

MINUTES OF MEETING

**VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS
INFORMAL FACT-FINDING CONFERENCES
JULY 16, 2003 (10:00 A.M.)**

The Virginia Board for Asbestos, Lead, and Home Inspectors convened in Richmond, Virginia, for the purpose of holding Informal Fact-Finding Conferences pursuant to the Administrative Process Act.

Jack A. Geller, Board Member, Presided.

Douglas W. Schroder appeared for the Department of Professional and Occupational Regulation.

The conferences were recorded by Inge Snead & Associates, LTD. and the Summaries are attached.

Disc=Disciplinary Case
Lic=Licensing Application

C=Complainant/Claimant
A=Applicant
R=Respondent/Regulant
Invest=Investigator
W=Witness

Participants

Miguel Sandoval, Jr.
File Number 2003-03417 (Lic)

Miguel Sandoval, Jr. – A

Jorge Ruben Ortiz
File Number 2003-03415 (Lic)

Jorge Ortiz – A
Brad Curtis – Mr. Ortiz Employer

Patricia Carolina Amaya Vasquez
File Number 2003-03414 (Lic)


Patricia Vasquez – A
(Mally Mason interpreter)

Tavaras Jermaine Williams
File Number 2003-03418 (Lic)

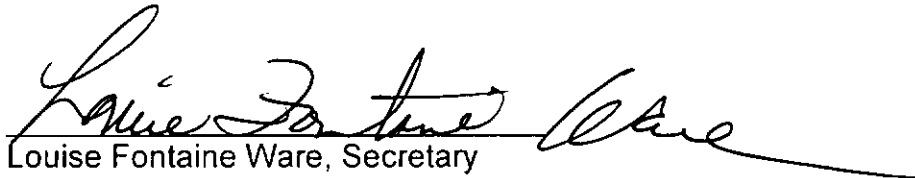
Tavaras Williams – A

The meeting adjourned at 12:20

Virginia Board for Asbestos, Lead, and Home Inspectors



Pamela M. Mentz, Chairman


Louise Fontaine Ware, Secretary

COPY TESTE:

Custodian of Records

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
BOARD FOR ASBESTOS, LEAD AND HOME INSPECTORS

IN RE: MIGUEL SANDOVAL, JR.
APPLICATION FOR ASBESTOS SUPERVISOR
LICENSE BY EXAMINATION

FILE NUMBER: 2003-03417

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on July 16, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Miguel Sandoval, Jr. on June 20, 2003. The following individuals participated at the conference: Miguel Sandoval, Jr., Applicant; Douglas W. Schroder, Staff Member; and Jack A. Geller, Presiding Board Member.

Summation of Facts

When processing Mr. Sandoval's application, the following information was revealed:

January 31, 1995	Applicant applied for and was issued an Asbestos Worker license (3301-012588) using SSN 424-01-1176.
November 18, 2002	Applicant applied for an Asbestos Supervisor license (3302-0007795) using SSN 228-75-4539.
February 22, 2003	Received verification from the Social Security Administration of Sandoval's correct SSN which is 228-75-4539.

Note: During the IFF, Sandoval stated that he did not submit an application on July 20, 1994, and did not receive an Asbestos Worker license (3301-012000) using SSN 617-26-1339. Sandoval also stated the signature on the application is not his and his birth date is November 24, 1976.

Conclusion and Recommendation

Based on the record, including testimony at the IFF, I recommend that Mr. Sandoval be approved for his application for Asbestos Supervisor license.

Current documentation exists that Mr. Sandoval has fulfilled the initial training requirements under the "correct" Social Security Number. It needs to be noted that this certification expires August 9, 2003. Mr. Sandoval will need to take a one day refresher course in order to remain current under the Board's rules and regulations.

By: _____

**Jack A. Geller
Presiding IFF Board Member
Board for Asbestos, Lead and
Home Inspectors**

Date: July 16, 2003

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
BOARD FOR ASBESTOS, LEAD AND HOME INSPECTORS**

**IN RE: JORGE RUBEN ORTIZ
APPLICATION FOR ASBESTOS SUPERVISOR
LICENSE BY EXAMINATION**

FILE NUMBER: 2003-03415

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on July 16, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Jorge Ruben Ortiz on June 20, 2003. The following individuals participated at the conference: Jorge Ruben Ortiz, Applicant; Brad Curtis, Mr. Ortiz's Employer; Douglas W. Schroder, Staff Member; and, Jack A. Geller, Presiding Board Member.

Summation of Facts

When processing Mr. Ortiz's application, the following information was revealed:

June 26, 1997 Applicant applied for and was issued Asbestos Worker license (3301-015213) using SSN 246-83-2705.

- August 2, 1999 Applicant re-applied for and was issued an Asbestos Worker license (3301-015213) using SSN 246-83-2705.
- February 10, 2003 Applicant applied for an Asbestos Supervisor license (3302-007895P) using SSN 242-91-6513.
- May 8, 2003 Received verification from the Social Security Administration of Ortiz's correct SSN which is 242-91-6513.

During the IFF, Mr. Ortiz provided a copy of his Social Security Card Notice, which was not issued until September 30, 1999. Further, Mr. Curtis offered his support of Mr. Ortiz and his application for an Asbestos Supervisor License.

Conclusion and Recommendation

Based on the record, including testimony at the IFF, I recommend that Mr. Ortiz be approved for his application for an Asbestos Supervisor license.

Current documentation exists that Mr. Ortiz has fulfilled the initial training requirements under the "correct" Social Security Number. It needs to be noted that this certification expires January 10, 2004

By: _____

Jack A. Geller
Presiding IFF Board Member
Board for Asbestos, Lead and
Home Inspectors

Date: July 16, 2003

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

BOARD FOR ASBESTOS, LEAD AND HOME INSPECTORS

IN RE: PATRICIA CAROLINA AMAYA-VASQUEZ
APPLICATION FOR ASBESTOS WORKER
LICENSE BY EXAMINATION

FILE NUMBER: 2003-03414

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on July 16, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Patricia Carolina Amaya-Vasquez on June 10, 1002. The following individuals participated at the conference: Patricia Carolina Amaya-Vasquez,

Applicant; Mahalia "Mally" Dryden-Mason, Interpreter; Douglas W. Schroder, Staff Member; and Jack A. Geller, Presiding Board Member.

Summation of Facts

When processing Ms. Amaya-Vasquez's application, the following information was revealed:

July 13, 2001	Applicant applied for and was issued Asbestos Worker license (3301-019829) using SSN 242-18-1124.
August 28, 2002	Applicant applied for an Asbestos Worker license (3301-021482P) using SSN 240-97-7925.
April 7, 2003	Received verification from the Social Security Administration of Ms. Vasquez's correct SSN which is 240-97-7925.

Conclusion and Recommendation

Current documentation exists that she has fulfilled the initial training and refresher training requirements as mandated by the Commonwealth of Virginia, in order to properly proceed with her license as an asbestos worker.

Based on the record, including testimony at the IFF, I recommend Ms. Amaya-Vasquez's application be approved for Asbestos Worker license.

By: _____

Jack A. Geller
Presiding IFF Board Member
Board for Asbestos, Lead and
Home Inspectors

Date: July 16, 2003

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

BOARD FOR ASBESTOS, LEAD AND HOME INSPECTORS

**IN RE: TAVARAS JERMAINE WILLIAMS
APPLICATION FOR ASBESTOS WORKER
LICENSE BY EXAMINATION**

FILE NUMBER: 2003-03418

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on July 16, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Tavaras Jermaine Williams on June 20, 2003. The following individuals participated at the conference: Tavaras Jermaine Williams, Applicant; Douglas W. Schroder, Staff Member; and Jack A. Geller, Presiding Board Member.

Summation of Facts

1. When applying for licensure, Mr. Williams advised the Board of prior criminal convictions:

Richmond Circuit Court:

11/04/1996 Guilty of Possession of Heroin With A Firearm - Felony
02/11/1997 Guilty of Possession of Heroin Felony

Richmond General District Court:

06/21/1999 Guilty of Trespassing - Misdemeanor
11/15/1999 Guilty of Trespassing - Misdemeanor

Richmond Circuit Court:

10/17/2000 Guilty of Trespassing - Misdemeanor
10/17/2000 Guilty of Trespassing - Misdemeanor

Richmond General District Court:

01/19/2000 Guilty of Possession of Marijuana - Misdemeanor

Richmond Circuit Court:

12/20/2000 Guilty of Possess Controlled Substance - Felony

Richmond General District Court:

10/29/2002 Guilty of Trespassing - Misdemeanor

2. Mr. Williams has provided evidence that he has met the training and experience qualifications for licensure.

3. During the IFF, Mr. Williams stated he is no longer around negative people, places, and things. He wants to support his family - he has a fiancé who is nine month's pregnant. Mr. Williams stated he is not a bad person, his father died young, and he had a drug problem. He never hurt anyone. He wants to have the ability to pay his bills and succeed, enjoying his life. Mr. Williams stated he has contacted an Asbestos Supervisor with Decon Environmental and received a positive response for employment. He also provided a letter from his Probation Officer outlining his completion of courses, completion of substance abuse programs, and that he can be considered for probation termination on or about June 21, 2003.

Prior Criminal Convictions

§ 54.1-204 of the Code of Virginia. Prior convictions not to abridge rights.

B. In determining whether a criminal conviction directly relates to an occupation or profession, the regulatory board shall consider the following criteria:

1. The nature and seriousness of the crime;

The crime of possession of a firearm was clearly explained by Mr. Williams. He had possession, and was not using the gun in the commission of a crime. The drug convictions were

for personal use and not for sale and distribution. The trespassing convictions involved his presence at a public housing property where only residents are allowed.

2. The relationship of the crime to the purpose for requiring a license to engage in the occupation;

The purpose of licensure is to protect the health, safety, and welfare of the public. The crimes committed by Mr. Williams do not appear to be of a nature that would endanger others.

3. The extent to which the occupation or profession might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved;

As an asbestos worker, Mr. Williams would have the ability to support his family, have direction in his life, and fill his free time with family and work related activities.

4. The relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the occupation or profession;

Mr. Williams possesses the ability to perform activities as an asbestos worker at an acceptable level.

5. The extent and nature of the person's past criminal activity;

Williams was convicted on of Possession of Heroin with a Firearm, Trespassing, Possession of Marijuana, and Possession of a Controlled Substance, over a period from 1996 thru 2002.

6. The age of the person at the time of the commission of the crime;

Williams was approximately 16 years old at the time of his first crime.

7. The amount of time that has elapsed since the person's last involvement in the commission of a crime,

Williams' last conviction was Misdemeanor Trespassing on October 29, 2002, which was a result of his presence at a public housing property where only residents are allowed.

8. The conduct and work activity of the person prior to and following the criminal activity; and

During the IFF, Williams stated he has worked for temp and performed side jobs, such as cutting grass. He has never worked at a job that provided him a paycheck.

9. Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.

While incarcerated, Mr. Williams attended several drug programs. Once released and at home, he was (and is) on probation and had to attend a drug program three times a week. He currently attends NA (Narcotics Anonymous) and AA (Alcoholics Anonymous) at least twice a week.

Conclusion and Recommendation

Based upon the record, including the information obtained from the Central Criminal Records Exchange, and in consideration of the criteria outlined in § 54.1-204.B, I recommend Williams' application for an Asbestos Worker License be approved. Mr. Williams appears to be willing and able to perform activities related to the asbestos field. Given his current status as expectant father, and positive outlook for his future, I feel that Mr. Williams should be given the opportunity to better himself and be a productive member of society.

By: _____

**Jack A. Geller
Presiding IFF Board Member
Board for Asbestos, Lead and
Home Inspectors**

Date: July 16, 2003

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Jack A. Geller
2. Title: Member, Board for Asbestos, Lead and Home Inspectors
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Informal Fact-Finding Conference on July 16, 2003
5. Nature of Personal Interest Affected by Transaction: _____

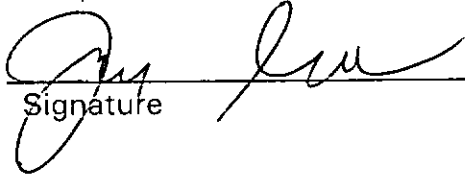
ASBESTOS & LEAD BOARD

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:

GELLER ENV LABS INC.

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


Signature

Date July 16, 2003