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

The Virginia Board for Asbestos, Lead, and Home Inspectors met on August 17, 2017, at the offices of the Department of Professional and Occupational Regulation (DPOR), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 4, Richmond, Virginia 23233.

The following members of the Board were present:

Sandra Baynes Chadwick R. Bowman John E. Cranor Erich Fritz James E. Haltigan

Gene E. Magruder Frederick Molter, IV Walter C. Nixon Peter D. Palmer, Vice Chair David P. Rushton

Board members Colleen Becker, Joe France, and Rick Holtz were not present at the meeting.

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

Jay W. DeBoer, Director Trisha L. Henshaw, Executive Director Paul G. Saunders, III, Board Administrator Tanya M. Pettus, Administrative Assistant

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

Mr. Palmer, finding a quorum of the Board present, called the Call to Order meeting to order at 9:02 a.m.

Ms. Henshaw advised the Board of the emergency evacuation Emergency procedures. **Evacuation Procedures**

Mr. Fritz moved to approve the agenda as presented. Mr. Magruder Approval of Agenda seconded the motion which was unanimously approved by: Baynes, Cranor, Fritz, Haltigan, Magruder, Molter, Nixon, Palmer, and Rushton.

Mr. Magruder moved to approve the minutes of the May 18, 2017, Approval of Board meeting as presented. Mr. Fritz seconded the motion which Minutes was unanimously approved by: Baynes, Cranor, Fritz, Haltigan, Magruder, Molter, Nixon, Palmer, and Rushton.

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

Public Comment Period

Mr. Palmer introduced newly appointed Board members John Introduction of

Cranor and David Rushton. Both Board members were appointed **Board Members and** to the home inspector seats on the Board.

Staff

Ms. Henshaw introduced to the Board new staff member Arthur Vandenesse, Licensing Specialist.

In the matter of File Number 2017-00806, Luis A. Chirino Medina, the Board members reviewed the record which consisted of the Notice of Prima Facie Case, Report of Findings, evidence, and the Presiding Officer's Summary and Recommendation. Mr. Magruder moved to accept the recommendation of the Presiding Officer and find Mr. Chirino Medina in violation of Board regulations 18VAC 15-20-430.A and 18VAC 15-20-410.C. Mr. Nixon seconded the motion which was unanimously approved by: Baynes, Cranor, Fritz, Haltigan, Magruder, Molter, Nixon, Palmer, and Rushton.

File Number 2017-00806, Luis A. Chirino Medina

Mr. Fritz then moved to accept the recommendation as to the sanctions and impose a monetary penalty of \$500.00 and Board costs in the amount of \$150.00, and revoke Mr. Chirino Medina's asbestos worker license. Mr. Magruder seconded the motion which was unanimously approved by: Baynes, Cranor, Fritz, Haltigan, Magruder, Molter, Nixon, Palmer, and Rushton.

In the matter of File Number 2017-02001, Melvin Cruz, the Board members reviewed the Consent Order, which imposed Board costs of \$150.00. In addition Mr. Cruz agrees to revocation of his asbestos worker license. Mr. Magruder moved to accept the terms of the Consent Order as presented. Mr. Nixon seconded the motion which was unanimously approved by: Baynes, Cranor, Fritz, Haltigan, Magruder, Molter, Nixon, Palmer, and Rushton.

File Number 2017-02001, Melvin Cruz

In the matter of File Number 2017-02002, Iris Perez, the Board members reviewed the Consent Order, which imposed Board costs of \$150.00. In addition Ms. Perez agrees to revocation of her asbestos worker license. Mr. Magruder moved to accept the terms of the Consent Order as presented. Mr. Fitz seconded the motion which was unanimously approved by: Baynes, Cranor, Fritz, Haltigan, Magruder, Molter, Nixon, Palmer, and Rushton.

File Number 2017-02002, Iris Perez

In the matter of File Number 2017-02084, Gloribel Pineda Oliva, the Board members reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation. Mr. Magruder moved to accept the

File Number 2017-02084, Gloribel Pineda Oliva

recommendation of the Presiding Officer and deny Ms. Pineda Oliva's application for an asbestos worker's license. Mr. Fritz seconded the motion which was unanimously approved by: Baynes, Cranor, Fritz, Haltigan, Magruder, Molter, Nixon, Palmer, and Rushton.

In the matter of File Number 2017-02660, Ernest Glenn Hargrove, the Board members reviewed the record which 02660, Ernest Glenn consisted of the application file, transcript, and exhibits from the Hargrove Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation. Mr. Haltigan moved to accept the recommendation of the Presiding Officer and approve Mr. Hargrove's application for a lead abatement risk assessor license. Nixon seconded the motion which was unanimously approved by: Baynes, Cranor, Fritz, Haltigan, Magruder, Molter, Nixon, Palmer, and Rushton.

File Number 2017-

Mr. Rushton recused himself from the meeting for the discussions and deliberations regarding Application File Number 3380001009.

Recusal of Board Member

In the matter of Application File Number 3380001009, Judy C. Broyles, the Board members reviewed the application file and Agreement for Licensure as proposed by Board staff and agreed to by Ms. Broyles. After discussion, Mr. Nixon moved to accept the terms of the Agreement for Licensure and approve Ms. Broyles' application for a home inspector license. Mr. Cranor seconded the motion which was unanimously approved by: Baynes, Cranor, Fritz, Haltigan, Magruder, Molter, Nixon, and Palmer.

Application File Number 3380001009, Judy C. Broyles

Mr. Rushton returned to the meeting.

Return of Board Member

Ms. Henshaw provided an update on the current status of the Update on regulatory review processes for the Board's regulatory packages.

Regulatory Review Processes

Final Home Inspector Licensing regulations became effective on July 1, 2017.

Amendments to the Home Inspector regulations regarding the yellow corrugated stainless steel tubing (CSST) disclosure statement will be published on August 21, 2017. The amendments will become effective on September 20, 2017.

Amendments to the Asbestos Analytical Laboratory and Project Monitor regulations are currently under executive branch review.

Upon approval, the amended regulations will be published on September 4, 2017. A sixty-day public comment period, to include a public hearing, will begin September 4, 2017 and conclude on November 3, 2017.

The proposed Lead-Based Paint Renovation, Repair, and Painting Program regulations (Initial Promulgation) are currently undergoing review by the Governor's office. If approved, the regulations will be posted to the Virginia Register and a 60-day public comment period will commence, to include a public hearing.

Ms. Henshaw advised that the number of licensed home inspectors as of August 1, 2017, was 717 compared to 396 on August 1, 2016. In addition, Board staff process 267 home inspection applications between June 1, 2017 and July 31, 2017, issuing 197 licenses. Compared to the same timeframe last year, only 20 applications were processed. Finally, staff handled 548 emails between June 1, 2017, and July 31, 2017, compared to 45 during the same time period last year. Ms. Henshaw applauded the licensing staff's efforts to handle the increase in applications, calls, and emails that resulted from the home inspector transition – doing so with no increase in staff members and ensuring a quick turnaround to home inspector inquiries and application processing.

Update on
Licensure
Transition for
Home Inspectors

Ms. Henshaw also discussed staff efforts in reaching out to various trade and professional associations to encourage additional NRS training program applications. Those efforts resulted in additional training program applications being received and processed immediately upon receipt, thereby allowing additional options for those seeking to obtain the NRS specialty.

Mr. Saunders provided an update of asbestos and lead training course audits that have been conducted since the Board's last meeting.

Mr. Saunders provided an update of home inspector CPE audits conducted on 25% of eligible certified home inspectors beginning on March 21, 2017.

Mr. Nixon expressed concerns to the Board regarding asbestos contractors failing to obtain written acknowledgement from the property owner that a licensed project monitor is required to be present at asbestos abatement sites per 18VAC15-20-451. Mr. Nixon also asked the Board to consider the current regulations applicable to project monitor responsibilities as compared to other

Asbestos and Lead Training Course Audits

Update on Home Inspector CPE Audits

Discussion of
Requirement for a
Project Monitor on
an Asbestos
Abatement Project

state agencies and the Environmental Protection Agency (EPA). After lengthy discussion, Mr. Molter moved to authorize staff to file a notice of intended regulatory action (NOIRA) to review the Board's project monitor and asbestos abatement contractor regulatory provisions. After discussion, Mr. Magruder seconded the motion which was approved by: Baynes, Cranor, Fritz, Magruder, Molter, Nixon, Palmer, and Rushton. Mr. Haltigan opposed. The motion passed with majority vote.

Mr. Bowman arrived at 9:25 a.m.

Ms. Henshaw introduced newly appointed Board member Introduction of Chadwick Bowman.

Ms. Henshaw asked the Board to consider whether a licensed home inspector is required to have a New Residential Structure (NRS) specialty designation in order to perform inspections conducted during construction of a new residential structure, known as "course of construction" inspections. The inspections include but are not limited to slab inspections, pre-drywall inspections, and frame inspections. After discussion, Mr. Rushton moved that a licensed home inspector is required to hold the NRS specialty designation to perform course of construction inspections. Mr. Cranor seconded the motion which was unanimously approved by: Baynes, Bowman, Cranor, Fritz, Haltigan, Magruder, Molter, Nixon, Palmer, and Rushton.

Ms. Henshaw asked the Board to consider whether specific information should be required as it relates to a home inspector applicant's verification of home inspections. While third-party verification of experience is required, there is no criteria regarding specific information that must be contained on the list of home inspections completed. After discussion, Mr. Haltigan moved to adopt the following policy: In addition to the requirement for a third-party signature on the experience verification form, the Board requires the list of home inspections submitted to satisfy the requirements in subsections 1, 3, and 5 of 18VAC15-40-32 of the Board's regulations as they pertain to the completion of home inspections to include, at a minimum, the following information:

- Name of home inspector;
- Date home inspection was performed:
- Client name;
- Client e-mail and/or phone number;

Arrival of Board Member

Board Member

Request for **Guidance Regarding** License Requirements for Inspections **Conducted During** Construction of Residential Structures

Request for **Guidance Regarding** Verification of Home Inspections

- Address of home inspection; and
- Signature of home inspector at the bottom of each page of the home inspection log

Board staff is also authorized to make further inquiries and investigations with respect to the applicant's qualifications to confirm or amplify information supplied in accordance with 18VAC15-40-25.B of the Board's regulations.

Ms. Baynes seconded the motion which was unanimously approved by: Baynes, Bowman, Cranor, Fritz, Haltigan, Magruder, Molter, Nixon, Palmer, and Rushton.

Ms. Henshaw asked the Board to consider renewal fees for licensees who have added the NRS specialty designation within their current licensing period. Licensees may add the NRS specialty designation to their current home inspector license at any time for a fee of \$80.00. The current renewal fee for a home inspector license with the NRS specialty designation is \$90.00. Ms. Henshaw asked the Board to consider whether licensees who have added the NRS specialty designation within 90 days of their renewal may pay the lower \$45.00 renewal fee, as opposed to the \$90.00 fee applicable to home inspector licenses with the NRS specialty designation. After discussion, Mr. Nixon moved to retain the current fee schedule, and require a \$90.00 renewal fee for home inspector licensees with the NRS specialty designation, regardless of the time frame in which the NRS specialty designation was added to the license. Mr. Magruder seconded the motion. After further discussion, the motion was approved by: Baynes, Bowman, Cranor, Fritz, Molter, Palmer, and Rushton. Haltigan, Magruder, and Nixon opposed. The motion passed with majority vote.

Request for **Guidance Regarding** NRS Specialty as it Pertains to Renewal Fees

Mike Hejduk, Executive Director of the North Carolina Home Inspectors Licensure Board, was present to address the Board regarding the possibility of some form of reciprocity for home inspector licensees. Discussion was held on training and education requirements, exam requirements, and exam eligibility in North Carolina and Virginia. After discussion, the Board agreed by consensus that Board staff will continue working with Mr. Hejduk to explore whether opportunities may exist to find areas of common ground in the license requirements for North Carolina and Virginia home inspectors.

The Board recessed from 11:09 a.m. to 11:30 a.m.

Discussion of North Carolina's License Requirement and Consideration of Reciprocal Agreement

Recess

Ms. Henshaw made a Board member training presentation to the **Board Member**

Board. Topics included:

Training

- Board purpose, appointments, and composition;
- Board authority and responsibility;
- Board meeting procedures; and
- Statutes and regulatory processes.

Board members considered the following resolution for former Consideration of Board members and staff:

Resolution for Service

Nick Christner

WHEREAS, Nick Christner, did faithfully and diligently serve the Board for Asbestos, Lead, and Home Inspectors from 2004 to 2017;

WHEREAS, Nick Christner, did devote generously of his time, talent and leadership to the Board;

WHEREAS, Nick Christner, did endeavor at all times to render decisions with fairness and good judgement in the best interest of the citizens of the Commonwealth and these professions; and

WHEREAS, the Board for Asbestos, Lead, and Home Inspectors wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Board for Asbestos, Lead, and Home Inspectors this seventeenth day of August 2017, that Nick Christner be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held by this Board.

Phillip Fincher

WHEREAS, Phillip Fincher, did faithfully and diligently serve as a member of the Virginia Board for Asbestos, Lead, and Home Inspectors from 2009 to 2017;

WHEREAS, Phillip Fincher, did devote generously of his time, talent and leadership to the Board;

WHEREAS, **Phillip Fincher**, did endeavor at all times to render decisions with fairness and good judgement in the best interest of the citizens of the Commonwealth and these professions; and

WHEREAS, the Virginia Board for Asbestos, Lead, and Home Inspectors wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Virginia Board for Asbestos, Lead, and Home Inspectors this seventeenth day of August 2017, that **Phillip Fincher** be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held by this Board.

Brian Koepf

WHEREAS, **Brian Koepf**, did faithfully and diligently serve as a member of the Virginia Board for Asbestos, Lead, and Home Inspectors from 2008 to 2017;

WHEREAS, **Brian Koepf**, did devote generously of his time, talent and leadership to the Board;

WHEREAS, **Brian Koepf**, did endeavor at all times to render decisions with fairness and good judgement in the best interest of the citizens of the Commonwealth and these professions; and

WHEREAS, the Virginia Board for Asbestos, Lead, and Home Inspectors wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Virginia Board for Asbestos, Lead, and Home Inspectors this seventeenth day of August 2017, that **Brian Koepf** be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all

may know of the high regard in which he is held by this Board.

Reginal E. Marston III

WHEREAS, Reggie Marston, did faithfully and diligently serve as a member of the Virginia Board for Asbestos, Lead, and Home Inspectors from 2009 to 2017;

WHEREAS, Reggie Marston, did devote generously of his time, talent and leadership to the Board;

WHEREAS, Reggie Marston, did endeavor at all times to render decisions with fairness and good judgement in the best interest of the citizens of the Commonwealth and these professions; and

WHEREAS, the Virginia Board for Asbestos, Lead, and Home Inspectors wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Virginia Board for Asbestos, Lead, and Home Inspectors this seventeenth day of August 2017, that Reggie Marston be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held by this Board.

Mr. Magruder moved to adopt the resolutions as presented. Mr. Nixon seconded the motion which was unanimously approved by: Baynes, Bowman, Cranor, Fritz, Haltigan, Magruder, Molter, Nixon, Palmer, and Rushton.

The following meeting dates have been scheduled:

Future Meeting Dates

- November 9, 2017
- February 8, 2018
- May 17, 2018
- August 16, 2018

Mr. Palmer reminded Board members to complete their conflict of Conflict of Interest interest forms and travel vouchers.

Forms and Travel Vouchers

There being no further business, the meeting adjourned at 12:42 Adjourn p.m.

Colleen Becker, Chair

Yay W. Delloer, Secretary

1.	Name:	Sandra Baynes
2.	Title:	Board Member
3.	Agency:	Board for Asbestos, Lead, & Home Inspectors
4.	Meeting/IFF Date:	August 17, 2017
5.	I have a personal interest in the	ne following transaction:
		fected by Transaction:
		of the following business, profession, occupation or are affected by the transaction:
	☐ I am able to participate in interest. or ☐ I did not participate in the	n this transaction fairly, objectively, and in the public
6.	☐ I do not have a personal in	nterested in any transactions taken at this meeting.
	Sanda Barres	8.17.2017 Date

1.	Name:	Chadwick R. Bowman	
2.	Title:	Board Member	
3.	Agency:	Board for Asbestos, Lead, & Home Inspectors	
4.	Meeting/IFF Date:	August 17, 2017	
5.	I have a personal interest in the	ne following transaction:	
	Nature of Personal Interest Af	fected 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:		
	interest. or	n this transaction fairly, objectively, and in the public	
	☐ I did not participate in the	e transaction.	
6.	I do not have a personal i	nterested in any transactions taken at this meeting.	
	Signature	8/17/2019 Date	

1.	Name:	John E. Cranor
2.	Title:	Board Member
3.	Agency:	Board for Asbestos, Lead, & Home Inspectors
4.	Meeting/IFF Date:	August 17, 2017
5. I have a personal interest in the following transaction:		ne following transaction:
	Nature of Personal Interest Af	fected 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:	
	interest.	n this transaction fairly, objectively, and in the public
	or ☐ I did not participate in the	e transaction.
6.	KI do not have a personal i	nterested in any transactions taken at this meeting.
	Signature	8-24-17 Date

1.	Name:	Erich Fritz
2.	Title:	Board Member
3.	Agency:	Board for Asbestos, Lead, & Home Inspectors
4.	Meeting/IFF Date:	August 17, 2017
5.	I have a personal interest in the	ne following transaction:
	Nature of Personal Interest Af	fected by Transaction:
		of the following business, profession, occupation or are affected by the transaction:
	☐ I am able to participate in interest.	n this transaction fairly, objectively, and in the public
	☐ I did not participate in the	e transaction.
6.	🛚 I do not have a personal i	nterested in any transactions taken at this meeting.
	Signature Two	<u>8//7//7</u> Date

1.	Name:	James Haltigan
2.	Title:	Board Member
3.	Agency:	Board for Asbestos, Lead, & Home Inspectors
4.	Meeting/IFF Date:	August 17, 2017
5.	I have a personal interest in the	ne following transaction:
	Nature of Personal Interest At	fected by Transaction:
	I declare that I am a member group, the members of which	of the following business, profession, occupation or are affected by the transaction:
	☐ I am able to participate in interest.	n this transaction fairly, objectively, and in the public
	☐ I did not participate in the	e transaction.
6.	I do not have a personal i	nterested in any transactions taken at this meeting.
	Signature Hall	8/17/17 Date

1.	Name:	Gene Magruder
2.	Title:	Board Member
3.	Agency:	Board for Asbestos, Lead, & Home Inspectors
4.	Meeting/IFF Date:	August 17, 2017
5.	I have a personal interest in the	ne following transaction:
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	Nature of Personal Interest Af	ffected by Transaction:
		of the following business, profession, occupation or are affected by the transaction:
	☐ I am able to participate in interest.	n this transaction fairly, objectively, and in the public
	☐ I did not participate in the	e transaction.
6.	风 I do not have a personal i	nterested in any transactions taken at this meeting.
	Mare So Margue Signature	$\frac{8/17/2017}{\text{Date}}$

1.	Name:	Frederick Molter IV
2.	Title:	Board Member
3.	Agency:	Board for Asbestos, Lead, & Home Inspectors
4.	Meeting/IFF Date:	August 17, 2017
5.	I have a personal interest in the	ne following transaction:
	Nature of Personal Interest Af	
	group, the members of which	of the following business, profession, occupation or are affected by the transaction:
	☐ I am able to participate in interest.	n this transaction fairly, objectively, and in the public
	☐ I did not participate in the	e transaction.
3.	I do not have a personal in	nterested in any transactions taken at this meeting.
	Signature	

1.	Name:	Walter C. Nixon	
2.	Title:	Board Member	
3.	Agency:	Board for Asbestos, Lead, & Home Inspectors	
4.	Meeting/IFF Date:	August 17, 2017	
5.	I have a personal interest in the	ne following transaction:	
	Nature of Personal Interest Af	ffected 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 interest.	n this transaction fairly, objectively, and in the public	
	☐ I did not participate in the	e transaction.	
6.	☐ I do not have a personal i	nterested in any transactions taken at this meeting.	
	Signature	Date 17/17	

1	Name:	Peter D. Palmer	
L	Name.	reter D. Fairier	
2.	Title:	Board Member	
3.	Agency:	Board for Asbestos, Lead, & Home Inspectors	
4.	Meeting/IFF Date:	August 17, 2017	
5.	I have a personal interest in the	ne following transaction:	
	Nature of Personal Interest At	ffected 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 interest.	n this transaction fairly, objectively, and in the public	
	☐ I did not participate in the	e transaction.	
6.	I do not have a personal i	nterested in any transactions taken at this meeting.	
	Signature	S/17/2017 Date	

1.	Name:	David P. Rushton	
2.	Title:	Board Member	
3.	Agency:	Board for Asbestos, Lead, & Home Inspectors	
4.	Meeting/IFF Date:	August 17, 2017	
5.	I have a personal interest in the following transaction:		
	Nature of Personal Interest At	ffected by Transaction:	
	I declare that I am a member of the following business, profession, occupation o group, the members of which are affected by the transaction:		
	☐ I am able to participate interest.	n this transaction fairly, objectively, and in the public	
	☐ I did not participate in the	e transaction.	
6.	☐ I do not have a personal i	interested in any transactions taken at this meeting.	
	David Ma	A 17/17	
-	Signature	Date //	