

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

The Virginia Board for Asbestos, Lead, and Home Inspectors met on November 14, 2013, at the offices of the Department of Professional and Occupational Regulation (DPOR), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 4, Richmond, Virginia 23233.

The following members of the Board were present:

Colleen Becker, Vice-Chair
Susanne Blevins
Keith Cronan, Chair
Dolores Daniels
Rick Holtz
D. Bowen Hyatt

Brian Koepf
Reginald Marston, III
Kenneth Nash
Peter Palmer
D. Todd Vander Pol

Board members Phillip Fincher and Walter Nixon were not present at the meeting.

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

Gordon Dixon, Director
Mark N. Courtney, Senior Director for Regulatory and Public Affairs
Nick Christner, Deputy Director for Licensing, Investigations and Compliance
Trisha L. Henshaw, Executive Director
Thomas K. Perry, Board Administrator
Kristin Clay, Legal Analyst
Betty C. Jones, Administrative Assistant

Elizabeth Peay from the Office of the Attorney General was present.

Mr. Cronan, finding a quorum of the Board present, called the **Call to Order** meeting to order at 9:03 a.m.

Ms. Henshaw announced that Mr. Holtz, Mr. Nixon, and Mr. Marston have been reappointed by the Governor for another term. She also indicated that Ms. Atwood resigned from the Board effective the end of her term, June 30, 2013. Ms. Henshaw announced that Ms. Kristin Clay will be joining her team as a Board Administrator for the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals, which Ms. Henshaw also manages.

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

Ms. Becker moved to approve the revised agenda. Mr. Vander Pol seconded the motion which was unanimously approved by: Blevins, Cronan, Daniels, Hyatt, Koepf, Marston, Palmer, and Vander Pol. Board members Becker, Holtz, and Nash 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 August 8, 2013, Board meeting. Ms. Daniels seconded the motion which was unanimously approved by: Blevins, Cronan, Daniels, Hyatt, Koepf, Marston, Palmer, and Vander Pol. Board members Becker, Holtz, and Nash 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.

Approval of Minutes

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

Public Comment Period

Regarding **File Number 2013-03459, David L. Brown**, the Board members reviewed the application file, which consisted of the exhibits, transcript, and the Presiding Officer's Summary and Recommendation. Mr. Brown was present and addressed the Board. He explained that he is trying to move forward with his life, although his past was rugged, and wants to be able to provide for his family.

File Number 2013-03459, David L. Brown

Mr. Jihad Abdulmumit was present and addressed the Board. Mr. Abdulmumit, a case manager, helps clients navigate through social service needs, medical needs, housing, and transportation. Mr. Abdulmumit stated that Mr. Brown deals with conflict, shows leadership, is proactive and has interaction in group settings, and he is pleased to speak on his behalf.

Mr. Mark Brickey was present and addressed the Board. Mr. Brickey supported Mr. Abdulmumit's comments and indicated that Mr. Brown has shown nothing but 100% professionalism. Mr. Brickey, an employment specialist, helps clients get back into society, find employment, and provide training. Mr. Brickey spoke very highly of Mr. Brown.

Mr. Marston moved to accept the summary and recommendation of the Presiding Officer and approve Mr. Brown's lead worker

application. Mr. Koepf seconded the motion which was unanimously approved by: Blevins, Cronan, Daniels, Hyatt, Koepf, Marston, Palmer, and Vander Pol. Board members Becker, Holtz, and Nash 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.

Regarding **File Number 2013-02958, David Loundermon**, the Board members reviewed the application file, which consisted of the exhibits, transcript, and the Presiding Officer's Summary and Recommendation. Mr. Loundermon was not present. Mr. Hyatt moved to accept the summary and recommendation of the Presiding Officer and approve Mr. Loundermon's asbestos supervisor application. Mr. Vander Pol seconded the motion which was unanimously approved by: Blevins, Cronan, Daniels, Hyatt, Koepf, Marston, Palmer, and Vander Pol. Board members Becker, Holtz, and Nash 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.

File Number 2013-02958, David Loundermon

Regarding **File Number 2013-03111, Jeffrey Carter**, the Board members reviewed the application file, which consisted of the exhibits, transcript, and the Presiding Officer's Summary and Recommendation. Mr. Carter was present and addressed the Board. Mr. Carter stated that he believes having his asbestos worker license will give him an opportunity for employment and he wants to set a good example for his son. Mr. Palmer moved to accept the summary and recommendation of the Presiding Officer and approve Mr. Carter's asbestos worker application. Mr. Marston seconded the motion which was approved by: Blevins, Cronan, Daniels, Koepf, Marston, and Palmer. Member voting in opposition to the motion was Mr. Vander Pol. Board members Becker, Holtz, and Nash 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. Hyatt recused himself from the meeting and was not present during the discussion or vote due to his professional relationship with Mr. Carter. The motion passed with a majority vote.

File Number 2013-03111, Jeffrey Carter

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

Ms. Henshaw stated there were no comments received during the public comment period on the regulatory action for the Asbestos,

Lead, and Home Inspector Lead-Based Paint Renovation, Repair, and Painting Program Regulations. A public hearing was held on September 24, 2013. In order to ensure that the regulations are accurate, enforceable, and minimize regulatory burdens, staff is conducting a comprehensive review of the proposed text. After finding several areas that need further review, staff requested that action on the proposed regulations be deferred until the February 6, 2014, meeting. At that time staff will be prepared with recommended amendments for the Board to consider, and the decision will be made as to whether the regulations can be adopted as final or if the revised text should be refiled as proposed. The Board agreed by consensus with this plan of action.

Ms. Henshaw stated there were no comments received during the public comment period on the regulatory action to change the lead renewal provisions in the Lead-Based Paint Activities Regulations. A public hearing was held on September 24, 2013.

**Adopt Final ALHI
Lead-Based Paint
Activities
Regulations**

Mr. Palmer made a motion to adopt the amendments to the Lead-Based Paint Activities Regulations as final regulations. Ms. Becker seconded the motion which was unanimously approved by: Blevins, Cronan, Daniels, Hyatt, Koepf, Marston, Palmer, and Vander Pol. Board members Becker, Holtz, and Nash 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. Perry provided a handout summarizing the asbestos and lead training course audits he has conducted. He conducted five course approval audits: one asbestos 16-hour project monitor initial, one asbestos worker initial, one asbestos worker refresher, one asbestos project designer initial, and one lead risk assessor refresher.

**Asbestos and Lead
Training Course
Audits**

Mr. Perry presented a memorandum at the August 2013 Board meeting concerning equivalent examinations for certified home inspectors and requested that the Board adopt a guidance document recognizing American Society of Home Inspectors (ASHI) and National Association of Home Inspectors (NAHI) as Board-approved examinations. Upon request of the Board at the August 2013 meeting, Mr. Perry conducted further research and investigation which allowed him to confirm that the examination is not offered online and there have been no substantive changes since 2003.

**Follow-up on Memo
on Equivalent
Exams for Certified
Home Inspectors**

After discussion, Mr. Marston made a motion to adopt a guidance document recognizing the following examinations as being Board-approved and thereby meeting the examination entry requirement for applicants:

- American Society of Home Inspectors (ASHI) examination taken before 2000 (precursor to the EBPHI)
- National Association of Home Inspectors (NAHI) CRI examination

Mr. Koepf seconded the motion which was unanimously approved by: Blevins, Cronan, Daniels, Hyatt, Koepf, Marston, Palmer, and Vander Pol. Board members Becker, Holtz, and Nash 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. Marston recommended staff review examination equivalency every four years.

Mr. Perry provided an update concerning the certified home inspectors continuing professional education (CPE) audit. Based on previous guidance from the Board, 25 percent of those regulants with certificates expiring between April 30, 2013 and September 30, 2013 were randomly selected for audit. Staff mailed a letter on October 1, 2013 asking certificate holders to submit a completed CPE Audit Form and photocopies of the certificate(s) of completion or some other documentation as verifiable evidence of having met the CPE requirement by October 31, 2013.

**Update on Certified
Home Inspector
CPE Audit**

Of the 22 regulants audited, six were approved, 15 required additional information, and one did not respond. The next audit will be conducted in April for those certificates expiring October 31, 2013 through March 31, 2014.

The following resolution was presented for consideration by the Board and read by Mr. Cronan.

**Consideration of
Resolution for
Service**

Resolution for

Bonnie Atwood

WHEREAS, **Bonnie Atwood** did faithfully and diligently serve as a member of the Virginia Board for Asbestos, Lead, and

Home Inspectors from 2009 to 2013;

WHEREAS, **Bonnie Atwood** did devote generously of her time, talent and leadership to the Board;

WHEREAS, **Bonnie Atwood** did endeavor at all times to render decisions with fairness and good judgment in the best interest of the citizens of the Commonwealth and these professions; and

WHEREAS, the Virginia Board for Asbestos, Lead, and Home Inspectors wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Virginia Board for Asbestos, Lead, and Home Inspectors this fourteenth day of November 2013, that **Bonnie Atwood** be given all honors and respect due her for her outstanding service to the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to her and be made a part of the official minutes of the Board so that all may know of the high regard in which she is held by this Board.

Ms. Becker made a motion to adopt the resolution. Mr. Vander Pol seconded the motion which was unanimously approved by: Blevins, Cronan, Daniels, Hyatt, Koepf, Marston, Palmer, and Vander Pol. Board members Becker, Holtz, and Nash 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 provided the Board with a few updates. At the August 2013 Board meeting, 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 executed contract in accordance with the Virginia Public Procurement Act. Action at the last meeting was to remove the exam fee cap, as the fee has not changed for a number of years. After soliciting and considering proposals for examination services, the agency entered into a new contract with PCS to administer the lead examination. Currently the cap is \$75 in the regulations, which is the fee being charged to

Other Business

the applicant. Until the cap is removed, the Board must absorb the difference between the fee cap and the amount charged by the vendor. The Board will have to absorb the difference in the cost of the examination which will be graduated over the next three years from \$125.00 (January 1, 2014) to \$137.50 (January 1, 2015) to \$150.00 (January 1, 2016) until the amendment to the regulations to remove the exam fee cap is effective.

Ms. Henshaw spoke at the Virginia Real Estate Inspectors Annual meeting and stated that there was positive reception regarding the Board's new policy on insurance. In addition, there were many questions regarding the new audit process.

In October, processing for the Board's licenses was converted to the agency's new computer system. Staff is working to resolve any issues with the new computer system. In addition, the Board members were asked to notify staff if they encounter any questions or issues regarding the computer conversion.

The following meeting dates have been scheduled:

- February 6, 2014
- May 1, 2014
- August 7, 2014
- November 6, 2014

Future Meeting Dates

Ms. Henshaw reminded the Board members that after the board meeting the required Conflict of Interests Act Training will be available for those who have not taken the training. Board members can also complete the training online.

Conflict of Interests Act Training

Mr. Cronan requested that the Board members complete their conflict of interest forms and travel vouchers.

Conflict of Interest Forms and Travel Vouchers

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

Adjourn

Keith F. Cronan, Chair

Gordon Dixon, Secretary