

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

The Virginia Board for Asbestos, Lead, and Home Inspectors (Board) met virtually via Google Meet on February 4, 2021, at 9:00 a.m. Board staff was present at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia 23233. The meeting was held virtually due to the current public health emergency related to COVID-19 declared by the Governor, which made it impracticable or unsafe for the Board to assemble in a single location. The purpose of meeting was to discuss or transact business statutorily required or necessary to continue operations of the Board.

The following members of the Board were present:

Sandra Baynes, Vice-Chair  
John E. Cranor  
Galappa Madhusudhan  
Gene E. Magruder, Chair

Peter Palmer  
David P. Rushton  
Patrick Studley  
Louis Walker

Board members Chadwick Bowman, James Haltigan, Rick Holtz, and Paul Thomas were not present at the meeting.

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

Mary Broz-Vaughan, Director  
Trisha L. Henshaw, Executive Director  
Shannon Webster, Director of Examinations  
Joseph C. Haughwout, Jr., Board and Regulatory Administrator  
Tanya M. Pettus, Administrative Assistant

Joshua Laws from the Office of the Attorney General was present.

Mr. Magruder, finding a quorum of the Board present, called the **Call to Order** meeting to order at 9:01 a.m.

Ms. Henshaw took roll of Board members and advised those in **Announcements** attendance at the meeting of staff present.

Ms. Henshaw advised the Board of procedures in place for conducting the meeting virtually.

Mr. Studley moved to approve the agenda as presented. Mr. Rushton **Approval of Agenda** seconded the motion which was unanimously approved by: Baynes, Cranor, Madhusudhan, Magruder, Palmer, Rushton, Studley, and Walker.

Mr. Palmer moved to approve the minutes of the November 10, 2020, Home Inspector Regulatory Review Committee meeting, and the November 5, 2020, Board meeting as presented. Mr. Studley seconded the motion which was unanimously approved by: Baynes, Cranor, Madhusudhan, Magruder, Palmer, Rushton, Studley, and Walker.

**Approval of Minutes**

There were no members of the public present to address the Board.

**Public Comment Period**

Mr. Rushton recused himself from the meeting for discussion and deliberation of File Numbers 2020-00530 and 2020-00923.

**Recusal of Board Member**

Mr. Cranor recused himself from the meeting for discussion and deliberation of File Numbers 2020-00530, 2020-00923, 2020-01303, and 2020-02397.

In the matter of **File Number 2020-00530, Matthew Joseph Setter**, the Board members reviewed the record which consisted of the investigative file, the transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference. Mr. Palmer moved to accept the recommendation of the Summary and find Mr. Setter in violation of the following Board regulations as outlined in the Summary:

**File Number 2020-00530, Matthew Joseph Setter**

18 VAC 15-40-120.B as outlined in Count 1; and  
18 VAC 15-40-130.A as outlined in Count 2.

Mr. Madhusudhan seconded the motion. After discussion, the motion was unanimously approved by: Baynes, Madhusudhan, Magruder, Palmer, Studley, and Walker. Mr. Palmer then moved to accept the recommended sanctions as presented in Summary, which imposed a monetary penalty of \$150.00 for violation of Count 1, and a monetary penalty of \$150.00 for violation of Count 2, for a total monetary penalty of \$300.00 imposed. Mr. Madhusudhan seconded the motion which was unanimously approved by: Baynes, Madhusudhan, Magruder, Palmer, Studley, and Walker.

In the matter of **File Number 2020-00923, Frederick P. Reid**, the Board members reviewed the record which consisted of the investigative file, the transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference. Mr. Palmer moved to accept the recommendation of the Summary and find Mr. Reid in violation of the following Board regulations as outlined in the Summary:

**File Number 2020-00923, Frederick P. Reid**

18 VAC 15-40-120.A as outlined in Count 1.

Mr. Studley seconded the motion which was unanimously approved by: Baynes, Madhusudhan, Magruder, Palmer, Studley, and Walker.

Ms. Henshaw and Mr. Haughwout advised the Board of Mr. Reid's prior violations in order to consider sanctions. Mr. Palmer then moved to accept the recommended sanction as presented in the Summary, which imposed a monetary penalty of \$250.00. Mr. Madhusudhan seconded the motion which was unanimously approved by: Baynes, Madhusudhan, Magruder, Palmer, Studley, and Walker.

Mr. Rushton returned to the meeting.

**Return of Board  
Member**

In the matter of **File Number 2020-01303, Frederick P. Reid**, the Board members reviewed the record which consisted of the investigative file, the transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference. Mr. Rushton moved to accept the recommendation of the Summary and find Mr. Reid in violation of the following Board regulations as outlined in the Summary:

**File Number 2020-  
01303, Frederick P.  
Reid**

18 VAC 15-40-120.A as outlined in Count 1;  
18 VAC 15-40-120.B as outlined in Count 2;  
18 VAC 15-40-130.A.4 as outlined in Count 3;  
18 VAC 15-40-130.B as outlined in Count 4, and;  
18 VAC 15-40-155 as outlined in Count 5.

Mr. Palmer seconded the motion which was unanimously approved by: Baynes, Madhusudhan, Magruder, Palmer, Rushton, Studley, and Walker.

Ms. Henshaw and Mr. Haughwout advised the Board of Mr. Reid's prior violations in order to consider sanctions. Mr. Haughwout also asked the Board to consider amending the recommendation to give Mr. Reid one year from the effective date of the Board's order to complete the required continuing professional education (CPE) outlined in the recommendation. Mr. Palmer then moved to accept the recommended sanctions presented in the Summary as amended, which imposed a monetary penalty of \$250.00 for violation of Count 1, a monetary penalty of \$250.00 for violation of Count 2, a monetary penalty of \$250.00 for violation of Count 3, a monetary penalty of

\$250.00 for violation of Count 4, and a monetary penalty of \$1,000.00 for violation of Count 5, for total monetary penalties of \$2,000.00. In addition, Mr. Reid's home inspector license will be suspended for six (6) months from the date of the final order. After the six-month suspension, the license will be placed on probation for an additional period of one (1) year. If during this time Mr. Reid is found in violation of any of the Board's regulations, the license will be revoked. Within one year of the effective date of the order, Mr. Reid must provide evidence acceptable to the Board that he has attended and successfully completed a minimum of nine (9) hours of CPE related to home inspection. Mr. Rushton seconded the motion which was unanimously approved by: Baynes, Madhusudhan, Magruder, Palmer, Rushton, Studley, and Walker.

In the matter of **File Number 2020-02397, Kenneth Joseph Deis**, the Board members reviewed the Consent Order. Mr. Deis admits to a violation of 18VAC 15-40-120.B as outlined in Count 1, 18VAC 15-40-130.A as outlined in Count 2, and 18VAC 15-40-155.13 as outlined in Count 3, and consents to the imposition of (i) monetary penalties totaling \$750.00, and (ii) Board costs of \$150.00. Ms. Baynes moved to approve the Consent Order as presented. Mr. Rushton seconded the motion which was unanimously approved by: Baynes, Madhusudhan, Magruder, Palmer, Rushton, Studley, and Walker.

**File Number 2020-02397, Kenneth Joseph Deis**

Mr. Cranor returned to the meeting.

**Return of Board Member**

Mr. Haughwout provided an update on the current status of the regulatory review processes for the Board's regulatory packages.

**Regulatory Action Update**

A Notice of Intended Regulatory Action (NOIRA) for a general review of the Home Inspector Licensing Regulations was filed on November 13, 2020, and is currently in executive branch review. The Home Inspector Regulatory Review Committee was formed and met on November 10, 2020, and February 3, 2021. Following completion of executive branch review, the NOIRA will be submitted for publication in the Virginia Register and open for public comment.

The proposed Lead-Based Paint Renovation, Repair, and Painting Program regulations (Initial Promulgation) were approved by the Secretary of Commerce and Trade on October 28, 2019. The regulations are currently with the Governor's office for review.

Ms. Henshaw and Mr. Rushton update the Board on the progress of the Home Inspector Regulatory Review Committee. Ms. Henshaw shared a regulatory review timeline with the Board and stated she hopes to have home inspector licensing regulation amendments ready to present to the Board at its May 2021 meeting.

**Update on Home  
Inspector Regulatory  
Review Committee**

Mr. Rushton and Ms. Baynes commended Board staff on their work for the Committee.

Mr. Haughwout asked the Board to consider an exempt action to continue the temporary reduction of renewal and late renewal fees for asbestos and lead licenses, in order to remain in compliance with the Callahan Act. Renewal fees will be reduced for licenses expiring after February 1, 2021, and before February 1, 2023. Late renewal fees will be reduced for late renewals received after March 1, 2021, and on or before February 28, 2023. Mr. Rushton moved to authorize staff to file an exempt action to extend the temporary fee reduction for asbestos and lead license renewals and late renewals. Mr. Palmer seconded the motion which was unanimously approved by: Baynes, Madhusudhan, Magruder, Palmer, Rushton, Studley, and Walker.

**Consider Exempt  
Action to Continue  
Temporary Fee  
Extension**

Ms. Henshaw advised the Board that the previous temporary fee reduction had expired and that in order to prevent a brief return to the regular renewal and late renewal fees in the regulations for some regulants, the Director issued a regulatory waiver pursuant to Executive Order 51 that allows for temporary reduced fees until the changes in the regulations become effective.

Ms. Henshaw advised the Board that John Tyler Community College will be offering lead courses through its Community College Workforce Alliance program in partnership with the Department of Housing and Community Development. Ms. Henshaw advised that the first applications for course approval have been completed, and that the courses were audited and approved. Other course applications have been received and the courses will be audited for approval later in the month.

**Update on Lead  
Training Course  
Audits**

Ms. Henshaw asked the Board for guidance regarding the hybrid delivery of asbestos initial training courses that require hands-on training. Due to the current public health emergency, regulations that prohibit or limit online, electronic, or distance learning have been waived pursuant to Executive Order 51; however, hands-on training for asbestos initial training courses is still required. The Board reviewed a proposed guidance document, which would

**Request for  
Guidance Regarding  
Hybrid Delivery of  
Asbestos Initial  
Courses that Require  
Hands-On Training**

remain effective during the course of the public health emergency, that permits the acceptance of hybrid training for initial asbestos courses wherein theoretical instruction is provided via online or distance delivery and hands-on instruction is provided in person. The guidance document outlines the applicable procedures that must be followed by any approved training provider seeking to offer hybrid delivery on initial training courses during the public emergency.

Discussion was held on staff's authority to address compliance with current COVID-19 mandates and recommendations during course audits of in-person instruction.

After review and discussion, Mr. Palmer moved to adopt the proposed guidance document as written. Ms. Baynes seconded the motion which was unanimously approved by: Baynes, Madhusudhan, Magruder, Palmer, Rushton, Studley, and Walker.

The proposed guidance document will be published on March 1, 2021 for a thirty-day public comment period, after which the guidance document will become effective on April 1, 2021.

Ms. Henshaw advised the Board that the Office of Radiological Health has asked staff to assist in relaying information to licensed home inspectors regarding Virginia Department of Health (VDH) certification requirements for individuals performing radon inspections. Discussion was held on ways in which the Board could assist in communicating this information, but because radon inspection is beyond the Board's purview, Ms. Henshaw advised that staff will direct inquiries regarding radon inspection to VDH. Ms. Henshaw stated she would relay the takeaways from today's discussion to Ryan Paris at the Office of Radiological Health.

**Discuss Partnership with Virginia Department of Health Office of Radiological Health on Outreach Regarding Radon Professionals Certification**

Ms. Henshaw advised the Board of temporary waivers of certain regulations pursuant to Executive Order 51 in response to COVID-19. During the current state of emergency, the validity of licenses, certifications, registrations, and other authorizations issued by the Board that would otherwise (i) expire during the state of emergency and (ii) be eligible for renewal or reinstatement during the state of emergency under applicable regulations, will be extended until the 30th day after the date by which the state of emergency is lifted. In addition, regulations that prohibit or limit online, electronic, or distance learning have also been waived until the 30th day after the date by which the state of emergency is lifted. Ms. Henshaw noted that the waivers do not apply to statutory requirements or federal

**DPOR Updates as it Relates to COVID-19 Response**

regulations.

In addition, Ms. Henshaw advised the Board of a recent waiver that waives any regulatory requirement that a licensee be physically present at a place of business.

Ms. Henshaw advised the Board that the agency remains closed to the public and staff scheduling adjustments remain in place, including telework for those employees who are eligible.

Ms. Henshaw provided the Board with the most recent financial statements for review.

**Board Financial Statements**

Ms. Henshaw and Ms. Broz-Vaughan reminded the Board that staff actively monitors legislation throughout General Assembly session and provides data and information regarding the Board and Department relevant to legislative proposals affecting the Board. Ms. Henshaw advised the Board that the 2021 General Assembly session began on January 13, 2021, and provided an update of legislative proposals that could affect DPOR and the Board.

**2021 Legislative Update**

Ms. Henshaw updated the Board on recent and upcoming virtual outreach opportunities.

**Outreach Update**

Ms. Henshaw also advised the Board of an upcoming meeting of the Mid-Atlantic Regional Environmental Consortium (MAREC). The meeting will be held to discuss asbestos related issues within the region as well as updating the MAREC Agreement last signed in 1995.

Ms. Webster advised the Board that she has been working to resolve issues with PSI's call centers and exam scheduling that have occurred due to the pandemic. Ms. Webster also advised that PSI is informing the agency of any positive COVID-19 diagnoses within the testing centers for informational and tracing purposes. Ms. Webster stated that exams continue to be offered and that PSI is ensuring that all COVID-19 protocols are being followed at its testing centers.

**Other Business**

The following meeting dates have been scheduled:

- May 13, 2021
- August 26, 2021
- November 4, 2021

**Future Meeting Dates**

Mr. Magruder reminded Board members to complete their conflict of interest forms.

**Conflict of Interest  
Forms and Travel  
Vouchers**

There being no further business, the meeting adjourned at 10:53 a.m. **Adjourn**

*Gene E. Magruder*

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Gene E. Magruder, Chair

*Mary Broz-Vaughan*

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Mary Broz-Vaughan, Secretary



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

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

1. Name: Sandra Baynes
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: February 4, 2020
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 interested in any transactions taken at this meeting.

*Sandra Baynes*

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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

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

1. Name: John E. Cranor
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: February 4, 2020
5. I have a personal interest in the following transaction:

\_\_\_\_\_

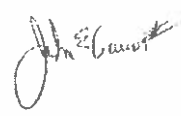
Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

\_\_\_\_\_

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. **X** I do not have a personal interested in any transactions taken at this meeting.



\_\_\_\_\_  
Signature

2-4-21  
\_\_\_\_\_  
Date

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

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

1. Name: Galappa Madhusudhan
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: February 4, 2020
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 interested in any transactions taken at this meeting.

Galappa Madhusudhan  
Signature

2/11/21  
Date

Re: ALHI Board Meeting Conflict of Interest Form

1 message

genemagruder...
Reply-To: genemagruder...
To: "tanya.pettus@dpor.virginia.gov" <tanya.pettus@dpor.virginia.gov>

Thu, Feb 4, 2021 at 11:49 AM

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

- 1. Name: Gene Magruder
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: February 4, 2020
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.x I do not have a personal interested in any transactions taken at this meeting.

Gene E Magruder Signature Date 02/04/2021

-----Original Message-----
From: Pettus, Tanya <tanya.pettus@dpor.virginia.gov>
To:
Sent: Thu, Feb 4, 2021 8:45 am
Subject: ALHI Board Meeting Conflict of Interest Form

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

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

1. Name: Peter D. Palmer
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: February 4, 2020
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 interested in any transactions taken at this meeting.

\_\_\_\_Peter D. Palmer

2/4/2021\_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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

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


1. Name: David P. Rushton
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: February 4, 2020
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

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

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

1. Name: Patrick Studley
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: February 4, 2020
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 interested in any transactions taken at this meeting.

  
\_\_\_\_\_  
Signature

2/4/2021  
\_\_\_\_\_  
Date

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

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

1. Name: Louis Walker  
2. Title: Board Member  
3. Agency: Board for Asbestos, Lead, & Home Inspectors  
4. Meeting/IFF Date: February 4, 2020

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

none

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:

none

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 interested in any transactions taken at this meeting.

Signature

Date

2/10/21