

VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS
Tentative AGENDA

THURSDAY AUGUST 15, 2024, 10:00 A.M.
BOARD ROOM 2 - SECOND FLOOR

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
PERIMETER CENTER - 9960 MAYLAND DRIVE
RICHMOND, VA 23233

- I. CALL TO ORDER**
- II. EMERGENCY EVACUATION PROCEDURES**
- III. APPROVAL OF AGENDA**
 - a. Board Agenda, August 15, 2024
- IV. APPROVAL OF MINUTES**
 - a. Board Meeting Minutes, May 9, 2024
- V. PUBLIC COMMENT PERIOD – Five-minute public comment, per person, on those items not included on the agenda except any open disciplinary or application files.**
- VI. CASE FILES ***
 - a. Licensing
 - i. Licensing-1 - 2024-01786, Osman Omar Ortiz Moreno (Julie Jackson-Bailey)
 - ii. Licensing- 2 – 2024-02183, Falco John Bruno, Jr. (Julie Jackson-Bailey)
 - iii. Licensing – 3 – 2024-02013, Marlon Donnell Moore (Julie Jackson-Bailey)
 - b. Disciplinary
 - i. Consent Order-1 – 2024-00253, Kenneth Logan (Salva)
 - ii. Consent Order-2 – 2024-01356, Clarence Ward Kemp
- VII. REGULATIONS**
 - a. Regulatory Action Update
- VIII. OTHER BUSINESS**
 - a. Examination Updates
 - b. Remote Proctoring Update
 - c. Executive Director Report
 - d. EPICx Update
 - e. 2024 Board Member Training Conference
 - f. Board Financial Statements
- IX. FUTURE MEETING DATES**
 - a. November 21, 2024, 10:00 AM
 - b. February 6, 2025, 10:00 AM
- X. COMPLETE CONFLICT OF INTEREST FORMS AND TRAVEL VOUCHERS**
- XI. ADJOURN**

Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the Department at (804) 367-0362 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.

* Agenda materials made available to the public do not include disciplinary case files or application files pursuant to §54.1-108 of the *Code of Virginia*.

PERIMETER CENTER CONFERENCE CENTER
EMERGENCY EVACUATION OF BOARD AND TRAINING ROOMS
(Script to be read at the beginning of each meeting.)

PLEASE LISTEN TO THE FOLLOWING INSTRUCTIONS ABOUT EXITING THE PREMISES IN THE EVENT OF AN EMERGENCY.

In the event of a fire or other emergency requiring the evacuation of the building, alarms will sound. When the alarms sound, leave the room immediately. Follow any instructions given by Security staff

Board Room 1

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Room 2

Exit the room using one of the doors at the back of the room. (Point) Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

You may also exit the room using the side door, turn **Right** out the door and make an immediate **Left**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Rooms 3 and 4

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Training Room 1

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Training Room 2

Exit the room using one of the doors at the back of the room. Upon exiting the doors, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

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

The Virginia Board for Asbestos, Lead, and Home Inspectors met on May 9, 2024, at the offices of the Department of Professional and Occupational Regulation (DPOR), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room1, Richmond, Virginia, 23233.

The following members of the Board were present:

Stacy J. Armentrout
Douglas Burgess
Ralph Costen
John E. Cranor, Chair
Jesse Phillips
Kevin Salva, Vice-Chair
Patrick Studley
Paul D. Thomas
Robin Wilder

Board members Michael Baum, Robert Shackford, Sharad Tandale, and Louis Walker were not present at the meeting.

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

Kishore S. Thota, Director
Steve Kirschner, Licensing and Regulatory Programs Division Deputy Director
Marjorie King, Executive Director
Joseph C. Haughwout, Regulatory Affairs Manager
Cameron Parris, Regulatory Operations Administrator
Lisa Robinson, Licensing Operations Administrator
Rachel Harris, Administrative Coordinator

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

Mr. Cranor, Chair, finding a quorum of the Board present, called the meeting to order at 9:00 a.m.

Call to Order

Ms. King advised the Board of emergency evacuation procedures.

**Emergency
Evacuation
Procedures**

Mr. Salva moved to approve the agenda as presented. Ms. Wilder seconded the motion which was unanimously approved by: Armentrout, Burgess, Costen, Cranor, Phillips, Salva, Studley, Thomas, and Wilder.

**Approval of
Agenda**

Mr. Salva moved to approve the minutes of the February 8, 2024, Board meeting, February 12, 2024, Lead-Based Paint Activities Regulatory Review Committee meeting, and April 23, 2024, Lead-Based Paint Activities Regulatory Review Committee meeting as amended. Ms. Wilder seconded the motion which was

**Approval of
Minutes**

unanimously approved by: Armentrout, Burgess, Costen, Cranor, Phillips, Salva, Studley, Thomas, and Wilder.

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

Mr. Cranor read into the record the Resolution for Service for Tanya M. Pettus.

In the matter of **File Number 2024-00809, Christopher Wayne Mays**, 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.

Christopher Wayne Mays (Applicant) participated in the Informal Fact Finding by telephone.

Christopher Wayne Mays (Applicant) did not attend the Board meeting in person, by counsel, or by any other qualified representative.

Mr. Studley moved to accept the recommendation of the Presiding Officer and deny Mr. Mays application for a home inspector license. Mr. Salva seconded the motion, which was unanimously approved by: Armentrout, Burgess, Costen, Cranor, Phillips, Salva, Studley, Thomas, and Wilder.

In the matter of **File Number 2024-01188, Joseph Andrews Allen**, 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.

Joseph Andrews Allen (Applicant) participated in the Informal Fact Finding by telephone.

Joseph Andrews Allen (Applicant) attended the Board meeting and agreed with the recommendation.

Mr. Phillips moved to accept the recommendation of the Presiding Officer and approve Mr. Allen's application for a home inspector license. Mr. Studley seconded the motion, which was unanimously approved by: Armentrout, Burgess, Costen, Cranor, Phillips, Salva, Studley, Thomas, and Wilder.

In the matter of **File Number 2023-01930, Arthur Darin Strickland**, the Board reviewed the Consent Order and Report of Findings as seen and agreed upon by Arthur Darin Strickland.

Arthur Darin Strickland did not attend the Board meeting in person, by counsel, or by any other qualified representative.

A motion was made by Ms. Wilder, and seconded by Mr. Phillips, to ratify the proposed Consent Order wherein Arthur Darin Strickland acknowledges an understanding of the charges and admits to the violation of the count as outlined in the Report of Findings.

**Public
Comment
Period**

**File Number
2024-00809,
Christopher
Wayne Mays**

**File Number
2024-01188,
Joseph
Andrews Allen**

**File Number
2023-01930,
Arthur Darin
Strickland**

Arthur Darin Strickland consents to the following:

Count 1: 18 VAC 15-40-120 A \$250

Arthur Darin Strickland agrees to Board costs of \$150.00

Total fines and costs of \$400.00

Further, Arthur Darin Strickland agrees to provide a compliant contract within 30 days.

The motion was unanimously approved by: Armentrout, Burgess, Costen, Cranor, Phillips, Salva, Studley, Thomas, and Wilder.

Mrs. Parris provided an update on the status of the Board's regulatory actions.

**Regulatory
Action Update**

Mr. Salva moved to repeal the Initial Promulgation of Lead-Based Paint Renovations, Repair, and Painting Regulation. Mr. Phillips seconded the motion, which was unanimously approved by: Armentrout, Burgess, Costen, Cranor, Phillips, Salva, Studley, Thomas, and Wilder.

**Lead-Based
Paint
Renovation,
Repair, and
Painting
Regulation**

Mrs. Parris provided the Board with proposed amendments to the Virginia Lead-Based Paint Activities Regulations as recommended by the Virginia Lead-Based Paint Activities Regulations Review Committee.

**Consider
Proposed Draft
Amendments to
Virginia Lead-
Based Paint
Activities
Regulations**

After Mrs. Parris and Mr. Haughwout performed a thorough review with the Board, Mrs. Parris asked the Board to consider adopting the proposed amendments as amended. Mr. Armentrout moved to adopt the proposed amendments as amended, authorizing staff to make stylistic and non-substantive changes as needed, and file the proposed stage of the regulatory action. Mr. Thomas seconded the motion, which was unanimously approved by: Armentrout, Burgess, Costen, Cranor, Phillips, Salva, Studley, Thomas, and Wilder.

Mr. Emerson provided the Board with an update on examination statistics.

**Examination
Update**

The Board recessed from 10:45 a.m. to 10:52 a.m.

Recess

Mr. Ferguson provided the Board with an update on the most recent Home Inspector CPE audit.

**Home Inspector
CPE Audit
Report**

Marjorie King, Executive Director, informed the Board: Section 2.2-4023.1 of the Code of Virginia enables a party to submit a petition seeking reconsideration of a

**Reconsideration
of Case
Decisions**

final decision made by an agency pursuant to section 2.2-4020. Upon receipt of such petition, the agency is mandated to issue a written decision within 30 days. In instances where reconsideration pertains to a decision made by a policy-making board within an agency, the board possesses various avenues to address the petition. These include the option to delegate authority for considering the petition to the board chair, a designated subcommittee, or the agency's director responsible for administrative support to the board, typically the Executive Director.

To adhere to the statutory timeframe for addressing reconsiderations, it's respectfully requested that the Board delegate responsibility of addressing reconsiderations to the Board's Executive Director, in accordance with the provisions outlined in the statute.

Mr. Cranor moved to authorize the Executive Director to make determinations as to whether to reconsider Board decisions in such cases that a petition is received. Ms. Wilder seconded the motion which was unanimously approved by: Armentrout, Burgess, Costen, Cranor, Phillips, Salva, Studley, Thomas, and Wilder.

Ms. King informed the Board of current and past statistical data related to Board cases, licensing applications, emails, and phone calls.

**Executive
Director Report**

Ms. King reminded the Board members of the upcoming Board Member Training Conference being held at the Great Wolfe Lodge in Williamsburg, VA, on October 10th and 11th.

**Board Member
Training
Conference**

Ms. King provided the Board with the most recent financial statements for informational purposes.

**Board Financial
Statements**

Ms. King provided the Board with an update on the 2024 Legislative session, and bills that impact the Board.

**Legislative
Updates**

Mr. Cranor reminded the Board that the next scheduled meeting date is August 15, 2024.

**Future Meeting
Dates**

Mr. Cranor reminded the Board members to complete and return their conflict-of-interest forms and travel vouchers.

**Complete
Conflict of
Interest Forms
and Travel
Vouchers**

There being no further business, the meeting was adjourned at 11:17 a. m.

Adjourn

John E. Cranor, Chair

Kishore S. Thota, Secretary

DRAFT



SAVE THE DATE!

The 2024 DPOR Board Member
Training Conference,
*The Spirit of Service & Innovation:
Advancing Regulatory Excellence*,
will be held

October 10-11, 2024, at Great Wolf Lodge in
Williamsburg. The conference will include high
profile guest speakers, relevant training sessions,
breakout sessions, and
networking opportunities.

Stay tuned— additional information regarding
registration and reservations will be provided
as we get closer to the date.



549 E. Rochambeau Drive

Williamsburg, VA 23188

<https://www.greatwolf.com/williamsburg>

**Department of Professional and Occupational Regulation
Statement of Financial Activity**

**Board for Asbestos, Lead, and Home Inspectors
954540**

2022-2024 Biennium

May 2024

	May 2024 Activity	Biennium-to-Date Comparison	
		July 2020 - May 2022	July 2022 - May 2024
Cash/Revenue Balance Brought Forward			66,585
Revenues	30,145	557,824	527,713
Cumulative Revenues			594,298
Cost Categories:			
Board Expenditures	5,098	76,141	85,759
Board Administration	12,845	162,094	181,749
Administration of Exams	404	7,129	3,772
Enforcement	912	11,147	14,707
Legal Services	0	2,318	2,776
Information Systems	6,333	115,885	123,628
Facilities and Support Services	4,076	86,391	74,744
Agency Administration	7,734	76,688	122,651
Other / Transfers	0	(0)	-75
Total Expenses	37,403	537,793	609,711
Transfer To/(From) Cash Reserves	(249)	0	(21,047)
Ending Cash/Revenue Balance			5,635

Cash Reserve Beginning Balance	255,526	0	276,323
Change in Cash Reserve	(249)	0	(21,047)
Cash Reserve Ending Balance	255,276	0	255,276

Number of Regulants	
Current Month	5,676
Previous Biennium-to-Date	6,093

**Department of Professional and Occupational Regulation
Statement of Financial Activity**

Agency Total

2022-2024 Biennium

May 2024

	May 2024 Activity	Biennium-to-Date Comparison	
		July 2020 - May 2022	July 2022 - May 2024
Cash/Revenue Balance Brought Forward			3,453,476
Revenues	1,789,884	38,919,639	39,295,316
Cumulative Revenues			42,748,792
Cost Categories:			
Board Expenditures	180,788	3,229,564	3,743,320
Board Administration	704,551	8,531,154	9,569,236
Administration of Exams	41,993	579,915	594,616
Enforcement	907,311	13,589,924	14,327,127
Legal Services	26,043	464,839	505,125
Information Systems	356,015	6,254,562	6,675,947
Facilities and Support Services	221,985	3,748,658	3,806,777
Agency Administration	434,786	4,137,205	6,619,268
Other / Transfers	0	4,862	554
Total Expenses	2,873,472	40,540,681	45,841,971
Transfer To/(From) Cash Reserves	(256,643)	0	(5,171,116)
Ending Cash/Revenue Balance			2,077,937

Cash Reserve Beginning Balance	13,079,477	0	17,993,950
Change in Cash Reserve	(256,643)	0	(5,171,116)
Ending Cash Reserve Balance	12,822,834	0	12,822,834

Number of Regulants

Current Month	322,537
Previous Biennium-to-Date	308,696

FUTURE MEETING DATES

a. November 21, 2024, 10:00 AM

b. February 6, 2025, 10:00 AM