

**Review of
Semi-Independent Agency
Reports**



**Legislative Fiscal Office
December 2014**

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SUMMARY

This review fulfills the Legislative Fiscal Office's (LFO) requirement to provide the Joint Legislative Audit Committee and the Joint Committee on Ways and Means with a statement of findings and conclusions related to the semi-independent agency reports submitted pursuant to ORS 182.472.

The review covers agency performance for the 2011-13 biennium and the adopted budget for the 2013-15 biennium. For this review cycle, LFO corresponded via email and telephone, and met in person with agencies as needed to verify report content and discuss each agency's response to financial review recommendations. During this process, LFO asked for additional data and explanatory information to close information gaps and resolve issues identified so that all affected agencies would be in compliance with ORS 182.472. Throughout the review process, agencies were very cooperative and open to improving the quality and consistency of future reports.

For future reports, LFO recommends that agencies:

1. Continue following the updated reporting guidelines prepared by LFO (Appendix D).
2. Document procedures for collecting and reporting licensing and enforcement data; and include this document with the biennial report.
3. Include an organizational chart with the biennial report, including a description of any position or FTE changes

BACKGROUND

ORS 182.454 requires the following twelve semi-independent agencies to submit a biennial report to the Governor, the President of the Senate, the Speaker of the House, and the Legislative Fiscal Officer by April 1 of each even-numbered year:

- Oregon Board of Architect Examiners
- Appraiser Certification and Licensure Board
- Oregon State Board of Examiners for Engineering and Land Surveying
- Board of Geologist Examiners
- State Landscape Architect Board
- State Landscape Contractors Board
- Oregon Board of Massage Therapists
- Oregon Board of Optometry
- Physical Therapist Licensing Board
- Oregon Patient Safety Commission
- Oregon Wine Board
- Citizens' Initiative Review Commission

Appendix A provides a summary profile for each of these semi-independent agencies.

AUTHORITY

ORS 182.472 requires the Legislative Fiscal Office to review the reports and issue a statement of findings and conclusions to the Joint Legislative Audit Committee and the Joint Committee on Ways and Means. This report fulfills the requirement.

REVIEW PROCESS

The review is focused on the provisions of ORS 182.472 and covers reports submitted for the April 1, 2014 deadline. Reports were reviewed for completeness and compliance with statutory requirements. This review should not be considered an audit as findings and conclusions are limited to the information provided by agencies in response to ORS 182.472.

As part of this review, LFO corresponded via email and telephone, and met in person with agencies as needed to collect missing information, provide feedback on report content, and to discuss proposed recommendations for future reports. In all cases, agencies were responsive to requests for information and appreciative of LFO's efforts at providing more specific structure and guidance to improve the quality of future reports.

REQUIRED CONTENT

The required content of agency reports is detailed in ORS 182.472.

182.472 Reports. Not later than April 1 of each even-numbered year, each board subject to ORS 182.456 to 182.472 shall submit a report to the Governor, the President of the Senate, the Speaker of the House of Representatives and the Legislative Fiscal Officer. The Legislative Fiscal Officer shall review the reports and shall prepare and submit a statement of findings and conclusions to the Joint Legislative Audit Committee and the Joint Committee on Ways and Means. The report must include the following:

- (1) A copy of the most recent audit or financial review of the board.*
- (2) A copy of the actual budget for the prior biennium and a copy of the board's adopted budget for the biennium in which the report is made. The budget documents must show:
 - (a) The beginning balance and ending balance for each of the two biennia;*
 - (b) A description of material changes between the two biennia;*
 - (c) A description of the public hearing process used to establish the budget adopted for the current biennium; and*
 - (d) A description of current fees and proposed changes to fees, along with information supporting the amounts of the current fees and any proposed changes to the fees.**
- (3) A description of all temporary and permanent rules adopted by the board during the prior biennium.*
- (4) A description of board actions promoting consumer protection that were taken during the prior biennium.*
- (5) If the board issues licenses, a description of the board's licensing activities performed during the prior biennium that is adequate to allow evaluation of the board's performance of its licensing responsibilities, including:
 - (a) The number of license applications;*
 - (b) The number of licenses issued;*
 - (c) The number of examinations conducted;*
 - (d) The average time between application for and issuance of licenses;*
 - (e) The number and types of complaints received about persons holding licenses;*
 - (f) The number and types of investigations conducted;*
 - (g) The number and types of resolutions of complaints;**

- (h) The number and type of sanctions imposed; and*
(i) The number of days between beginning an investigation and reaching a resolution.
(6) A description of all other actions taken during the prior biennium in the performance of the board's statutory responsibilities that is adequate to allow evaluation of the board's performance.

FINDINGS

LFO's review identified the following key findings:

General Reporting

All twelve agencies submitted reports that generally complied with the content requirements specified in ORS 182.472.

Summary of Financial Audits/Reviews

The statute requires that "the most recent audit or financial review of the board" be submitted. Ten of the twelve agencies submitted a Valerie Wicklund CPA, LLC financial review for the biennium ended June 30, 2013. The Board of Examiners for Engineering and Land Surveying, submitted an independent auditor's report from Talbot, Korvola & Warwick, LLP for the biennium ending June 30, 2013. The Citizens' Initiative Review Commission was not established as a semi-independent agency until July 1, 2013, and therefore did not submit a financial review or audit for this cycle.

The reviews for all financial reviews included an examination of: (1) internal controls related to financial, accounting, and licensing processes; (2) cash controls; and (3) revenues and expenditures. The evaluations of these agreed upon procedures found that, generally, adequate controls were in place, but also identified opportunities for improvement. All agencies submitted responses to the review findings with plans for strengthening internal controls.

The Board of Examiners for Engineering and Land Surveying received an opinion that the agency appropriately followed accounting rules and that the financial reports are an accurate representation of the agency's financial condition. There were no instances of noncompliance.

Because organizations that expend \$500,000 or more in federal awards must undergo an audit in accordance with OMB Circular A-133, the Oregon Patient Commission may not be able to use financial reviews in the future, as it receives a great number of federal grants.

Budget and Fund Analysis

All agencies provided [1] a balance sheet for the 2011-13 biennium; [2] a comparison of budgeted to actual revenues and expenditures for the 2011-13 biennia; [3] a projected/adopted budget for the 2013-15 biennium; and [4] a forecasted balance sheet for the 2013-15 biennium. In general, agencies clearly identified beginning and ending balances, and variances between reported and audited numbers were adequately explained.

2011-13 Budget

The 2011-13 budgets for Semi-Independent Agencies ranged from around \$3.5 million for the Oregon Wine Board to just under \$300,000 for the State Landscape Architect Board. All twelve agencies performed under budget for the biennium.

Additionally, for the 2011-13 biennium, revenue exceeded budgeted projections for six of the twelve agencies. These revenue increases were typically the result of increased numbers of licensees, or in the case of the Wine Board, a result of collecting higher than budgeted revenues related to their symposia and education programs

2013-15 Budget

Eleven of the twelve agencies have budget increases between 2011-13 and 2013-15. Changes above the inflationary increases to agency budgets included rising costs of employee benefits and legal fees, as well as investments to update telephone and computer systems.

Five boards (Board of Architect Examiners, Appraiser Certification and Licensure Board, State Board of Examiners for Engineering and Land Surveyors, State Landscape Contractors Board, Oregon Wine Board) projected a reduction in revenue between 2011-13 and 2013-15.

See Appendix B for a summary of budgeted and actual fund balance, revenue, and expenditure numbers for the 2011-13 and 2013-15 biennia; and a brief budget analysis for each of the twelve agencies.

Public Hearing Process

Each agency provided a description of the public hearing process used to establish the adopted 2013-15 budget, including dates and descriptions of actions taken.

Permanent Rules

All agencies provided a “description of all temporary and permanent rules adopted by the board,” and process dates in their descriptions of board rules. Agencies are generally complying with public hearing requirements and rule making processes.

Fees

During the 2011-13 biennium, two agencies increased existing fees, and two agencies implemented new fees for new services. During the 2013-15 biennium, no agencies budgeted fee increases, and only one agency plans to implement new fees for new services. Agencies included sufficient information on the board deliberations and evaluation processes that resulted in the need for a new fee or fee increase. Fee increases ensured the continued solvency of the board, and new fees were implemented to offer new, optional, value-added services.

Additional Board Actions Promoting Consumer Protection

Typically, agencies provided consumer information and outreach using websites, newsletters, email alerts, training, speaking engagements, and attendance at conferences. In addition, agencies developed partnerships with other organizations, educators, and practitioners to foster ethical behavior and professional conduct.

Licensing and Enforcement Activities

LFO recommends each agency document its data collection process, and include this document in their reporting.

Other Performance Indicators

The Oregon Wine Board, the Oregon Patient Safety Commission, and the Citizens' Initiative Review Commission do not provide licensing services. The Wine Board and the Citizens' Initiative Review Commission do not have consumer protection as part of their mission. In accordance with LFO recommendations, these agencies provided information that enables LFO to review board performance in line with the expectations of ORS 182.472. The Oregon Wine Board submitted its 2011-12 and 2012-13 Annual Reports. The Oregon Patient Safety Commission uses sound metrics developed from national benchmarks to track its performance. One of the metrics includes an accounting of the number of hospitals, ambulatory surgery centers, nursing homes, retail pharmacies, and renal dialysis centers participating in the Commission's fee-based voluntary reporting program. With future semi-independent reporting, LFO recommends that when the Commission is reviewed by the Public Health Officer or similar entities, the Commission will provide a copy to LFO.

Other Semi-Independent Agencies

The Oregon Travel Information Council (OTIC) is required by ORS 377.838 to file an annual report of the activities and operations of the council with the Governor and the Legislative Assembly. Similarly, the Oregon Film and Video Office is required by ORS 284.335 to file with the Governor and the Legislative Assembly a biennial report of the activities and operations of the office. SB 939 (2011) amended ORS 284.335 and ORS 377.838 to add the Legislative Fiscal Officer to list of entities receiving these reports. In addition, SB 939 (2011) requires the Oregon Tourism Commission (Travel Oregon) to file copies of the agency's adopted or modified budget, and financial statements, with the Legislative Fiscal Officer not later than five days after these documents are prepared or adopted. These agencies submitted the required documents:

Because these agencies are required to present their budget and agency operations information to a legislative committee or through the state budget process, this report does not include a detailed review.

RECOMMENDATIONS FOR FUTURE REPORTING

The findings of this review point to several key conclusions (*identified by italic text*) and related recommendations (**identified by bold text**):

This is the third time the agencies used the reporting guidelines created by LFO. The guidelines have served as a useful tool for ensuring complete and uniform reporting. LFO has revised the reporting guidelines for 2016 (See Appendix D). **LFO recommends that agencies continue to follow the updated guidelines for the 2016 reporting cycle.**

Improvements can be made to the information regarding licensing and enforcement activities. Staff turnover contributes significantly to inconsistent data collection and reporting. In addition, this variance appears to be the result of inconsistent data collection, including shifting definitions of licensure, processing time, complaints, investigations, resolutions, and sanctions for each reporting period. Given these issues, LFO has created worksheet templates (See Appendix C) to assist agencies in the reporting of data. **LFO recommends that each agency continue to establish and document a formal procedure for its data collection process. Agencies should update and include this document with their biennial report. The establishment of consistent definitions and parameters**

will allow for more complete, accurate, and reliable data collection as well as maintain continuity in the event of agency staff turnover. As a result, more meaningful insights and trends will be gleaned from the data provided.

ORS 182.472 (6) directs agencies to provide a description of all other actions taken during the prior biennium in the performance of the board's statutory responsibilities that is adequate to allow evaluation of the board's performance.

LFO recommends that agencies include an organizational chart, and a description of any personnel or FTE changes during the reporting period.

APPENDIX A

Semi-Independent Agencies: Operations Summary for 2011-13 Biennium

	Pos.	FTE	Board Members		2011-2013 Board Meetings		Approximate # Licensees		Board Stipend	Director Monthly Salary on 6/30/2013	2011-2013 Actual Expenditures	2013-2015 Budget Expenditures
			Industry	Public	Board Meetings	Individuals	Firms/ Business					
Oregon Board of Architect Examiners	5	3.62	5	2	12	3,017	667	\$60/day	\$7,205	\$915,053	\$1,144,449	
Appraiser Certification and Licensure Board	7	6.25	6	1	13	1,643	145	\$30/day	\$7,811	\$1,646,408	\$1,601,727	
Oregon State Board of Examiners for Engineering and Land Surveyors	15	15.00	9	2	13	27,000	-	\$30/day	\$8,325	\$2,513,866	\$3,000,000	
Oregon Board of Geologist Examiners	2	2.00	4 ⁺	1	8	1,202	-	\$100/day	\$6,435	\$447,523	\$557,159	
State Landscape Architect Board	◆		4	3	10	477	209	\$50/day	◆	\$313,770	\$388,625	
State Landscape Contractors Board	4	4.00	5	2	11 in person 3 phone	1,353	1,164	\$30/day	\$6,349	\$1,239,860	\$1,217,833	
Oregon Board of Massage Therapists	5	5.00	4	3	16	7,289	-	\$100/month-members \$375/month - Chair	\$8,964	\$1,487,611	\$1,746,000	
Oregon Board of Optometry	3	2.20	4	1	11	1,245	-	\$100/day	\$7,596	\$608,658	\$698,511	
Physical Therapist Licensing Board	3	2.80	6	2	13	4,347	-	\$150/day	\$8,613	\$912,564	\$1,000,000	
Oregon Patient Safety Commission	10	10.00	17	0	13	□	□	None Paid	\$8,750	\$1,337,721	\$3,146,353	
Oregon Wine Board	7	6.50	9	0	19	□	□	None Paid	\$10,000	\$3,444,653	\$3,705,500	
Citizens' Initiative Review Commission	*		-	8	8	□	□	None Paid	\$30/day	-	\$190,000	

+ Plus one *ex officio* member (State Geologist)

◆ Contracted services from Oregon State Board of Geologist Examiners

□ Not a licensing agency

* CIRCA currently has no staff. The agency addresses its administrative and program needs on a contract basis.

APPENDIX B

Semi-Independent Agencies: Budget to Actual Summary

	2011-2013	2011-2013	2011-2013	2011-2013	2011-2013	2011-2013	2011-2013	2011-2013	2011-2013	2011-2013	2013-2015	2013-2015	2013-2015	2013-2015
	Actual Beginning Fund Balance	Budgeted Revenues	Actual Revenues	Budgeted Expenditures	Actual Expenditures	Budgeted Ending Fund Balance	Actual Ending Fund Balance	Budgeted Revenues	Budgeted Expenditures	Actual Ending Fund Balance	Budgeted Revenues	Budgeted Expenditures	Budgeted Ending Fund Balance	
Oregon Board of Architect Examiners	\$1,187,117	*\$878,000	\$909,290	*\$951,000	\$915,053	\$1,085,271	\$1,181,354	\$789,080	\$1,144,449	\$1,181,354	\$789,080	\$1,144,449	\$825,985	
Appraiser Certification and Licensure Board	\$555,515	\$1,534,154	\$1,751,225	\$1,725,041	\$1,646,408	\$567,176	\$660,332	\$1,603,990	\$1,601,727	\$660,332	\$1,603,990	\$1,601,727	\$662,595	
Oregon State Board of Examiners for Engineering and Land Surveyors	\$1,890,750	\$3,109,599	\$2,763,946	\$2,679,585	\$2,513,866	\$1,075,276	\$2,140,830	\$2,649,425	\$3,000,000	\$2,140,830	\$2,649,425	\$3,000,000	\$1,790,255	
Oregon Board of Geologist Examiners	\$292,626	*\$485,122	\$484,035	*\$484,099	\$447,523	\$293,648	\$329,138	\$557,534	\$557,160	\$329,138	\$557,534	\$557,160	\$329,512	
State Landscape Architect Board	\$215,987	\$341,035	\$313,770	\$340,524	\$282,478	\$216,498	\$247,279	\$388,663	\$388,635	\$247,279	\$388,663	\$388,635	\$247,307	
State Landscape Contractors Board	\$407,838	\$1,248,954	\$1,158,848	\$1,332,644	\$1,239,860	\$614,660	\$326,826	\$1,144,270	\$1,217,833	\$326,826	\$1,144,270	\$1,217,833	\$253,263	
Oregon Board of Massage Therapists *	\$268,322	\$1,602,970	\$1,615,473	\$1,601,478	\$1,487,611	\$328,196	*\$328,196	\$1,738,574	\$1,746,000	*\$328,196	\$1,738,574	\$1,746,000	*\$318,196	
Oregon Board of Optometry	\$271,255	\$658,809	\$666,267	\$658,809	\$608,658	\$271,255	\$328,864	\$660,300	\$698,511	\$328,864	\$660,300	\$698,511	\$290,653	
Physical Therapist Licensing Board	\$696,140	\$947,500	\$961,821	\$988,900	\$912,564	\$572,019	\$745,397	\$975,600	\$1,000,000	\$745,397	\$975,600	\$1,000,000	\$720,997	
Oregon Patient Safety Commission	\$313,413	\$2,426,545	\$2,138,076	\$2,245,271	\$2,201,142	\$181,274	(\$63,066)	\$3,242,464	\$3,146,353	(\$63,066)	\$3,242,464	\$3,146,353	\$33,045	
Oregon Wine Board	\$306,391	\$3,344,955	\$3,648,888	\$3,530,239	\$3,444,653	\$121,107	\$510,626	\$3,550,000	\$3,705,500	\$510,626	\$3,550,000	\$3,705,500	\$355,126	
Citizens' Initiative Review Commission	□	□	□	□	□	□	\$3,519	\$190,000	\$190,000	\$3,519	\$190,000	\$190,000	\$3,519	

* Includes amendments to budget / prior period adjustments / accruals

□ Became a Semi-Independent agency in August 2013

Oregon Board of Architect Examiners

	2009-11 Budget	2009-11 Actual	2011-13 Budget	2011-13 Actual	2013-15 Budget
Total Funds	\$846,500	\$817,942	\$951,000	\$915,053	\$1,144,449
Positions	5	5	5	5	5
FTE	3.50	3.50	3.65	3.65	3.65

Agency Overview

The mission of the Board of Architect Examiners is to protect the public through licensing and regulating the practice of architecture in Oregon. The Board administers the examinations and licenses individual architects and firms. The Board is responsible for investigating complaints, renewing licenses, and monitoring the continued education of its licensees. The seven-member board is composed of five professionals and two public members.

Revenue Sources

The Board is funded by revenue generated from application, examination, and license fees. Other miscellaneous sources include civil penalties, late fees, and interest income. The Board has not had a fee increase in 12 years. Revenue in 2013-15 is projected to be \$789,070, which is 10% less than 2011-13 revenue and the projected ending cash balance of \$804,718 equals approximately 17 months of operating costs.

In 2011, the Board made the decision to transition from a fiscal year license renewal cycle to a calendar year license renewal cycle in order to more efficiently track licensing and continuing education for individuals with licenses in multiple jurisdictions. Currently, 45% of Oregon licensees reside in other states. The change to the renewal cycle affected the timing of some of the Board's revenues in 2011-13, with the fee being prorated from \$200 to \$250 to reflect the timing changing from two years to two-and-a-half years before the next renewal. The fee will then revert back to \$200 for the 2014 renewal cycle.

Budget Environment / Licensing and Enforcement Activities

The Board currently regulates over 3,600 active licensees between individuals and firms. The Board anticipates the base of licensees to remain relatively consistent in the near future as renewal rates are consistently above 90% for both firms and individual licensees over the past five years. While the number of active licensees (both individuals and firms combined) was up 3% from 2009-11 to 2011-13, examinations and applications were down over 20%. The Board anticipates that this may be the result of the economic downturn finally coming to fruition.

The number of complaints received and investigated has gone down 25% between the 2009-11 and 2011-13 biennia, which corresponded with a reduction in the number of cases of unlicensed practice. The Board reports that the total average number of days to investigate complaints has increased over that same time period, mainly as a result of two cases having to be placed on hold while civil matters between the two parties were resolved prior to the Board's investigation being concluded.

2011-13 Budget to Actual

The Board's 2011-13 actual revenue was \$909,290, a 3.6% increase from budgeted revenue. This is a result of the aforementioned prorated changes in license renewal cycle and a 3% increase in the

overall number of licensees. The Board approved an increase to its initial 2011-13 budget from \$821,000 to \$951,000 to reflect additional costs in the following areas: anticipated increases to Attorney General legal fees for some more complex compliance cases; offering part-time employees PEBB benefits comparable with other state agencies; and implementation of approved IT projects. The IT projects undertaken by the Board in 2011-13 included making the Jurisprudence Exam (a requirement for individual licensure) available online; developing a compliance tracking system; and implementing an online renewal system for architectural firms similar to the online renewal system for individuals completed prior to the 2011-13 biennium. The Board's 2011-13 actual expenditures were \$915,053, 3.8% less than budgeted.

2013-15 Budget

The 2013-15 Board adopted budget of \$1,144,449 represents a 20% increase from the 2011-13 Board adopted budget. This is due largely to increased personal services costs for salaries and wages and benefits, which is increased from \$534,050 in 2011-13 to \$757,065 in 2013-15. The Board has offered part-time employees PEBB benefits comparable with other state agencies to go along with standard step increases and cost of living increases. Additional increases in the Board's budget include travel for national conferences.

Appraiser Certification and Licensure Board

	2009-11 Budget	2009-11 Actual	2011-13 Budget	2011-13 Actual	2013-15 Budget
Total Funds	\$1,465,421	\$1,316,825	\$1,725,041	\$1,646,408	\$1,601,727
Positions	6	6	7	7	6
FTE	5.50	5.50	6.50	6.25	5.25

Agency Overview

The mission of the Appraiser Certification and Licensure Board is to protect the public through licensing and regulating the practice of real estate appraisal in Oregon. The Board is responsible for administering examinations, issuing licenses, investigating complaints, discipline, renewing licenses, and monitoring the continuing education of its licensees. Additionally, the Board is responsible for the regulation of appraisal management companies conducting business in Oregon, a program previously regulated by the Department of Consumer and Business Services and transferred to the Board by HB 2499 (2011). The eight-member board is composed of five certified or licensed appraisers, one representative of a financial institution, one representative of appraisal management companies, and one public member.

Revenue Sources

The Board is funded by revenue generated from application, licensure registration, and renewal fees for individuals and appraisal management companies. Other miscellaneous sources include civil penalties, late fees, education course application fees, and interest income. Revenue in 2013-15 is projected to be \$1,603,990 which is a 4.5% increase from the 2011-13 budget. The Board has seen an increase in revenue due to the transfer of the Appraisal Management Company regulatory program from the Department of Consumer and Business Services to the Board. There are 143 appraisal management companies currently licensed within the program. The Board's 2013-15 projected ending cash balance of \$662,595 equals almost 10 months of operating costs.

Budget Environment / Licensing and Enforcement Activities

The number of applicants and subsequent individual appraisal licenses issued decreased from 2005-07 to 2009-11, but appears to have leveled off in 2011-13. The Board currently regulates approximately 1,571 individuals, including permanent, temporary non-resident, and appraiser assistant license holders. The Board anticipates the licensing numbers to remain relatively flat for new applicants, new licensees, and renewals given the current economic climate and the decline in the appraiser assistant registration base. The Board has seen an increase in the number of Appraisal Management Companies; however, historical data is not available to know if this is expected to continue.

The number of complaints and investigations conducted increased from the 2007-09 to 2009-11 biennium, however the Board has seen a decline in both complaints and investigations in 2011-13. Complaints were down 26% and investigations down 17% from the previous biennium. About 55% of cases result in a sanction being imposed, with the majority of those being civil penalties. The Board's time period from beginning an investigation to resolution is approximately 9 months, which is well within the Federal Appraisal Subcommittee's requirement to resolve complaints within one year of complaint filing date.

2011-13 Budget to Actual

The Board's 2011-13 actual revenue was \$1,751,387, a 14% increase from budgeted revenues. This is a result of the addition of the Appraisal Management Company regulatory program. The Board's 2011-13 actual expenditures were \$1,646,408, which is 5% less than budget. Due to the economic downturn's effects on appraiser licensing revenue, the Board undertook strict cost controls, reducing travel, office expenses, and data processing costs. The Board also experienced savings in professional services as there were a lower number of compliance cases or other issues requiring those services.

2013-15 Budget

The 2013-15 Board adopted budget of \$1,601,727 represents a 7% decrease from the 2011-13 Board adopted budget. The Board experienced significant staff changes in the first six months of the biennium, including the resignation of the Board's Administrator and a Compliance Analyst and the retirement of the Program Manager. The Board does not plan to refill the Program Manager position during the biennium, and instead has temporarily reallocated the duties to existing staff in an effort to further contain costs.

Oregon State Board of Examiners for Engineering and Land Surveying

	2009-11 Budget	2009-11 Actual	2011-13 Budget	2011-13 Actual	2013-15 Budget
Total Funds	\$2,577,970	\$2,221,649	\$2,679,585	\$2,513,866	\$3,000,000
Positions	13	13	13	13	15
FTE	12.00	12.00	12.00	12.00	15.00

Agency Overview

The mission of the Board of Examiners for Engineering and Land Surveying is to protect the public through licensing and regulating the practice of engineering, land surveying, photogrammetric mapping, and water right certification in Oregon. The Board is responsible for administering examinations, issuing licenses, investigating complaints, and renewing licenses. The eleven-member board is composed of nine professionals and two public members.

Revenue Sources

The Board is funded by revenue generated from application and biennial registration fees for individuals. Other miscellaneous sources include civil penalties, late fees, and interest income. Revenue in 2013-15 is projected to be \$2,649,425 which is a 14% decrease from the 2011-13 budget and the projected ending cash balance of \$1,790,255 equals approximately 14 months of operating costs. The Board reduced the biennial renewal fees for registrations in the 2011-13 biennium due to the previous ending cash balance.

Budget Environment / Licensing and Enforcement Activities

In total, the Board currently regulates approximately 25,000 individuals in the fields of Professional Engineer, Land Surveyor, Photogrammetrist and Water Right Examiner. The number of applications for registrations (for professional licensure), exams, and registrations issued has decreased from 2009-11, while certification applications (for water right examination), exams, and certifications issued has increased during that same time period. The Board anticipates a slight growth in renewals in 2013-15, although revenue is expected to be less with the reduced renewal fees.

The number of complaints received and investigations conducted by the Board have decreased after growing significantly in the previous biennium. The majority of the investigations stem from the Board's audits of continuing education compliance of registrants. This has resulted in an increase in the civil penalties issued by the Board. The Board subsequently implemented rules requiring more specific documentation of continuing education compliance by registrants, at the time of renewal, to streamline the audit process and simplify recordkeeping requirements for registrants. The Board has also held annual Symposium offering low-cost continuing education credit seminars to assist registrants in meeting their continuing education requirements. The Board expects these actions will reduce the number of investigations conducted and civil penalties issued.

2011-13 Budget to Actual

The Board's 2011-13 actual revenue was \$2,763,946, an 11% decrease from budgeted revenue, due to the decrease in applicants and licenses issued as well as a result of decreasing the biennial renewal fee. The Board's 2011-13 actual expenditures were \$2,513,866, which is 6% less than budget. A majority of the budget savings is attributable to vacancy savings experienced by the Board.

2013-15 Budget

The 2013-15 Board adopted budget of \$3,000,000 represents a 12% increase from the 2011-13 Board adopted budget. This is due largely to increased personal services costs for salaries and wages and benefits, as well as adding two new positions. Additional increases include expanding the Board's office space to accommodate the growth in personnel and the increasing number of paper files that must be maintained. The Board has also entered into a contract with Department of Administrative Services for Human Resources, contracts, and accounting and payroll services. At the beginning of the 2013-15 biennium, the Board had five vacant positions, which will reduce the actual growth of the budget. The Board anticipates filling the positions within the first six months of the 2015-17 biennium.

Oregon State Board of Geologist Examiners

	2009-11 Budget	2009-11 Actual	2011-13 Budget	2011-13 Actual	2013-15 Budget
Total Funds	\$483,975	\$412,422	\$485,122	\$447,523	\$557,159
Positions	2	2	2	2	2
FTE	2.00	2.00	2.00	2.00	2.00

Agency Overview

The mission of the Board of Geologist Examiners is to protect the public through licensing and regulating the practice of geology in Oregon. The Board is responsible for administering examinations, issuing licenses, investigating complaints, and renewing licenses. The six-member board is composed of five professionals and one public member.

Revenue Sources

The Board is funded by revenue generated from an annual renewal fee for registrants, an examination fee, and an initial registration fee. Other miscellaneous sources include civil penalties, late fees, interest income, and an interagency agreement with the State Landscape Architect Board for shared administration activities. Revenue in 2013-15 is projected to be \$557,534 which is a fifteen percent increase from 2011-13 estimates and the projected ending cash balance of \$329,512 equals approximately 14 months of operating costs.

Budget Environment / Licensing and Enforcement Activities

The total number of new applications and registrations issued declined in 2009-11 after holding relatively constant for a couple of biennia. In 2011-13, the overall registration applications and registrations issued have remained consistent with the 2009-11 levels. The Board currently regulates approximately 1,200 registrants. The number of complaints received and investigations conducted has dropped significantly in 2011-13.

2011-13 Budget to Actual

The Board's 2011-13 actual revenue was \$484,035, a less than one percent decrease from budgeted revenue. The Board did not issue any fee increases in 2011-13 and does not foresee a fee increase being necessary through 2015-17. The Board's 2011-13 actual expenditures were \$447,523, which is 7.5% less than the adjusted budget. The majority of the budget savings occurred in professional services as a result of delays to the Board's project to update a series of Board documents that provide professional guidelines to geologists.

2013-15 Budget

The 2013-15 Board adopted budget of \$557,160 represents a 15% increase from the 2011-13 Board adopted budget. The majority of the increase is due to increased personal services costs related to salary step increases and costs of living adjustments as well as increased PERS costs. Additional increases to the budget are related to state government service charges, Attorney General fees, and increased rent after the Board moved into a larger office space in July 2012. The Board also anticipates completing the updates to the professional guidelines documents that was begun near the end of the 2011-13 biennium.

Oregon State Landscape Architect Board

	2009-11 Budget	2009-11 Actual	2011-13 Budget	2011-13 Actual	2013-15 Budget
Total Funds	\$315,082	\$280,643	\$340,524	\$282,478	\$388,625
Positions	0	0	0	0	0
FTE	0.00	0.00	0.00	0.00	0.00

Agency Overview

The mission of the Landscape Architect Board is to protect the public through licensing and regulating the practice of landscape architecture in Oregon. The Board is responsible for administering examinations, issuing licenses, investigating complaints, renewing licenses, and monitoring the continuing education of its licensees. The Board does not retain full-time regular staff, but contracts administrative services with the Board of Geologist Examiners. The seven-member board is composed of four professionals and three public members.

Revenue Sources

The Board is funded by revenue generated from application and annual registration fees for individuals and businesses. The Board no longer administers national examinations, as those exams have been moved to a computerized format. Other miscellaneous sources include civil penalties, late fees, and interest income. Revenue in 2013-15 is projected to be \$388,663 which is a 14% increase from the 2011-13 budget and the projected ending cash balance of \$248,807 equals approximately 15 months of operating costs.

Budget Environment / Licensing and Enforcement Activities

The number of new applicants for individual and business registrations has declined from 2009-11 to 2011-13, however, overall registrations issued has increased by 10.5% during that same time period. This is the result of renewal rates among both individual and business registrations and individual registrations by reciprocity. The Board currently regulates over 450 individuals and almost 200 businesses.

The number of complaints and investigations conducted has remained relatively static from 2009-11 to 2011-13 after decreasing by half from the 2007-09 and 2009-11 biennium. Once again, the majority of these cases were involving improper advertising of landscape architect services and were quickly resolved through education and proper registration.

2011-13 Budget to Actual

The Board's 2011-13 actual revenue was \$311,258, an 8% decrease from budgeted revenue. This is mainly the result of the loss of budgeted pass-through revenue from national examinations previously administered by the Board that have now been computerized. The Board did not issue any fee increases in 2011-13.

The Board's 2011-13 actual expenditures were \$282,478, which is 17% less than budget. The Board experienced budget savings in professional services, investigator services, audit services, travel, training, and the budget for database design. The Board notes that the complaint caseload did not require as much resources as anticipated and the cost for the financial review was less than projected.

2013-15 Budget

The 2013-15 Board adopted budget of \$388,635 represents a 14% increase from the 2011-13 Board adopted budget. The budget includes an increase due to personal services costs related to salary step increases and costs of living adjustments as well as increased PERS costs. The budget includes an increase for rent, after the Board moved into a larger office space in July 2012, and additional increases for professional services, professional investigations, and travel. While these were all budget categories where the Board realized savings in the 2011-13 budget, the Board views the increase as a necessary contingency plan in the event a complex case arises.

Oregon State Landscape Contractors Board

	2009-11 Budget	2009-11 Actual	2011-13 Budget	2011-13 Actual	2013-15 Budget
Total Funds	\$1,346,025	\$1,217,756	\$1,332,644	\$1,239,860	\$1,217,833
Positions	6	6	5	5	5
FTE	5.50	5.50	5.00	5.00	4.50

Agency Overview

The Landscape Contractors Board regulates the landscape industry in Oregon in order to protect the public by promoting a fair and competitive business environment through education, licensing, dispute resolution, and enforcement. The Board is responsible for administering examinations, issuing licenses, investigating complaints, renewing licenses, and monitoring the continuing education of its licensees. The seven-member board is composed of five professionals and two public members.

Revenue Sources

The Board is funded by revenue generated from application and annual licensure fees for individuals and businesses. Other miscellaneous sources include civil penalties, late fees, and interest income. Revenue in 2013-15 is projected to be \$1,144,270 which is an 8.4% decrease from the 2011-13 budget. The Board's projected ending cash balance of \$253,263 equals approximately 5 months of operating costs.

Budget Environment

The Board currently regulates approximately 1,353 individuals and 1,164 businesses. The Board's licensing numbers had been declining for the last two biennia but appear to have leveled off in 2011-13. The number of business licenses was relatively flat, while individual licenses were down 3%. Individual and business license applications have increased by 60%, particularly in the second-half of the biennium, as commercial construction and the housing markets began to improve, but have yet to reach 2007-09 levels. While applications have increased, that does not always translate into subsequent increases to licensure, as an applicant can take up to 2 years to complete the exams necessary for licensure.

During the 2011-13 biennium, the number of consumer complaints against licensed landscape contracting businesses dropped 32% from 140 to 95. Enforcement violations include operating without a license, failure to employ a landscape construction professional, and failure to maintain bond. Almost half of these cases were dismissed or the two parties solved the case independently, with another 25% being resolved through onsite mediation.

2011-13 Budget to Actual

The Board's 2011-13 actual revenue was \$1,158,848, which is 7.21% less than budgeted revenue. Total licensing fees were 3% less than budgeted, while civil penalty revenue was down 61%. The Board's 2011-13 actual expenditures were \$1,239,860, which is 6.96% less than budget. The Board was able to experience budget savings for contract investigator services by having the staff investigator work part-time in the Salem area and part-time in the Bend area.

2013-15 Budget

The 2013-15 Board adopted budget of \$1,217,833 represents an 8.62% reduction from the 2011-13 Board adopted budget. Due to recent application and licensing trends in the industry, the Board anticipates a slight growth in those revenues and a reduction to civil penalty income to match historical revenues. However, the Board recognizes the need to reduce costs and has reduced staff from 5.00 FTE to 4.50 FTE by making an Administrative Specialist position half-time. Additional changes to the budget include increased board meeting expenses due to new board members from outside the Willamette Valley; upgrading computer equipment for staff, and replacement of the computer server.

Oregon Board of Massage Therapists

	2009-11 Budget	2009-11 Actual	2011-13 Budget	2011-13 Actual	2013-15 Budget
Total Funds	\$1,300,000	\$1,451,534	\$1,601,478	\$1,487,611	\$1,746,000
Positions	5	5	5	5	5
FTE	5.00	5.00	5.00	5.00	5.00

Agency Overview

The Oregon Board of Massage Therapists balances public safety and the needs of licensed massage therapists by developing, implementing, and maintaining the standards of professional conduct and practice. The Board prescribes qualifications, standards for the examination of applicants for licensure, continuing education requirements, and professional standards for practice. The Board issues licenses to those who qualify, and has the authority to revoke licenses and assess civil penalties against unregistered individuals practicing professional massage therapy without authority, as well as against those licensed professionals practicing improperly. The Board consists of seven members appointed by the governor for four-year terms. Four members are licensed massage therapists; three members are public citizens.

Revenue Sources

The agency is funded by revenue generated from application, examination, and license fees. Other sources include civil penalties, late fees, and the sale of mailing lists. Revenue in 2013-15 is projected to be \$1,738,574 which is 8.46% above 2011-13 estimates, and the projected ending cash balance of \$318,196 equals approximately 4.37 months of operating costs. The revenue increase reflects a projected increase in licensure, due to out-of-state applicants, and the collection of two new fees: Credentialing Review fee of \$250, and Fingerprinting fee of \$47.25.

Budget Environment / Licensing and Enforcement Activities

The total number of licenses issued increased by 1.74% from June 2011 to June 2013. The Board currently regulates 7,289 licensees. The number of complaints received remained flat from the 2009-11 to the 2011-13 biennium. The number of investigations conducted decreased by 19.85%, from 267 to 214.

2011-13 Budget to Actual

The Board's 2011-13 actual revenue was \$1,615,473 a 0.78% increase from budgeted revenue of \$1,602,970. Fee changes during the 2011-13 biennium included an introduction of a fingerprint fee of \$47.25, and a credentialing review fee of \$250. The agency experienced a 9.94% increase in civil penalties with the establishment of a new Compliance Manager position charged with increasing efforts to control unlicensed practice.

The Board's 2011-13 actual expenditures were \$1,487,611, which is 7.11% less than budgeted. The largest expenditure savings were mainly realized through a reduction in professional development and in-state travel.

2013-15 Budget

The 2013-15 Board adopted budget of \$1,746,000 represents a 9.02% increase from the 2011-13 Board adopted budget, due mostly to increases in state assessments and investigations expenses.

With passage of HB 2381 (2011), the Board is now required to pay employee relations assessments. Fee changes during the 2009-11 biennium included a decrease in Late Fee from \$250 to \$150, and the introduction of Facility Permit fee (\$50), Facility Permit Transfer fee (\$250), and a Facility Permit Reprint Fee (\$10).

Oregon Board of Optometry

	2009-11 Budget	2009-11 Actual	2011-13 Budget	2011-13 Actual	2013-15 Budget
Total Funds	\$648,125	\$591,272	\$658,809	\$608,658	\$698,511
Positions	3	3	3	3	3
FTE	2.20	2.20	2.20	2.20	2.20

Agency Overview

The Oregon Board of Optometry is responsible for the licensure of doctors of optometry, optometrists/ optometric physicians, and the enforcement of statutes and administrative rules governing the practice of optometry in Oregon. The Board prescribes qualifications for the practice of optometry, standards for the examination of applicants for licensure and certification, and continuing education requirements. The Board has the authority to issue licenses to those who qualify, and to revoke licenses and assess civil penalties against unlicensed individuals practicing optometry without authority, as well as those licensed professionals practicing improperly. The Board consists of five members appointed by the governor for three-year terms. Four members are licensed doctors of optometry, and the fifth member is a public citizen representing health consumers.

Revenue Sources

The Board is funded by revenue generated from application, examination, and license fees. Other sources include civil penalties, late fees, and interest income. Revenue in 2013-15 is projected to be \$698,511 which is 6.03% above 2011-13 estimates. There have been no fee increases since the 2005-7 biennium. Two fees were eliminated for the 2013-15: (1) multiple practice location licenses; and (2) multiple practice location license renewals.

Budget Environment / Licensing and Enforcement Activities

The total number of licensees increased by about 1.1% from June 2011 to June 2013, with 85 new license applications. As of June 30, 2013, the Board regulates approximately 1,235 licensees (751 holding active, and 484 holding inactive license status). The number of licensees practicing optometry in the state has remained fairly consistent. However, the number of inactive licensees continues to decline. The main reason for this downward trend is due to the fact that optometry boards in all 50 states now use all or most parts of the standardized tests of the National Board of Examiners in Optometry (NBEO). This standardized test greatly facilitates the mobility of optometric physicians, eliminating the need to maintain licenses in more than one state. The number of complaints received and investigations conducted decreased slightly since the last reporting period. Due to the complexity of several cases, the average number of days to complete complaint cases went up from 142 days to 177.

2011-13 Budget to Actual

The Board's 2011-13 actual revenue was \$666,267 which is 3.07% more than budgeted revenue of \$646,203. The Board's 2011-13 actual expenditures were \$608,658, which is 10.88% less than budgeted expenditures of \$682,350 mostly due to personnel savings resulting from reimbursement for the Executive Director's payroll costs for a partial job rotation to the Early Learning Council, and lower than projected Attorney General and Administrative Hearings costs.

2013-15 Budget

The 2013-15 Board adopted budget of \$698,511 represents a 2.37% increase from the 2011-13 Board adopted budget. The 2013-15 adopted budget allows the Board to maintain its current operating level through the biennium with no fee increase.

Physical Therapist Licensing Board

	2009-11 Budget	2009-11 Actual	2011-13 Budget	2011-13 Actual	2013-15 Budget
Total Funds	\$938,000	\$850,768	\$988,900	\$912,564	\$1,000,000
Positions	3	3	3	3	3
FTE	2.80	2.80	2.80	2.80	2.80

Agency Overview

The Physical Therapist Licensing Board regulates the practice of physical therapy in Oregon. The Board protects the public by establishing professional standards of practice which assure that physical therapists and physical therapist assistants are properly educated, hold valid/current licenses, practice within their scope of practice, and continue to receive ongoing training throughout their careers. Physical therapy practice is governed by state statutes and rules. The Board issues licenses, promulgates rules, monitors continuing competency, investigates complaints, and issues civil penalties for violations and may revoke, suspend, or impose probation on a licensee or limit practice. The Board is comprised of eight volunteer members: five physical therapists, one physical therapist assistant, and two public members. Each member is appointed by the governor, confirmed by the Senate, and may serve a four-year term, with a maximum of two terms.

Revenue Sources

The Board is funded by revenue generated from application, examination, and license fees. Other sources include civil penalties and interest income. The Board implemented a one-time reduction in the 2013 renewal fees which is anticipated to lower the actual revenue by approximately \$100,000. Revenue in 2013-15 is projected to be \$975,600 which is 2.97% higher than 2011-13 estimates, and the projected ending cash balance of \$720,997 equals approximately 17.30 months of operating costs.

Budget Environment / Licensing and Enforcement Activities

The Board has continued to experience an increase in licensure. The total number of licensees increased by 4.44%, from 4,500 in 2011 to just over 4,700 in 2013.

2011-13 Budget to Actual

The Board's 2011-13 actual revenue was \$961,821, a 1.51% increase from budgeted revenue, resulting from an increase in licensees. The Board's 2011-13 actual expenditures were \$912,564, which is 7.72% less than budget due to savings realized from a renegotiated rent contract, and delayed work on the Client Relationship Management (CRM) system.

2013-15 Budget

The 2013-15 Board adopted budget of \$1,000,000 represents a 1.12% increase from the 2011-13 Board adopted budget reflecting the rising cost of salaries and benefits. The Board adopted 2013-15 budget leaves the Board in a deficit. The Board has chosen to offset this deficit with excess reserves instead of raising fees.

Oregon Patient Safety Commission

	2009-11 Budget	2009-11 Actual	2011-13 Budget	2011-13 Actual	2013-15 Budget
Total Funds	\$993,281	\$1,230,352	\$2,245,271	\$2,201,142	\$2,733,331
Positions	4	7	10	10	12
FTE	3.75	6.75	10.00	10.00	12.00

Agency Overview

The mission of the Oregon Patient Safety Commission is to improve patient safety by reducing the risk of serious adverse events occurring in Oregon’s healthcare system and by encouraging a culture of patient safety in Oregon. The Commission is charged with: (1) establishing a confidential, voluntary serious adverse event reporting system in Oregon; (2) promoting quality improvement techniques to reduce system errors; and (3) sharing evidence-based prevention practices to improve patient outcomes. The Commission is not a regulatory body and has no authority to review licenses, permits, certifications, or registrations. The Commission’s Board of Directors is comprised of 17 members appointed by the governor for four-year terms. The Board represents a cross-section of diverse health care interests in the state.

Revenue Sources

The Commission is funded primarily by revenue generated from fees paid by organizations eligible to participate in the Patient Safety Reporting program. Statutes allows the Commission to assess fees on certain healthcare organizations including hospitals, long-term care facilities, pharmacies, ambulatory surgical centers, outpatient renal dialysis facilities, freestanding birthing centers, and independent professional healthcare societies or associations. All eligible healthcare organizations are required to pay the annual fee whether or not they are participating in the Patient Safety Reporting program. Other sources of income include federal grants, state contracts, and interest income.

Budget Environment

The Legislature authorized the assessment of fees on health organizations eligible to participate in the voluntary serious adverse event reporting program. Fees have remained constant since their inception. The Legislature also capped the fees the Commission may collect from organizations at \$1,500,000 per year.

2011-13 Budget to Actual

The Commission’s 2011-13 budget was amended twice to reflect increases in grant funding and associated expenditures. The Commission’s 2011-13 actual revenue of \$2,138,076 was 11.89% less than the amended revenue of \$2,426,545. The Commission’s 2011-13 actual expenditures were \$2,201,142, which is 1.97% less than amended budget of \$2,245,271.

2013-15 Budget

The 2013-15 Commission adopted budget of \$2,733,331 represents a 21.74% increase from the 2011-13 amended budget. The variance between biennia is due to grant funding fluctuations. The budget includes grant funds to support patient safety program expansion, and new funding as the administrative entity responsible for the implementation of SB 483 (2013). This legislation requires the Commission to establish administrative rules, build the technology, and institute processes to

facilitate the reporting of adverse events by providers, healthcare facilities, and the public. The 2013-15 Legislatively Adopted Budget included \$1,543,052 million General Fund appropriated to the Oregon Health Authority as pass-through funding for the Commission.

Oregon Wine Board

	2009-11 Budget	2009-11 Actual	2011-13 Budget	2011-13 Actual	2013-15 Budget
Total Funds	\$4,017,346	\$3,103,726	\$3,530,239	\$3,444,653	\$3,705,500
Positions	7	7	7	7	8
FTE	6.50	6.50	6.50	6.50	8.00

Agency Overview

According to the Oregon Wine Board economic impact study, the wine industry contributes over \$2.7 billion of economic activity to the state economy, including over 13,500 wine-related jobs. The wine industry also plays a key role in Oregon's \$8 billion tourism industry. The Oregon Wine Board was established to support and advance enological, viticultural, and economic research to develop sustainable business practices for wine grape growing and wine making in Oregon. The Board supports marketing, research, education, and advocacy initiatives on behalf of all Oregon wineries and independent growers throughout the state's diverse winegrowing regions. The Board is comprised of nine members appointed by the governor with staggered three-year terms for each member. Among other qualifications, Board members must be actively engaged in wine grape growing or wine making and have a demonstrated interest in the positive development of the Oregon wine industry.

Revenue Sources

The agency is funded primarily by revenue generated from two assessment fees: (1) an assessment of \$25 per ton imposed on grapes crushed; and (2) an assessment of \$0.021 per gallon imposed on wine made from other agricultural products. In addition, a privilege tax of \$0.67 per gallon (\$0.77 per gallon for wines containing more than 14% alcohol by volume) is imposed on manufacturers and distributors of wines. Of this tax, \$0.02 per gallon is paid into the account established by the Oregon Wine Board. The Board also charges a fee (from \$155 to \$900 per winery depending on the country and event) to wineries participating in the export program. All assessment fees are collected by the Oregon Liquor Control Commission on behalf of the Oregon Wine Board. Other revenue sources include program fees and grants, including the United States Department of Agriculture's (USDA) Market Access Program (MAP) export grants, Value-Added Producer Grants (VAPG), and Rural Development Rural Business Enterprise Grants (RBEG). During the 2011-13 biennium, the Board also charged a \$250 inspection fee for every winery participating in the Oregon Certified Sustainable Wine® (OCSW) program. In addition, a \$0.01 bottling fee was charged for each qualifying bottle. In March of 2013, the Board of Directors voted to discontinue this program.

Budget Environment

The Board is required to adopt budgets on an annual basis. The Board may adopt or modify a budget only after holding a public hearing and must give notice of budget hearings to all constituents. In addition, the Board circulates a draft budget and strategic plan to the industry to obtain public comment. The Board is required to submit annual plans and budget to the Director of the Oregon Business Development Department for review. In reviewing the annual plans and budget, the Director may consult with and receive coordinated support from the Oregon State Department of Agriculture, the Oregon Tourism Commission, the Oregon University System, the Department of Community Colleges and Workforce Development, and the Oregon Liquor Control Commission.

2011-13 Budget to Actual

The 2011-13 actual revenue of \$3,648,888 was 9.09% higher than budgeted revenues because the Board used conservative estimates to project the grape assessment revenue based on low production yield. In addition, the Board collected higher than budgeted symposium and education revenues after moving events to the Oregon Convention Center in 2012. The 2011-13 actual expenditures of \$3,444,653 were 2.42% lower than budgeted reflecting vacancy savings from transitioning to a new agency director.

2013-15 Budget

The 2013-15 Board adopted budget of \$3,705,500 represents a 4.96% increase from the 2011-13 Board adopted budget. The Board anticipates reducing administrative costs and increasing marketing activities during the 2013-15 biennium.

Citizens' Initiative Review Commission

	2009-11 Budget	2009-11 Actual	2011-13 Budget	2011-13 Actual	2013-15 Budget
Total Funds	0	0	0	0	\$190,000
Positions	0	0	0	0	*
FTE	0.00	0.00	0.00	0.00	*

Agency Overview

Established in 2011, the eight-member Citizens' Initiative Review Commission (CIRC) became a semi-independent state agency in 2013. The Commission provides oversight for the Citizens' Initiative Review (CIR) program, whose mission is to publicly evaluate ballot measures in order to provide voters with easy access to clear, useful, and trustworthy information at election time. The Commission selects measures for review and brings volunteer panels of Oregonians from across the state to evaluate ballot measures. The Commission is made up of former panelists, former moderators, and appointees from the governor and bipartisan Senate leadership. The CIRC contracts with Healthy Democracy (a nonpartisan nonprofit organization committed to fostering public engagement in the democratic process) to run the reviews.

*The Commission currently has no staff. The agency addresses its administrative and program needs on a contract basis and with volunteers.

Revenue Sources

The Commission is funded entirely by charitable foundations and donations from individuals. The Commission may not receive moneys or assistance from political committees, for-profit corporate treasuries, or union treasuries. The Commission documents on its website any contributions from any individual in aggregate total of \$100 in a calendar year. The entirety of the Commission's 2013-15 revenue, in the form of a \$186,481 donation in 2014, has come from Healthy Democracy, which in turn has received contributions from the following sources: Meyer Memorial Trust, Ford Family Foundation, Samuel S. Johnson Foundation, Nobel and Lorraine Hancock Family Foundation, The Carol and Velma Saling Family Foundation, The Carpenter Foundation, and The Omidyar Network.

Budget Environment

The Commission was not established as a semi-independent agency until August 2013, and therefore does not have a 2011-13 budget. The nominal amount of moneys (\$3,519) received by the Commission before its establishment as a semi-independent was transferred to a new depository account established under ORS 182.470.

2013-15 Budget

The 2013-15 Commission adopted budget of \$190,000 will cover state government service charges, administrative staff, moderator training, panelist stipends and reimbursements, voter pamphlet publications, and program administration costs.

APPENDIX C

Sample of Licensing and Enforcement Activity Spreadsheet

Section 5	June 2005	June 2007	% Change	June 2009	% Change
Actively licensed landscape construction professional individuals	1462	1590	9%	1630	3%
Actively licensed landscape businesses	1174	1227	5%	1240	1%
(a) The number of license applications;	382	557	46%	700	26%
Individual licenses	203	281	38%	415	48%
Business licenses	179	276	54%	285	3%
(b) The number of licenses issued; (total)	292	505	73%	399	-21%
Individual licenses	108	206	91%	122	-41%
Business licenses	184	299	63%	277	-7%
(c) The number of examinations conducted;	2145	4754	122%	4087	-14%
Laws and rules	382	751	97%	674	-10%
General A exam	373	906	143%	711	-22%
General B exam	318	691	117%	518	-25%
General C exam	211	464	120%	415	-11%
General D exam	309	743	140%	588	-21%
Backflow	253	572	126%	570	0%
Irrigation	299	627	110%	611	-3%
(d) The average time between application for and issuance of licenses (months);					
Landscape Construction Professional (individual)	3.7	8.6	57%	5.6	-54%
Landscape Contracting Business	0.3	0.3	0%	0.4	25%
(e) The number and types of complaints received about persons holding licenses; (total)=> CLAIMS (complaints from consumers):					
Dispute Resolution	123	182	32%	219	17%
Employee	0	2	100%	3	33%
Material Supplier	30	39	23%	88	56%
Owner (Breach of Contract/Negligent work)	88	132	33%	121	-9%
Lien (new ability to accept 2007)				1	100%
Subcontractor	5	9	44%	6	-50%
(f) The number and types of "CLAIM" investigations conducted;	123	182	32%	219	17%
Onsite Investigation Owner Claims	59	97		37	
Administrative (Office process investigation-includes mediation)	64	85		182	
(g) The number and types of resolutions of complaints (Claims);	126	160	27%	198	24%
Onsite Mediation Resolution	36	63	75%	36	-43%
Dismissed/Untimely filed/Claimant failed to respond	23	24	4%	36	50%
Referred to OAH	4	1	-75%	3	200%
P.O. issued; paid by Bond	16	8	-50%	18	125%
P.O. issued; paid by Landscape Contracting Business	3	25	733%	38	52%
P.O. issued; Bond Exhausted	9	4	-56%	23	475%
Claimant Withdrew	21	1	-95%	5	400%
Parties resolved independently	14	34	143%	39	15%
(g-2) The number of days between beginning a CLAIM investigation and reaching a resolution (in days)	90.05	150.6	67%	133.98	-11%
(h-1) The number and type of COMPLIANCE sanctions imposed against Licensed; (total)	132	420	218%	614	46%
Civil penalty	9	37	311%	154	316%
Settlement agreement	34	68	100%	90	32%
Suspended license(business or individual)	25	183	632%	263	44%
Withdrew	52	71	37%	22	-69%
Closed; No violation	3	15	400%	64	327%
Closed; Informational letter issued	6	37	517%	1	-97%
Refuse to renew	3	9	200%	19	111%
Refuse to issue	0	0		1	100%
(h-2) The number and type of COMPLIANCE sanctions imposed against Un-Licensed (total)	157	455	190%	451	-1%
Civil penalty	42	93	121%	165	77%
Settlement agreement	57	227	298%	208	-8%
Withdrew	9	44	389%	17	-61%
Closed; No violation	24	52	117%	34	-35%
Closed; Informational letter issued	24	32	33%	24	-25%
Refuse to issue	2	7	250%	3	-57%
(i-1) The number of days between beginning a Compliance investigation and reaching a resolution: Licensed (in days)	40.63	35	-14%	31.5	-10%
(i-2) The number of days between beginning a Compliance investigation and reaching a resolution: Un-Licensed (in days)	59.23	73	23%	59.5	-18%

moved testing to PSI => fewer exams taken, fewer individuals passing exam => fewer individuals licensed => fewer businesses licensed.

Every claim has an investigation administratively. Additional on site investigations are conducted on homeowner claims if required.

More businesses allowed claim to go to bond for payment which ends up with a Landscaping debt owed => business license suspended.

More businesses producing evidence of actual compliance after notice of violation is sent.

Used to issue warnings => no statutory authority, now just informational letter if no substantial proof of violation, otherwise close w/ no violation.

Trend- Quicker resolution

APPENDIX D

Updated Reporting Guidelines

SEMI-INDEPENDENT AGENCY REPORTING GUIDELINES – 2016

ORS 182.472 requires that twelve semi-independent agencies provide reports every even numbered year to the Governor, Senate President, House Speaker, and Legislative Fiscal Office (LFO).

The following guidelines were developed by LFO to facilitate its report review and completion of the biennial summary report of findings prepared for the Legislature. Questions about these guidelines can be directed to Kim To at kim.to@state.or.us or John Terpening at john.c.terpening@state.or.us

Reporting Time Period

The report should include actual data for the prior biennium and approved/forecasted budget and fee change information for the biennium in which the report is completed. The report that is due on April 1, 2016 should include actual data for the 2013-15 biennium, and projected revenue, adopted budget, and proposed fee change information for the 2015-17 biennium.

What to Report

The statute specifies what information agencies are required to include; however, there is a wide range of information submitted to meet the requirement. What follows are more specific reporting guidelines intended to promote consistency in the type and level of detail of information provided:

Sample Table of Contents

- Section I: Copy of Audit or Financial Review
- Section II: Budget Comparison
- Section III: Rule Making Activities
- Section IV: Consumer Protection
- Section V: Licensing Activities and Disciplinary Actions
- Section VI: Other Board Activities

Section I: Copy of Audit or Financial Review

ORS 182.472 (1) A copy of the most recent audit or financial review of the board.

The statute directs agencies to submit their most recent audits or financial review. Having a copy of the audit that covers the timeframe of the report is a critical tool for LFO to reference when reviewing information provided by agencies. For the 2016 reporting period, LFO requests that agencies provide a copy of the audit or review for the biennium ended June 30, 2015, along with copies of management letters referenced in the audit or review.

If agencies choose to use financial reviews, in addition to the guidelines for financial reviews recommended by the Secretary of State, LFO recommends that agencies include a risk assessment, and an agreed upon procedures for an appraisal of internal controls. The financial review should include, but not be limited to, the following:

- A compilation of reviewed financial statements
- Review and risk assessment of:
 - board member recruitment, appointment, training, and duties
 - information technology systems security*
 - licensing processes
 - rulemaking process
 - requests for proposals
 - procurement contracts
 - vendor relationships

*Agencies may choose to work with the Department of Administrative Services’ Enterprise Risk Management Office for a review and risk assessment of the agency’s information technology system, instead of including it in the financial review contract.

Section II: Budget Comparison

ORS 182.472 (2) A copy of the actual budget for the prior biennium and a copy of the board’s adopted budget for the biennium in which the report is made: (a) The beginning balance and ending balance for each of the two biennia; (b) A description of material changes between the two biennia; (c) A description of the public hearing process used to establish the budget adopted for the current biennium; and, (d) A description of current fees and proposed changes to fees, along with information supporting the amounts of the current fees and any proposed changes to the fees.

The statute directs agencies to include a copy of the “actual budget for the prior biennium and a copy of the board’s adopted budget for the biennium in which the report is made.” This means that the report due in 2016 should include actual budget numbers for the 2013-15 biennium and the adopted budget for the 2015-17 biennium.

Agencies should include copies of the following documents:

1. Balance sheet for the 2013-15 biennium.
2. Forecasted balance sheet for the 2013-15 biennium.
3. Projected/Adopted budget forecast for the 2015-17 biennium.
4. Line item comparison of budget to actual revenues and expenditures for 2013-15 biennia.
5. Line item comparison of material changes between 2013-15 and 2015-17 budgets.

Example: Line Item comparison of revenues and expenditures

	2013-15 Adopted Budget	2013-15 Adjusted (Approved) Budget	2013-15 Actual	% Change Budget to Actual	2015-17 Adopted Budget	% Change 2013-15 Adopted to 2017-15 Adopted
Revenue						
Licensing Fees						
Other Fees						
Total Revenue						
Expenses						
Payroll						
Services and Supplies						
Travel						
Telecommunications						
Professional Development						
Attorney General Fee						
Audit Charges						
Facilities Rent						
Total Expenses						
Positions						
FTEs						

In addition, agencies should include the following material:

a) Beginning and ending balances for the two biennia

Beginning and ending balances represent the amount of monies that are carried over from one biennium to the next. LFO recognizes that the accounting software that most agencies use does not easily identify this information, so LFO requests that agencies prepare a simple table to communicate this information.

Example: Table of Beginning and Ending Balances

Beginning and Ending Balances	2013-15 Actual/Reported	2015-17 Projected/Adopted
Beginning Balance (2011-13 carry-over)	\$200,000	\$220,000
Net Income/Loss	20,000	15,000
Ending Balance	\$220,000	\$235,000

LFO will confirm that audited values for the past biennium and actual numbers reported by the agency are the same. Variances occur for a number of legitimate reasons, many of which are related to accounting timing. Please discuss any amendment to the budget, and/or any other variance from the last reporting period.

b) A description of material changes between the two biennia

A material change is any change above an inflationary increase to a budget from one biennium to another. Agencies need to provide:

- A discussion of material changes between budget and actual beginning balance, revenues, expenditures, and ending balance for the 2013-15 biennium (including any budget adjustments).
- A discussion of material changes between 2013-15 Approved Budget and 2015-17 Adopted Budget.

In providing this information, it may also be appropriate to discuss unanticipated expenditures that emerged during the 2015-17 biennium that are not reflected as material changes in the 2013-15 biennium.

c) A description of the public hearing process used to establish the adopted budget

When describing the public hearing process for approval of the budget, please include the dates and a description of actions taken. Actions covered should include:

- Information regarding who received notices about budget hearings and why (with dates).
- Information regarding budget hearings, public comments, and board actions (with dates).
- Information regarding the date the budget was filed with the Secretary of State and when a copy was submitted to Legislative Counsel.

d) A description of current fees and proposed changes, and information supporting the changes

Agencies should include a list of all current fees, any fee changes made in the previous biennium, and anticipated changes for the upcoming biennium. One suggested presentation format for this information is to use a table such as the following:

Example: Table of Fees and Changes over Time

Fee Type	Fee as of 6/30/11	Fee as of 6/30/13	Fee as of 6/30/15	Anticipated Fee on 6/30/17
<i>List of all fee types</i>				

In addition to including a list of fees, the agency should supply an explanation of changes and a justification for fee increases. Typically, the justification is a “budget shortfall.” In this case, LFO will want to confirm that the agency has appropriately forecasted anticipated revenues and expenditures and that all other avenues of potential funding were considered (such as agency efficiency improvements or use of agency reserves) prior to approval of a fee increase. Some questions agencies might consider when preparing their justification for a fee increase are:

- What is changing in the operating environment that is negatively impacting future revenues and expenditures?
- What actions has the agency already taken to mitigate the impacts of the factors that are negatively influencing future revenues and expenditures?
- What assumptions are used when forecasting a budget shortfall?
- What options besides a fee increase were considered as a strategy for funding the budget shortfall?

[The Oregon Patient Safety Commission, the Oregon Wine Board, and the Citizens’ Initiative Review Commission have different revenue structures than licensing boards, so LFO requests that these agencies provide information on changes in revenue sources which may include fees, contributions, tax revenues, grants, or other sources.]

Section III: Rule Making Activities

ORS 182.472 (3) A description of all temporary and permanent rules adopted by the board during the prior biennium.

The statute requests that agencies report rules adopted by the board during the prior biennium.

Agency information provided under this section needs to include sufficient information to allow LFO to quickly confirm that proper protocols were followed when revising Oregon Administrative Rules (OAR), Chapter 183. Critical elements include:

- OAR reference
- Nature of change
- Public notification and hearing dates (if applicable)
- Board action date
- Filing dates (Secretary of State and Legislative Counsel)

LFO suggests that agencies use a table format to present this information, as the following example illustrates:

Example: Table of Administrative Rules

Description of Change	Public Notification and Hearing Dates	Board Action Date	SOS Filing Date	LC Filing Date	OAR Number(s)
<i>Change...</i>	<i>Dates</i>	<i>Date</i>	<i>Date</i>	<i>Date</i>	<i>Number</i>
<i>Repeal...</i>	<i>NA</i>				
<i>New...</i>					
<i>Temporary Rule</i>					

Note: This table might be better displayed using landscape format.

Section IV: Consumer Protection

ORS 182.472 (4) A description of board actions promoting consumer protection that were taken during the prior biennium.

LFO requests that agencies provide a description of actions taken to promote consumer protections which might include activities such as process or service delivery improvements, public outreach, education programs, industry activities, etc. It may also be appropriate to include examples of agency materials and/or publications under this section.

For agencies that do not have consumer protection as part of their mission, please include copies of annual performance reports that are prepared for industry stakeholders and other key constituents.

Section V: Licensing Activities and Disciplinary Actions

ORS 182.472 (5) If the board issues licenses, a description of the board's licensing activities performed during the prior biennium that is adequate to allow evaluation of the board's performance of its licensing responsibilities, including: (a) The number of license applications; (b) The number of licenses issued; (c) The number of examinations conducted; (d) The average time between application for and issuance of licenses; (e) The number and types of complaints received about persons holding licenses; (f) The number and types of investigations conducted; (g) The number and types of resolutions of complaints; (h) The number and type of sanctions imposed; and (i) The number of days between beginning an investigation and reaching a resolution.

The intent of collecting and reporting the data required by ORS 182.472 (5) is to provide reliable and accurate indicators of workforce (licensees) and performance (exams proctored, processing time, complaints received, investigations conducted, backlog risk, sanctions imposed), in order to ensure each agency's responsiveness to its constituents and market forces. While the statute does not specifically require that agencies include multiple years of data, LFO's previous reports recommended that agencies include multiple years of data (10 years or 5 biennia) so trending would be possible. To help ensure that multiple years of data are provided, LFO has provided a standardized template for reporting data under this section. Agencies should retain historical data when reporting for up to a period of 10 years (5 biennia). The inclusion of historical data enables the agency to discuss performance trends and/or potential issues such as case backlogs in their narrative, which facilitates LFO's efforts to evaluate the board's performance of licensing and enforcement responsibilities. The January 2016 report should include actual licensing data for the 2005-07, 2007-09, 2009-11, 2011-13, and 2013-15 biennia.

Understandably, data collection and processing methods often change over time. Various activity status codes are added or removed by semi-independent agencies, and at times, a determination may be made to begin to count licensees with a particular license or status code which may not have been counted in previous years. Conversely, at times a determination is made to cease to include licensees with a particular license or status code. Although these types of changes may make sound business sense and result in more accurate data at that specific time, they also skew the trend lines when doing an analysis of trends over a period of time when different collection methods were used. To prevent faulty analysis resulting from these types of changes, LFO recommends the inclusion of:

1. A detailed description of your agency's data collection process. Critical elements include:
 - a. Document procedures used to ensure that data are accurate and internally consistent.
 - b. Be clear about the date or time period of collected data.
 - c. Provide a glossary of terms. For example, define each type and status of licensing/certification, exams conducted, complaints, investigations, sanctions.
 - d. Ensure that definitions of data elements are consistent from biennium to biennium. Any deviations in data collection process or definition of terms should be explained.
 - e. Document the reasons for significant changes in data from one year to the next.
2. The following Licensing and Enforcement Activity Spreadsheet (template provided by LFO):

Section 5	June 2005	June 2007	% Change	June 2009	% Change
Actively licensed landscape construction professional individuals	1462	1550	5%	1630	5%
Actively licensed landscape businesses	1174	1227	5%	1240	1%
(a) The number of license applications:	382	557	46%	700	26%
Individual licenses	203	281	39%	415	48%
Business licenses	179	276	54%	285	1%
(b) The number of licenses issued: (total)	292	505	73%	399	-21%
Individual licenses	158	206	31%	152	-24%
Business licenses	134	299	122%	247	-17%
(c) The number of examinations conducted:	2145	4754	222%	4087	-14%
Laws and rules	382	751	97%	874	16%
General A exam	373	906	141%	711	-22%
General B exam	318	691	117%	518	-25%
General C exam	211	464	120%	415	-11%
General D exam	309	743	143%	588	-21%
Backflow	263	572	120%	570	0%
Integration	299	627	109%	611	-3%
(d) The average time between application for and issuance of license(s) (months):					
Landscape Construction Professional (Individual)	3.7	8.6	130%	5.6	-34%
Landscape Contracting Business	0.3	0.3	0%	0.4	25%
(e) The number and types of complaints received about persons holding license(s), total>> CLAIMS (complaints from consumers):					
Dispute Resolution	123	182	49%	219	20%
Employee	0	2	100%	3	50%
Material Supplier	30	39	29%	86	120%
Change (Breach of Contract/Negligent work)	88	132	50%	121	-8%
Lien (Inn ability to accept 2007)	5	9	44%	6	-33%
Subcontractor	5	9	44%	6	-33%
(f) The number and types of "CLAIM" investigations conducted:	123	182	49%	219	20%
On-site Investigation (On-site Clams)	59	97	63%	97	0%
Administrative (Office process investigation-includes mediation)	84	85	1%	182	113%
(g) The number and types of resolutions of complaints (Claims):	126	160	27%	198	24%
On-site Mediation Resolution	36	63	75%	36	-43%
Dismissed/Unimply filed/Claimant failed to respond	23	24	5%	36	50%
Referred to ODA	4	1	-75%	3	250%
P.O. issued, paid by Bond	16	8	-50%	18	125%
P.O. issued, paid by Landscape Contracting Business	3	25	733%	38	52%
P.O. issued, Bond Exhausted	9	4	-56%	23	478%
Claimant Withdraw	21	1	-95%	6	69%
Parties resolved independently	14	34	143%	39	15%
(g-2) The number of days between beginning a CLAIM investigation and reaching a resolution (in days)	90.05	150.6	67%	133.98	-11%
(h-1) The number and type of COMPLIANCE sanctions imposed against Un-Licensed: (total)	132	420	219%	614	46%
Civil penalty	9	37	311%	154	315%
Settlement agreement	34	68	100%	90	32%
Suspended license/business or individual	25	183	632%	263	44%
Withdraw	52	71	37%	22	-60%
Closed: No violation	3	15	400%	64	324%
Closed: Informational letter issued	6	27	317%	11	-60%
Refuse to renew	3	9	200%	19	111%
Refuse to issue	0	0	0%	1	100%
(h-2) The number and type of COMPLIANCE sanctions imposed against Un-Licensed: (total)	197	455	130%	451	-1%
Civil penalty	42	93	119%	165	77%
Settlement agreement	57	227	298%	208	-8%
Withdraw	9	44	393%	17	-61%
Closed: No violation	24	52	117%	34	-33%
Closed: Informational letter issued	24	32	33%	24	-25%
Refuse to issue	2	7	250%	3	-57%
(i-1) The number of days between beginning a Compliance investigation and reaching a resolution: Licensed (in days)	40.63	35	-14%	31.5	-19%
(i-2) The number of days between beginning a Compliance investigation and reaching a resolution: Un-Licensed (in days)	59.23	73	23%	59.5	-19%

[The Oregon Patient Safety Commission, the Oregon Wine Board, and the Citizens' Initiative Review Commission are not licensing entities. In lieu of licensing and enforcement data, LFO recommends that the Oregon Patient Safety Commission submit a copy of the latest Public Health Officer Certification Report, and the Oregon Wine Board submit a copy of its latest Annual Report along with other information that illustrate performance results achieved during the reporting period.]

Section VI: Other Board Activities

ORS 182.472 (6) A description of all other actions taken during the prior biennium in the performance of the board's statutory responsibilities that is adequate to allow evaluation of the board's performance.

Please include the following information:

1. An Organizational Chart
2. If your positions and FTE numbers have changed, a brief narrative explaining the change in the personnel.
3. The following table (template provided by LFO).

Biennium	Positions	FTE	Board Meetings	Approximate # Licensees on June 30 close of biennium		Board Stipend	Director Salary \$/Month on 6/30 close of biennium
				Individuals	Firms/ Business		
2009-2011							
2011-2013							
2013-2015							
2015-2017 (Budgeted)							

In addition, agencies should include additional comments about actions taken during the prior biennium which might include agency accomplishments and performance results. Examples include results from customer service surveys, improvements made or planned, etc.

[Because the Oregon Patient Safety Commission, the Oregon Wine Board, and the Citizens' Initiative Review Commission are not licensing entities, they should select and report on a few key performance measures that illustrate performance results achieved during the reporting period. Ideally, these performance measures are high level, outcome oriented measures that are aligned with mission critical work so that they are consistent over time, allowing for performance trending and analysis. The purpose of this request is to facilitate LFO's efforts to evaluate the board's performance.]