

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

The Virginia Board for Asbestos, Lead, Mold, and Home Inspectors met on May 10th, 2012, 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:

Bonnie Atwood	D. Bowman Hyatt
Colleen Becker	Brian Koepf
Christopher Chapman	T. Joel Loving
Keith Cronan	Reginald Marston, III
Dolores Daniels	Kenneth Nash
Phillip Fincher	Peter Palmer
Rick Holtz	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, Arrived 10:20 AM
Mark N. Courtney, Deputy Director of Licensing and Regulation
David Dick, Executive Director
Michele Atkinson, Board Administrator
Jill Hrynciw, Board Administrator
Earlyne Perkins, Legal Assistant
Candace Howard, Legal Assistant
Sheila Watkins, Administrative Assistant

Steven Jack was present from the Office of the Attorney General.

Mr. Cronan, finding a quorum of the Board present, called the meeting to order at 9:01 a.m.

Call to Order

Mr. Cronan noted that agenda item 12 was listed as MOLD and has been corrected to ASB (asbestos). Ms. Daniels moved to approve the agenda. Ms. Becker seconded the motion which was unanimously approved by members: Atwood, Chapman, Cronan, Daniels, Fincher, Hyatt, Koepf, Loving, Marston, Palmer and Vander Pol. Board members Colleen Becker, Rick Holtz and Kenneth 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 Blevins was absent and did not vote.

Approval of Agenda

Mr. Dick introduced Candace Howard, Legal Assistant and Sheila Watkins, Administrative Assistant to the Board members.

Introduction of Staff

Ms. Hrynciw shared with the Board members that on page 2 of the draft minutes for February 7, 2012, a correction needed to be noted before final approval.

Approval of Minutes

Ms. Becker moved to approve the following minutes:

Board Meeting Minutes – February 7, 2012;
IFF Meeting Minutes – February 15, 2012;
IFF Meeting Minutes – March 6, 2012;
IFF Meeting Minutes – March 8, 2012;
IFF Meeting Minutes – March 20, 2012; and
IFF Meeting Minutes – March 22, 2012.

Mr. Marston seconded the motion which was unanimously approved by members: Atwood, Chapman, Cronan, Daniels, Fincher, Hyatt, Koepf, Loving, Marston, Palmer and Vander Pol. Board members Colleen Becker, Rick Holtz and Kenneth 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 Blevins was absent and did not vote.

Public Comment Period – No comments were made to the Board.

Public Comment Period

Regarding **File Number 2012-01762, Anthony D. Pride**, 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. Pride was present and addressed the Board. He shared his agreement with the recommendation. Mrs. Pride was present and addressed the Board. After Board discussion, Mr. Vander Pol moved to accept the summary and recommendation of the Presiding Officer with a correction that Mr. Pride should be an Asbestos Project Monitor not "Manager" and approve Mr. Pride's application for asbestos project monitor.

File Number
2012-01762
Anthony D. Pride

Mr. Koepf seconded the motion which was unanimously approved by members: Atwood, Chapman, Cronan, Daniels, Fincher, Hyatt,

Koepf, Loving, Marston, Palmer and Vander Pol. Board members Colleen Becker, Rick Holtz and Kenneth 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 Blevins was absent and did not vote.

Regarding **File Numbers 2012-01947, Jeffrey L. Hall**, the Board members reviewed the record, which consisted of the application file, exhibits, transcript from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation. Mr. Hall was present and addressed the Board. Mr. Larry Janney, Mr. Hall's supervisor at Consolidated Construction, was present and addressed the Board. Mr. Vander Pol moved to accept the summary and recommendation of the Presiding Officer and approve Mr. Hall's mold remediator supervisor application. Mr. Chapman seconded the motion which was unanimously approved by members: Atwood, Chapman, Cronan, Daniels, Fincher, Hyatt, Koepf, Loving, Marston, Palmer and Vander Pol. Board members Colleen Becker, Rick Holtz and Kenneth 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 Blevins was absent and did not vote.

File Number
2012-01947
Jeffrey L. Hall

Regarding **File Number 2012-01948, Michael D. Nixon**, the Board members reviewed the record, which consisted of the application file, exhibits, transcript from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation. Mr. Nixon was present. He had nothing to say. Mr. Vander Pol moved to accept the summary and recommendation of the Presiding Officer with the following correction, on page two of the summary, the first conviction should state Culpeper County General District Court and not Goochland, and approve Mr. Nixon's mold remediator supervisor application. Ms. Daniels seconded the motion which was unanimously approved by members: Atwood, Chapman, Cronan, Daniels, Fincher, Hyatt, Koepf, Loving, Marston, Palmer and Vander Pol. Board members Colleen Becker, Rick Holtz and Kenneth 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 Blevins was absent and did not vote.

File Number
2012-948
Michael D. Nixon

Regarding **File Number 2012-02059, Danny Testa, Jr.**, 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. Testa did not appear. Mr. Vander Pol moved to accept the summary and recommendation of the Presiding Officer with the following correction, the second paragraph of the summary should state four misdemeanor crimes, instead of three misdemeanors and one felony, and approve Mr. Testa's mold inspector application. Ms. Becker seconded the motion which was unanimously approved by members: Atwood, Chapman, Cronan, Daniels, Fincher, Hyatt, Koepf, Loving, Marston, Palmer and Vander Pol. Board members Colleen Becker, Rick Holtz and Kenneth 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 Blevins was absent and did not vote.

File Number
2012-02059
Danny Testa, Jr.

Regarding **File Number 2012-02184, William W. Mayo**, the Board members reviewed the record which consisted of the application file, exhibits, transcript from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation. Mr. Mayo was not present. Mr. Vander Pol moved to accept the summary and recommendation of the Presiding Officer and approve Mr. Mayo's asbestos worker application. Mr. Chapman seconded the motion which was unanimously approved by members: Atwood, Chapman, Cronan, Daniels, Fincher, Hyatt, Koepf, Loving, Marston, Palmer and Vander Pol. Board members Colleen Becker, Rick Holtz and Kenneth 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 Blevins was absent and did not vote.

File Number
2012-02184
William W. Mayo,
Jr.

Regarding **File Number 2012-02186, Royce Quitariano**, the Board members reviewed the record which consisted of the application file, exhibits, transcript from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation. Mr. Quitariano was not present. Mr. Vander Pol moved to accept the summary and recommendation of the Presiding Officer and approve Mr. Quitariano's mold inspector application. Mr. Chapman seconded the motion which was unanimously approved by members: Atwood, Chapman, Cronan,

File Number
2012-2186
Royce Quitariano

Daniels, Fincher, Hyatt, Koepf, Loving, Marston, Palmer and Vander Pol. Board members Colleen Becker, Rick Holtz and Kenneth 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 Blevins was absent and did not vote.

Regarding **File Number 2012-02361, William D. Piland, Jr.**, the Board members reviewed the record which consisted of the application file, exhibits, transcript from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation. Mr. Piland was not present. Mr. Vander Pol moved to accept the summary and recommendation of the Presiding Officer and approve Mr. Piland's mold remediator supervisor application. Ms. Becker seconded the motion which was unanimously approved by members: Atwood, Chapman, Cronan, Daniels, Fincher, Hyatt, Koepf, Loving, Marston, Palmer and Vander Pol. Board members Colleen Becker, Rick Holtz and Kenneth 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 Blevins was absent and did not vote.

File Number
2012-02361
William D. Piland,
Jr.

Regarding **File Number 2012-02471, James G. Herrera**, the Board members reviewed the record which consisted of the application file, exhibits, transcript from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation. Mr. Herrera was not present. After discussion, Mr. Vander Pol moved to accept the summary and reject the recommendation of the Presiding Officer and approve Mr. Herrera's application for mold remediator supervisor. Mr. Chapman seconded the motion which failed by a "yes" vote of 3, Vander Pol, Chapman and Cronan, and a "no" vote of 8, Atwood, Daniels, Fincher, Hyatt, Koepf, Loving, Marston, and Palmer. Board members Colleen Becker, Rick Holtz and Kenneth 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 Blevins was absent and did not vote.

File Number
2012-02471
James G. Herrera

After discussion, Mr. Vander Pol moved to amend his motion to accept the summary and recommendation of the Presiding Officer and approve Mr. Herrera's application for a mold remediator supervisor license subject to the terms of an Agreement for Licensure wherein Mr. Herrera agrees to the following conditions

within 14 days:

- 1) Herrera must abide by the provisions that govern his sex offender status in any state he resides and or works and provide proof of such compliance on a yearly basis for two (2) years;
- 2) Proof of compliance as referenced in provision one may include but is not limited to documentation from staff of the Sex Offender Registry of the State of Maryland and/or any documentation deemed appropriate by the Board,
- 3) Any and all other conditions deemed appropriate by the Board.

Mr. Chapman, the second, agreed to the amendment.

After further discussion, Mr. Vander Pol moved to further amend his motion to approve Mr. Herrera's application for a mold remediator supervisor license subject to the terms of an Agreement for Licensure wherein Mr. Herrera agrees to the following condition within 14 days: Provide documentation to the Board that he has registered with the Virginia Sex Offender and Crimes Against Minors Registry or provide documentation that he is not required to register with the Virginia Sex Offender and Crimes Against Minors Registry. The documentation is to accompany his signed Agreement for Licensure. Mr. Chapman, the second, agreed to the amendment. The amended motion was approved by 8 "yes" votes from Chapman, Cronan, Daniels, Fincher, Hyatt, Loving, Marston, and Vander Pol and 3 "no" votes from Atwood, Palmer, and Koepf. Board members Colleen Becker, Rick Holtz and Kenneth 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 Blevins was absent and did not vote.

The Board recessed for a break from 9:48 a.m. and reconvened at 10:02 a.m.

Break

David Dick, Executive Director, provided the Board a handout for their consideration on House Bill 1291 and Senate Bill 678. Mr. Vander Pol made a motion that based on House Bill 1291 and Senate Bill 678 having been signed by the Governor that the Board authorize Board staff to file an exempt action, to be effective on July 1, 2012, to repeal the Board for Asbestos, Lead, Mold, and Home Inspector Mold Inspector and Remediator Regulations. Mr. Chapman seconded the motion which was unanimously approved

Exempt Action
Repeal Mold
Regulations

by members: Atwood, Chapman, Cronan, Daniels, Fincher, Hyatt, Koepf, Loving, Marston, Palmer and Vander Pol. Board members Colleen Becker, Rick Holtz and Kenneth 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 Blevins was absent and did not vote.

Mr. Dick provided the Board with a handout as a response to their request that staff provide statistics on the number of initial applications, renewal applications and the regulant population for the Board to consider at this meeting. The period of time covered in this report is July 1, 2010, through December 1, 2011.

Fee Adjustments

Mark Courtney, Deputy Director of Licensing and Regulation, shared with the Board that any individual who paid for the processing of a mold license application will receive a refund of the \$25.00 application fee. A letter will accompany the refund.

David Dick shared that the Board's regulations remain in the Governor's office awaiting approval. No additional information is available at this time. The Board took no action.

Update on Regulatory Activity

The following meeting dates have been scheduled:

- August 23, 2012
- November 8, 2012
- February 7, 2013
- May 2, 2013
- August 8, 2013
- November 14, 2013

Future Meeting Dates

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

Conflict of Interest Forms and Travel Vouchers

David Dick shared with the Board that he will be retiring from state service and this will be his last ALMHI meeting. He also shared that due to the repeal of the Mold program Peter Palmer will no longer be a member of the Board. On behalf of the Board, the Department of Professional and Occupational Regulations and the

Announcement

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citizens of the Commonwealth of Virginia, Mr. Dick extended sincere thanks to Mr. Palmer for his service to the Commonwealth.

There being no further business, the meeting adjourned at 10:31 a.m.

Adjournment

Keith F. Cronan, Chair

Gordon Dixon, Secretary