



## Virginia Board for Asbestos Lead and Home Inspectors

### **Guidance Document: Applicants with Criminal Convictions**

**Adopted August 7, 2014**

#### **I. Background**

The Virginia Board for Asbestos, Lead and Home Inspectors (Board) regulations outline the processes to apply for licenses and certificates under the Board's purview. Under the below applicable laws and regulations, the Board reviews applications for licensure or certification wherein the applicant has been convicted of any felony and/or any misdemeanor involving certain offenses.

#### **Asbestos Licensing Regulations**

*Reference 18VAC15-20-32 and 18VAC15-20-450*

The Board reviews any felony and any misdemeanor involving lying, cheating or stealing or any violation while engaged in environmental remediation activity that resulted in the significant harm or the imminent and substantial threat of significant harm to human health or the environment.

#### **Lead-Based Paint Activities Regulations**

*Reference 18VAC15-30-52 and 18VAC15-30-810*

The Board reviews any felony and any misdemeanor involving lying, cheating, or stealing, or of any violation while engaged in environmental remediation activity that resulted in the significant harm or the imminent and substantial threat of significant harm to human health or the environment.

## **Certified Home Inspector Regulations**

*Reference 18VAC15-40-30 and 18VAC15-40-190*

The Board reviews any felony and any misdemeanor involving violence, repeat offenses, multiple offenses, or crimes that endangered public health or safety.

### **II. Issue**

Asbestos and Lead applicants for licensure who meet all other requirements but have had a felony conviction or any misdemeanor conviction, at any time in the past, related to lying, cheating, or stealing, or any violation while engaged in environmental remediation activity that resulted in the significant harm or the imminent and substantial threat of significant harm to human health or the environment must go through an informal fact-finding conference pursuant to the Administrative Process Act (APA) (Chapter 40 of Title 2.2 of the *Code of Virginia*) in order to have their applications considered for licensure, thus delaying the approval of their applications.

Home Inspector applicants seeking certification who meet all other requirements but have a felony or any misdemeanor conviction, at any time in the past, involving violence, repeat offenses, multiple offenses, or a crime that endangered public health or safety are also subject to the informal fact-finding conference process pursuant to the APA as stated above.

### **III. Policy**

The Board authorizes staff to approve an application with specific criminal convictions wherein the applicant meets all other requirements for licensure or certification, as applicable. Specifically, staff is authorized to review and approve, as appropriate:

1. An applicant with one or more felony convictions more than five years old and not related to environmental remediation activities. This does not include convictions that resulted in incarceration where the release date is less than one year from the application date.
2. An applicant with one or more misdemeanor convictions all of which are more than five years old and not related to environmental remediation activities.