



The Docket



Newsletter of the Association of Clerks of the District Courts of Virginia

Web page: www.vadistrictclerks.com

August 2013



Pay Increase Reminder

Don't be surprised if your August 16th paycheck looks slightly more robust than usual. A 2% salary adjustment for all full- and part-time salaried employees took effect on July 25th and should show up in your mid-August pay.

Also, employees with at least five years of continuous salaried service as of July 25, 2013 will receive an additional increase of \$65 per year of service, starting with year one and up to a maximum of thirty years. This additional adjustment is meant to deal with salary compression, so that valuable employees with many years of experience aren't making the same amount as someone who starts tomorrow. Part-timers will be paid a percentage of \$65 per year of service based on their staff hours.

The 2% increase will be applied first (of course!) based on your current salary, then the salary compression adjustment will be added in for those who are eligible. With luck, this will help take the sting out of summertime's ever climbing gas prices.

For more information about salary increases, a copy of the FAQ from HR is available on the Clerks' Association website at www.vadistrictclerks.com. For a copy of the newly approved District Court Salary and Classification plan, look on the OESINET under Human Resources.

Spotlight on Amy Burnham

Amy Burnham, Clerk of Arlington J&DR, took over as president of our Association on July 1. She has worked in the district courts for 15 years and has been an active member of the Association since 2009.



When did you first start working for the Virginia court system and in what capacity? (Have you always been at Arlington J&DR?)

I started with the Arlington Juvenile and Domestic Relations District Court in 1998 as an intern with Intake in the Court Services Unit. After my internship and until 2002, I was a Deputy Clerk with the same court and worked in the courtroom. I then went to work for the County as the Judges Administrative Assistant for almost five

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Spotlight on Amy Burnham

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years. In 2007, I was sworn in as the Clerk of Court, so, yes, I have always been in the Arlington J&DR Court and working for the same two judges!

What attracted you to the courts and what do you look forward to every day?

My interest in the courts was first piqued by some college classes and I was finally hooked on the court system by my internship. I look forward to hearing updates about the juveniles and families that come before our court. Since I have been with the same court for 14 years, I have seen some children grow up. It is always nice to hear from a Guardian ad Litem that a child has grown up to be a successful adult.

What was your job experience before you came to work for the courts, and what skills help you most in managing a court?

The only job experience I had was some part-time office work during summer breaks in high school and some waitressing in college. The skill that helps me the most in managing a court is flexibility. When I get to work in the morning, I have an idea of what to expect for the day, but I never know what is going to be thrown my way.

Please describe your court.

My court is made up of two judges and eight clerks. We also have two and a half staff interpreters shared by all the courts (both district courts and the circuit court are in the same building). We have court every day except for the two days a month when one of the judges sits in the City of Falls Church.

Arlington is an urban area that is just one Metro stop away and right across the Potomac River from Washington, D.C. When I look out my office window, I have an awesome view of the U.S. Capitol and the Washington Monument. Arlington is only 26 square miles (the smallest self-governing county in the United States), but has over 200,000 residents. It is also home to the Pentagon and Arlington Cemetery. Arlington is a very culturally and economically diverse community. We typically have at least

one Spanish interpreter all day, every day and an "exotic" language interpreter a couple times a week. Many of the people who come before our Court are not from Arlington. I would not be surprised if we had one of the highest certified mail usage rates in the state. This means more work, more money, and more non-appearances in court for our cases.

With your proximity to Washington, DC, do you experience a great deal of staff turnover, or are you fortunate to have long-term employees?

For my first few years as Clerk, we had very little turnover. As my long-term employees began to retire, we started having more turnover. Right now, I have two long-term employees and five employees who have been with us for less than a year and a half.

When/why did you first become involved with the Clerks Association?

In 2009, I was recruited by Steve Spurr (the Arlington GDC Clerk) to become a Regional Representative for the Association. If anyone knows Steve, you know he can be very persuasive. Since I was a new Clerk and was still learning the ropes, he promised to guide me and has been a mentor for me over the years.

What are you most looking forward to since becoming President of the Association on July 1? Do you have specific goals?

I am looking forward to meeting clerks from around the state. I really enjoy attending meetings, conferences, and classes to collaborate and learn how other offices are doing things. I think we can learn a lot from each other.

One goal I have for the Association is to take an active role in improving our salaries. It is wonderful to have Chief Justice Kinser and Mr. Hade working on getting salary increases for clerks that are more in line with other state employees. As an Association, we need to join them and do everything we can to bring our pay equal with our peers. My second goal is to encourage clerks to take advantage of the educational and mentoring programs offered by the Association and OES. By showing our

Spotlight on Amy Burnham

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professionalism and eagerness to expand our skills, we will demonstrate to the legislators and public the high caliber of employees who work in the judiciary and how deserving we are of the proper compensation.

Anything about your personal life you'd like to share?

I was born and raised in Branford, Connecticut and moved to the Washington, DC area to attend college. I have been married to John for 13 years and we have two great kids, Abigail (8 years old) and Jack (4 years old). My husband has been very supportive and understanding of my career. I know he hates the long and unpredictable hours, but he is always encouraging me to better myself. Currently, he is picking up the slack so that I can attend the Institute of Court Management (ICM) courses to become a Certified Court Manager.

What do you consider your greatest achievement to date?

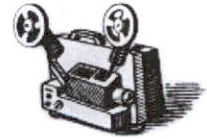
My greatest work achievement has been my overall growth as a court employee. In 14 years, I have worked my way through the ranks learning new skills and gaining confidence in myself. If someone told me 14 years ago that I would not only be Clerk, but also President of the Clerks Association for the entire Commonwealth of Virginia, I would have told them they were crazy. I could not be where I am today without the support and encouragement of my family, office, and my judges - Judges Varoutsos and Wiggins.

Anything is Possible!

*"I never thought that long haired,
bearded guy I married in law school
would end up being President"*

Hillary Clinton

Cameras to Film Murder Trial



Despite the occasional high-profile case, we rarely receive requests from the media anymore to allow video or still photography in our Fairfax courtrooms. This is most likely due to the local judges always denying such requests in the past. According to Tom Jackman's article in the July 29th Washington Post, this is all about to change.

For the first time in Fairfax County, the local media will be allowed to film and broadcast an upcoming murder trial in the Circuit Court. Judge Jane Roush granted the media request for the trial of Julio Blanco Garcia, charged with killing Vanessa Pham in 2010. This story was all over the local news at the time because the victim, a pretty young college student, was found dead in her car on Rt. 50 a short distance from where she'd just had her nails done on Gallows Road in Merrifield, a heavily populated area of the county. There were no suspects until Blanco Garcia was arrested on a separate charge two years later and his fingerprints matched one lifted from Pham's vehicle.

Judge Roush had previously denied a media request ten years ago when she presided over the trial of Lee Boyd Malvo, the younger of the two DC Snipers. But in that case, she said it was because there was the possibility that Malvo would face additional charges in other states and she didn't want televised proceedings to influence those cases.

With the Blanco Garcia case, Judge Roush has imposed certain limitations. For instance, jury selection begins August 19th and the jurors are not to be filmed. She may exclude some witnesses from being filmed, and the family has requested they not be televised.

Even without the cameras, murder trials usually draw a crowd. While most will be interested to see if the accused is found guilty, others will be watching to see if this experiment in televising the proceedings will be successful or turn into the lengthy media circus judges have feared. Either way, it may have an impact on what judges in Virginia allow in the future.

Abuse, Neglect & Foster Care Training

By Michele Bryant, Clerk,
Patrick County J&DR



Rhonda Gardner, J&DR Court Services Manager, OES, addressed three areas during the recent presentation at the Clerks Association Conference in Waynesboro:

- (1) Online foster care forms,
- (2) Predisposition to disposition phase coding, and
- (3) Legislative changes.

A 2009 grant provided funding for online foster care training of clerks and judges. The advantages of this online program are that you can view this training at any time, you can stop and start the training as needed, you can go back and review this training whenever it's convenient, and no travel is required. This makes it a good resource for staff. Access to this program is located on the OESINET under Court Administration, Court Improvement Program, then E-Learning Programs. The online training includes items such as appropriate use of forms and roles of each party involved in the foster care hearings. Reviewing the material usually takes approximately 2-3 hours for each module.

During Rhonda's presentation, she covered the different ways children come into foster care such as petitions for abuse, neglect, or risk of abuse or neglect, entrustment agreement, relief of custody, transfer of custody on CHINS (Child In Need of Service), CHINS supervision, or CHINS. Each of these scenarios were addressed with the case type, hearing type, time frames for each hearing and forms to be used for each hearing and time.

Legislative changes effective **July 1, 2014**, (**next year**), are as follows:

- (1) Reduces the disposition hearing and the initial foster care plan review hearing from 75 days to 60 days post the five-day PRO (Preliminary Removal Order) hearing.

- (2) Reduces the time for filing the initial foster care plan from 60 days to 45 days.
- (3) Reduces the foster care review hearing from 6 months to 4 months post the dispositional hearing.
- (4) Reduces the time for filing foster care plan for the foster care review hearing from 5 months to 3 months.
- (5) Reduces the permanency planning review hearing from 11 months to 10 months post the dispositional hearing.
- (6) Reduces the time for filing a foster care plan for the permanency review hearing from 10 months to 9 months post the dispositional hearing.

The presentation materials are available on the OESINET under Department of Judicial Services, Court Training Materials, Juvenile & Domestic Relations, District Court Clerks Association Conference Materials.

Lengthy Trials in District Courts

by Suzy Swain, Chief Deputy,
Fairfax County GDC



As we all know, the district courts are where most people come into contact with the judicial system. Historically, we've been known as high volume courts, able to handle large caseloads with relatively speedy bench trials. But at a time when we are experiencing decreased funding of judicial positions, we are more and more frequently finding our resources tested with longer and more complex trials.

Legislative changes over the past few years have helped fuel the increase in lengthier trials in the district courts. The higher jurisdiction on general district court civil matters means some courts are starting to see personal injury cases on a more regular basis. Protective Order cases, besides being time consuming for the intake clerk, can run hours in the courtroom, especially when attorneys are involved on both sides. Commercial lease UDs often involve very large amounts of money, resulting in more motions and lengthier trials. Unusual criminal cases,

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Lengthy Trials

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such as those involving animal cruelty or sexual assault, can require numerous witnesses and/or those with expert knowledge. Even traffic cases can occasionally run long if a fatality is involved or on DWI trials as defense counsel attempt to save their clients from Ignition Interlock and the high cost of a DUI conviction.

Juvenile and Domestic Relations District Courts are often hit the hardest with lengthy trials, usually on their civil cases including custody, visitation, support, protective orders, and abuse and neglect cases. Amy Burnham, Clerk of Arlington J&DR, explains: "The longest cases are ones where children are involved. For example, a protective order hearing for a husband and wife may only take an hour or two, but as soon as they start discussing custody and visitation issues, the hearing time can double." And as we all know, the more attorneys involved in a case, the longer the trial is apt to run. Amy says this is especially true of termination of rights cases where the stakes are high and the attorneys and Guardians ad Litem are plentiful.

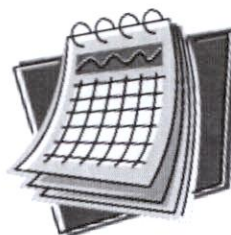
Each court has different ways of handling lengthy trials. For instance, in the Bedford GDC, attorneys know they must notify the court in advance for any trial estimates over an hour. In the Fairfax civil division, we limit the number of warrant in debt trials scheduled per day. Any trial with an estimate of over two hours is set specially from a calendar of dates when the court has reduced its regular dockets to accommodate long trials. Any trials expected to last over five hours require a pre-trial conference with the chief judge (this was instituted several months ago when two attorneys gave two-day trial estimates on different cases). Also, final protective order hearings are scheduled for separate civil dockets, except when heard in connection with a criminal case.

Scheduling and calendaring are useful tools for managing dockets, especially long trials. Carla Smith, Clerk of Bedford GDC, says her court maintains an in-house calendar on a shared drive. This is updated throughout the day for staff access so they know immediately when a docket is full.

The Arlington J&DR uses scheduling to block out time to accommodate long cases. When asked about squeezing in long trials around regular dockets, Amy says: "We do have a hard time squeezing in these cases especially the abuse and neglect and protective order hearings because they are time sensitive. It is not unusual for our judges to have to stay late to hear their normal docket and then a long case. Sometimes the judge will excuse the clerk from staying late, but a lot of the time a clerk will stay with the judge."

By requiring time estimates for trials at the return dates or on status dates, planning some dates in advance to accommodate lengthy trials, and through the use of special calendars or scheduling blocks, courts can better predict and manage their lengthy cases. Still, Amy Burnham says her court has had a judge stay until eight or nine o'clock to finish a case. "I've even heard a story of a judge and clerk who stayed until after midnight to finish a docket!" Carla Smith sums it all up: "We try to control our attorney dockets. Most of the time it works but sometimes it doesn't. We accept that there is simply no way to completely control the dockets."

[If you have any tips or suggestions to help deal with lengthy cases, please contact suzy.swain@fairfaxcounty.gov.]



Upcoming Dates

October 18, 2013 – Board Meeting, 10:00 a.m. – Waynesboro

April 1, 2014 - Spring Conference – Waynesboro

Customers Say the Darnedest Things!

Beneatha Simmons, Clerk, reported that the Petersburg J&DR Court received a call in the Clerk's Office on June 5th from a lady who asked: "My ex-husband was ordered to pay spousal support on June 1st. He died on June 1st - does he still have to pay me support?"

The deputy clerk responded the best she could while trying to keep a straight face!

Could Imaging Make Your Job Easier?

By Kristie Compton, Clerk,
Spotsylvania J&DR



Hours searching for missing files. Days preparing a local budget request for funding off-site case file storage. Weeks shifting files and cleaning up file shelves. Chances are each of you has experienced one or maybe even all of these in the past. The imaging idea is something we have all heard about, and perhaps even seen in the circuit courts. Imaging has made its way to Fairfax J&DR Court, Spotsylvania J&DR Court and Norfolk J&DR Court.

Being a pilot court for the imaging process has been both rewarding and exciting. Imaging was first introduced to Spotsylvania J&DR Court during the last months of 2011. The clerk's office began imaging juvenile traffic cases after several meetings and hands on training sessions with RMT (Records Management Team) and Department of Judicial Service (DJS). Later adult criminal, protective orders, juvenile criminal, and child and spousal support cases were added to the list of case types imaged. Members of the RMT and DJS teams were at the clerk's office each time a new case type was added to the imaging process.

Beginning the imaging project proved to be a very easy transition for the clerks. The RMT and DJS teams remain open to suggestions to streamline processes and make the system more user friendly. They are patient with questions and quick to respond to any issues encountered.

Like any change made in the clerk's office, whether it is to your scheduling and docketing system or policies, it takes time for the new procedure to take effect. Imaging records proved to be no different with a few exceptions. The ability to print scanned

images from the desktop printers became an immediate benefit to deputy clerks processing data entry. A summons could be scanned into the system then the two copies required for service and the case file could be printed from the imaging system. There was no more waiting in line at the copy machine to prepare the summons copies for service.

The front window queue has been a favorite feature that was immediately useful. This feature allows courtroom clerks to place electronic case files in a hold pattern for the deputy clerk at the front window to access. A note field in the queue allows the courtroom clerk to send an electronic note with each scanned file to the front window. The courtroom clerk identifies necessary transactions in the note field for each case such as fines and costs that are owed or a restricted driver's license needs to be completed.

After about three months of imaging records, we found that files needed to assist the public on the telephones and at the front window were sought out less and less. This is especially helpful to Spotsylvania J&DR since most of the files are stored two floors below the clerk's office in three different rooms. Fewer files are needed in the courtrooms as courtroom clerks and judges are able to access records electronically. Courtroom clerks are able to view case files electronically during a court hearing to obtain necessary information to prepare court orders while the judge is hearing the case. Documents are scanned in immediately leaving little chance to misplace a document entirely.

The benefits of imaging have been even greater than any of us could have imagined. The quiet, efficient equipment and support from RMT and DJS have made the process stress-free. Imaging in the district courts will improve efficiency and bring new and innovative ideas to each clerk's office.

Possible Scam



A woman contacted our court in June

stating that the Virginia Attorney General's Office had responded to her email concerning a problem she was having with a website after she was charged (and acquitted) of assault in last January. In her original email, the woman said she had contacted Mugshots.com and asked them to remove her criminal arrest and charge information, explaining she had been found not guilty and was trying to have the record expunged. They told her they would do so IF she paid them \$400.

The AG's Computer Crime Section suggested the woman contact her local and state law enforcement agencies to report this possible scam. The AG's Office said once reported, they would then work in conjunction with law enforcement to help this woman resolve the possible extortion scheme and the embarrassing and potentially harmful publicity.

If your court receives any complaints of this nature, please refer them to the Attorney General's Office and the Virginia State Police.

New Laws

The General Assembly passed more than 800 bills into law. Here are a couple to note.



Texting While Driving – As of 7/1/13, Virginia Code §46.2-1078.1 made texting a primary offense, instead of just a secondary offense. Fines increased from \$30 to \$125 for the first offense and \$250 for subsequent offenses. There is a loophole, however. Drivers who are pulled over may claim they were dialing a number or using GPS on their smartphones, both of which are still legal.

Sales Tax – Part of HB 2313 increased the state sales tax rate statewide and in the Northern Virginia and Hampton Roads regions. In most of Virginia, the bill changed the sales tax to 5.3% (4.3% state + 1% local), but in the Northern Virginia and the Hampton Roads regions the total changed to 6% (5% state + 1% local).

Women's Equality Day –

August 26th



Women in the United States were given the right to vote on August 26, 1920 when the 19th Amendment to the Constitution was signed into law. Across the 72 years between the first major women's rights conference at Seneca Falls, NY in 1848, and the passage of the 19th Amendment, thousands of people participated in marches, wrote editorials, gave speeches, lobbied political organizations, and held demonstrations with the goal of achieving voting rights for women. They even picketed the White House with signs asking, "How long must women wait for liberty?"

The woman suffrage amendment was first introduced in Congress in 1878. It was re-submitted numerous times until it was finally approved by the House and Senate in 1919. Over the following year, the suffragists spent their time lobbying states in order to have the amendment ratified by the required two-thirds of the states.

Fifty years later on August 26, 1970, Betty Friedan and the National Organization for Women (NOW) organized a nationwide Women's Strike for Equality to demand equal opportunities in employment and education. The strike brought national attention to the women's rights movement and in 1971, legislation was introduced in Congress by Rep. Bella Abzug (D-NY) to designate August 26 of each year as Women's Equality Day. Since then, every president has published a proclamation for Women's Equality Day on August 26.



Association Officers for 2013-2014

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News From Around The State



New Clerks: Effective June 17, 2013, **Joann Bartley** has been selected as Clerk of the Chesapeake J&DR Court. She succeeds **Lorraine Creef** who retired effective April 1. **Dana Franklin** took over as Clerk of the Prince Edward Combined Court on July 10 following the retirement of **Donna Ennis** on July 1. Congratulations to **Karen Snyder** who is moving up from Chief Deputy to Clerk of the Williamsburg GDC. She is replacing **Brenda Sumner** who retired on July 12 after more than 26 years of service (24 years as Clerk).

Retirement: **Betty Miller** retired on July 1 after 38 years with the Williamsburg J&DR. Betty served as Clerk for 20 years and she will be hard to replace. Also in Williamsburg, **Brenda Sumner**, Clerk, retired from the Williamsburg GDC after 26 years. Happy Retirement! After a sterling 10-year career, **Andre Mayfield**, Clerk of the Virginia Beach GDC, has announced that he will be retiring effective November 1, 2013. He'll be greatly missed.

Welcome: Portsmouth GDC would like to extend a belated welcome to some not so new employees. **Kay Dobson** and **Shannon Baker** joined the team in April 2012, and **Jill Brown** and **Diana Anglero** were additional happy arrivals to Portsmouth GDC in August 2012. DJ's is happy to welcome **Amanda Knighting** as a new court analyst with their General District Team. Amanda holds a B.A. in History from Virginia Tech in Blacksburg, and was previously employed by Staunton GDC. Williamsburg GDC welcomes **Edwina Millerleile**, who is moving up from Deputy Clerk in Yorktown to Chief Deputy in Williamsburg GDC on July 25. The Virginia

Beach GDC welcomed **Rachel Gorsuch** to the Criminal Division in July 2013, and new hire, **Hazel Corpus**, will be joining the Traffic Division in August. **Rachel Perez-Lopez**, a certified Spanish Interpreter, was recently assigned by OES to coordinate the Interpreter needs for the Virginia Beach Circuit, GD, and J&DR Courts. Her duties will include procuring interpreters for all three courts and performing as an interpreter herself.

Congrats: Years-of-Service Awards in Virginia Beach GDC honored the following employees: **5 Years:** **Debora Aftel, Doroteo Dy, Maria Dy, Rebecca Evans, Wanda Gruber, Ed Lasam, and Lucy Ramsey.** **10 Years:** **Andre Mayfield.** **15 Years:** **Dawn Daniel and Monika Johnson.** **25 Years:** **Shelby Duell and Helen Atkinson.** Wow, that's a lot of experience!

Married: **Joanna Griffith**, wage employee at Russell Combined, married Josiah Yates on January 12. Congrats!

What's Up: All three divisions in the **Portsmouth GDC** began scanning in May 2013. The Civil Division of the **Virginia Beach GDC** will begin receiving training on establishing the Imaging Program within that Division on August 7th. Once institutionalized, the Civil, Criminal and Traffic Divisions will all be using the Imaging Program.

Births: Congrats to the new mommas in the Fairfax GDC - **Jessica Spade**, Traffic supervisor, who gave birth to, Aiden Tyler Spade, on July 4th and **Holly Cubas**, Criminal supervisor, who finally welcomed her fashionably late daughter, Olivia Rose, on August 8th.

Sympathy: **Pauline Coleman**, retired clerk from Scott Combined Court, passed away on June 8, 2013. Our sympathies to her family.

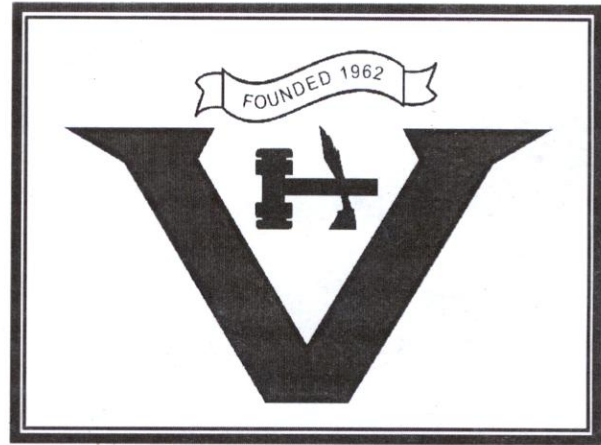
It's Time to Join the Association of Clerks

Becoming an Association member is a great way to develop your professional skills, make new friends, contribute to improving the benefits and salaries of district court employees, and impact the operations of district courts throughout Virginia.

Annual spring conferences provide opportunities for professional development and a chance to meet and collaborate with other members. The one-day conferences frequently include speakers of national stature, local experts on court procedures, technical workshops on court operations, and personal development seminars. As a strong supporter of the Clerk Certification Program offered by Michigan State University (MSU), the Association schedules training to assist members in completing the required coursework. **This year's conference will be held on April 1, 2014 in Waynesboro.**

The Association Board meets several times a year. Officers maintain contact with the Executive Secretary, Karl Hade, and other division managers at OES to ensure the Association has input on critical issues such as salaries, education programs, and various management issues regarding OES services. Each year when the General Assembly is in session, input from membership is sought and an occasional letter writing campaign is organized to local legislators to request they vote in the best interest of our members and court administration.

A few of the benefits resulting from the **Association's unified** joint efforts are adequate vacation and sick leave, a good retirement



program, and improved salaries. By working together, members have accomplished numerous changes which improve the courts and make our jobs easier, such as the uniform traffic summons and fixed misdemeanor fee.

We believe *The Docket* newsletter is another great benefit for members. It offers news that is relevant to our jobs, procedural information, and articles of personal interest.

Active membership participation in the Association is encouraged with plenty of officer and regional representative positions, plus over ten various committees. But if you prefer, you can start slow and enjoy all of the benefits without any pressure to join a committee. **So don't hesitate, join today and network with some of the best professionals in the state.** Membership is open to **all** employees from **all** levels within the district courts of Virginia. The annual dues are still a very affordable \$20, which makes membership in the Association of Clerks, quite possibly the best deal in town.

*(Note: Membership dues of \$20 are payable to the Association in **SEPTEMBER** of each year. If you are interested in becoming a member and your dues are not paid by your court, please see the application form included in this newsletter. We appreciate your support. Courts with 100% participation will be recognized in the next edition of the newsletter.)*

Association of Clerks of the District Courts of Virginia
Membership Application



FY 2014

Please check one: Renewal New Member

NAME: _____

POSITION: _____

COURT: _____ COURT ID: _____

COURT ADDRESS: _____

TELEPHONE: _____

FAX: _____

ANNUAL DUES: \$20.00

MAKE CHECKS PAYABLE TO:
ASSOCIATION OF CLERKS OF THE DISTRICT COURTS OF VA

Send application along with payment to:

Association of Clerks
c/o Debra A. Hill, Secretary/Treasurer
P.O. Box 294
Norfolk, VA 23501-0294

I would like to contribute to the growth and function of my Association in the following way:

