

**VIRGINIA BOARD FOR  
ASBESTOS, LEAD, AND HOME INSPECTORS  
MEETING MINUTES**

The Virginia Board for Asbestos, Lead, and Home Inspectors met on August 8, 2013, at the offices of the Department of Professional and Occupational Regulation (DPOR), Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room 2, Richmond, Virginia 23233.

The following members of the Board were present:

Colleen Becker  
Keith Cronan, Chair  
Dolores Daniels  
Phillip Fincher  
Rick Holtz

D. Bowen Hyatt, Vice-Chair  
Brian Koepf  
Reginald Marston, III  
Walter C. Nixon

Board members Suzanne Blevins, Kenneth Nash, Peter Palmer, and D. Todd Vander Pol were not present at the meeting.

The following staff members were present for part or all of the meeting:

Gordon Dixon, Director  
Trisha L. Henshaw, Executive Director  
Thomas K. Perry, Board Administrator  
Kristin Clay, Legal Analyst  
Betty C. Jones, Administrative Assistant

Ms. Henshaw introduced and welcomed Steven Jack, Assistant Attorney General, from the Office of the Attorney General. Mr. Jack was in attendance as Board counsel as Elizabeth Peay was unable to attend.

Mr. Cronan, finding a quorum of the Board present, called the **Call to Order** meeting to order at 9:04 a.m.

Ms. Henshaw advised the Board of the emergency evacuation procedures. **Emergency Evacuation Procedures**

Ms. Becker moved to approve the revised agenda. Ms. Daniels seconded the motion which was unanimously approved by: Cronan, Daniels, Fincher, Hyatt, Koepf, Marston, and Nixon. Board members Becker and Holtz were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to lead-based paint renovation, repair, and painting (RRP) until the effective date of the regulations. **Approval of Agenda**

Ms. Becker moved that the Board approve the minutes of the following meetings: **Approval of Minutes**

- Board Meeting Minutes – May 2, 2013
- Informal Fact-Finding Meeting Minutes – June 13, 2013

Mr. Fincher seconded the motion which was unanimously approved by: Cronan, Daniels, Fincher, Hyatt, Koepf, Marston, and Nixon. Board members Becker and Holtz were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

Mr. Cronan opened the floor for public comment. No members of the public present requested to speak.

**Public Comment  
Period**

Regarding **File Number 2013-02846, Michael S. Kime**, the Board members reviewed the application file, which consisted of the exhibits, transcript, and the Presiding Officer's Summary and Recommendation. Mr. Kime was not present. Mr. Marston moved to accept the summary and recommendation of the Presiding Officer and approve Mr. Kime's asbestos supervisor application. Mr. Fincher seconded the motion which was unanimously approved by: Cronan, Daniels, Fincher, Hyatt, Koepf, Marston, and Nixon. Board members Becker and Holtz were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations. Mr. Nixon recused himself from the meeting and was not present during the discussion or vote due to his professional relationship with Mr. Kime.

**File Number 2013-  
02846, Michael S.  
Kime**

Ms. Henshaw gave an update on the current status of the regulatory review processes for several of the Board's regulatory packages.

**Update on  
Regulatory Review  
Processes**

The proposed fee amendments to the Asbestos Licensing Regulations, Lead-Based Paint Activities Regulations, and the Certified Home Inspector Regulations are currently undergoing review by the Governor's office.

The Certified Home Inspector Regulations to remove the requirement that initial training courses have to be taken in a classroom setting initially filed as fast-track action has been refiled using the standard process and is currently undergoing review by the Department of Planning and Budget. During the public comment period, sufficient objections were received to stop the fast-track process.

The proposed Lead-Based Paint Activities Regulations (Lead

Renewal Change) have been approved by the Governor's office. The 60-day public comment period begins August 26, 2013 and ends October 25, 2013. A public hearing has been scheduled for September 24, 2013 at 10 a.m. at the offices of the Department of Professional and Occupational Regulation in Board Room 1.

The proposed Lead-Based Paint Renovation, Repair, and Painting Program Regulations (Initial Promulgation) have been approved by the Governor's office. The 60-day public comment period begins August 26, 2013 and ends October 25, 2013. A public hearing has been scheduled for September 24, 2013 at 10:30 a.m. at the offices of the Department of Professional and Occupational Regulation in Board Room 1.

Ms. Henshaw discussed the Governor's Regulatory Reform Initiative to conduct a comprehensive review of all DPOR regulations currently in place and repeal regulations that are unnecessary or no longer in use, reduce unnecessary regulatory burdens on individuals, businesses, and other regulated groups, and identify statutes that require unnecessary or overly burdensome regulations.

**Governor's  
Regulatory Reform  
Initiative – Approve  
Draft Regulations**

Ms. Henshaw discussed the proposed changes identified as part of the Governor's Regulatory Reform Initiative to the Board for Asbestos, Lead, and Home Inspectors Asbestos Licensing Regulations. After discussion, Mr. Hyatt made a motion to adopt the proposed language to the Board for Asbestos, Lead, and Home Inspectors Asbestos Licensing Regulations as proposed regulations. Mr. Nixon seconded the motion which was unanimously approved by: Cronan, Daniels, Fincher, Hyatt, Koepf, Marston, and Nixon. Board members Becker and Holtz were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

Ms. Henshaw discussed the proposed change identified as part of the Governor's Regulatory Reform Initiative to the Board for Asbestos, Lead, and Home Inspectors Certified Home Inspector Regulations. After discussion, Mr. Koepf made a motion to adopt the proposed language to the Board for Asbestos, Lead, and Home Inspectors Certified Home Inspector Regulations as proposed regulations. Ms. Becker seconded the motion which was unanimously approved by: Cronan, Daniels, Fincher, Hyatt, Koepf, Marston, and Nixon. Board members Becker and Holtz were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the

regulations.

Ms. Henshaw discussed the proposed changes identified as part of the Governor's Regulatory Reform Initiative to the Board for Asbestos, Lead, and Home Inspectors Lead-Based Paint Activities Regulations. After discussion, Mr. Hyatt made a motion to adopt the proposed language to the Board for Asbestos, Lead, and Home Inspectors Lead-Based Paint Activities Regulations as proposed regulations. Mr. Fincher seconded the motion which was unanimously approved by: Cronan, Daniels, Fincher, Hyatt, Koepf, Marston, and Nixon. Board members Becker and Holtz were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

Ms. Henshaw discussed amending 18 VAC 15-30-161 to remove the maximum dollar amount that may be charged to candidates for the lead examination that is administered by a third party. The fee for examination or reexamination is subject to contracted charges to the department by an outside vendor. These contracts are competitively negotiated and bargained for in compliance with the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the *Code of Virginia*). Fees may be adjusted and charged to the candidate in accordance with this contract.

**Consider**  
**Regulatory Action**  
**to Amend 18 VAC**  
**15-30-161**  
**Regarding**  
**Examination Fees**

After discussion, the Board authorized staff to initiate regulatory action through the fast-track process to eliminate the fee cap for the third-party lead examination in order to set examination fees pursuant to a properly negotiated and executive contract in accordance with the Virginia Public Procurement Act. Mr. Nixon made the motion and Mr. Marston seconded the motion which was unanimously approved by: Cronan, Daniels, Fincher, Hyatt, Koepf, Marston, and Nixon. Board members Becker and Holtz were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

The Board was provided with a memorandum from Mr. Perry regarding certified home inspectors application review.

**Memo on Certified**  
**Home Inspectors**  
**Application Review**

On June 4, 2003, the Board agreed that any Home Inspector application received where the applicant is applying using the ten years of experience with a minimum of 250 home inspections alternative option to satisfy the entry requirement found in regulation 18 VAC 15-40-30.2.b, would be forwarded to a home

inspector Board member for review to either approve or recommend holding an Informal Fact Finding (IFF) conference so the entire Board could review the application. This practice, which was apparently working well, was discontinued somewhere between 2005 and 2007 because of a concern within the agency that a single Board member should not be making such a decision. In researching the Board's minutes, there is no mention of ending this process. Since that time, Board staff has been reviewing these applications. However, the information supplied pursuant to 18 VAC 15-40-30.2.b of the Board's regulations often contains industry-specific terminology and information that necessitates review by a subject matter expert in order to determine whether such documents meet the requirements of the Board's regulations.

After discussion, Mr. Hyatt made a motion that staff reinstitute the process that was initially approved by the Board in 2003. When an application for Certified Home Inspector containing the alternative option is received and all other requirements have been met, the Board Administrator will forward a copy of the application to one of the Board's two home inspector members for review. If that Board member considers that applicant's experience sufficient to qualify under the alternative option, staff will issue the applicant's certificate. However, if the Board member feels the experience submitted is insufficient, an IFF conference will be conducted so that the entire Board can review the application and make a decision. Mr. Fincher seconded the motion which was unanimously approved by: Cronan, Daniels, Fincher, Hyatt, Koepf, Marston, and Nixon. Board members Becker and Holtz were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

The Board was provided with a memorandum from Mr. Perry concerning equivalent examinations for certified home inspectors. The examination currently approved by the Board is the National Home Inspector Examination from the Examination Board of Professional Home Inspectors (EBPHI).

**Memo on**  
**Equivalent Exams**  
**for Certified**  
**Home Inspectors**

On June 4, 2003, the Board approved both the "old" ASHI (American Society of Home Inspectors) examination as well as the NAHI (National Association of Home Inspectors) CRI (Certified Real Estate Inspector) examination as being equivalent to the Board-approved examination.

After discussion, Mr. Marston suggested staff contact NAHI to see

if there have been any changes in their home inspector examinations since the Board deemed their examinations equivalent to the National Home Inspector Examination in June 2003. The Board agreed by consensus to defer this matter to the next Board meeting to allow staff time to further research this matter.

Mr. Perry provided a summary of the asbestos and lead training course audits. He conducted three course approval audits: one lead inspector initial, one lead risk assessor initial, and one asbestos supervisor refresher; and five pending course approvals, one lead risk assessor refresher, one asbestos worker initial, one asbestos worker refresher, one asbestos project designer initial, and one asbestos project monitor initial. Three unannounced audits of three different training providers: one lead worker refresher course; one asbestos project designer refresher course; and one lead risk assessor refresher course were conducted.

### **Asbestos and Lead Training Course Audits**

Ms. Henshaw opened the floor for nominations of Chair and Vice Chair. Mr. Hyatt made a motion to nominate Mr. Cronan as Chair. Mr. Nixon seconded the motion which was unanimously approved by: Cronan, Daniels, Fincher, Hyatt, Koepf, Marston, and Nixon. Board members Becker and Holtz were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations. By acclamation, Mr. Cronan was elected Chair.

### **Election of Officers**

Mr. Hyatt made a motion to nominate Ms. Becker as Vice Chair. Mr. Cronan seconded the motion which was unanimously approved by: Cronan, Daniels, Fincher, Hyatt, Koepf, Marston, and Nixon. Board members Becker and Holtz were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations. By acclamation, Ms. Becker was elected Vice Chair.

Ms. Henshaw indicated that Ms. Atwood resigned from the Board effective the end of her term June 30, 2013. Ms. Henshaw reminded the Board members to complete their Conflict of Interest Act training by September 30, 2013.

### **Other Business**

The following meeting dates have been scheduled:

- November 14, 2013
- February 6, 2014
- May 1, 2014

### **Future Meeting Dates**

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- August 7, 2014
- November 6, 2014

Mr. Cronan requested that the Board members complete their **Conflict of Interest Forms and Travel Vouchers**.

There being no further business, the meeting adjourned at 10:20 **Adjourn**  
a.m.

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Keith F. Cronan, Chair

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Gordon Dixon, Secretary