

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

The Virginia Board for Asbestos, Lead, and Home Inspectors met on August 27, 2003 in Conference Room 4 West at the offices of the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

The following members of the Board were present:

Pamela M. Mentz, Chairperson  
Jack A. Geller, Vice Chairperson  
Joseph W. Crockett  
P. Bradley Nott, Jr. (Arrived at 9.30)  
John C. Bouldin  
Frederick Heppner  
Vickie Harlow  
Richard L. Honeycutt

Board Member John Gerow was unable to attend the meeting.

The following members of DPOR staff were present during some or all of the meeting:

Louise Fontaine Ware, Director  
Karen O'Neal, Deputy Director for RPD  
James Guffey, Deputy Director for Enforcement  
Wayne Brown, Chief Investigator for Enforcement  
Doug Schroder Director of Adjudication  
David E. Dick, Executive Director  
Joseph Kossan, Regulatory Boards Administrator  
Thomas K. Perry, Regulatory Boards Administrator  
Earlyne Perkins, Legal Assistant  
Chris Olson, Licensing Specialist

Others who attended the meeting included:

Eddie Campbell, Norfolk Naval Shipyard  
John Hart, Industrial Training Company  
Paul Murphy, J&W Contracting

Chairperson Mentz, finding a quorum of the Board present, called the meeting to order at 9:05 AM.

**Call to Order**

Mr. Crockett moved that the Board approve the agenda as prepared by staff. Mr. Heppner seconded the motion, which was carried unanimously by seven aye votes (Messrs. Crockett, Geller, Bouldin, Heppner, and Honeycutt; and Mses. Mentz and Harlow) The agenda is attached.

**Adopt Agenda**

Mr. Heppner moved that the Board approve the minutes of its June 4, 2003 meeting, the July 16, 2003 IFF, and the July 23, 2003 IFF collectively as prepared by staff. Mr. Geller seconded the motion, which was carried unanimously by seven aye votes (Messrs. Crockett, Geller, Bouldin, Heppner, and Honeycutt; and Mses. Mentz and Harlow).

**Approval of Board Minutes**

Chairperson Mentz opened the floor for public comment. No member of the public present expressed a desire to address the Board.

**Public Comment Period**

In the matter of **File Number 2003-03417, Board v. Miguel Sandoval, Jr.**, the Board reviewed the record, which consisted of the application file, transcript and exhibits from the IFF, and the presiding Board member's summary and recommendation Miguel Sandoval, Jr. (Respondent) was not present. Upon a motion by Mr. Bouldin and seconded by Mr. Heppner, the Board adopted the summary and recommendation, and approved the application for Asbestos Supervisor license for Miguel Sandoval, Jr. The motion carried. Members voting "YES" were Messrs. Crockett, Bouldin, Heppner, and Honeycutt; and Ms. Mentz. Members voting "NO" were Ms. Harlow. The presiding Board member, Mr. Geller, left the room and did not participate in the discussion or vote.

**File Number 2003-03417**

In the matter of **File Number 2003-03415, Board v. Jorge Ruben Ortiz**, the Board reviewed the record, which consisted of the application file, transcript and exhibits from the IFF, and the presiding Board member's summary and recommendation. Jorge Ruben Ortiz (Respondent) was not present. Upon a motion by Mr. Bouldin and seconded by Mr. Heppner, the Board adopted

**File Number 2003-03415**

the summary and recommendation, and approved the application for Asbestos Supervisor license for Jorge Ruben Ortiz. The motion carried. Members voting "YES" were Messrs. Crockett, Bouldin, Heppner, and Honeycutt; and Ms. Mentz. Members voting "NO" were Ms. Harlow. The presiding Board member, Mr. Geller, left the room and did not participate in the discussion or vote.

In the matter of **File Number 2003-03414, Board v. Patricia Carolina Amaya-Vasquez**, the Board reviewed the record, which consisted of the application file, transcript and exhibits from the IFF, and the presiding Board member's summary and recommendation. **Patricia Carolina Amaya-Vasquez (Respondent)** was not present. Upon a motion by Mr. Heppner and seconded by Mr. Crockett, the Board adopted the summary and recommendation, and approved the application for Asbestos Worker license for Patricia Carolina Amaya-Vasquez. The motion carried. Members voting "YES" were Messrs. Crockett, Bouldin, Heppner, and Honeycutt; and Ms. Mentz. Members voting "NO" were Ms. Harlow. The presiding Board member, Mr. Geller, left the room and did not participate in the discussion or vote.

**File Number  
2003-03414**

In the matter of **File Number 2003-03418, Board v. Tavaras Jermaine Williams**, the Board reviewed the record, which consisted of the application file, transcript and exhibits from the IFF, and the presiding Board member's summary and recommendation. Tavaras Jermaine Williams (Respondent) was not present. Upon a motion by Mr. Crockett and seconded by Mr. Bouldin, the Board adopted the summary and recommendation, and approved the application for Asbestos Worker license for Tavaras Jermaine Williams. The motion passed unanimously. Members voting "YES" were Messrs. Crockett, Bouldin, Heppner, and Honeycutt; and Mses. Mentz and Harlow. The presiding Board member, Mr. Geller, left the room and did not participate in the discussion or vote

**File Number  
2003-03418**

Board Member P. Bradley Nott, Jr. arrived at 9:30 AM

**Arrival of Board  
Member**

In the matter of **File Number 2002-02925, Board v. Keystone Environmental Services**, the Board reviewed the Consent Order

**File Number  
2002-02925**

Number 2004-0042, which was offered to and signed by Keystone Environmental Services (Respondent). Upon a motion by Mr. Crockett and seconded by Ms. Harlow, the Board accepted the consent order to have Keystone Environmental Services voluntarily surrender their Lead Contractor License, pay a monetary penalty of \$2,500, and not reapply for licensure for a period of one year. The motion passed unanimously. Members voting "YES" were Messrs. Crockett, Bouldin, Heppner, Nott, and Geller; and Meses. Mentz and Harlow. The presiding Board member, Mr. Honeycutt, left the room and did not participate in the discussion or vote.

In the matter of **File Number 2002-02927, Board v. Keystone Environmental Services**, the Board reviewed the Consent Order Number 2004-0041, which was offered to and signed by Keystone Environmental Services (Respondent). Upon a motion by Mr. Heppner and seconded by Mr. Nott, the Board accepted the consent order to have Keystone Environmental Services voluntarily surrender their Asbestos Contractor License, pay a monetary penalty of \$2,500, and not reapply for licensure for a period of one year. The motion passed unanimously. Members voting "YES" were Messrs. Crockett, Bouldin, Heppner, Nott, and Geller; and Meses. Mentz and Harlow. The presiding Board member, Mr. Honeycutt, left the room and did not participate in the discussion or vote.

**File Number**  
**2002-02927**

In the matter of **File Number 2003-00601, Board v. J&W Sandblasting and File Number 2003-00602, Board v. Elbert Lee Davis**, the Board reviewed the record, which consisted of the application file, transcript and exhibits from the IFF, and the presiding Board member's summary and recommendation. Paul Murphy addressed the Board on behalf of J&W Sandblasting and Mr. Elbert Davis. Upon a motion by Mr. Crockett and seconded by Mr. Nott, the Board rejected the summary and recommendation of the presiding Board member and closed the files with a finding of no violation. The motion carried. Members voting "YES" were Messrs. Crockett, Heppner, Nott, and Geller; and Ms. Mentz. Members voting "NO" were Mr. Bouldin and Ms. Harlow. The presiding Board member, Mr. Honeycutt, left the room and did not participate in the discussion or vote.

**File Number**  
**2003-00601 & File**  
**Number 2003-00602**

James Guffey addressed the Board concerning the current process used when offering consent orders to approved Asbestos Training Programs who have not complied with the requirements of the Board's regulations to submit notifications at least 48 hours in advance of the date a training program is to be offered and to submit participation lists within 24 hours after the completion of a training program. Upon a motion by Mr. Crockett and seconded by Ms. Harlow, the Board accepted Mr. Guffey's proposal to close all current Asbestos Training Program cases administratively and send a letter to each reminding them of the current requirements. The motion passed unanimously. Members voting "YES" were Messrs. Crockett, Bouldin, Heppner, Nott, and Honeycutt, and Geller; and Mses. Mentz and Harlow.

**Other Business**

Karen O'Neal recommended that the Board permit DPOR's new staff attorney and former Board members to serve as the presiding officers during IFF's. DPOR staff would be appropriate in cases where no industry expertise is required and former Board members would be appropriate where industry expertise is needed. Upon a motion by Mr. Bouldin and seconded by Mr. Heppner, the Board accepted Ms. O'Neal's recommendation. The motion passed unanimously. Members voting "YES" were Messrs. Crockett, Bouldin, Heppner, Nott, and Honeycutt, and Geller; and Mses. Mentz and Harlow.

Mr. Heppner expressed the Home Inspector Industry's concern with requiring client information on both the home inspection contracts and reports. No action was taken.

Mr. Perry informed the Board that the current examination contract with Experior expires December 31, 2003 and that Professional Credential Services, Inc. (PCS) is under contract to develop a new Lead Examination for implementation on January 1, 2004. PCS will administer the exam daily by computer at 11 examination sites throughout the state. PCS currently administers several examinations for DPOR and has developed Lead Examinations in other states.

**Lead Examination Update**

Mr. Perry informed the Board that the final Lead-Based Paint Regulations were approved by the Governor on July 7, 2003, published in the Virginia Register on August 11, 2003, and will

**Update on Final Lead-Based Paint Regulations**

be effective October 1, 2003.

The Board reviewed the amendments to the Board's Public Participation Guidelines prepared by staff.

**PPG Regulations-  
Fast Track**

Upon a motion by Mr. Crockett and seconded by Mr. Heppner, the Board adopted the amendments to the Board's Public Participation Guidelines Regulations and authorized promulgation under the fast track provisions of the Virginia Administrative Process Act (APA). The motion was carried unanimously. Members voting "YES" were Messrs. Crockett, Bouldin, Heppner, Nott, Honeycutt, and Geller, and Mses. Mentz and Harlow.

Mr. Perry presented his report to the Board on the National EPA Lead Conference held in San Antonio, TX on June 9-11, 2003. He indicated that EPA presented two different proposals for Renovation and Remodeling Regulations. One proposal incorporated renovation and remodeling into the existing 402 regulations. The second proposal was a voluntary alternative. Mr. Perry also discussed the proposed Bridges and Steel Structures Regulations. EPA also indicated that additional regulation may not be needed, and that current regulations by OSHA, RCRA, and the Clean Water Act may be sufficient. At this time, EPA is unsure as to which direction they may take with either set of regulations.

**National EPA Lead  
Conference Report**

Mr. Perry indicated that there are agreements in place between State Attorneys General and the National Paint and Coatings Association (NPCA) for the Paint Manufacturing Industry to provide training on lead safe work practices to Contractors and to provide label and sticker warnings on paint and coatings that informs consumers that sanding, scraping, or removal of old paint may release lead dust.

Ms. Mentz opened the floor for nominations for Chairperson and Vice Chairperson.

**Election of Officers**

Mr. Crockett nominated Ms. Mentz for Chairperson. Mr. Bouldin nominated Mr. Geller for Vice Chairperson. Hearing no further nominations for Chairperson or Vice Chairperson, Ms. Mentz closed the nominations.

Ms. Mentz called for a vote on the nominees for Chairperson and Vice Chairperson. The Board unanimously elected Ms. Mentz as Chairperson and Mr. Geller as Vice Chairperson by eight aye votes (Messrs. Crockett, Bouldin, Heppner, Nott, Honeycutt, and Geller; and Meses. Mentz and Harlow).

The following meeting dates have been scheduled.

**Next Meeting Date**

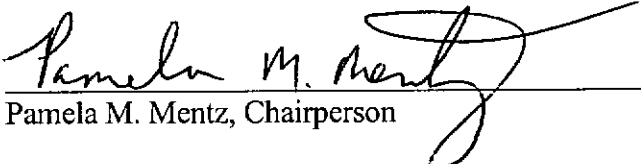
- November 4, 2003
- February 18, 2004
- May 19, 2004
- August 18, 2004
- November 3, 2004

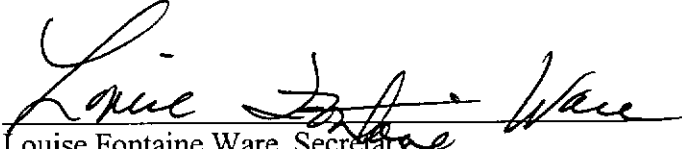
Chairperson Mentz asked the Board members to complete their conflict of interest forms and travel vouchers.

**Conflict of Interest  
Forms and Travel  
Vouchers**

Chairperson Mentz, finding no further business to conduct, adjourned the meeting at 11:10 AM.

**Adjournment**

  
Pamela M. Mentz, Chairperson

  
Louise Fontaine Ware, Secretary

COPY TESTE:

\_\_\_\_\_  
Custodian of the Records

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

**TENTATIVE AGENDA**

**BOARD MEETING**

**WEDNESDAY, AUGUST 27, 2003**

**9:00 A.M., CONFERENCE ROOM 4 WEST**

**DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION  
3600 WEST BROAD STREET  
RICHMOND, VIRGINIA 23230**

**I. CALL TO ORDER**

**II. APPROVAL OF AGENDA**

1. Board Agenda, August 27, 2003

**III. APPROVAL OF MINUTES**

2. Board Minutes, June 4, 2003
3. IFF Minutes, July 16, 2003
4. IFF Minutes, July 23, 2003

**IV. 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.**

**V. ENFORCEMENT CASES**

5. File Number 2003-03417 - Miguel Sandoval, Jr.  
IFF by Geller- Licensing
6. File Number 2003-03415 - Jorge Ruben Ortiz  
IFF by Geller- Licensing
7. File Number 2003-03414 - Patricia Carolina Amaya Vasquez  
IFF by Geller- Licensing



8. File Number 2003-03418 - Tavaras Jermaine Williams  
IFF by Geller- Licensing
9. File Number 2002-02925 - Keystone Environmental Services  
IFF by Honeycutt- Disciplinary
10. File Number 2002-02927 - Keystone Environmental Services  
IFF by Honeycutt- Disciplinary
11. File Number 2003-00601 - J & W Sandblasting  
IFF by Honeycutt- Disciplinary
12. File Number 2003-00602 – Elbert Lee Davis  
IFF by Honeycutt- Disciplinary

**VI. LEAD EXAMINATION UPDATE**

**VII. UPDATE ON FINAL LEAD-BASED PAINT REGULATION AMENDMENT**

**VIII. REGULATIONS**

13. Revisions to Public Participation Guidelines (PPG) Regulations - Fast Track

**IX. REPORT FROM NATIONAL EPA LEAD CONFERENCE**

**X. ELECTION OF OFFICERS**

**XI. OTHER BUSINESS**

**XII. SET MEETING DATES**

- November 4, 2003
- February 18, 2004
- May 19, 2004
- August 18, 2004
- November 3, 2004

**XIII. COMPLETE CONFLICT OF INTEREST FORMS AND TRAVEL VOUCHERS**

**XIV. ADJOURN**

- XV. Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the Department at (804) 367-8595 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.

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

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of  
State Government [§2.1-639.13(D)] and  
Local Government [§2.1639.14(E)]

1. Name: P. Bradley Nott, Jr.
2. Title: Board Member - Asbestos, Lead and Home Inspectors
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: None

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: \_\_\_\_\_

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

Dated: Aug 27, 2003

Signature: P. Bradley Nott

No Conflict

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

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of  
State Government [§2.1-639.13(D)] and  
Local Government [§2.1639.14(E)]

1. Name: Pamela M Mentz
2. Title: Board Member - Asbestos, Lead and Home Inspectors
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: None

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: N/A

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

Dated:

8/27/03

Signature:

Pamela M. Mentz

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

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of  
State Government [§2.1-639.13(D)] and  
Local Government [§2.1639.14(E)]

1. Name: Frederick Heppner
2. Title: Board Member - Asbestos, Lead and Home Inspectors
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: Home Inspector

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

Dated: 8/27/03

Signature: Frederick Heppner

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

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of  
State Government [§2.1-639.13(D)] and  
Local Government [§2 1639 14(E)]

- 1 Name: Vickie Harlow
- 2. Title: Board Member - Asbestos, Lead and Home Inspectors
- 3. Agency Department of Professional and Occupational Regulation
- 4. Transaction: Board Meeting
- 5 Nature of Personal Interest Affected by Transaction: \_\_\_\_\_  
\_\_\_\_\_

6 I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: \_\_\_\_\_

trainer / env. consultant

(b) I am able to participate in this transaction fairly, objectively, and in the public interest

Dated: \_\_\_\_\_

Signature: Vickie Harlow

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

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of  
State Government [§2.1-639 13(D)] and  
Local Government [§2.1639.14(E)]

1. Name: Jack A. Geller
2. Title: Board Member - Asbestos, Lead and Home Inspectors
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

Geller COMMUNAL LMS

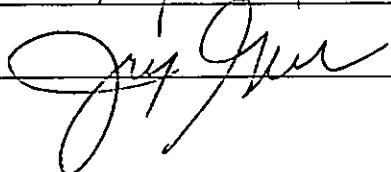
6 I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: \_\_\_\_\_

ENVIRONMENTAL CONSULTANT

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

Dated Aug 27, 2003

Signature: 

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

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of  
State Government [§2.1-639.13(D)] and  
Local Government [§2.1639.14(E)]

1. Name: Joseph W. Crockett
2. Title: Board Member - Asbestos, Lead and Home Inspectors
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: ASBESTOS AND LEAD  
ABATEMENT CONTRACTING

6 I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: WACO, INC; CONTRACTOR

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

Dated 8-27-03

Signature: Joseph W. Crockett



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

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of  
State Government [§2 1-639.13(D)] and  
Local Government [§2.1639.14(E)]

1. Name: Richard L. Honeycutt
2. Title: Board Member - Asbestos, Lead and Home Inspectors
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_  
Asbestos And Lead Abatement
6. I declare that:  
  - (a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction. \_\_\_\_\_  
LGM Cooperative
  - (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated:

8-27-03

Signature:

Richard Honeycutt

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

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of  
State Government [§2.1-639.13(D)] and  
Local Government [§2.1639.14(E)]

- 1. Name: John C. Bouldin
- 2. Title: Board Member - Asbestos, Lead and Home Inspectors
- 3. Agency: Department of Professional and Occupational Regulation
- 4. Transaction: Board Meeting
- 5. Nature of Personal Interest Affected by Transaction: Home Inspector

6. I declare that.

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: VARI, NAHI, ASHI, N/AE, Protectus Home Inspections

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

Dated: 8/21/23  
Signature: John Bouldin