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PLA
Professional Licensing Agency

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Governor Mitchell E. Daniels, Jr.

ELECTRONIC MEANS PARTICIPATION POLICY

Posted on the public SBCBE webpage and copies available from main office

The following policy (the "Policy") regarding electronic participation in State Board of Cosmetology and Barber Examiners ("SBCBE") meetings was approved as set forth herein at the public meeting of November 19, 2012 by due consideration and unanimous 6-0 vote of the Commission.[1]

I. Recitals: Policy Considerations

This Policy is promulgated, and shall be interpreted to:

A. Balance ease of board member access and participation;
B. Follow P.L. 134-2012, as amended and be interpreted in a manner consistent with that law; and
C. Encourage board members to physically attend meetings whenever possible.

II. Policy Provisions

Based on the foregoing Recitals, the following Policy is hereby adopted by SBCBE:

1. At least three (3) board members must be physically present at the designated meeting site. In case of difficulty of scheduling or multiple Board members requesting electronic participation, the Chairperson of the Commission shall determine the rotation of who may attend electronically.

2. A board member participating via electronic means can do so by telephone, computer, video conferencing, or any other method of communication that allows for simultaneous communication and is capable of being recorded by members of the public present at the designated meeting site.

3. Where at least one (1) board member is participating via electronic means at a Commission meeting, all votes must be taken by roll call.

4. Each board member must physically attend at least three (3) board meeting a year.

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[1] Statutory Background. P.L. 134-2012 (HEA No. 1003-2012) affected the Open Door Law (ODL) and the Access to Public Records Act (APRA). A notable change would allow a State agency to allow its board members to attend meetings via electronic means on or after January 1, 2013. In order to permit participation in such a fashion, SBCBE has adopted this Policy. SBCBE is authorized to develop such a policy through Ind. Code §§ 5-14-1.5-3, 5-14-1.5-3.6.

5. A board member appropriately participating via electronic means is considered present, is counted for quorum purposes, and may vote at the meeting on all matters. A board member participating via electronic means may cast the deciding vote on any matter properly before the SBCBE and shall, and is encouraged to, fully participate in the meeting. The Policy is not intended to reduce robust debate of SBCBE matters.

6. A board member participating in a meeting via electronic means is not required to do so in a setting that is open to the public.

7. A board member attending via electronic means shall notify the President and Board Director reasonably in advance of the meeting. A board member does not require prior SBCBE authorization to participate electronically under this policy unless the President objects or must require physical participation under Section 1 herein.

8. The President is delegated to supervise and coordinate electronic participation with the assistance of the Board Director and Deputy Attorney General for the SBCBE.

9. Board members are encouraged, but not required, to attend in person all meetings possible. This Policy endeavors to balance convenience and greater membership participation with operational efficiency and quality.

10. This Policy shall sunset and terminate on December 31, 2014, unless earlier renewed by the SBCBE. The SBCBE intends to and may review this Policy annually or more frequently.

David Demuth, President SBCBE
On Behalf of SBCBE