

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

The Virginia Board for Asbestos, Lead, and Home Inspectors met on August 23, 2012, at the offices of the Department of Professional and Occupational Regulation (DPOR), Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room 4, Richmond, Virginia 23233.

The following members of the Board were present:

Bonnie Atwood  
Colleen Becker  
Keith Cronan  
Dolores Daniels  
Phillip Fincher  
Rick Holtz  
D. Bowen Hyatt

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

Board member Suzanne Blevins was not present at the meeting.

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

Gordon Dixon, Director  
Nick Christner, Deputy Director for Licensing, Investigations and Compliance  
Mark N. Courtney, Senior Director for Regulatory and Public Affairs  
Jeff Waite, Budget Director  
Trisha L. Henshaw, Executive Director  
Michele Atkinson, Board Administrator  
Thomas K. Perry, Property Registration Administrator  
Kristin Clay, Legal Analyst  
Emily Trent, Administrative Assistant

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

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

**Call to Order**

At the request of Mr. Cronan, the staff and Board members introduced themselves.

**Introduction of Staff  
and Board  
Members**

Ms. Becker moved to approve the agenda. Ms. Atwood seconded the motion which was unanimously approved by: Atwood, Cronan, Daniels, Fincher, Hyatt, Koepf, Marston, Nixon, 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

**Approval of Agenda**

matters unrelated to lead-based paint renovation, repair, and painting (RRP) until the effective date of the regulations.

Ms. Henshaw distributed an amended draft of the May 10, 2012 Board meeting minutes. She indicated that the amendments were clerical changes and there were no substantiative changes. **Approval of Minutes**

Ms. Atwood moved that the Board approve the minutes of the following meetings:

Board Meeting Minutes – May 10, 2012;  
Informal Fact-Finding Conference (IFF) Meeting Minutes – June 5, 2012;  
IFF Meeting Minutes – June 6, 2012; and  
IFF Meeting Minutes – June 28, 2012.

Ms. Daniels seconded the motion which was unanimously approved by: Atwood, Cronan, Daniels, Fincher, Hyatt, Koepf, Marston, Nixon, 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. Cronan opened the floor for public comment. No members of the public present requested to speak. **Public Comment Period**

Regarding **File Number 2012-03281, Tony A. Wilson, Sr.**, the Board members reviewed the record, which consisted of the application file, exhibits, and transcript from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation. Mr. Wilson was present and did not address the Board. Mr. Hyatt moved to accept the summary and recommendation of the Presiding Officer and approve Mr. Wilson's asbestos supervisor application. Ms. Atwood seconded the motion which was unanimously approved by: Atwood, Cronan, Daniels, Fincher, Hyatt, Koepf, Marston, Nixon, 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 2012-03281 Tony A. Wilson, Sr.**

Mr. Hyatt recused himself from the meeting. **Mr. Hyatt Recused**

Regarding **File Number 2011-02801, Richard Kelley**, the Board **File Number**

**2011-02801**  
**Richard Kelley**

members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference, as well as the recommendation of the presiding officer. Mr. Kelley was present and did not address the Board. Mr. Vander Pol moved to accept the Summary of the Informal Fact-Finding Conference as to the facts, which cites the following violation of the Board's regulations: 18 VAC 15-20-451.E.1 (Count 1). Mr. Marston seconded the motion which was unanimously approved by: Atwood, Cronan, Daniels, Fincher, Koepf, Marston, Nixon, 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. Palmer moved to accept the Summary of the Informal Fact-Finding Conference as to the facts, which cites the following violation of the Board's regulations: 18 VAC 15-20-451.E.2 (Count 2). Ms. Becker seconded the motion which was unanimously approved by: Atwood, Cronan, Daniels, Fincher, Koepf, Marston, Nixon, 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. Vander Pol moved to accept the Summary of the Informal Fact-Finding Conference as to the facts, which cites a finding of no violation of 18 VAC 15-20-450.A.8 of the Board's regulations (Count 3). Ms. Daniels seconded the motion which was unanimously approved by: Atwood, Cronan, Daniels, Fincher, Koepf, Marston, Nixon, 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. Atwood moved to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference as to the sanction in Count 1: \$100.00, for a total monetary fee of \$100.00.

Mr. Fincher seconded the motion. Upon discussion by the Board, Ms. Atwood withdrew her motion and Mr. Fincher withdrew his second.

Mr. Vander Pol moved to amend the recommendation contained in

the Summary of the Informal Fact-Finding Conference as to the sanction and impose no monetary penalty for the violation contained in Count 1. Mr. Nash seconded the motion which was unanimously approved by: Atwood, Cronan, Daniels, Fincher, Koepf, Marston, Nixon, 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. Vander Pol moved to amend the recommendation contained in the Summary of the Informal Fact-Finding Conference as to the sanction and impose no monetary penalty for the violation contained in Count 2. Mr. Marston seconded the motion which was unanimously approved by: Atwood, Cronan, Daniels, Fincher, Koepf, Marston, Nixon, 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. Hyatt was not present, did not participate in the discussion, and did not vote on this matter.

Mr. Hyatt returned to the meeting.

Regarding **File Number 2012-03108, Corey L. Ashford**, the Board members reviewed the record, which consisted of the application file, exhibits, and transcript from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation. Mr. Ashford was not present. Mr. Hyatt moved to accept the summary and recommendation of the Presiding Officer and approve Mr. Ashford's lead inspector application. Ms. Atwood seconded the motion which was unanimously approved by: Atwood, Cronan, Daniels, Fincher, Hyatt, Koepf, Marston, Nixon, 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.

**Board Member  
Returned to  
Meeting**

**File Number  
2012-03108  
Corey L. Ashford**

Regarding **File Number 2012-03278, Geneva I. Maddox**, the Board members reviewed the record, which consisted of the application file, exhibits, and transcript from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and

**File Number  
2012-03278  
Geneva I. Maddox**

Recommendation. Ms. Maddox was not present. Ms. Daniels moved to accept the summary and recommendation of the Presiding Officer and approve Ms. Maddox's lead abatement worker application. Mr. Marston seconded the motion which was unanimously approved by: Atwood, Cronan, Daniels, Fincher, Hyatt, Koepf, Marston, Nixon, 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 gave an update on the current status of the regulatory review processes for several of the Board's regulatory packages.

**Update on  
Regulatory Activity**

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

**Consideration of  
Resolutions for  
Service**

**RESOLUTION TO**

**David Dick**

WHEREAS, **David Dick** has faithfully and diligently served the Virginia Board for Asbestos, Lead, and Home Inspectors from 1993 to 2012;

WHEREAS, **David Dick** has devoted generously of his time, talent and leadership to the Board;

WHEREAS, **David Dick** has endeavored at all times to render assistance and advice to the Board with fairness and good judgement in the best interest of the citizens of the Commonwealth; 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 twenty-third day of August 2012, that **David Dick** be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be

presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held by this Board.

Mr. Hyatt made a motion to adopt the resolution. Mr. Marston seconded the motion which was unanimously approved by: Atwood, Cronan, Daniels, Fincher, Hyatt, Koepf, Marston, Nixon, 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.

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

**RESOLUTION TO**

**T. Joel Loving**

WHEREAS, **T. Joel Loving** did faithfully and diligently serve as a member of the Virginia Board for Asbestos, Lead, and Home Inspectors from 2004 to 2012;

WHEREAS, **T. Joel Loving** did devote generously of his time, talent and leadership to the Board;

WHEREAS, **T. Joel Loving** 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 twenty-third day of August 2012, that **T. Joel Loving** be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens; and

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

Mr. Hyatt made a motion to adopt the resolution. Ms. Daniels seconded the motion which was unanimously approved by: Atwood, Cronan, Daniels, Fincher, Hyatt, Koepf, Marston, Nixon, 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. As Mr. Loving was in attendance at the meeting, Mr. Cronan presented the Resolution to him and the Board thanked him for his service.

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

**RESOLUTION TO**  
**Christopher Chapman**

WHEREAS, Christopher Chapman did faithfully and diligently serve as a member of the Virginia Board for Asbestos, Lead, and Home Inspectors from 2008 to 2012;

WHEREAS, Christopher Chapman did devote generously of his time, talent and leadership to the Board;

WHEREAS, Christopher Chapman 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 twenty-third day of August 2012, that Christopher Chapman be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens; and

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

by this Board.

Mr. Vander Pol made a motion to adopt the resolution. Ms. Atwood seconded the motion which was unanimously approved by: Atwood, Cronan, Daniels, Fincher, Hyatt, Koepf, Marston, Nixon, 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. Waite, Budget Director, provided the Board with a revised handout containing proposed fee schedules for consideration by the Board. The schedules included the following proposals:

**Fee Adjustments –  
Asbestos, Lead, and  
Home Inspectors**

- Proposal A - Application fees and renewal fees are the same amounts;
- Proposal B - Application fees are higher than renewal fees; and
- Proposal C - Renewal fees are higher than application fees.

Mr. Hyatt made a motion to adopt Proposal B. Ms. Becker seconded the motion which was unanimously approved by: Atwood, Cronan, Daniels, Fincher, Hyatt, Koepf, Marston, Nixon, 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 opened the floor for nominations of Chair and Vice Chair. Mr. Hyatt made a motion to nominate Mr. Cronan as Chair. Mr. Vander Pol seconded the motion which was unanimously approved by: Atwood, Cronan, Daniels, Fincher, Hyatt, Koepf, Marston, Nixon, 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. By acclamation, Mr. Cronan was elected Chair.

**Election of Officers**

Mr. Cronan made a motion to nominate Mr. Hyatt as Vice Chair. Mr. Vander Pol seconded the motion which was unanimously approved by: Atwood, Cronan, Daniels, Fincher, Hyatt, Koepf, Marston, Nixon, 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. By acclamation, Mr. Hyatt was elected Vice Chair.

The following meeting dates have been scheduled:

**Future Meeting  
Dates**

- November 8, 2012
- February 7, 2013
- May 2, 2013
- August 15, 2013
- November 14, 2013

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 10:08 a.m.

**Adjourn**

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Keith F. Cronan, Chair

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Gordon Dixon, Secretary