

**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 3, 2011, 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 | T. Joel Loving |
| Colleen Becker | Reginald Marston, III |
| Christopher Chapman | Kenneth Nash |
| Keith F. Cronan | Peter Palmer |
| Rick Holtz | Todd Vander Pol |
| D. Bowen Hyatt | Howard D. Varner |
| Brian Koepf | |

Board Members Dolores Daniels and Phillip Fincher 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, Deputy Director of Licensing and Regulation
David Dick, Executive Director
Bonnie Adams, CAR Director
Michele Atkinson, Board Administrator
Michelle Gowen, Administrative Assistant
Earlyne Perkins, Legal Analyst

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

Mr. Cronan, finding a quorum of the Board present, called the meeting to order at 9:08 am.

Call to Order

Mr. Marston moved to approve the agenda. Ms. Becker seconded the motion which was unanimously approved by members: Atwood, Chapman, Cronan, Hyatt, Koepf, Loving, Marston, Palmer, Vander Pol, and Varner. 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.

Approval of Agenda

Ms. Becker moved to approve the following minutes:

**Approval of
Minutes**

Board Meeting Minutes – February 2, 2011;
IFF Meeting Minutes – February 10, 2011;
IFF Meeting Minutes – February 22, 2011;

- IFF Meeting Minutes – March 10, 2011 and
- IFF Meeting Minutes – March 22, 2011.

Mr. Marston seconded the motion which was unanimously approved by members: Atwood, Chapman, Cronan, Hyatt, Koepf, Loving, Marston, Palmer, Vander Pol, and Varner. 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.

There were no comments made to the Board.

Regarding **File Number 2011-03440, Patrice N. Larkins**, the Board members reviewed the application file, which consisted of the exhibits, transcript and the summary of the Informal Fact-Finding Conference. Ms. Larkins was present and addressed the Board. Mr. Vander Pol moved to accept the summary of the IFF and approve Ms. Larkins' asbestos supervisor application. Mr. Koepf seconded the motion which was unanimously approved by members: Atwood, Chapman, Cronan, Hyatt, Koepf, Loving, Marston, Palmer, Vander Pol, and Varner. 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.

Regarding **File Number 2011-02977, Ahmed Akram**, the Board members reviewed the application file, which consisted of the exhibits, transcript and the summary of the Informal Fact-Finding Conference. Mr. Akram was present and addressed the Board. Mr. Varner moved to accept the summary of the IFF and approve Mr. Akram's asbestos supervisor application. Mr. Marston seconded the motion which was unanimously approved by members: Atwood, Chapman, Cronan, Hyatt, Koepf, Loving, Marston, Palmer, Vander Pol, and Varner. 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.

Regarding **File Number 2011-03613, Jason May**, the Board members reviewed the application file, which consisted of the exhibits, transcript and the summary of the Informal Fact-Finding Conference. Mr. May was not present at the meeting. Mr. Marston moved to accept the summary of the IFF and approve Mr. May's asbestos supervisor application. Mr. Koepf seconded the motion

**Public Comment
Period**

**File Number 2011-
03440 – Patrice N.
Larkins**

**File Number 2011-
02977 – Ahmed
Akram**

**File Number 2011-
03613 – Jason May**

which was unanimously approved by members: Atwood, Chapman, Cronan, Hyatt, Koepf, Loving, Marston, Palmer, Vander Pol, and Varner. 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.

Regarding **File Number 2011-02920, Millard Buchanan**, the Board members reviewed the application file, which consisted of the exhibits, transcript and the summary of the Informal Fact-Finding Conference. Mr. Buchanan was not present at the meeting. Mr. Vander Pol moved to accept the summary of the IFF and approve Mr. Buchanan's asbestos worker application. Mr. Marston seconded the motion which was unanimously approved by members: Atwood, Chapman, Cronan, Hyatt, Koepf, Loving, Marston, Palmer, Vander Pol, and Varner. 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.

File Number 2011-02920 – Millard Buchanan

Regarding **File Number 2011-03105, Terrance Small**, the Board members reviewed the application file, which consisted of the exhibits, transcript and the summary of the Informal Fact-Finding Conference. Mr. Small was not present at the meeting. Mr. Hyatt moved to accept the summary of the IFF and approve Mr. Small's asbestos worker application. Mr. Varner seconded the motion which was unanimously approved by members: Atwood, Chapman, Cronan, Hyatt, Koepf, Loving, Marston, Palmer, Vander Pol, and Varner. 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.

File Number 2011-03105 – Terrance Small

After review, Ms. Becker moved to adopt the lead-based paint activities regulation amendment presented by staff as proposed. Mr. Koepf seconded the motion which was unanimously approved by members: Atwood, Chapman, Cronan, Hyatt, Koepf, Loving, Marston, Palmer, Vander Pol, and Varner. 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.

Adopt Lead-Based Paint Amendment

Mr. Dick informed the Board that the Governor had given his approval for the Mold regulations which will be published on Town Hall as Final and become effective on July 1, 2011.

Discussion of Mold Training Provider Application

After discussion, Mr. Varner moved to delegate to staff the authority to approve mold training providers and to approve national and state mold professional organizations as meeting the requirements of Section 54.1-517.5 B of the *Code of Virginia*, allowing qualifying members of such approved organizations to qualify for initial licensure. Mr. Koepf seconded the motion which was unanimously approved by members: Atwood, Chapman, Cronan, Hyatt, Koepf, Loving, Marston, Palmer, Vander Pol, and Varner. 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.

Mr. Dick informed the Board that the amendments to the Home Inspector Regulations became effective April 1, 2011.

Update on Final Home Inspector Regulations

The Board reviewed a memo and recommendation prepared by staff to allow distance learning course to satisfy the entry requirement as well as continuing education requirements for Certified Home Inspectors. After review and discussion, Mr. Varner moved to allow distance learning, including on-line courses, to satisfy the entry as well as the continuing professional education requirements for the Certified Home Inspector regulatory program. Mr. Koepf seconded the motion which was unanimously approved by members: Atwood, Chapman, Cronan, Hyatt, Koepf, Loving, Marston, Palmer, Vander Pol, and Varner. 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.

Discussion of Home Inspector Entry Requirements

The Board also requested that staff prepare a fast-track regulation amendment to remove the word "classroom" from the Certified Home Inspector Regulations sections 18 VAC 15-40-30 and to submit proposed fast-track language at the next meeting.

The Board members discussed whether asbestos worker licenses could be renewed with an asbestos supervisor refresher course. The Board requested that staff contact EPA to confirm their procedures. The Board tabled this discussion until their August 23, 2011, meeting to allow staff to contact EPA.

Discussion of Asbestos Refresher Courses for Workers and Supervisors

After review and discussion, the Board agreed that 18 VAC 15-20-453 does not prohibit a contractor/sub-contractor relationship. The

Discussion of 18 VAC 15-20-453 –

board reviewed the definition of "employee" and determined the term "contract for hire" does not apply to subcontractors, only actual employees. The Board asked staff to prepare a guidance document stating the contractor/sub-contractor relationship is not a conflict of interest and have the guidance document reviewed by counsel.

Conflict of Interest

Mr. Loving nominated Keith Cronan as Chair and Howard Varner nominated Joel Loving as Vice-Chair. The Board agreed by consensus.

Election of Officers

Ms. Adams provided the Board with training on the Compliance and Investigations Division.

**CID Training
Presentation**

Mr. Courtney provided the Board with training on the Roles and Responsibilities of Board members.

**Board Roles &
Responsibilities
Training
Presentation**

The following meeting dates have been scheduled:

**Future Meeting
Dates**

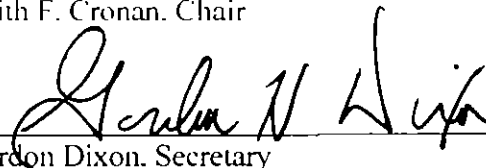
- August 23, 2011
- November 15, 2011

The meeting adjourned at 1:00 p.m.

Adjournment



Keith F. Cronan, Chair



Gordon Dixon, Secretary

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Brian Koepf
2. Title: Board Member
3. Agency: ALMHI Board
4. Meeting/IFF Date: Board Meeting, May 3, ~~2010~~²⁰¹¹

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

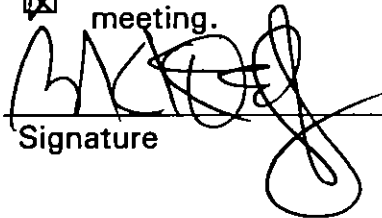
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.



Signature

5/3/11

Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

- 1. Name: David B. Hyatt
- 2. Title: Board Member
- 3. Agency: ALMHI Board
- 4. Meeting/IFF Date: Board Meeting, May 3, ~~2010~~²⁰¹¹

5. I have a personal interest in the following transaction:
Asberdos/Lead Contractor

Nature of Personal Interest Affected by Transaction:
See above

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:
Asberdos/Lead Contractor

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

David Bowen Hyatt
Signature

5/3/11
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Bonnie Atwood
2. Title: Board Member
3. Agency: ALMHI Board
4. Meeting/IFF Date: Board Meeting, May 3, ~~2010~~ ²⁰¹¹

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Bonnie Atwood
Signature

5-3-11
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Reginald Marston, III
2. Title: Board Member
3. Agency: ALMHI Board
4. Meeting/IFF Date: Board Meeting May 3, ²⁰¹¹~~2010~~

5. I have a personal interest in the following transaction:

N/A

Nature of Personal Interest Affected by Transaction:

N/A

I declare that I am a member of the following business, profession,
occupation or group, the members of which are affected by the transaction:

N/A

I am able to participate in this transaction fairly, objectively, and in the
public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this
meeting.

Signature

Date 5/3/11

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Todd Vander Pol
2. Title: Board Member
3. Agency: ALMHI Board
4. Meeting/IFF Date: Board Meeting May 3, ²⁰¹¹~~2010~~

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I ~~do not~~ have a personal interest in any transactions taken at this meeting.

Todd Vander Pol
Signature

5-3-11
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Thomas J. Loving
2. Title: Board Member
3. Agency: ALMHI Board
4. Meeting/IFF Date: Board Meeting, May 3, ~~2010~~²⁰¹¹

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

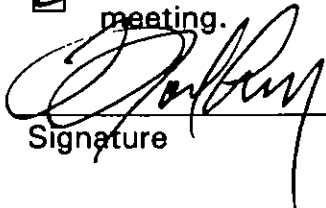
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.



Signature

5-3-11

Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Howard D. Varner
2. Title: Board Member
3. Agency: ALMHI Board
4. Meeting/IFF Date: Board Meeting, May 3, ~~2010~~²⁰¹¹

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:


I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.



Signature

5/3/11

Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Keith F. Cronan
2. Title: Board Member
3. Agency: ALMHI Board
4. Meeting/IFF Date: Board Meeting, May 3, ~~2010~~²⁰¹¹

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:
SPECIAL RENOVATIONS, INC. (REMEDATION CONTRACTOR)

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.


Signature

5/3/11
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Colleen Becker
2. Title: Board Member
3. Agency: ALMHI Board
4. Meeting/IFF Date: Board Meeting, May 3, ~~2010~~²⁰¹¹

5. I have a personal interest in the following transaction:

asbestos, lead & mold

Nature of Personal Interest Affected by Transaction:

employee of consulting firm/asbestos/lead/mold kb

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

See above

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Colleen Becker
Signature

5/3/11
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

- 1. Name: Kenneth Nash
- 2. Title: Board Member
- 3. Agency: ALMHI Board
- 4. Meeting/IFF Date: Board Meeting May 3, ~~2010~~²⁰¹¹

5. I have a personal interest in the following transaction:

Asbestos Lead Mold

Nature of Personal Interest Affected by Transaction:

CONTRACTOR

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

W.W. NASH CONTRACTING Co. Inc

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Kenneth C. Nash
Signature

5-3-11
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Rick Holtz
2. Title: Board Member
3. Agency: ALMHI Board
4. Meeting/IFF Date: Board Meeting May 3, ²⁰¹¹~~2010~~

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Rick Holtz
Signature

5/3/11
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Peter Palmer
2. Title: Board Member
3. Agency: ALMHI Board
4. Meeting/IFF Date: Board Meeting, May 3, ~~2010~~²⁰¹¹

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

P. Palmer
Signature

5/3/2011
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Christopher Chapman
2. Title: Board Member
3. Agency: ALMHI Board
4. Meeting/IFF Date: Board Meeting, May 3, ~~2010~~²⁰¹¹

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

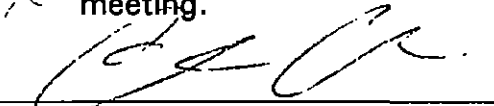
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

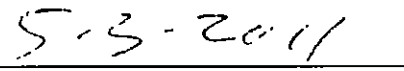
I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.


Signature


Date