

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

The Virginia Board for Asbestos, Lead, and Home Inspectors met on May 12, 2010, at the offices of the Department of Professional and Occupational Regulation, Perimeter Center, 9960 Mayland Drive, Richmond, Virginia.

The following members of the Board were present:

Colleen Becker
Christopher Chapman
Keith F. Cronan
Bowen Hyatt
Robert Kirby
Brian Koepf
Thomas Joel Loving
Reginald Marston, III
Peter Palmer
Howard D. Varner
Dolores Daniels
Bonnie Atwood

Board member Phillip Fincher was not present at the meeting.

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

Gordon Dixon, Director
Mark Courtney, Deputy Director of Licensing and Regulation Division
David Dick, Executive Director
Jill Richardson, Board Administrator
Michele Atkinson, Board Administrator
Earlyne Perkins, Legal Analyst
Emily Trent, Administrative Assistant

Mr. Cronan, finding a quorum of the Board present, called the meeting to order at 9:11 am.

Call to Order

A motion was made by Mr. Loving and seconded by Mr. Chapman to approve the agenda which was unanimously approved by Board members: Atwood, Chapman, Cronan, Daniels, Hyatt, Kirby, Koepf, Loving, Marston, Palmer, and Varner.

Approval of Agenda

Mr. Hyatt moved that the Board approve the following minutes:

**Approval of Board
Minutes**

Board Meeting Minutes – February 4, 2010;
Committee Meeting Minutes – March 4, 2010;
IFF Minutes – March 11, 2010;
IFF Minutes – March 18, 2010

IFF Minutes – March 18, 2010
IFF Minutes – April 8, 2010 and
Committee Meeting Minutes – April 22, 2010.

Mr. Kirby seconded the motion which was unanimously approved by members: Atwood, Chapman, Cronan, Daniels, Hyatt, Kirby, Koepf, Loving, Marston, and Varner. Board member Peter Palmer was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to Mold until July 1, 2010. Board member Colleen Becker was present but did not vote because, by statute, she is ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

There were no comments made to the Board.

Regarding **File Number 2010-02892, Gary Bennett**, the Board members reviewed the application file, which consisted of exhibits, transcript and the summary of Informal Fact-Finding Conference. Mr. Bennett was present at the meeting. Mr. Hyatt moved to accept the summary of the IFF with a correction to the Informal Fact-Finding Summary page two, the date should read July 20, 2009 instead of March 27, 2009, and approve Mr. Bennett's asbestos supervisor application. Mr. Varner seconded the motion which was unanimously approved by members: Atwood, Chapman, Cronan, Daniels, Hyatt, Kirby, Koepf, Loving, Marston, and Varner. Board member Peter Palmer was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to Mold until July 1, 2010. Board member Colleen Becker was present but did not vote because, by statute, she is ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

Regarding **File Number 2010-02893, Fred Soifer, Jr.**, the Board members reviewed the application file, which consisted of exhibits, transcript and the summary of Informal Fact-Finding Conference. Mr. Soifer was present at the meeting. Mr. Koepf moved to accept the summary of the IFF with a correction on page three, the date should read July 27, 2004 instead of July 17, 2004, and approve Mr. Soifer's asbestos supervisor application. Mr. Varner seconded the motion which was unanimously approved by members: Atwood, Chapman, Cronan, Daniels, Hyatt, Kirby, Koepf, Loving, Marston, and Varner. Board member Peter Palmer was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to Mold until July 1, 2010. Board member Colleen Becker was present but did not vote because, by statute, she is ineligible to vote

**Public Comment
Period**

**File Number 2010-
02892, Gary Bennett**

**File Number 2010-
02893, Fred Soifer,
Jr.**

on matters unrelated to RRP until the effective date of the regulations.

Regarding **File Number 2010-02894, Edith Hampton**, the Board members reviewed the application file, which consisted of exhibits, transcript and the summary of Informal Fact-Finding Conference. Ms. Hampton was present at the meeting. Mr. Koepf moved to reject the summary of the IFF and instead approve Ms. Hampton's license with the condition that Ms. Hampton submits the lead supervisor refresher training certificate issued to Ms. Hampton, dated November 6, 2009 to the Board within 48 hours of the Board meeting. Mr. Marston seconded the motion which was approved by majority vote, member voting "Yes" were: Atwood, Cronan, Daniels, Hyatt, Koepf and Marston. Board members voting "No" were: Chapman, Loving, Kirby and Varner. Board member Peter Palmer was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to Mold until July 1, 2010. Board member Colleen Becker was present but did not vote because, by statute, she is ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

File Number 2010-02894, Edith Hampton

Regarding **File Number 2010-02690, Nathan Wyatt**, the Board members reviewed the application file, which consisted of exhibits, transcript and the summary of Informal Fact-Finding Conference. Mr. Wyatt was not present at the meeting. Mr. Varner moved to accept the summary of the IFF and approve Mr. Wyatt's asbestos supervisor application. Mr. Chapman seconded the motion which was approved by majority vote, members voting "Yes" were: Atwood, Chapman, Cronan, Daniels, Koepf, Loving, Marston, and Varner. Member voting "No" was Kirby. Mr. Hyatt did not participate in the discussion or vote. Board member Peter Palmer was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to Mold until July 1, 2010. Board member Colleen Becker was present but did not vote because, by statute, she is ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

File Number 2010-02690, Nathan Wyatt

Regarding **File Number 2010-02950, Damon Murphy**, the Board members reviewed the application file, which consisted of exhibits, transcript and the summary of Informal Fact-Finding Conference. Mr. Murphy was not present at the meeting. Mr. Kirby moved to accept the summary of the IFF and approve Mr. Murphy's asbestos supervisor application. Mr. Varner seconded the motion which was unanimously approved by members: Atwood, Chapman, Cronan, Daniels, Hyatt, Kirby, Koepf, Loving, Marston, and Varner. Board

File Number 2010-02950, Damon Murphy

member Peter Palmer was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to Mold until July 1, 2010. Board member Colleen Becker was present but did not vote because, by statute, she is ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

Regarding **File Number 2010-02893, Clarence Seward, Jr.**, the Board members reviewed the application file, which consisted of exhibits, transcript and the summary of Informal Fact-Finding Conference. Mr. Seward was not present at the meeting. Mr. Hyatt moved to accept the summary of the IFF with a correction to the Informal Fact-Finding Summary page two, the date should read September 20, 2000 instead of April 10, 2000, and approve Mr. Seward's asbestos supervisor application. Mr. Varner seconded the motion which was unanimously approved by members: Atwood, Chapman, Cronan, Daniels, Hyatt, Koepf, Loving, Marston, and Varner. Member voting "No" was Kirby. Board member Peter Palmer was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to Mold until July 1, 2010. Board member Colleen Becker was present but did not vote because, by statute, she is ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

File Number 2010-02893, Clarence Seward, Jr.

Regarding **File Number 2010-03533, Susana Guerrero**, the Board members reviewed the application file, which consisted of exhibits, transcript and the summary of Informal Fact-Finding Conference. Ms. Guerrero was not present at the meeting. Mr. Kirby moved to accept the summary of the IFF and approve Ms. Guerrero's asbestos worker application. Ms. Daniels seconded the motion which was unanimously approved by members: Atwood, Chapman, Cronan, Daniels, Kirby, Koepf, Loving, Marston, and Varner. Mr. Hyatt was not present during the discussion or vote. Board member Peter Palmer was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to Mold until July 1, 2010. Board member Colleen Becker was present but did not vote because, by statute, she is ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

File Number 2010-03533, Susana Guerrero

Regarding **File Number 2010-03627, Anthony Quick**, the Board members reviewed the application file, which consisted of exhibits, transcript and the summary of Informal Fact-Finding Conference. Mr. Quick was not present at the meeting. Mr. Varner moved to accept the summary of the IFF and approve Mr. Quick's lead

File Number 2010-03627, Anthony Quick

supervisor application. Mr. Chapman seconded the motion which was approved by majority vote, members voting “Yes” were: Atwood, Chapman, Cronan, Daniels, Koepf, Loving, Marston, and Varner. Member voting “No” was Kirby. Mr. Hyatt did not participate in the discussion or vote. Board member Peter Palmer was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to Mold until July 1, 2010. Board member Colleen Becker was present but did not vote because, by statute, she is ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

Terri Wilkins, Director of Budget and Quality Improvement, presented the Board with a Fee Analysis for the RRP Program. No action was taken by the Board.

Other Business

The Board recessed from 10:35 a.m. to 10:50 a.m.

Break

Michelle Atkinson presented the Board with a report on Mold and RR&P Committee meetings. No action was taken by the Board.

Other Business

Mr. Chapman departed the meeting at 11:39 a.m.

Departure of Board Member

The Board reviewed regulation for Asbestos, Lead and Home Inspectors. No action was taken by the Board.

Other Business

The Board recessed for lunch from 12:10 p.m. to 12:39 p.m.

Lunch

Mr. Loving departed the meeting at 12:39 p.m.

Departure of Board Member

A motion was made by Mr. Varner and seconded by Mr. Marston to authorize staff to file a NOIRA (Notice of Intended Regulatory Action) pertaining to the Amendment of Lead Based Paint Activities. The motion passed unanimously. Members voting “Yes” were Atwood, Cronan, Daniels, Koepf, Marston and Varner. Board member Peter Palmer was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to Mold until July 1, 2010. Board member Colleen Becker was present but did not vote because, by statute, she is ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

NOIRA

Ms. Daniels departed the meeting at 12:44 p.m.

Departure of Board Member

The following meeting dates have been scheduled:

**Future Meeting
Dates**

- August 25, 2010
- November 10, 2010

Mr. Cronan, finding no further business to conduct, adjourned the meeting at 1:21 p.m.

Adjournment

Keith F. Cronan, Chair

Gordon Dixon, Secretary