarians Needs Improvements to Enhance User-Friendliness and Transparency.**

- The Board’s website is simple to navigate and understand, but could use some user-friendly features such as a foreign language accessibility tool, a help link, feedback options and mobile functionality.
- The Board’s website could benefit from additional transparency features such as the Board’s budget, performance measures, and administrator’s biography.

### **PERD’s Response to the Agencies’ Written Response**

PERD received a written response to the report from board members Lloyd White, Jesse J. Rose III, Richard Wheeler, Phyllis Lowe, and Delores Cook. These board members agree with most recommendations, but made arguments regarding the recommendation to terminate the Board and the enforcement of continuing education training. In their responses, these members make the following arguments:

**Agency Response:** The regulation of the profession of Sanitarians, through a certification process that verifies the education and experience of the Registered Sanitarian does afford the public confidence in the profession of environmental health services. Because of the “registrations process” through the Board, communities gain assurance that the sanitarian workforce is competent, properly trained, and meets professional conduct standards necessary to carry out the required duties. Absent the Board of Sanitarians this assurance cannot be provided and the training requirements and professionalism would be lost.

**PERD’s Response:** While the Board does certify the education and experience of sanitarians, the Division of Personnel (DOP) does the same certification when verifying the education and experience of sanitarians to state and local government agencies. Since government agencies employ 94 percent of all sanitarians, significant duplication in verifying credentials and experience exists between the DOP and the Board.

**Agency Response:** The report indicated the risk to the public is very low. This is very true and reflected directly on the professional work Sanitarians do daily. The goal through all our inspections is to reduce the risk of illness, injury, or other harm to our citizens. The fact that it is low is exactly what we work to achieve. Without the hard work of Sanitarians daily, the risk to our citizens would certainly go up exponentially.

**PERD's Response:** The Board does not perform inspections. PERD agrees that the inspections that are a part of a sanitarian's work lowers the risk of harm to the public. However, that work and the subsequently lowered risk to the public would continue without a board because of the duty DOP and other government agencies and employers have to ensure sanitarians in their employ have the necessary education, experience and training to perform the work.

**Agency Response:** Like all fields, things are constantly changing and we must mandate that training and education be current in order to fulfill our mission to our citizens. I am confident that DHHR and the BPH (Bureau of Public Health) have neither the necessary budget nor manpower to fulfill the mission of continuing education, training, and registration.

**PERD's Response:** The Board is not a provider of continuing education or training of sanitarians. **It obtains documentation that a sanitarian acquired continuing education or training. As stated on the Board's website, the predominate providers and/or organizers of continuing education and training opportunities are the Bureau of Public Health and county health departments.** These entities are able and obligated to ensure that public health sanitation standards are high so they will ensure that sanitarians under their supervision acquire the necessary continuing education.

**Agency Response:** The Board does ensure all licensees comply with the continuing education requirement. Error [*sic*] occurred with the translation of going to computer from paper. The program apparently overrode the previous input data. Each year in December, the Board goes through all licensees to check for compliance.

**PERD's Response:** The Board has not provided PERD with documentation supporting the occurrence of a computer error. When PERD examined the continuing education records as recorded by the Board, the lack of hours spans over several years within the scope of the audit.



## ISSUE1

### **The West Virginia State Board of Sanitarians Is Not Needed Because the Employment Requirements for the Large Majority of Sanitarians Provide Adequate Protection to the Public and Those Requirements Are Similar to What Is Required By the Board.**

#### **Issue Summary**

The Legislative Auditor finds that the West Virginia State Board of Sanitarians (Board) does not provide additional protection to the public that warrants its existence. The risk of harm to the public is relatively low and more than 94 percent of sanitarians work in supervised positions (state and local governments) or are retired. The Board has not received a complaint regarding professional conduct or harm to the public since 2007, and the Board stated it would forward administrative issue complaints to the sanitarian's employer. Therefore, the Legislative Auditor finds that the Board is not necessary for public protection. The Legislative Auditor has consistently determined that if regulations allow others to practice a profession without a board's credential, then this reveals that harm to the public is considered relatively low. **The Legislative Auditor recommends the Legislature consider terminating the West Virginia State Board of Sanitarians.**

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*In this current review, PERD found that federal, state and local governments employ 94 percent of licensed sanitarians.*

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### **The West Virginia State Board of Sanitarians Provides Licensure and Title Protection.**

The Legislature created the Board in 1992 and stipulated that no one could perform the duties of a sanitarian or use the title "registered sanitarian" without a board-issued license. PERD conducted a review of the Board in 2007 and recommended continuation because regulation of the profession through the licensure process verified the education and experience, and gave the public confidence in the profession of environmental health services.

### **The Risk of Harm to the Public's Health and Welfare Is Relatively Low Because Most Sanitarians Work under Supervision.**

It is standard procedure that PERD reconsider the need for a board when a regulatory board review is required. In reconsidering the need for a board, PERD also reexamines the analysis of its previous review. PERD finds that the 2007 review did not examine in detail the licensees' places of employment. In this current review, PERD found that federal, state and local governments employ 94 percent of licensed sanitarians. PERD

agrees there is risk of harm to performing the sanitation profession in an unregulated environment. However, the risk is relatively low because the Division of Personnel reviews education and experience against specific job classification requirements for sanitarians. Most county health departments and state agencies are required to hire individuals through the state register maintained by the Division of Personnel. The Board's review of licensee credentials does not go much beyond this review.

If the Board is terminated, sanitarians would not be required to fulfill continuing education requirements unless required by their employer. As stated, 94 percent of the licensees are government employees. The Department of Health and Human Resources' (DHHR) Public Health Sanitation Division conducts a sanitation training class for new sanitarians annually; additionally, DHHR offers in-service training, workshops and seminars. Furthermore, county health departments also provide in-service training.

State and county-level health department employees enforce public health sanitation laws and rules. W.Va. code §30-17-3(e) defines environmental health science as,

*... public health science that includes, but is not limited to, the following bodies of knowledge: air quality, food quality and protection, hazardous and toxic substances, consumer product safety, housing, institutional health and safety, community noise control, radiation protection, recreational facilities, solid and liquid waste management, vector control, drinking water quality, milk sanitation and rabies control.*

While the Legislative Auditor understands that there is some risk of harm resulting from improperly conducted public and environmental health work, most sanitarians have employers who mitigate the risk. As such, the hiring standards of the private and public sectors provide sufficient assurance that sanitarians possess the knowledge, experience, and education necessary to perform their jobs.

The average number of individuals working and licensed by the Board during the scope of the audit is 179. **Ninety-four (94) percent of those licensees, or 168, are government employees.** On average, from FY 2011 through FY 2015, **the county health departments employed 78 percent, or 139 of all sanitarians.** The remaining licensees are either self-employed, privately employed, employed out-of-state, or the Board's records do not identify the type of employer. Chart 1 illustrates types of employers of sanitarians.

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*The Division of Personnel reviews education and experience against specific job classification requirements for sanitarians.*

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*The Department of Health and Human Resources' (DHHR) Public Health Sanitation Division conducts a sanitation training class for new sanitarians annually; additionally, DHHR offers in-service training, workshops and seminars.*

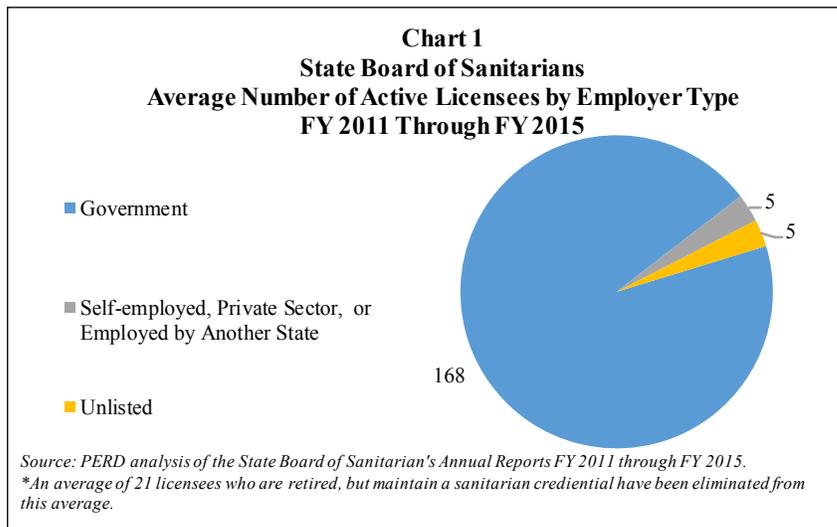
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*The county health departments employed 78 percent, or 139 of all sanitarians.*

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As previously stated, the risk of harm to the public is relatively low primarily because of hiring standards of the large majority of licensees. If the Board did not exist, the State's civil service system requires that sanitarians working for the State and county boards of health have the experience and education that the Board requires for licensure. Therefore, credentialing would still be in place for the majority of sanitarians if the Board did not exist.

A lack of complaints and the lack of legal cases against sanitarians also demonstrate the Board presents a relatively low risk of harm. The 2007 PERD review noted that the Board had received three complaints against licensees over a period of several years. That statement still holds true for this current review, because during the nine years since that review the Board has received no complaints. In addition, the legal staff in Legislative Services conducted a legal search for cases filed against sanitarians and found no cases within West Virginia. One federal case was found that involved a sanitarian as an expert witness<sup>1</sup>.

### **The National Environmental Health Association Provides a Credential for Sanitarians and Environmental Health Specialists.**

The National Environmental Health Association (NEHA) offers an environmental health credential. The NEHA established the national "Registered Sanitarian" and "Registered Environmental Health

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*If the Board did not exist, the State's civil service system requires that sanitarians working for the State and county boards of health have the experience and education that the Board requires for licensure.*

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<sup>1</sup> The federal case involved a couple contracting an illness from undercooked mussels in 2008 and was dismissed due to lack of evidence connecting the mussels to the illness contracted.

Specialist” “. . . to achieve a set of defined competencies, evidenced through testing and maintained through continuing education.” Much like the Board, the NEHA requires its sanitarians to possess a degree from an accredited university, gain relevant experience, and pass a certification exam, and undergo continuing education.

## **Conclusion**

The Legislative Auditor finds that the risk of harm to the public from the sanitarian profession without the Board is relatively low because the Board primarily licenses employees of government. The Board provides minimal regulatory added value beyond what the employment standards of the government and private sectors provide, and the Board handled no complaints within the scope of this audit. Therefore, the Board’s existence is not justified.

## **Recommendation**

1. *The Legislative Auditor recommends the Legislature consider terminating the State Board of Sanitarians.*

## ISSUE 2

### **The Board Complies With Most Chapter 30 Requirements But It Is Financially Dependent on the Department of Health and Human Resources and It Does Not Adequately Enforce Continuing Education.**

#### **Issue Summary**

The Board has complied with most Chapter 30 provisions. However, the Board is dependent on the Department of Health and Human Resources to be financially self-sufficient and has not enforced continuing education requirements for all licensees. The Board's financial internal controls are inadequate and the Board should strengthen its internal controls by implementing the State Treasurer's lockbox system.

#### **The Board Has Complied With Most General Provisions of Chapter 30.**

The Board is in satisfactory compliance with most of the general provisions of Chapter 30 of West Virginia Code. These provisions are important for the effective operation of regulatory boards. The Board complies with the following provisions:

- The Board has adopted an official seal (§30-1-4);
- The Board meets at least once annually (§30-1-5(a));
- The Board has promulgated rules specifying the investigation and resolution procedure of all complaints (§30-1-8(k));
- The Board has established continuing education requirements (§30-1-7a);
- The Board has a register of all applicants with the appropriate information specified in Code, such as the date of application, age, education, and other qualifications, place of residence, examination required, whether the license was granted or denied any suspensions, etc. (§30-1-8(b));
- The Board has submitted an annual report to the Governor and Legislature describing transactions for the preceding two years (§30-1-12(b));
- The Board has complied with public access requirements as specified by (§30-1-12(c)); and
- The Board prepared and maintained a roster of all licensees that includes names and office addresses (§30-1-13).

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*The Board is in satisfactory compliance with most of the general provisions of Chapter 30 of West Virginia Code.*

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However, the Board is in partial compliance with the following provisions:

- The Board has only partially carried out its financial responsibilities (§30-1-6(c));
- The Board’s chairperson has not annually attended the orientation session conducted by the State Auditor (§30-1-2a(c)(2); and
- The Board has not ensured that everyone of its members attended at least one State Auditor orientation session during their respective term of office (§30-1-2a(c)(3)).

### **The Board Is Financially Dependent on the Department of Health and Human Resources.**

While the Board is technically financially self-sufficient (see Table 1), it would be difficult to maintain this status without the assistance of the Department of Health and Human Resources (DHHR) unless there was a fee increase. The Board maintains no full-time staff or independent office space. The Board has a part-time administrator and a part-time contractual secretary. The part-time administrator also serves as the Commissioner of the Bureau of Public Health’s designee and Board secretary. The Board holds its meetings in a conference room in the Kanawha-Charleston Health Department.

The majority of the Board’s annual disbursements are for travel reimbursements for board members, payroll, and office expenses. In most years, the Board’s disbursements are relatively low primarily because the Board does not have full-time staff or maintain an office space.<sup>2</sup> While the Board’s disbursements did not fluctuate much between FY 2013 and FY 2015, expenditures in FY 2012 were substantially higher than the other years in the scope of this audit. The larger expenditures in 2012 are largely attributable to the following expenditures:

- a \$2,400 transfer to the State General Revenue Fund,
- the purchases of nearly \$6,700 for exam study materials, and
- a purchase of a \$1,050 laptop.

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*While the Board is technically financially self-sufficient it would be difficult to maintain this status without the assistance of the Department of Health and Human Resources (DHHR) unless there was a fee increase.*

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*The majority of the Board’s annual disbursements are for travel reimbursements for board members, payroll, and office expenses.*

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<sup>2</sup>The Board’s office is located in a Department of Health and Human Resources (DHHR) office. The Board does not pay DHHR for the office space.

**Table 1**  
**State Board of Sanitarians Finances**  
**FY 2011 Through FY 2015**

FY	Beginning-of-Year Cash Balance	Disbursements	Revenue	End-of-Year Cash Balance
2011*	\$13,060	\$2,818	\$5,884	\$16,126
2012	\$16,126	\$15,711	\$9,088	\$9,503
2013	\$9,503	\$5,197	\$9,068	\$13,373
2014	\$13,373	\$5,195	\$11,338	\$19,516
2015	\$19,516	\$4,545	\$9,570	\$24,541

*\*Does not include \$4,043 revenues deposited in June 2010 that were for the next renewal cycle.*

*Sums do not compute due to rounding to the nearest whole dollar.*

*Source: Digest of Revenue Sources in West Virginia, FY 2011 through FY 2014 and data from the State Auditor's Our Advanced Solution with Integrated Systems, FY 2015.*

The Board derives its annual revenues from fees for initial and renewal licensure. Table 2 provides the fee schedules for similar boards in surrounding states. Pennsylvania does not regulate sanitarians. Virginia licenses public health workers who operate water and wastewater treatment facilities, as well as onsite soil evaluators, onsite sewage system installers, and onsite sewage system operators. As shown in Table 2, fees range from Maryland's \$200 for biannual renewal fee to Kentucky's \$12 annual renewal fee. West Virginia's license renewal is the middle when the biannual fees of Maryland and Virginia are considered.

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*The Board derives its annual revenues from fees for initial and renewal licensure.*

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**Table 2**  
**Sanitarian Licensure Fees for West Virginia and Surrounding States\***

State	Sanitarian-in-Training		Sanitarian		Registered Sanitarian		Renewal Cycle
	Initial Licensure Fee	Renewal Fee	Initial Licensure Fee	Renewal Fee	Initial Licensure Fee	Renewal Fee	
Kentucky	-	-	\$12	\$12	-	-	Annual
Maryland	\$100	\$50	-	-	\$75	\$200	Biannual
Ohio	\$80	\$90	-	-	\$160	\$90	Annual
Virginia	-	-	-	-	\$100	\$80	Biannual
<b>West Virginia</b>	\$50	\$50	\$50	\$50	\$50	\$50	Annual

*\*Pennsylvania does not regulate sanitarians.*

*Source: State licensure board websites and statutes.*

## **The Board’s Annual Budget Estimates Are in Excess of Its Annual Expenditures Which Means the Transfer of Excess Funds to the State General Revenue Fund Is Averted.**

The Board’s end-of-year cash balance in FY 2015 is more than five times the amount of disbursements for that year and about four times the amount of average disbursements during the scope of this audit (see Table 3). Although it is prudent for boards to hold cash reserves in excess of annual expenditures, the Legislature restricts how much regulatory boards can accumulate in reserves. W.Va. Code §30-1-10 states that when a board’s cash accumulates to more than twice its estimated “annual budget” or \$10,000, the State Treasurer is to transfer the excess amount to the State General Revenue Fund. In August 2011, the State Treasurer transferred approximately \$2,400 to the General Fund in accordance with law. However, as Table 3 shows, the Board’s cash reserves have grown to over five times its annual disbursements.

The Legislative Auditor has raised the issue in the past that the Legislature’s intention to restrict cash reserves held by regulatory boards is thwarted because of a few reasons. One, the code makes reference to a board’s “annual budget.” Since regulatory boards do not receive appropriated funds, they are not required to submit an annual budget to the Legislature. Instead, boards submit expenditure schedules that list anticipated expenditures for the fiscal year. The Treasurer’s Office interprets “annual budget” in code as the total estimated expenditures reported on the board’s expenditure schedule. As Table 3 shows, since 2013 the Board has listed on its expenditure schedules budget amounts that are well in excess of actual expenditures, and high enough to avert a transfer to the state general fund. The Legislative Auditor saw no evidence to conclude the Board intentionally inflated its annual budgets. Nevertheless, because the budget amounts are so disparate from actual expenditures, the result has been that funds are not transferred as intended. For instance, in FY 2015 the annual budget was \$14,400, which is high enough to avert a general fund transfer with the anticipated end-of-year cash balance increasing to \$24,541. The State Treasurer states no fund transfer has occurred in FY 2015.

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*The Legislative Auditor saw no evidence to conclude the Board intentionally inflated its annual budgets. Nevertheless, because the budget amounts are so disparate from actual expenditures, the result has been that funds are not transferred as intended.*

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**Table 3**  
**State Board of Sanitarians Budget**  
**FY 2011 Through FY 2015**

FY	Beginning-of-Year Cash Balance	Disbursements	Revenue	End-of-Year Cash Balance	Estimated Annual Budget**
2011*	\$13,060	\$2,820	\$5,884	\$16,126	\$6,835
2012	\$16,126	\$15,712	\$9,088	\$9,503	\$15,956
2013	\$9,503	\$5,197	\$9,068	\$13,373	\$10,000
2014	\$13,373	\$5,194	\$11,338	\$19,516	\$10,000
2015	\$19,516	\$4,545	\$9,570	\$24,541	\$14,400

\*Does not include \$4,043 revenues deposited in June 2010 that were for the next renewal cycle.

\*\* Annual budget amounts as listed in the Board's expenditure schedules reported to the Legislature.

Source: Digest of Revenue Sources in West Virginia, FY 2011 through FY 2015 and data from the State Auditor's Financial Information Management System and Our Advanced Solution with Integrated Systems, December 2010 through FY 2015.

The Legislative Auditor understands that regulatory boards do not want to lose their funds to this statutory transfer; however, the Legislature should be aware that its intentions are being circumvented. The House of Delegates attempted to address the problem in 2012 when House Bill 4365 was introduced which would have required the State Treasurer to transfer amounts that exceed three times the average of the last three year's annual expenditures. Alternatively, a 2006 PERD report recommended using annual revenue or some derivative as an alternative mechanism for the State General Revenue Fund transfer. The report recommended basing the transfer on the sum of the previous two years of revenue. This would allow licensing boards to accumulate cash up to the amount of two years of revenue. **The Legislative Auditor finds that since expenditure schedules of some licensing boards do not reflect a board's budget, the intention of § 30-1-10 is not accomplished.** Therefore, the Legislative Auditor recommends that the Legislature revisit W. Va. §30-1-10 and amend code to accomplish its intentions. If the Legislature desires to restrict cash reserves held by regulatory boards, then it should consider an alternative mechanism for the transfer. The Legislature may want to also consider placing a maximum amount on the transfer to avoid the possibility of inadvertently transferring more from a board than is prudent.

## An Analysis of Board Finances Found a Low Risk of Fraud.

The Board has no full-time employees. It contracts a part-time contractual secretary and the Board's Secretary performs some of the Board's administrative duties. Additionally, DHHR Bureau of Public Health (BPH) accounting staff process the Board's expenditures and revenues. The Board Secretary receives licensee fees, records them in the Board's database and sends the payments to the DHHR BPH accounting division. DHHR's BPH accounting division's processing services provides a degree of segregation of duties. However, the Board could improve controls over revenue collection and expenditure reconciliation by using the State Treasurer's Office lockbox operation; whereby, a Treasury employee will pick up payments from a post office box, then open, sort, image, deposit, and forward the information to the Board. Use of the lockbox operation helps mitigate the risk of fraud and is beneficial to boards with little or no staff to handle such procedures; therefore, **the Legislative Auditor recommends that the Board use the State Treasurer's Office lockbox system.**

On the expenditure side, the Board could improve its reconciliation review of expenditures. During the scope of this audit the Board paid three of DHHR's BPH bills totaling \$161 because of an error by DHHR BPH accounting.<sup>3</sup> Similarly, DHHR BPH paid six of the Board's bills totaling \$1,409 from one of its own funds. The Board was aware that DHHR BPH had paid those six bills, all for Board member travel. The Board attributes this to its understanding that one of its members, who is a DHHR BPH employee, was unable to receive travel reimbursement from the Board. The Board and DHHR PBH have not reconciled these expenditures. Additionally, PERD identified an instance where a board member claimed travel twice for the same day. The Board secretary told PERD that the member paid DHHR PBH back, but the secretary has not provided the requested documentation to support this assertion.

In order to assess the risk of fraud and gain reasonable assurance that fraud has not occurred, PERD examined the Board's revenue and expenditures. For revenue, PERD calculated the minimum expected revenue for the Board by multiplying annual fees by the number of licensees for FY 2011 through FY 2015. Table 4 provides a comparison of actual and expected revenues for the Board. The Board's actual revenues were less than expected in two out of five years. In those two years, the less than expected revenues are likely due to the posting of one year's revenues in July of the following year.<sup>4</sup> Therefore, the Legislative Auditor deems the likelihood of fraud having occurred on the revenue side as relatively low.

<sup>3</sup> When PERD asked about these charges, the Board stated that DHHR had improperly coded the charges.

<sup>4</sup> The Board switched from a fiscal year renewal cycle to a calendar year renewal cycle in an 18-month period of time that began in July 2010 and ended in December 2011.

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*The Board could improve controls over revenue collection and expenditure reconciliation by using the State Treasurer's Office lockbox operation.*

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*The Legislative Auditor deems the likelihood of fraud having occurred on the revenue side as relatively low.*

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**Table 4**  
**State Board of Sanitarians**  
**Expected Revenue and Actual Revenue**  
**FY 2011 Through FY 2015**

<b>Fiscal Year</b>	<b>Expected Revenue</b>	<b>Actual Revenue</b>	<b>Difference Between Expected and Actual Revenue</b>
2011*	\$9,713	\$9,927	\$214
2012*	\$9,950	\$9,088	(\$862)
2013	\$9,250	\$9,068	(\$182)
2014	\$9,050	\$11,338	\$2,288
2015	\$9,250	\$9,570	\$320
<b>Total</b>	<b>\$47,213</b>	<b>\$48,991</b>	<b>\$1,778</b>

\* The Board instituted an interim fee and schedule from July 2010 through December 2011. PERD identified licensee fees collected and added them to the FY 2011 total.

Sources: Board's roster and fee schedule and data from the State Auditor's Financial Information Management System and Our Advanced Solution with Integrated Systems, December 2010 through FY 2015.

PERD also assessed the risk of fraud on the expenditure side. The Legislative Auditor's opinion is that when the Board's expenditures for expected and required purchases are 90 percent or more of the Board's total annual expenditures, the likelihood of fraud having occurred on the expenditure side is relatively low. As seen in Table 5, the percentage of expenses from expected and required purchases only exceeded 90 percent in FY 2011 and the percentage fluctuated, sometimes significantly.

**Table 5**  
**State Board of Sanitarians**  
**Percentage of Expected And Required**  
**Expenditures**  
**FY 2011 Through FY 2015**

<b>Fiscal Year</b>	<b>Percentage of Expected and Required Expenditures</b>
2011	97
2012	27
2013	83
2014	78
2015	68

Source: PERD calculations based on data from the State Auditor's Financial Information Management System and Our Advanced Solution with Integrated Systems, December 2010 through FY 2015.

Since the percentage of expected expenditures were, on average, significantly below 90 percent, PERD conducted a detail review of expenditures from FY 2012 through FY 2015 to assess the likelihood that fraud occurred. Table 6 lists the detailed expenditure analysis. Seventy-two (72) percent of the expenditures are attributable to purchases of National Environmental Health Association (NEHA) exam study materials, a 2012 fund transfer to the General Revenue fund, a laptop and computer network support. Upon examining these expenditures, the following observations were made.

- The Board purchased NEHA exam study materials so the public health district training officers and Board members could borrow the materials.
- The State Treasurer's Office transferred Board funds in 2012 in accordance with W.Va. Code §30-1-10 because in FY 2011 the Board had accumulated cash reserves that were more than twice its FY 2011 budget.
- The Board paid the Kanawha County Health Department to provide laptop computer network support.

The Legislative Auditor concludes that the Board made these purchases for services rendered and fraud has not likely occurred.

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*Seventy-two (72) percent of the expenditures are attributable to purchases of National Environmental Health Association (NEHA) exam study materials, a 2012 fund transfer to the General Revenue fund, a laptop and computer network support.*

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**Table 6**  
**State Board of Sanitarians**  
**Detailed Expenditure Analysis**  
**FY 2012 Through FY 2015**

Expenditures	Amount
NEHA Study Materials (2012)	\$6,683
Fund Transfer to the General Revenue Fund (2012)	\$2,456
Computer Network Support for Laptop	\$1,608
Postage	\$1,372
Procurement Card Expenditures*	\$1,154
Laptop (2012)	\$1,050
Office Supplies	\$269
Desktop Printer (2013)	\$241
Business Cards	\$72
<b>Total</b>	<b>\$14,905</b>

*\*The procurement card expenditures were to computer supply companies, the post office, and office supply companies. The Board did not provide supporting documentation for \$632 of these expenditures.*

*Source: PERD calculations based on data from the State Auditor's Financial Information Management System and Our Advanced Solution with Integrated Systems, December 2010 through FY 2015.*

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*The Legislative Auditor concludes that the Board made these purchases for services rendered and fraud has not likely occurred.*

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## The Board Has Established Continuing Education Requirements, But Documentation Does Not Demonstrate It Consistently Enforced Them.

The Board has established continuing education requirements for licensees through legislative rule. The Board requires all licensees to submit their continuing education records at the same time as their annual license renewal. The Board’s minutes state that the Board reviewed continuing education hours. However, *the Board was unable to provide evidence that 62 of the 274 sanitarians licensed over the five-year scope of this audit had obtained the required 15 hours of continuing education.* These licensees remained listed as active sanitarians who pay renewal fees and continued to practice regardless of having insufficient continuing education hours. W.Va. §30-17-13(d) states that, “*The board shall require as a condition for the renewal of a license, permit or certificate that each person regulated by this article complete continuing education.*” Thus, the Legislative Auditor expected to see ample evidence that continuing education was a Board priority. However, the documentation did not demonstrate the Board is enforcing the requirement. **The Legislative Auditor recommends that the Board ensure all licensees complete the required 15 hours of continuing education.**

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*The Board was unable to provide evidence that 62 of the 274 sanitarians licensed over the five-year scope of this audit had obtained the required 15 hours of continuing education.*

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Table 7 provides the continuing requirements for sanitarians in West Virginia and four of the surrounding states.

State	Continuing Education Hours	Renewal Period
Kentucky	10	Annual
Maryland	20	Biannual
Ohio	18	Annual
West Virginia	15	Annual
Virginia	Ranges between 4 and 20	Biannual

*\*Pennsylvania does not regulate sanitarians. Virginia’s continuing education hours vary depending on the nature of the individual’s work duties.  
Source: State licensure board websites and statutes.*

## The Board Is Not In Compliance With Attendance to the State Auditor’s Annual Training.

W.Va. Code §30-1-2a(c)(3) requires that the board chairperson must annually attend an orientation session. The Board elects a new

chair annually; however, the chairperson did not attend the orientation session in 2013, 2014 or 2015. The chairperson attended the State Auditor Annual Training session in 2012. Additionally, there is one instance where the chairperson attended the State Auditor Orientation Session the month preceding their term as chair. Therefore, **the Legislative Auditor recommends that the Board's chairperson attend the State Auditor Orientation Session annually.**

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*The chairperson did not attend the orientation session in 2013, 2014 or 2015.*

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W.Va. Code §30-1-2a(c)(2) requires that each board member attend at least one orientation session during each term in office. Only one board member has attended at least once during each term on the Board. Therefore, **the Legislative Auditor recommends that each board member attends at least one State Auditor orientation session during each term in office.**

### **The Board Has Not Always Complied with the Open Governmental Proceedings Act.**

The Open Governmental Proceedings Act, W.Va. Code §6-9A-3, requires state entities to file meeting notices for publication on the Secretary of State's website. Although the Board has complied with submitting meetings for publication, it was late in the submission of three meetings, making the meetings non-compliant. In order to comply with Code and conduct board business with transparency, the Board should give the public the required advance notice of board meetings. Therefore, **the Legislative Auditor recommends the Board file notice of meetings at least five days before each board meeting occurs in compliance with W.Va. Code §6-9A-3.**

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*Only one board member has attended at least once during each term on the Board.*

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### **Conclusion**

While the Board complies with most Chapter 30 requirements, it needs to improve in the areas of finance and continuing education. While the Board is technically financially self-sufficient, it only maintains this through the assistance of the DHHR. The DHHR providing office space and staff assistance spares the Board a great expense. If the Board were to lose this assistance, it would likely be unable to maintain financial self-sufficiency without increasing the licensing fees for its small number of licensees. The Board has established continuing education requirements, but the evidence does not indicate it has enforced those requirements. Continuing education is one of the primary requirements of the Board and should be more strictly enforced.

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*Although the Board has complied with submitting meetings for publication, it was late in the submission of three meetings, making the meetings non-compliant.*

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## Recommendations

2. *The Legislative Auditor recommends the Legislature consider amending the language in W. Va. §30-1-10 to allow the transfer of excess funds to the state general revenue fund to be based on the sum of the previous two years of revenue or some other mechanism that will accomplish legislative intent.*
3. *The Legislative Auditor recommends that the Board use the State Treasurer's Office lockbox system.*
4. *The Board staff should be diligent in its review of its financial reports and take action on accounting errors.*
5. *The Legislative Auditor recommends that the chairperson attend the State Auditor Orientation Session annually and that each board member attends at least one State Auditor Orientation Session during each term in office.*
6. *The Legislative Auditor recommends the Board file notice of meetings at least five days before each board meeting occurs in compliance with W. Va. §6-9A-2.*
7. *The Legislative Auditor recommends that the Board ensure all licensees complete the required 15 hours of continuing education.*



## ISSUE 3

### The Website for the State Board of Sanitarians Needs Improvements to Enhance User-Friendliness and Transparency.

#### Issue Summary

The Office of the Legislative Auditor conducted a literature review on assessments of governmental websites and developed an assessment tool to evaluate West Virginia’s state agency websites (See Appendix X). The assessment tool lists several website elements. Some elements should be included in every website, while other elements such as social media links, graphics, and audio/video features may not be necessary or practical for some state agencies. Table 8 indicates the Board integrates 44 percent of the checklist items in its website. The measure shows the Board needs to make more improvements in user-friendliness and transparency of its website.

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*The Board needs to make more improvements in user-friendliness and transparency of its website.*

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**Table 8  
State Board of Sanitarians  
Website Evaluation Score**

Substantial Improvement Needed	More Improvement Needed	Modest Improvement Needed	Little or No Improvement Needed
0-25%	26-50%	51-75%	76-100%
	<b>Board 44%</b>		

*Source: The Legislative Auditor’s review of the State Board of Sanitarian’s website as of April 18<sup>th</sup>, 2016.*

### The Board’s Website Scores Relatively Low in User-Friendliness and Transparency.

In order to actively engage with an agency online, citizens must first be able to access and comprehend the information on government websites. Therefore, websites should be designed to be user-friendly. A user-friendly website is understandable and easy to navigate from page to page. Government websites should also provide transparency of an agency’s operation to promote accountability and trust.

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*The Board should consider making website improvements to provide a better online experience for the public and for its licensees.*

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PERD reviewed the Board’s website for both user-friendliness and transparency. As illustrated below in Table 9, the website requires improvement to increase its user-friendliness and transparency. The Board should consider making website improvements to provide a better online experience for the public and for its licensees.

**Table 9**  
**Website Evaluation Score for the State Board of Sanitarians**

Category	Possible Points	Agency Points	Percentage (%)
User-Friendly	18	7	39%
Transparency	32	15	47%
<b>Total</b>	<b>50</b>	<b>22</b>	<b>44%</b>

*Source: The Legislative Auditor's review of the Board's website as of April 18<sup>th</sup>, 2016.*

## The Board's Website Is Navigable But Needs Additional User Friendly Features.

The Board's website is easy to navigate as there is an area to click on links to find forms; however, the website lacks a search tool on every page that acts as an index of the entire website. According to the Flesch-Kincaid Reading Test, an acceptable readability score for the general public should aim for grade level 8. The readability of the Board's website is slightly above this at grade 9, which is not a major concern.

### User-Friendly Considerations

The following are attributes that the Board's website lacks that would increase user-friendliness:

- **Content Readability** – Improve the reading level of the website text content.
- **Search Tool** – A search box on every page.
- **Help Link** – A link that clearly indicates that the user can find assistance by clicking the link (i.e. "How do I...", "Questions?" or "Need assistance?").
- **Foreign Language Accessible** – A link to translate all web pages into languages other than English.
- **Site Functionality** – The website should include buttons to adjust the font size, and resizing of text should not distort site graphics or text.
- **Mobile Functionality** – The agency's website is available in a mobile version and/or the agency has created mobile applications (apps).
- **FAQ Section** – A page that lists the Board's most frequently asked questions and responses.
- **Social Media Links** – Links that allow users to post an agency's content to social media pages such as Facebook and Twitter.

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*The Board's website is easy to navigate as there is an area to click on links to find forms; however, the website lacks a search tool on every page that acts as an index of the entire website.*

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- **RSS Feed** – RSS stands for “Really Simple Syndication” and allows for subscribers to receive regularly updated work (i.e. blog posts, news stories, audio/video, etc.) in a standardized format.

## **The Website Has Some Good Transparency Features, But Some Improvements Can Be Made.**

A website that is transparent should promote accountability and provide information for citizens about what the agency is doing, as well as encouraging public participation. The Board’s website has 47 percent of the core elements that are necessary for a general understanding of the Board’s mission and performance. The Board’s website contains important transparent features such as email contact information, its office address, and its telephone number.

### **Transparency Considerations**

The Board should consider providing additional elements to the website to improve the Board’s transparency. The following are a few attributes that would increase transparency:

- **Licensee Search** – A member of the public can find out if a person is registered with the Board.
- **Budget** – Budget data are available at the checkbook level and ideally in a searchable database.
- **FOIA Information** – Information on how to submit a FOIA request, ideally with an online submission form.
- **Location of Agency Headquarters** – The agency’s contact page should include an embedded map that shows the agency’s location.
- **Administrator’s Biography** – A biography explaining the administrator’s professional qualifications and experience.
- **Calendar of Events** – Information on events, meetings, etc., ideally imbedded using a calendar program.

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*The Board’s website has 47 percent of the core elements that are necessary for a general understanding of the Board’s mission and performance.*

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## **Conclusion**

The Legislative Auditor finds that improvements are needed in the areas of user-friendliness and transparency to the Board’s website. The website can benefit from incorporating several common features. The Board has pertinent public information on its website including its rules and regulations and annual reports. The Board’s home page has a staff member’s email, a telephone number and a complaint form. However, providing website users with additional elements and capabilities, as

suggested in the report, would greatly improve user friendliness and transparency.

## **Recommendation**

8. *The Legislative Auditor recommends that the Board enhance the user-friendliness and transparency of its website by incorporating more of the website elements identified.*

## Appendix A Transmittal Letter

### WEST VIRGINIA LEGISLATURE *Performance Evaluation and Research Division*

Building 1, Room W-314  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305-0610  
(304) 347-4890  
(304) 347-4939 FAX



John Sylvia  
Director

June 15, 2016

David Thornton, Secretary  
West Virginia State Board of Sanitarians  
350 Capitol Street  
Charleston WV 25301

Dear David Thornton:

This letter is to transmit a draft copy of the Regulatory Board Review of the West Virginia State Board of Sanitarians. This report is tentatively scheduled to be presented during the August 21-22, 2016 interim meeting of the Joint Committee on Government Operations, and the Joint Committee on Government Organization. We will inform you of the exact time and location once the information becomes available. It is expected that a representative from your agency be present at the meeting to orally respond to the report and answer any questions committee members may have during or after the meeting.

We need to schedule an exit conference to discuss any concerns you may have with the report. We would be available for a meeting as early as June 22, 2016. Please notify us to schedule an exact time and day. In addition, we need your written response by July 15, 2016 in order for it to be included in the final report. If your agency intends to distribute additional material to committee members at the meeting, please contact the House Government Organization staff by August 18, 2016 at 304-340-3192 to make arrangements.

We request that your personnel not disclose the report to anyone not affiliated with your agency. Thank you for your cooperation.

Sincerely,

A handwritten signature in blue ink that reads "John Sylvia".

John Sylvia



## Appendix B

# Objectives, Scope and Methodology

The Performance Evaluation and Research Division (PERD) within the Office of the Legislative Auditor conducted this Regulatory Board Review of the West Virginia State Board of Sanitarians (Board) as required and authorized by Chapter 4, Article 10 of the West Virginia Code. The purpose of the Board, as established in West Virginia Code §30-17, is to protect the public through its governing body, and be the regulatory and disciplinary body for sanitarians throughout the state.

### Objectives

The objectives of this review are to determine if the Board should be continued, consolidated, or terminated, and if conditions warrant a change in the degree of regulation. In addition, this review is intended to assess the Board's compliance with the general provisions of Chapter 30, Article 1 of the West Virginia Code, the Board's enabling statute, and other applicable rules and laws, such as the Open Governmental Proceedings Act (West Virginia Code §6-9A) and purchasing requirements. Finally, it is also the objective of the Legislative Auditor to assess the Board's website for user-friendliness and transparency.

### Scope

The scope of the audit covers fiscal years 2011 through 2015. The evaluation included a review of the Board's internal controls, legislative rules, policies and procedures, meeting minutes, complaint files, disciplinary procedures and actions, revenues and expenditures, and continuing education requirements. The scope also included a review of the Board's website as of April 18, 2016.

### Methodology

PERD gathered and analyzed several sources of information and conducted audit procedures to assess the sufficiency and appropriateness of the information used as audit evidence. The information gathered and audit procedures are described below.

PERD staff visited the Board's office and met with its part-time administrator. Testimonial evidence gathered was confirmed through written statements and in some cases, by corroborating evidence. PERD collected and analyzed the Board's meeting minutes, budget information, procedures for collecting fees, expenditures, and continuing education. PERD also obtained information regarding licensure and continuing education requirements from equivalent boards in Kentucky, Maryland, Ohio, and Virginia. This information was assessed against statutory requirements in West Virginia Code as well as the Board's enabling statute to determine compliance with such laws. PERD used some information as supporting evidence to determine the sufficiency and appropriateness of the overall evidence.

PERD compared the Board's actual revenues to expected revenues in order to assess the risk of fraud, and to obtain reasonable assurance that revenue figures were sufficient and appropriate. PERD approximated expected revenues by applying license fees to the number of licensees for the period of fiscal years 2011 through 2015. PERD found that the expected revenue was lower than expected due. Thus, PERD examined revenue collected in fiscal year 2010 and found that some fees collected for fiscal year 2011 were accounted for in fiscal year 2010. Our evaluation of expected and actual revenue allowed us to conclude that the risk of fraud on the revenue side was at a reasonable level and would not affect the audit objectives.

PERD also tested the Board's expenditures for fiscal year 2011 through 2015 to assess risk of fraud on the expenditure side. The test involved determining if expected and required expenditures were at least 90 percent of total expenditures. Expected and required expenditures are such items as salaries and benefits, travel reimbursement, office rent, utilities and several other spending categories. An analysis of expenditures showed expected and required expenditures were on average significantly under 90 percent for fiscal years 2012 through 2015. To assess whether fraud occurred, PERD conducted a detailed review of expenditures.

In order to determine the potential harm resulting from the practice of sanitarians, PERD requested Legislative Services conduct a search of LexisNexis; performed a search of The West Virginia Record, a legal newspaper; reviewed sunset reports issued by other states; and requested examples of harm from the Board.

In order to evaluate state agency websites, PERD conducted a literature review of government websites, reviewed top-ranked government websites, and reviewed the work of groups that rate government websites in order to establish a master list of essential website elements. The Brookings Institute's "2008 State and Federal E-Government in the United States" and the Rutgers University's 2008 "U.S. States E-Governance Survey (2008): An Assessment of State Websites" helped identify the top ranked states in regards to e-government. PERD identified three states (Indiana, Maine and Massachusetts) that were ranked in the top 10 in both studies and reviewed all 3 states' main portals for trends and common elements in transparency and open government. PERD also reviewed a 2010 report from the West Virginia Center on Budget and Policy that was useful in identifying a group of core elements from the master list that should be considered for state websites to increase their transparency and e-governance. It is understood that not every item listed in the master list is to be found in a department or agency website because some of the technology may not be practical or useful for some state agencies. Therefore, PERD compared the Board's website to the established criteria for user-friendliness and transparency so that the Board can determine if it is progressing in step with the e-government movement and if improvements to its website should be made.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards required that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

## Appendix C

### Website Criteria Checklist and Points System

<b>Website Criteria Checklist and Points System West Virginia State Board of Sanitarians</b>			
<b>User-Friendly</b>	<b>Description</b>	<b>Total Points Possible</b>	<b>Total Agency Points</b>
<b>Criteria</b>	The ease of navigation from page to page along with the usefulness of the website.	<b>18</b>	<b>7</b>
		<b>Individual Points Possible</b>	<b>Individual Agency Points</b>
Search Tool	The website should contain a search box (1), preferably on every page (1).	2 points	1 point
Help Link	There should be a link that allows users to access a FAQ section (1) and agency contact information (1) on a single page. The link's text does not have to contain the word help, but it should contain language that clearly indicates that the user can find assistance by clicking the link (i.e. "How do I...", "Questions?" or "Need assistance?")	2 points	1 point
Foreign language accessibility	A link to translate all webpages into languages other than English.	1 point	0 points
Content Readability	The website should be written on a 6 <sup>th</sup> -7 <sup>th</sup> grade reading level. The Flesch-Kincaid Test is widely used by Federal and State agencies to measure readability.	No points, see narrative	
Site Functionality	The website should use sans serif fonts (1), the website should include buttons to adjust the font size (1), and resizing of text should not distort site graphics or text (1).	3 points	1 point
Site Map	A list of pages contained in a website that can be accessed by web crawlers and users. The Site Map acts as an index of the entire website and a link to the department's entire site should be located on the bottom of every page.	1 point	1 point
Mobile Functionality	The agency's website is available in a mobile version (1) and/or the agency has created mobile applications (apps) (1).	2 points	1 point
Navigation	Every page should be linked to the agency's homepage (1) and should have a navigation bar at the top of every page (1).	2 points	2 points

<b>Website Criteria Checklist and Points System West Virginia State Board of Sanitarians</b>			
FAQ Section	A page that lists the agency's most frequent asked questions and responses.	1 point	0 points
Feedback Options	A page where users can voluntarily submit feedback about the website or particular section of the website.	1 point	0 points
Online survey/poll	A short survey that pops up and requests users to evaluate the website.	1 point	0 points
Social Media Links	The website should contain buttons that allow users to post an agency's content to social media pages such as Facebook and Twitter.	1 point	0 points
RSS Feeds	RSS stands for "Really Simple Syndication" and allows subscribers to receive regularly updated work (i.e. blog posts, news stories, audio/video, etc.) in a standardized format.	1 point	0 points
<b>Transparency</b>	<b>Description</b>	<b>Total Points Possible</b>	<b>Total Agency Points</b>
<b>Criteria</b>	A website which promotes accountability and provides information for citizens about what the agency is doing. It encourages public participation while also utilizing tools and methods to collaborate across all levels of government.	<b>32</b>	<b>15</b>
		<b>Individual Points Possible</b>	<b>Individual Agency Points</b>
Email	General website contact.	1 point	1 point
Physical Address	General address of stage agency.	1 point	1 point
Phone Number	Correct phone number of state agency.	1 point	1 point
Location of Agency Headquarters	The agency's contact page should include an embedded map that shows the agency's location.	1 point	1 point
Administrative officials	Names (1) and contact information (1) of administrative officials.	2 points	1 point
Administrator(s) biography	A biography explaining the administrator(s) professional qualifications and experience.	1 point	0 points

<b>Website Criteria Checklist and Points System West Virginia State Board of Sanitarians</b>			
Privacy policy	A clear explanation of the agency/state's online privacy policy.	1 point	0 points
Public Records	<p>The website should contain all applicable public records relating to the agency's function. If the website contains more than one of the following criteria the agency will receive two points:</p> <ul style="list-style-type: none"> <li>• Statutes</li> <li>• Rules and/or regulations</li> <li>• Contracts</li> <li>• Permits/licensees</li> <li>• Audits</li> <li>• Violations/disciplinary actions</li> <li>• Meeting Minutes</li> <li>• Grants</li> </ul>	2 points	2 points
Complaint form	A specific page that contains a form to file a complaint (1), preferably an online form (1).	2 points	1 point
Budget	Budget data is available (1) at the checkbook level (1), ideally in a searchable database (1).	3 points	0 points
Mission statement	The agency's mission statement should be located on the homepage.	1 point	1 point
Calendar of events	Information on events, meetings, etc. (1) ideally imbedded using a calendar program (1).	2 points	1 point
e-Publications	Agency publications should be online (1) and downloadable (1).	2 points	2 points
Agency Organizational Chart	A narrative describing the agency organization (1), preferably in a pictorial representation such as a hierarchy/organizational chart (1).	2 points	1 point
Graphic capabilities	Allows users to access relevant graphics such as maps, diagrams, etc.	1 point	0 points

<b>Website Criteria Checklist and Points System West Virginia State Board of Sanitarians</b>			
Audio/video features	Allows users to access and download relevant audio and video content.	1 point	0 points
FOIA information	Information on how to submit a FOIA request (1), ideally with an online submission form (1).	2 points	0 points
Performance measures/outcomes	A page linked to the homepage explaining the agencies performance measures and outcomes.	1 point	0 points
Agency history	The agency's website should include a page explaining how the agency was created, what it has done, and how, if applicable, has its mission changed over time.	1 point	1 point
Website updates	The website should have a website update status on screen (1) and ideally for every page (1).	2 points	1 point
Job Postings/links to Personnel Division website	The agency should have a section on homepage for open job postings (1) and a link to the application page Personnel Division (1).	2 points	0 points

# Appendix D Agency Responses

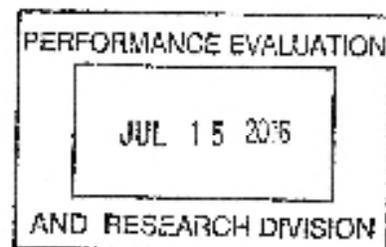


## WEST VIRGINIA STATE BOARD OF SANITARIANS

300 Second Street  
Fairmont, WV 26554

July 12, 2016

John Sylvia, Director  
Performance Evaluation and Research Division  
Building 1, Room W-314  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0610



Dear Mr. Sylvia:

The West Virginia Board of Sanitarians is in receipt of the Legislative Audit conducted by your office. The following represents my response to the report.

I wish to thank the PERD team for working with us in a very professional and courteous manner in completing the audit as well as the exit interview. I am very appreciative for the opportunity to respond to the audit.

I have responded to the following specific responses to the recommendations contained in the report.

1. "The Legislative Auditor recommends the Legislature consider terminating the State Board of Sanitarians".

Response: I am very much opposed to this recommendation for several reasons. The Board exists to provide training, education, and certification to Sanitarians. If not for the standards set by the Board the professional standards that keep all West Virginians safe may not be met. The regulation of the profession of Sanitarians, through a certification process that verifies the education and experience of the Registered Sanitarian does afford the public confidence in the profession of environmental health services. Because of the "registration process" through the Board, communities gain assurance that the sanitarian workforce is competent, properly trained, and meets professional conduct standards necessary to carry out the required duties. Absent the Board of Sanitarians this assurance cannot be provided and the training requirements and professionalism would be lost. I believe that the regulation of the profession of Sanitarians is necessary to protect the public health and should be regulated by the Board. There is not a single individual in our state that is not touched every day by the work Sanitarians do on a daily basis. The report indicated the risk to the public is very

low. This is very true and reflects directly on the professional work Sanitarians do daily. The goal through all of our inspections is to reduce the risk of illness, injury, or other harm to our citizens. The fact that it is low is exactly what we work to achieve. Without the hard work of Sanitarians daily, the risk to our citizens would certainly go up exponentially. The report indicated that if the Board were to be eliminated Sanitarians would not be required to fulfil continuing education requirements unless required by their employer. This is true and the exact reason why the Board should not be terminated. Like all fields, things are constantly changing and we must mandate that training and education be current in order to fulfil our mission to our citizens. I am confident that DHHR and the BPH have neither the necessary budget nor manpower to fulfill the mission of continuing education, training, and registration. In fact, the last legislative audit conducted in 2007, the Commissioner of the BPH was very supportive of the Board and said... "The Bureau does not wish to be placed in the position of regulating sanitarians that are not employed by the BPH; nor do we wish to become the entity that provided registration for our own employees. We believe these functions can best be performed by an independent Board". In short, we would be doing a great disservice to our citizens if the Board were eliminated. Simply put, it works and our citizens deserve the best.

2. The Legislative Auditor recommends the Legislature consider amending the language in WV §30-1-10 to allow the transfer of excess funds to the state general revenue fund to be based on the sum of the previous two years of revenue or some other mechanism that will accomplish legislative intent.

Response: I am in agreement with this recommendation.

3. The Legislative Auditor recommends that the Board use the State Treasurer's office Lockbox system

Response: I agree with this recommendation. We have already made some necessary contacts.

4. The Board staff should be diligent in its review of its financial reports and take action on accounting errors.

Response: I agree with this recommendation.

5. The Legislative Auditor recommends that the Chairperson attend the State Auditor Orientation Session annually and that each Board member attends at least one State Auditor Orientation Session during each term in office.

Response: I agree with this recommendation. The Board has always attempted to comply. The one year in question, the newly elected Chairman attended in December of the year prior to assuming his duties in January. The reasoning was the information could be used at the beginning of his term as opposed to the end.

6. The Legislative Auditor recommends the Board file notice of meetings at least five days before each Board meeting occurs in compliance with WV §9-94-2.

Response: I agree with this recommendation.

7. The Legislative Auditor recommends that the Board ensure all licensees complete the required 15 hours of continuing education.

Response: I am in agreement with this recommendation. The Board does ensure all licensees comply with this requirement. Error occurred with the transition of going to computer from paper. The program apparently overrode the previous input data. Each year in December, the Board goes through all licensees to check for compliance.

8. The Legislative Auditor recommends that the Board enhance the user-friendliness And transparency of its website by incorporating more of the website elements identified.

Response: I agree with this recommendation

Again, I wish to thank PERD for the audit. We certainly desire to be in compliance with all laws pertaining to Chapter 30 boards. We have already begun the process of acting upon the recommendations and will continue to do so.

Respectfully submitted,

Lloyd R. White RS MPH CFTS  
Chairman WV Board of Sanitarians

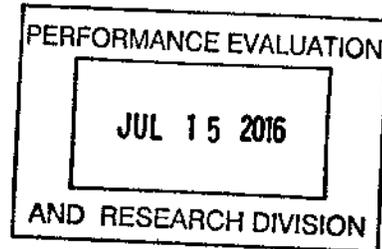




**WEST VIRGINIA  
STATE BOARD OF SANITARIANS**

300 Second Street  
Fairmont, WV 26554

July 14, 2016



John Sylvia, Director  
Performance Evaluation and Research Division  
Building 1, Room W-314  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0610

Dear Mr. Sylvia:

The West Virginia Board of Sanitarians is in receipt of the Legislative Audit conducted by your office. The following represents my response to the report.

I wish to thank the PERD team for working with us in a very professional and courteous manner in completing the audit as well as the exit interview. I am very appreciative for the opportunity to respond to the audit.

I have responded to the following specific responses to the recommendations contained in the report.

1. "The Legislative Auditor recommends the Legislature consider terminating the State Board of Sanitarians".

Response: I am very much opposed to this recommendation for several reasons. The Board exists to provide training, education, and certification to Sanitarians. If not for the standards set by the Board the professional standards that keep all West Virginians safe may not be met. The regulation of the profession of Sanitarians, through a certification process that verifies the education and experience of the Registered Sanitarian does afford the public confidence in the profession of environmental health services. Because of the "registration process" through the Board, communities gain assurance that the sanitarian workforce is competent, properly trained, and meets professional conduct standards necessary to carry out the required duties. Absent the Board of Sanitarians this assurance cannot be provided and the training requirements and professionalism would be lost. I believe that the regulation of the profession of Sanitarians is necessary to protect the public health and should be regulated by the Board. There is not a single individual in our state that is not touched every day by the work Sanitarians do on a daily basis. The report indicated the risk to the public is very

low. This is very true and reflects directly on the professional work Sanitarians do daily. The goal through all of our inspections is to reduce the risk of illness, injury, or other harm to our citizens. The fact that it is low is exactly what we work to achieve. Without the hard work of Sanitarians daily, the risk to our citizens would certainly go up exponentially. The report indicated that if the Board were to be eliminated Sanitarians would not be required to fulfil continuing education requirements unless required by their employer. This is true and the exact reason why the Board should not be terminated. Like all fields, things are constantly changing and we must mandate that training and education be current in order to fulfil our mission to our citizens. I am confident that DHHR and the BPH have neither the necessary budget nor manpower to fulfill the mission of continuing education, training, and registration. In fact, the last legislative audit conducted in 2007, the Commissioner of the BPH was very supportive of the Board and said..."The Bureau does not wish to be placed in the position of regulating sanitarians that are not employed by the BPH; nor do we wish to become the entity that provided registration for our own employees. We believe these functions can best be performed by an independent Board". In short, we would be doing a great disservice to our citizens if the Board were eliminated. Simply put, it works and our citizens deserve the best.

2. The Legislative Auditor recommends the Legislature consider amending the language in WV §30-1-10 to allow the transfer of excess funds to the state general revenue fund to be based on the sum of the previous two years of revenue or some other mechanism that will accomplish legislative intent.

Response: I am in agreement with this recommendation.

3. The Legislative Auditor recommends that the Board use the State Treasurer's office Lockbox system

Response: I agree with this recommendation. We have already made some necessary contacts.

4. The Board staff should be diligent in its review of its financial reports and take action on accounting errors.

Response: I agree with this recommendation.

5. The Legislative Auditor recommends that the Chairperson attend the State Auditor Orientation Session annually and that each Board member attends at least one State Auditor Orientation Session during each term in office.

Response: I agree with this recommendation. The Board has always attempted to comply. The one year in question, the newly elected Chairman attended in December of the year prior to assuming his duties in January. The reasoning was the Information could be used at the beginning of his term as opposed to the end.

6. The Legislative Auditor recommends the Board file notice of meetings at least five days before each Board meeting occurs in compliance with WV §9-94-2.

Response: I agree with this recommendation.

7. The Legislative Auditor recommends that the Board ensure all licensees complete the required 15 hours of continuing education.

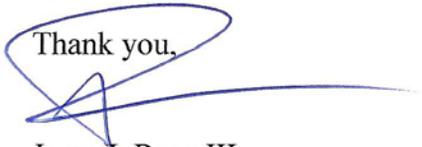
Response: I am in agreement with this recommendation. The Board does ensure all licensees comply with this requirement. Error occurred with the transition of going to computer from paper. The program apparently overrode the previous input data. Each year in December, the Board goes through all licensees to check for compliance.

8. The Legislative Auditor recommends that the Board enhance the user-friendliness And transparency of its website by incorporating more of the website elements identified.

Response: I agree with this recommendation

Again, I wish to thank PERD for the audit. We certainly desire to be in compliance with all laws pertaining to Chapter 30 boards. We have already begun the process of acting upon the recommendations and will continue to do so.

Thank you,

  
Jesse J. Rose III  
Member, WV Board of Sanitarians



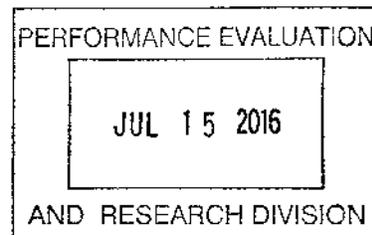


## WEST VIRGINIA STATE BOARD OF SANITARIANS

300 Second Street  
Fairmont, WV 26554

July 12, 2016

John Sylvia, Director  
Performance Evaluation and Research Division  
Building 1, Room W-314  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0610



Dear Mr. Sylvia:

The West Virginia Board of Sanitarians is in receipt of the Legislative Audit conducted by your office. The following represents my response to the report.

I wish to thank the PERD team for working with us in a very professional and courteous manner in completing the audit as well as the exit interview. I am very appreciative for the opportunity to respond to the audit.

I have responded to the following specific responses to the recommendations contained in the report.

1. "The Legislative Auditor recommends the Legislature consider terminating the State Board of Sanitarians".

Response: I am very much opposed to this recommendation for several reasons. The Board exists to provide training, education, and certification to Sanitarians. If not for the standards set by the Board the professional standards that keep all West Virginians safe may not be met. The regulation of the profession of Sanitarians, through a certification process that verifies the education and experience of the Registered Sanitarian does afford the public confidence in the profession of environmental health services. Because of the "registration process" through the Board, communities gain assurance that the sanitarian workforce is competent, properly trained, and meets professional conduct standards necessary to carry out the required duties. Absent the Board of Sanitarians this assurance cannot be provided and the training requirements and professionalism would be lost. I believe that the regulation of the profession of Sanitarians is necessary to protect the public health and should be regulated by the Board. There is not a single individual in our state that is not touched every day by the work Sanitarians do on a daily basis. The report indicated the risk to the public is very

low. This is very true and reflects directly on the professional work Sanitarians do daily. The goal through all of our inspections is to reduce the risk of illness, injury, or other harm to our citizens. The fact that it is low is exactly what we work to achieve. Without the hard work of Sanitarians daily, the risk to our citizens would certainly go up exponentially. The report indicated that if the Board were to be eliminated Sanitarians would not be required to fulfil continuing education requirements unless required by their employer. This is true and the exact reason why the Board should not be terminated. Like all fields, things are constantly changing and we must mandate that training and education be current in order to fulfil our mission to our citizens. I am confident that DHHR and the BPH have neither the necessary budget nor manpower to fulfill the mission of continuing education, training, and registration. In fact, the last legislative audit conducted in 2007, the Commissioner of the BPH was very supportive of the Board and said... "The Bureau does not wish to be placed in the position of regulating sanitarians that are not employed by the BPH; nor do we wish to become the entity that provided registration for our own employees. We believe these functions can best be performed by an independent Board". In short, we would be doing a great disservice to our citizens if the Board were eliminated. Simply put, it works and our citizens deserve the best. The recommendation and discussion of this issue in the 2007 legislative audit remains as pertinent today as in 2007.

2. The Legislative Auditor recommends the Legislature consider amending the language in WV §30-1-10 to allow the transfer of excess funds to the state general revenue fund to be based on the sum of the previous two years of revenue or some other mechanism that will accomplish legislative intent.

Response: I am in agreement with this recommendation.

3. The Legislative Auditor recommends that the Board use the State Treasurer's office Lockbox system

Response: I agree with this recommendation. We have already made some necessary contacts.

4. The Board staff should be diligent in its review of its financial reports and take action on accounting errors.

Response: I agree with this recommendation. PERD identified an instance where a board member claimed travel twice for the same day. I did not claim travel twice for the same day, but due to an error in accounting, the travel was processed for pay twice. This has been corrected.

5. The Legislative Auditor recommends that the Chairperson attend the State Auditor Orientation Session annually and that each Board member attends at least one State Auditor Orientation Session during each term in office.

Response: I agree with this recommendation. The Board has always

attempted to comply. The one year in question, the newly elected Chairman attended in December of the year prior to assuming his duties in January. The reasoning was the Information could be used at the beginning of his term as opposed to the end.

6. The Legislative Auditor recommends the Board file notice of meetings at least five days before each Board meeting occurs in compliance with WV §9-94-2.

Response: I agree with this recommendation.

7. The Legislative Auditor recommends that the Board ensure all licensees complete the required 15 hours of continuing education.

Response: I am in agreement with this recommendation. The Board does ensure all licensees comply with this requirement. Error occurred with the transition of going to computer from paper. The program apparently overrode the previous input data. Each year in December, the Board goes through all licensees to check for compliance.

8. The Legislative Auditor recommends that the Board enhance the user-friendliness And transparency of its website by incorporating more of the website elements identified.

Response: I agree with this recommendation

Again, I wish to thank PERD for the audit. We certainly desire to be in compliance with all laws pertaining to Chapter 30 boards. We have already begun the process of acting upon the recommendations and will continue to do so.

Respectfully submitted,

Richard L. Wheeler, R.S./R.E.H.S.  
LTC (Ret), USA  
Member, WV Board of Sanitarians



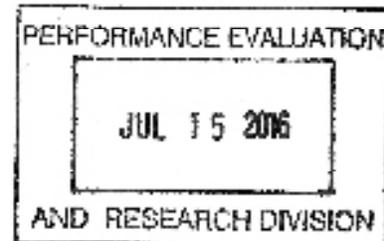


## WEST VIRGINIA STATE BOARD OF SANITARIANS

300 Second Street  
Fairmont, WV 26554

July 12, 2016

John Sylvia, Director  
Performance Evaluation and Research Division  
Building 1, Room W-314  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0610



Dear Mr. Sylvia:

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2. The Legislative Auditor recommends the Legislature consider amending the language in WV §30-1-10 to allow the transfer of excess funds to the state general revenue fund to be based on the sum of the previous two years of revenue or some other mechanism that will accomplish legislative intent.

Response: I am in agreement with this recommendation.

3. The Legislative Auditor recommends that the Board use the State Treasurer's office Lockbox system

Response: I agree with this recommendation. We have already made some necessary contacts.

4. The Board staff should be diligent in its review of its financial reports and take action on accounting errors.

Response: I agree with this recommendation.

5. The Legislative Auditor recommends that the Chairperson attend the State Auditor Orientation Session annually and that each Board member attends at least one State Auditor Orientation Session during each term in office.

Response: I agree with this recommendation. The Board has always attempted to comply. The one year in question, the newly elected Chairman attended in December of the year prior to assuming his duties in January. The reasoning was the information could be used at the beginning of his term as opposed to the end.

6. The Legislative Auditor recommends the Board file notice of meetings at least five days before each Board meeting occurs in compliance with WV §9-94-2.

Response: I agree with this recommendation.

7. The Legislative Auditor recommends that the Board ensure all licensees complete the required 15 hours of continuing education.

Response: I am in agreement with this recommendation. The Board does ensure all licensees comply with this requirement. Error occurred with the transition of going to computer from paper. The program apparently overrode the previous input data. Each year in December, the Board goes through all licensees to check for compliance.

8. The Legislative Auditor recommends that the Board enhance the user-friendliness And transparency of its website by incorporating more of the website elements identified.

Response: I agree with this recommendation

Again, I wish to thank PERD for the audit. We certainly desire to be in compliance with all laws pertaining to Chapter 30 boards. We have already begun the process of acting upon the recommendations and will continue to do so.

Respectfully submitted,

*Delores M. Cook,  
Member of Board*

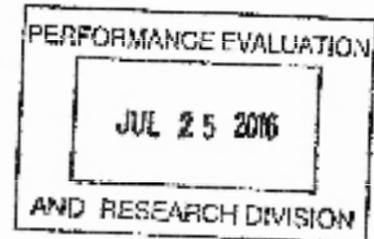




**WEST VIRGINIA  
STATE BOARD OF SANITARIANS**

300 Second Street  
Fairmont, WV 26554

July 18, 2016



John Sylvia, Director  
Performance Evaluation and Research Division  
Building 1, Room W-314  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0610

Dear Mr. Sylvia:

The West Virginia Board of Sanitarians is in receipt of the Legislative Audit conducted by your office. The following represents our response to the report.

The Board wishes to thank the PERD team for working with us in a very professional and courteous manner in completing the audit as well as the exit interview. We are very appreciative for the opportunity to respond to the audit.

The Board has the following specific responses to the recommendations contained in the report.

1. "The Legislative Auditor recommends the Legislature consider terminating the State Board of Sanitarians".

Response: The Board is very much opposed to this recommendation for several reasons. The Board exists to provide training, education, and certification to Sanitarians. If not for the standards set by the Board the professional standards that keep all West Virginians safe may not be met. The regulation of the profession of Sanitarians, through a certification process that verifies the education and experience of the Registered Sanitarian does afford the public confidence in the profession of environmental health services. The Board believes that the regulation of the profession of Sanitarians is necessary to protect the public health and should be regulated by the board. There is not a single individual in our state that is not touched every day by the work Sanitarians do on a daily basis. The report indicated the risk to the public is very low. This is very true and reflects directly on the professional work Sanitarians do daily. The goal through all of our inspections is to reduce the risk of illness, injury, or other harm to our citizens. The fact that it is low is exactly what we work to achieve. Without the hard work of Sanitarians daily, the risk to our citizens would certainly go

up exponentially. The report indicated that if the Board were to be eliminated Sanitarians would not be required to fulfil continuing education requirements unless required by their employer. This is true and the exact reason why the Board should not be terminated. Like all fields, things are constantly changing and we must mandate that training and education be current in order to fulfil our mission to our citizens. The Board does not believe that DPHIR has the necessary budget or the power to fulfil the mission of continuing education. In short, we would be doing a great disservice to our citizens if the Board were eliminated. Simply put, it works and our citizens deserve the best.

2. The Legislative Auditor recommends the Legislature consider amending the language in WV §30-1-10 to allow the transfer of excess funds to the state general revenue fund to be based on the sum of the previous two years of revenue or some other mechanism that will accomplish legislative intent.

Response: The Board is in agreement with this recommendation.

3. The Legislative Auditor recommends that the Board use the State Treasurer's office Lockbox system

Response: The Board agrees with this recommendation. We have already made the necessary contacts.

4. The Board staff should be diligent in its review of its financial reports and take action on accounting errors.

Response: The Board agrees with this recommendation.

5. The Legislative Auditor recommends that the Chairperson attend the State Auditor Orientation Session annually and that each Board member attends at least one State Auditor Orientation Session during each term in office.

Response: The Board agrees with this recommendation. The Board has always attempted to comply. The one year in question, the newly elected Chairman attended in December of the year prior to assuming his duties in January. The reasoning was the information could be used at the beginning of his term as opposed to the end.

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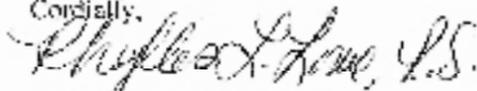
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8. The Legislative Auditor recommends that the Board enhance the user-friendliness And transparency of its website by incorporating more of the website elements identified.

Response: The Board agrees with this recommendation

Again, the board wishes to thank PERD for the audit. The Board expressly desires to be in compliance with all laws pertaining to Chapter 30 boards. We have already begun the process of acting upon the recommendations and will continue to do so.

Cordially,



Phyllis A. Lowe, Member  
WV State Board of Sumatarians







WEST VIRGINIA LEGISLATIVE AUDITOR

**PERFORMANCE EVALUATION & RESEARCH DIVISION**

Building 1, Room W-314, State Capitol Complex, Charleston, West Virginia 25305

telephone: 1-304-347-4890 | [www.legis.state.wv.us/Joint/PERD/perd.cfm](http://www.legis.state.wv.us/Joint/PERD/perd.cfm) | fax: 1-304-347-4939