

**DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
PERIMETER CENTER
9960 MAYLAND DRIVE
RICHMOND, VIRGINIA 23233**

**VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS
Tentative AGENDA**

**THURSDAY, AUGUST 15, 2019, 9:00 A.M.
2nd FLOOR, BOARD ROOM 3**

I. CALL TO ORDER

II. EMERGENCY EVACUATION PROCEDURES

III. APPROVAL OF AGENDA

- a. Board Agenda, August 15, 2019

IV. APPROVAL OF MINUTES

- a. Board Meeting Minutes, May 16, 2019

V. PUBLIC COMMENT PERIOD – Five minute public comment, per person, on those items not included on the agenda with the exception of any open disciplinary or application files

VI. CASE FILES *

- a. File Number 2019-00412, Edward Joseph Donofrio (HI)
Disciplinary—IFF by Baynes and Rushton
- b. File Number 2019-02336, Stephen Jerrard Baker (HI)
Licensing—IFF by Rushton
- c. File Number 2019-02335, Walter John Flamish (HI)
Licensing—IFF by Rushton
- d. File Number 2019-02937, Kenneth James Parker (HI)
Licensing—IFF by Eldridge
- e. File Number 2019-02817, Charles Anthony Huggins (HI)
Licensing—IFF by Eldridge
- f. File Number 2019-02820, Sidney M. Lucas (HI)
Licensing—IFF by Eldridge
- g. File Number 2019-02333, Michael Barry Young (HI)
Licensing—IFF by Eldridge
- h. File Number 2019-02635, Ivanoba Benegas Contrera (Asbestos)
Licensing—IFF by Eldridge
- i. File Number 2019-01920, Jamal Lamont Ferguson (Asbestos)
Licensing—IFF by Eldridge
- j. File Number 2019-02636, Ines Gomes Roldan (Asbestos)
Licensing—IFF by Eldridge
- k. File Number 2019-02332, Edwin Antonio Giron Quintanilla (Asbestos)
Licensing—IFF by Eldridge

VII. REGULATIONS

- a. Regulatory Action Update
- b. Periodic Review of Regulations
 - i. Public Participation Guidelines
 - ii. Virginia Asbestos Licensing Regulations
 - iii. Virginia Lead-Based Paint Activities Regulations
 - iv. Home Inspector Licensing Regulations

VIII. OTHER BUSINESS

- a. Other Board Business
 - i. Update on Home Inspector CPE Audits
 - ii. Discussion of CPE Credits for Home Inspector NRS Licensing Designation
 - iii. Update on Lead Exam Vendor Procurement
 - iv. Board Financial Statements
 - v. Outreach Update
 - a. Board Member Training Conference

IX. FUTURE MEETING DATES

- a. November 7, 2019
- b. February 6, 2020
- c. May 14, 2020
- d. August 20, 2020

X. COMPLETE CONFLICT OF INTEREST FORMS AND TRAVEL VOUCHERS

XI. ADJOURN

Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the Department at (804) 367-0362 at least ten days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation. The Department fully complies with the Americans with Disabilities Act.

* Agenda materials made available to the public do not include disciplinary case files or application files pursuant to §54.1-108 of the *Code of Virginia*.

PERIMETER CENTER CONFERENCE CENTER
EMERGENCY EVACUATION OF BOARD AND TRAINING ROOMS
(Script to be read at the beginning of each meeting.)

PLEASE LISTEN TO THE FOLLOWING INSTRUCTIONS ABOUT EXITING THE PREMISES IN THE EVENT OF AN EMERGENCY.

In the event of a fire or other emergency requiring the evacuation of the building, alarms will sound. When the alarms sound, leave the room immediately. Follow any instructions given by Security staff

Board Room 1

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Room 2

Exit the room using one of the doors at the back of the room. (Point) Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

You may also exit the room using the side door, turn **Right** out the door and make an immediate **Left**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Rooms 3 and 4

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Training Room 1

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Training Room 2

Exit the room using one of the doors at the back of the room. Upon exiting the doors, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

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

The Virginia Board for Asbestos, Lead, and Home Inspectors met on May 16, 2019, 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:

John E. Cranor
James E. Haltigan
Gene E. Magruder, Vice-Chair

Peter D. Palmer, Chair
David P. Rushton
Patrick Studley

Board members Sandra Baynes, Chadwick Bowman, Joe France, Rick Holtz, and Galappa Madhusudhan were not present at the meeting.

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

Mary Broz-Vaughan, Acting Director
Trisha L. Henshaw, Executive Director
Paul G. Saunders, Licensing Administrator
Tanya M. Pettus, Administrative Assistant

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

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

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

Mr. Magruder moved to approve the agenda as presented. Mr. Haltigan seconded the motion which was unanimously approved by: Cranor, Haltigan, Magruder, Palmer, Rushton, and Studley. **Approval of Agenda**

Mr. Studley moved to approve the minutes of the February 7, 2019, Board meeting as presented. Mr. Magruder seconded the motion which was unanimously approved by: Cranor, Haltigan, Magruder, Palmer, Rushton, and Studley. **Approval of Minutes**

Ms. Henshaw introduced to the Board Kevin Richardson, who is interning with Board staff for the summer. **Introduction of Staff**

Steve Friddle, of Quality Home Inspections was present to address the Board. Mr. Friddle shared with the Board that he recently **Public Comment Period**

received his home inspector license in March, and voiced his concerns over problems he had in obtaining the 25 home inspections under the supervision of a licensed home inspector required for licensure. Mr. Friddle stated that there is pushback among licensed home inspectors who are concerned about training their competition. Mr. Friddle questioned the quality of training that licensed home inspectors who are not fully invested in helping potential licensees may provide. Mr. Friddle stated that he would like to recommend a training method in which potential licensees are able to observe a licensed home inspector inspect a home, and then return to that same home to perform a “hands on” inspection under the supervision of the licensed home inspector.

Mark Bruening was present to address the Board and stated that he too is concerned about the quality of training he is receiving during the 25 “ride along” inspections. Mr. Bruening is concerned about the credentials of the licensed home inspectors who are agreeing to allow potential licensees to ride along and observe them. Mr. Bruening stated that he would prefer hands on training, and someone who is designated by the Board as a trainer, so that potential licensees have more direction in where to find a licensed home inspector who is willing to participate in and verify the 25 home inspections under the supervision of a licensed home inspector required for licensure.

Ms. Henshaw explained to the Board that staff has been in communication with a licensed home inspector who is providing hands on training for a fee, from whom Mr. Friddle and Mr. Bruening have received training. The home inspector has inquired as to whether his training method qualifies for experience under the direct supervision of a home inspector pursuant to the regulations. Ms. Henshaw stated that Board staff is working with home inspector representatives on this issue.

Discussion was held on whether a trainer may be held liable for mistakes made by a licensed home inspector due to improper training.

Joey Donofrio of Donofrio & Associates, LLC was present to address the Board. Mr. Donofrio thanked the Board for their work and stated that he supports the training method described by the previous commenters. Mr. Donofrio stated he would like to see a more communal atmosphere among licensed home inspectors in which there are more professionals in the industry willing to be a resource for others. Mr. Donofrio also stated he would like to see a

list of approved licensed home inspectors willing to provide ride-alongs for potential licensees.

In the matter of **File Number 2019-01383, Iris O. Perez**, the Board members reviewed the record which consisted of the application file, transcript and exhibits from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation.

File Number 2019-01383 Iris O. Perez

Ms. Perez was present to address the Board. Because Ms. Perez does not speak English, she addressed the Board through an interpreter. Ms. Perez discussed her previous disciplinary action and concluded by affirming she agreed with the recommendation of the Presiding Officer.

Mr. Magruder moved to accept the recommendation of the Presiding Officer and approve Ms. Perez's application for an asbestos worker license. Mr. Haltigan seconded the motion which was unanimously approved by: Cranor, Haltigan, Magruder, Palmer, Rushton, and Studley.

In the matter of **File Number 2019-00383, Nicholas Carl Quillen**, the Board members reviewed the record which consisted of the application file, transcript and exhibits from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation.

File Number 2019-01383, Nicholas Carl Quillen

Mr. Quillen was present to address the Board. Mr. Quillen's wife, Jessica Quillen, was also present but did not address the Board. Mr. Quillen apologized for having to meet the Board in this way and asked the Board to please consider approving his application.

Mr. Magruder moved to accept the recommendation of the Presiding Officer and approve Mr. Quillen's application for a home inspector license. Mr. Haltigan seconded the motion which was unanimously approved by: Cranor, Haltigan, Magruder, Palmer, Rushton, and Studley.

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

Update on Regulatory Review Processes

Final amendments to Asbestos Analytical Laboratory and Project Monitor regulations will be published on May 27, 2019. A 30-day final public comment period will be held from May 27, 2019, to June 26, 2019, after which amendments will become effective

September 1, 2019.

The proposed Lead-Based Paint Renovation, Repair, and Painting Program regulations (Initial Promulgation) are currently undergoing review by the office of the Secretary of Commerce and Trade.

Mr. Saunders provided an update of home inspector CPE audits conducted on 25% of eligible certified home inspectors beginning on February 28, 2019.

Update on Home Inspector CPE Audits

Mr. Saunders advised the Board of asbestos and lead training courses audited through April 3, 2019.

Asbestos and Lead Training Course Audits

Ms. Henshaw advised the Board that staff has received inquiries regarding whether an inspection of an individual component of a home, e.g., a roof inspection or HVAC inspection, is considered a home inspection, and would therefore require a home inspector license to perform the inspection. After discussion, the Board agreed by consensus that a home inspector license is not required in order to perform an inspection of an individual component of a home. Mr. Rushton moved to authorize staff to draft a guidance document stating that based on the definition of “home inspection” in § 54.1-500 of the Code of Virginia, an individual who does not hold a license as a home inspector and who is conducting inspections of a component or system in a residential building is not considered to be performing a home inspection. Further, the guidance document will be published in the Virginia Register of Regulations and a 30-day public comment period will begin on June 10, 2019. If no applicable comments are received, the guidance document will be effective immediately after July 11, 2019. Mr. Cranor seconded the motion which was unanimously approved by: Cranor, Haltigan, Magruder, Palmer, Rushton, and Studley.

Discussion of Interpretation of Home Inspection as it Applies to Inspecting Individual Components of a Home

Ms. Henshaw presented the Board with tentative Board meeting dates for 2020. Mr. Magruder moved to accept the following meeting dates:

Consider Future Meeting Dates

- February 6, 2020
- May 14, 2020
- August 20, 2020
- November 5, 2020

Mr. Cranor seconded the motion which was unanimously approved by: Cranor, Haltigan, Magruder, Palmer, Rushton, and Studley.

Ms. Henshaw provided the Board with the most recent financial statements for review.

Board Financial Statements

Ms. Henshaw updated the Board on recent and upcoming outreach opportunities.

Outreach Update

The following meeting dates have been scheduled:

Future Meeting Dates

- August 15, 2019
- November 7, 2019

Mr. Palmer reminded Board members to 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 10:00 a.m.

Adjourn

Peter D. Palmer, Chair

Mary Broz-Vaughan, Acting Secretary

PUBLIC COMMENT PERIOD

Five minute public comment, per person, with the exception of any open disciplinary or application files.

Virginia Board for Asbestos, Lead, and Home Inspectors

Update on Regulatory Actions (as of July 29, 2019)

Action: Update Asbestos Analytical Laboratory and Project Monitor Regulations

Current Stage: Final Adoption

- Board adopted final amendments to regulations on February 8, 2018.
- Final regulations filed for Executive Branch review on April 30, 2018.
- Executive Branch review completed on April 30, 2019.
- Submitted to the Registrar on May 6, 2019.
- Final regulation published in Register on May 27, 2019; 30-day final public comment period from May 27, 2019, to June 26, 2019. No comments received.
- Amendments will become effective September 1, 2019.

Next Step: N/A

Action: Public Participation Guidelines – Periodic Review

- Periodic Review Notice filed on 5/17/19.
- Notice published in Register on 6/10/19.
- Public comment period from 6/10/19 to 7/1/19. No comments received.

Action: Asbestos Licensing Regulations – Periodic Review

- Periodic Review Notice filed on 5/17/19.
- Notice published in Register on 6/10/19.
- Public comment period from 6/10/19 to 7/1/19. No comments received.

Action: Virginia Lead-Based Paint Activities Regulations – Periodic Review

- Periodic Review Notice filed on 5/17/19.
- Notice published in Register on 6/10/19.
- Public comment period from 6/10/19 to 7/1/19. No comments received.

Action: Home Inspector Licensing Regulations – Periodic Review

- Periodic Review Notice filed on 5/17/19.
- Notice published in Register on 6/10/19.
- Public comment period from 6/10/19 to 7/1/19. One comment received.

Virginia Board for Asbestos, Lead, and Home Inspectors

Action: Lead-Based Paint Renovation, Repair, and Painting Program

Current Stage: Proposed

- Revised proposed regulations filed with Executive Branch for review on April 24, 2014. Pending review by Secretary of Commerce and Trade.

Next Step: Publication

- Will be submitted for publication in Virginia Register following Executive Branch approval.



Review 1800

Periodic Review of this Chapter

Includes a Small Business Impact Review

Date Filed: 5/17/2019**Short Title**

Board for Asbestos, Lead, and Home Inspectors Public Participation Guidelines Periodic Review

Review Announcement

Pursuant to Executive Order 14 (as amended July 16, 2018) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Virginia Board for Asbestos, Lead, and Home Inspectors is conducting a periodic review and small business impact review of VAC citation: 18 VAC 15-11, title of regulation: Public Participation Guidelines.

The review of this regulation will be guided by the principles in Executive Order 14 (as amended July 16, 2018). <http://TownHall.Virginia.Gov/EO-14.pdf>

The purpose of this review is to determine whether this regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

The comment period begins June 10, 2019, and ends on July 1, 2019.

Comments may be submitted online to the Virginia Regulatory Town Hall at <http://www.townhall.virginia.gov/L/Forums.cfm>. Comments may also be sent to Name: Trisha Henshaw, Title: Executive Director, Address: DPOR, 9960 Mayland Drive, Suite 400, City: Richmond, State: Virginia, Zip: 23233, Telephone: (804)367-8595, FAX: (866)350-5354, email address: alhi@dpor.virginia.gov.

Comments must include the commenter's name and address (physical or email) information in order to receive a response to the comment from the agency. Following the close of the public comment period, a report of both reviews will be posted on the Town Hall and a report of the small business impact review will be published in the Virginia Register of Regulations.

Public Comment Period

Begin Date: 6/10/2019 End Date: 7/1/2019

Comments Received: 0

Review Result

Pending

Attorney General Certification

Result of Review: Certified



Review Memo

5/20/2019

**Periodic Review of this Chapter**

Includes a Small Business Impact Review

Date Filed: 5/17/2019**Short Title**

Board for Asbestos, Lead, and Home Inspectors Asbestos Licensing Regulations Periodic Review

Review Announcement

Pursuant to Executive Order 14 (as amended July 16, 2018) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Virginia Board for Asbestos, Lead, and Home Inspectors is conducting a periodic review and small business impact review of VAC citation: 18 VAC 15-20, title of regulation: Virginia Asbestos Licensing Regulations.

The review of this regulation will be guided by the principles in Executive Order 14 (as amended July 16, 2018). <http://TownHall.Virginia.Gov/EO-14.pdf>

The purpose of this review is to determine whether this regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

The comment period begins June 10, 2019, and ends on July 1, 2019.

Comments may be submitted online to the Virginia Regulatory Town Hall at <http://www.townhall.virginia.gov/L/Forums.cfm>. Comments may also be sent to Name: Trisha Henshaw, Title: Executive Director, Address: DPOR, 9960 Mayland Drive, Suite 400, City: Richmond, State: Virginia, Zip: 23233, Telephone: (804)367-8595, FAX: (866)350-5354, email address: alhi@dpor.virginia.gov.

Comments must include the commenter's name and address (physical or email) information in order to receive a response to the comment from the agency. Following the close of the public comment period, a report of both reviews will be posted on the Town Hall and a report of the small business impact review will be published in the Virginia Register of Regulations.

Public Comment Period

Begin Date: 6/10/2019 End Date: 7/1/2019

Comments Received: 0

Review Result

Pending

Attorney General Certification

Result of Review: Certified



Review Memo

5/20/2019

**Periodic Review of this Chapter**

Includes a Small Business Impact Review

Date Filed: 5/17/2019**Short Title**

Board for Asbestos, Lead, and Home Inspectors Lead-Based Paint Activities Regulations Periodic Review

Review Announcement

Pursuant to Executive Order 14 (as amended July 16, 2018) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Virginia Board for Asbestos, Lead, and Home Inspectors is conducting a periodic review and small business impact review of VAC citation: 18 VAC 15-30, title of regulation: Virginia Lead-Based Paint Activities Regulations.

The review of this regulation will be guided by the principles in Executive Order 14 (as amended July 16, 2018). <http://TownHall.Virginia.Gov/EO-14.pdf>

The purpose of this review is to determine whether this regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

The comment period begins June 10, 2019, and ends on July 1, 2019.

Comments may be submitted online to the Virginia Regulatory Town Hall at <http://www.townhall.virginia.gov/L/Forums.cfm>. Comments may also be sent to Name: Trisha Henshaw, Title: Executive Director, Address: DPOR, 9960 Mayland Drive, Suite 400, City: Richmond, State: Virginia, Zip: 23233, Telephone: (804)367-8595, FAX: (866)350-5354, email address: alhi@dpor.virginia.gov.

Comments must include the commenter's name and address (physical or email) information in order to receive a response to the comment from the agency. Following the close of the public comment period, a report of both reviews will be posted on the Town Hall and a report of the small business impact review will be published in the Virginia Register of Regulations.

Public Comment Period

Begin Date: 6/10/2019 End Date: 7/1/2019

Comments Received: 0

Review Result

Pending

Attorney General Certification

Result of Review: Certified

 **Review Memo** 5/20/2019

**Periodic Review of this Chapter**

Includes a Small Business Impact Review

Date Filed: 5/17/2019**Short Title**

Board for Asbestos, Lead, and Home Inspectors Home Inspector Licensing Regulations Periodic Review

Review Announcement

Pursuant to Executive Order 14 (as amended July 16, 2018) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Virginia Board for Asbestos, Lead, and Home Inspectors is conducting a periodic review and small business impact review of VAC citation: 18 VAC 15-40, title of regulation: Home Inspector Licensing Regulations.

The review of this regulation will be guided by the principles in Executive Order 14 (as amended July 16, 2018). <http://TownHall.Virginia.Gov/EO-14.pdf>

The purpose of this review is to determine whether this regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

The comment period begins June 10, 2019, and ends on July 1, 2019.

Comments may be submitted online to the Virginia Regulatory Town Hall at <http://www.townhall.virginia.gov/L/Forums.cfm>. Comments may also be sent to Name: Trisha Henshaw, Title: Executive Director, Address: DPOR, 9960 Mayland Drive, Suite 400, City: Richmond, State: Virginia, Zip: 23233, Telephone: (804)367-8595, FAX: (866)350-5354, email address: alhi@dpor.virginia.gov.

Comments must include the commenter's name and address (physical or email) information in order to receive a response to the comment from the agency. Following the close of the public comment period, a report of both reviews will be posted on the Town Hall and a report of the small business impact review will be published in the Virginia Register of Regulations.

Public Comment Period

Begin Date: 6/10/2019 End Date: 7/1/2019

[Comments Received: 1](#)**Review Result**

Pending

Attorney General Certification

Result of Review: Certified

 **Review Memo** 5/20/2019

[Back to List of Comments](#)**Commenter:** Tim Gardner

6/28/19 5:55 am

Definition of a defect

The current Standard Of Practice does not define the term "Defect"

"18VAC15-40-130. Home inspection report.

B. In conducting a home inspection and reporting its findings, the home inspector, at a minimum, shall inspect the condition of and shall describe in writing the composition or characteristics of the following readily accessible components and readily observable **defects**, except as may be limited in the home inspection contract agreement:"

This has led to much confusion in the industry. The Roanoke Valley Association Realtors have subsequently redefined the scope of a home inspection thusly:

"Paragraph (A) Home Inspection

Of all the revisions, the changes to the scope and purpose of the Home Inspection is the most significant. The 2A17 IA (Inspection Addendum) defines the purpose is to "discovering material defects." It defines "material defects" as "those items that could affect the decision of a reasonable person to purchase the Property" and goes on to carve out "cosmetic items, matters of preference or grandfathered systems or features that are properly functioning that would not comply with current building codes if constructed or installed today." In addition, it states, " that a structural element, system or subsystem is near, at or beyond its normal useful life is not, by itself, a material defect." Lastly, it limits the inspection to the "primary dwelling."

The 2019 IA changes the purpose of the home inspection from "discovering material defects" to "discover defects." It then defines "defects" as "any of the following: (i) that the plumbing (including well, well pump and septic system, if any), heating, air conditioning (if any), electrical system and appliances are **not in safe working order**; (ii) there are **structural defects**; and (iii) that **the roof leaks**." The definition leaves intact all the items carved out in the 2017 IA and, again, limits the inspection to the "primary dwelling."

Many members will recall this definition from years ago, prior to the introduction to the IA back in 2010. Further, this definition seeks to remove debate over the scope of the Home Inspection and items on a repair amendment. Much discussion was had prior to 2010 and will likely resurface regarding the definition of "structural defect." The Code of Virginia section 555-70.1 "Implied warranties on new homes states, "The term "structural defects," as used in this section, shall mean a defect or defects that reduce the stability or safety of the structure below accepted standards or that restrict the normal use thereof." The Committee is not defining "structural defects" but felt 555-70.1 was a reasonable definition."

I suggest that a defect be defined by 18VAC15-40-10 as "A specific issue with a system or component of a residential property that may have a significant, adverse impact on the value or function of the property, or that poses an unreasonable risk to people. The fact that a system or component is near, at, or beyond the end of its normal, useful life is not, in itself, a material defect."

Respectfully, Tim Gardner

**2019 Home Inspector CPE
Audit Report**

Memo

To: ALHI Board Members
From: Paul G. Saunders III, Board Administrator
Date: August 15, 2019
Re: 2019 CPE Audit for Home Inspectors

This memo provides information regarding the 2019 CPE audit for Home Inspectors.

February 28, 2019: As previously directed by the Board, 25% of eligible home inspector licenses that had been renewed in the last six months were randomly selected for audit.

March 05, 2019: Initial letter and CPE audit form mailed to license holders selected for audit.

April 30, 2019: Due date of CPE audit form and required documentation.

Update: Responses received as of close of business July 26, 2019:

Total Audited	24
Total Received	23
Passed	23
Incomplete	0
Referred for Disciplinary Action	0
Surrendered	0
No Response	1

DISCUSSION OF CPE CREDITS
FOR HOME INSPECTOR NRS
LICENSING DESIGNATION

UPDATE ON LEAD EXAM
VENDOR PROCUREMENT

Department of Professional and Occupational Regulation
Statement of Financial Activity
Board for Asbestos, Lead, and Home Inspectors
954540

2018-2020 Biennium

May 2019

	May 2019 Activity	Biennium-to-Date Comparison	
		July 2016 - May 2017	July 2018 - May 2019
Cash/Revenue Balance Brought Forward			357,153
Revenues	28,400	338,799	260,621
Cumulative Revenues			617,774
Cost Categories:			
Board Expenditures	3,444	28,209	32,779
Board Administration	8,014	63,939	90,904
Administration of Exams	184	1,897	2,265
Enforcement	393	2,454	4,466
Legal Services	0	1,678	1,869
Information Systems	6,514	43,901	66,633
Facilities and Support Services	4,041	28,209	41,677
Agency Administration	3,952	44,516	41,069
Other / Transfers	0	-3	0
Total Expenses	26,542	214,800	281,661
Ending Cash/Revenue Balance			336,113

Actual Callahan Percentage at End of Previous Biennium	67.0%
Target Callahan Percentage at End of Current Biennium	39.7%

Number of Regulants

Current Month	6,377
Previous Biennium-to-Date	6,228

OUTREACH UPDATE

FUTURE MEETING DATES

- a. November 7, 2019
- b. February 6, 2020
- c. May 14, 2020
- d. August 20, 2020

OTHER BUSINESS

COMPLETE CONFLICT OF INTEREST
FORMS AND
TRAVEL VOUCHERS

ADJOURN

Please return your document folders to Tanya Pettus.