

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

The Virginia Board for Asbestos, Lead, and Home Inspectors met on May 17, 2018, at the offices of the Department of Professional and Occupational Regulation (DPOR), Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Training Room 2, Richmond, Virginia 23233.

The following members of the Board were present:

John E. Cranor	Frederick Molter, IV
Erich Fritz	Walter C. Nixon
Rick Holtz	Peter D. Palmer, Chair
Gene E. Magruder, Vice-Chair	David P. Rushton

Board members Sandra Baynes, Chadwick Bowman, Joe T. France, and James Haltigan 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  
Joseph C. Haughwout, Jr., Board and Regulatory 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 meeting to order at 9:05 a.m. **Call to Order**

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

Mr. Magruder moved to approve the agenda as presented. Mr. Nixon seconded the motion which was unanimously approved by: Cranor, Fritz, Magruder, Molter, Nixon, Palmer, and Rushton. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations. **Approval of Agenda**

Mr. Fritz moved to approve the minutes of the February 8, 2018, Board meeting as presented. Mr. Nixon seconded the motion which was unanimously approved by: Cranor, Fritz, Magruder, Molter, Nixon, Palmer, and Rushton. Board member Holtz was present but **Approval of Minutes**

did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

There were no members of the public present to address the Board on matters other than the case files to be presented.

**Public Comment  
Period**

Mr. Cranor recused himself from the meeting for discussion and deliberations on File Number 2018-00165.

**Recusal of Board  
Member**

In the matter of **File Number 2018-00165, Justin August Anlauf**, the Board members reviewed the record which consisted of the Report of Findings, transcript and exhibits from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation.

**File Number 2018-  
00165, Justin August  
Anlauf**

Mr. Anlauf was present to address the Board, and thanked the Board for their consideration. Mr. Anlauf disputed the complaints filed against him and advised the Board of his recent work history and compliance with the terms of the probation period related to his criminal charges. Mr. Anlauf asked the Board to allow him to continue working as a licensed home inspector.

Mr. Vince Amberly, Mr. Anlauf's attorney, was also present to address the Board. Mr. Amberly also disputed the complaints filed against Mr. Anlauf, and advised the Board that his client was willing to accept any sanction other than license revocation.

After discussion, Mr. Molter moved to accept the Presiding Officer's recommendation and find Justin August Anlauf in violation of Board Regulation 18 VAC 15-40-155.1. Mr. Nixon seconded the motion which was unanimously approved by: Fritz, Magruder, Molter, Nixon, Palmer, and Rushton. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

After further discussion, Mr. Magruder moved to amend the Presiding Officer's Recommendation and impose a monetary penalty of \$2,500.00, in order to recognize the seriousness of the violation, but remove the recommendation of license revocation and allow Mr. Anlauf to retain his home inspector license. Mr. Nixon seconded the motion which was approved by: Fritz, Magruder, Molter, Nixon, and Palmer. Mr. Rushton opposed.

Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations. The motion carried by majority vote.

Mr. Cranor returned to the meeting.

**Return of Board Member**

Mr. Palmer recused himself from the meeting for discussion and deliberations on File Numbers 2018-00057 and 2018-02074. Mr. Magruder, Vice-Chair, assumed the chair of the Board.

**Recusal of Board Member**

In the matter of **File Number 2018-00057, Brenda Vargas**, 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. Molter moved to accept the recommendation of the Presiding Officer and find Ms. Vargas in violation of Board regulation 18VAC 15-20-410.C. Mr. Fritz seconded the motion which was unanimously approved by: Cranor, Fritz, Magruder, Molter, Nixon, and Rushton. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

**File Number 2018-00057, Brenda Vargas**

Mr. Molter then moved to accept the recommendation as to the sanction and revoke Ms. Vargas' asbestos worker license. Mr. Fritz seconded the motion which was unanimously approved by: Cranor, Fritz, Magruder, Molter, Nixon, and Rushton. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

In the matter of **File Number 2018-02074, Anthony John Nicolo**, the Board members reviewed the record which consisted of the application file with request for waiver, transcript and exhibits from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation.

**File Number 2018-02074, Anthony John Nicolo**

Mr. Nicolo was present to address the Board. Mr. Nicolo explained to the Board that his asbestos supervisor license is not used for income, but is a requirement for his current employment as a plant manager at a community college. Mr. Nicolo stated he intended to retire and therefore allowed his license to expire; however, he has

decided to continue working at this time.

Mr. Fritz moved to accept the recommendation of the Presiding Officer and approve Mr. Nicolo's application, with request for waiver, for an asbestos supervisor license. Mr. Molter seconded the motion which was unanimously approved by: Cranor, Fritz, Magruder, Molter, Nixon, and Rushton. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

Mr. Palmer returned to the meeting and resumed chair of the Board.

**Return of Board Member**

In the matter of **File Number 2018-01731, Corey Demont Smith**, 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. Molter moved to accept the recommendation of the Presiding Officer and approve Mr. Smith's application for a lead abatement worker license. Mr. Magruder seconded the motion which was unanimously approved by: Cranor, Fritz, Magruder, Molter, Nixon, Palmer, and Rushton. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

**File Number 2018-01731, Corey Demont Smith**

In the matter of **File Number 2018-01605, Jeremy Alan Mills**, 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.

**File Number 2018-01605, Jeremy Alan Mills**

Mr. Mills was present to address the Board and thanked the Board for their time. Mr. Mills advised the Board that he takes his job very seriously and works hard to perform his job duties with the utmost professionalism.

Mr. Magruder moved to accept the recommendation of the Presiding Officer and approve Mr. Mills' application for a home inspector license. Mr. Nixon seconded the motion which was unanimously approved by: Cranor, Fritz, Magruder, Molter, Nixon, Palmer, and Rushton. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the

effective date of the regulations.

In the matter of **File Number 2018-01732, Marvin Noel Martinez Espinal**, 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. Molter moved to accept the recommendation of the Presiding Officer and deny Mr. Martinez Espinal's application for an asbestos worker license. Mr. Fritz seconded the motion which was unanimously approved by: Cranor, Fritz, Magruder, Molter, Nixon, Palmer, and Rushton. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

**File Number 2018-01732, Marvin Noel Martinez Espinal**

In the matter of **File Number 2018-01736, Harvey Edward Thornell**, 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.

**File Number 2018-01736, Harvey Edward Thornell**

The Board members were presented with a letter written by Mr. Thornell in which he asked the Board to consider waiving the national exam requirement.

After brief discussion, Mr. Molter moved to accept the recommendation of the Presiding Officer and deny Mr. Thornell's application for a home inspector license. Mr. Rushton seconded the motion which was unanimously approved by: Cranor, Fritz, Magruder, Molter, Nixon, Palmer, and Rushton. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

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

**Update on Regulatory Review Processes**

Final amendments to Asbestos Analytical Laboratory and Project Monitor regulations were adopted on February 8, 2018. Final regulations are currently undergoing executive branch review.

The Board previously voted to file a notice of intended regulatory action (NOIRA) for the review of Asbestos Abatement Monitoring Requirements. The NOIRA is currently in development.

The proposed Lead-Based Paint Renovation, Repair, and Painting Program regulations (Initial Promulgation) are currently undergoing review by the office of the Secretary of Commerce and Trade.

Ms. Henshaw and Mr. DeBoer advised the Board of House Bill 883, which establishes a regulatory reform pilot program to reduce regulatory requirements by 25% over the next three years. The pilot program will focus, in part, on DPOR. In light of HB 883 Ms. Henshaw asked the Board to consider pausing any regulatory action on the Asbestos Abatement Monitoring Requirements until DPOR receives more information on the implementation of the regulatory reform program. Mr. Nixon moved to pause regulatory action on the Asbestos Abatement Monitoring Requirements. Mr. Magruder seconded the motion which was unanimously approved by: Cranor, Fritz, Magruder, Molter, Nixon, Palmer, and Rushton. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

Mr. Saunders advised the Board of asbestos and lead training courses audited through March 28, 2018.

**Asbestos and  
Lead Training  
Course Audits**

Ms. Henshaw advised the Board of Senate Bill 627, which would have prohibited limiting the liability of home inspectors in home inspector contracts for damages. The bill has been referred to the Board for study. Ms. Henshaw advised the Board that the study is due to the bill patron and the Senate Committee on General Laws and Technology on November 1, 2018, and asked that the Board authorize staff to form a Committee in order for Committee recommendations and public comments to be reviewed by the Board at its August 2018 meeting. After discussion, Mr. Fritz moved to authorize staff to form a Committee to conduct a study on SB 627. Mr. Rushton seconded the motion which was unanimously approved by: Cranor, Fritz, Magruder, Molter, Nixon, Palmer, and Rushton. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

**Discussion of SB 627**

Ms. Henshaw asked the Board to consider whether asbestos worker licensees may use an accredited asbestos supervisor training course to meet the annual refresher training requirement for asbestos

**Discussion of  
Acceptable Training  
for Individuals**

worker license renewal. Current regulations state that completion of an accredited asbestos supervisor course may be used to obtain an initial asbestos worker license; however, in order to renew an asbestos worker license the refresher course must be an accredited asbestos worker course. After discussion, Mr. Molter moved to allow asbestos worker licensees to renew their licenses using proof of completion of an accredited asbestos supervisor course. Mr. Fritz seconded the motion which was unanimously approved by: Cranor, Fritz, Magruder, Molter, Nixon, Palmer, and Rushton. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

**Applying for an  
Asbestos Worker  
License per  
18VAC15-20-32.E.1**

Ms. Henshaw presented the Board with tentative Board meeting dates for 2019. Mr. Molter moved to accept the meeting dates as presented. Mr. Nixon seconded the motion which was unanimously approved by: Cranor, Fritz, Magruder, Molter, Nixon, Palmer, and Rushton. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

**Consider 2019  
Meeting Dates**

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

**Outreach Update**

Ms. Henshaw advised Board members of a study being conducted by the Virginia Department of Health, as directed by HB 1534, currently being monitored by DPOR which may increase oversight of radon testing and individuals performing radon testing.

**Other Business**

Ms. Henshaw advised the Board that she has been invited to attend a meeting of the North Carolina Home Inspectors Licensure Board in order to continue discussions on the possibility of home inspector licensing reciprocity with North Carolina.

The following meeting dates have been scheduled:

- August 16, 2018
- November 8, 2018

**Future Meeting  
Dates**

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

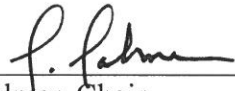
**Conflict of Interest  
Forms and Travel  
Vouchers**

There being no further business, the meeting adjourned at 10:20

**Adjourn**

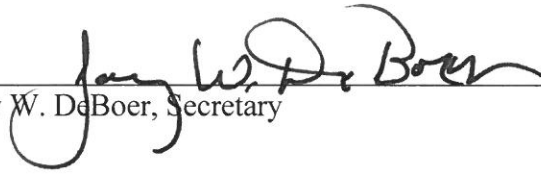
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a.m.



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Peter D. Palmer, Chair



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Jay W. DeBoer, Secretary



**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: May 17, 2018
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

Date



5-17-18

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

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government

1. Name: Erich Fritz
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: May 17, 2018
5. I have a personal interest in the following transaction:

\_\_\_\_\_

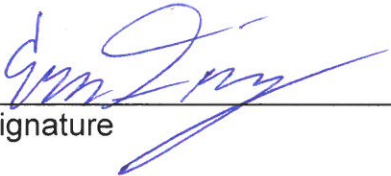
Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

\_\_\_\_\_

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

5/17/18  
\_\_\_\_\_  
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: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: May 17, 2018
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

5/17/18  
\_\_\_\_\_  
Date

**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: May 17, 2018
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

Gene E. Magruder

Date

5/17/2018

STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government

1. Name: Frederick Molter IV
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: May 17, 2018

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.

Frederick Molter IV  
Signature

5/17/18  
Date

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

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government

1. Name: Walter C. Nixon
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: May 17, 2018
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.

Walter C. Nixon  
Signature

5/17/18  
Date

**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: May 17, 2018
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

5/17/2018  
\_\_\_\_\_  
Date