

## MINUTES OF MEETING

### BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS INFORMAL FACT-FINDING CONFERENCES JANUARY 8, 2004 (9:00 A.M.)

The 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.

Pamela M. Mentz, Board member, presided. No other Board members were present.

Jennifer Kazzie appeared for the Department of Professional and Occupational Regulation.

The conference was recorded by Inge Snead & Associates, LTD. and the Summaries or Consent Orders are attached unless no decision was made.

Disc=Disciplinary Case  
Lic=Licensing Application  
RF=Recovery Fund Claim  
Trades=Tradesmen Application

C=Complainant/Claimant  
A=Applicant  
R=Respondent/Regulant  
W=Witness  
Atty = Attorney

#### Participants

Marcor Remediation, Inc.  
t/a Marcor Environmental  
File Number 2004-01605 (Discp)  
**No Decision Made**

Dave Jungers – R  
William Dozier, R's Atty

Marcor Remediation, Inc.  
t/a Marcor Environmental  
File Number 2004-01610 (Discp)  
**No Decision Made**

Dave Jungers – R  
William Dozier, R's Atty

William S. McCloud  
File Number 2004-01604 (Discp)

William McCloud - R  
Glen Huff, R's Attorney  
Stephen McCloud – W  
Kelly Ray – W  
Ronald Lauster – W

William S. McCloud  
File Number 2004-01609 (Discp)

William McCloud - R  
Glen Huff, R's Attorney  
Stephen McCloud – W  
Kelly Ray – W  
Ronald Lauster – W

Macsons, Inc.  
File Number 2004-01603 (Discp)

William McCloud - R  
Glen Huff, R's Attorney  
Stephen McCloud – W  
Kelly Ray – W  
Ronald Lauster - W

Macsons, Inc.  
File Number 2004-01608 (Discp)

William McCloud - R  
Glen Huff, R's Attorney  
Stephen McCloud – W  
Kelly Ray – W  
Ronald Lauster - W

Scott J. Eggleston  
File Number 2004-01599 (Discp)

Scott Eggleston – R  
Glen Huff, R's Attorney  
Sam Jarrett, W

Scott J. Eggleston  
File Number 2004-01600 (Discp)

Scott Eggleston – R  
Glen Huff, R's Attorney  
Sam Jarrett, W

Scott J. Eggleston  
File Number 2004-01601 (Discp)

Scott Eggleston – R  
Glen Huff, R's Attorney  
Sam Jarrett, W

Scott J. Eggleston  
File Number 2004-01602 (Discp)

Scott Eggleston – R  
Glen Huff, R's Attorney  
Sam Jarrett, W

Scott J. Eggleston  
File Number 2004-01607 (Discp)

Scott Eggleston – R  
Glen Huff, R's Attorney  
Sam Jarrett, W

Frederick L. Guest  
File Number 2004-01596 (Discp)

Frederick Guest – R  
Glen Huff, R's Attorney  
Sam Jarrett, W

Frederick L. Guest  
File Number 2004-01598 (Discp)

Frederick Guest – R  
Glen Huff, R's Attorney  
Sam Jarrett, W

Frederick L. Guest  
File Number 2004-01606 (Discp)

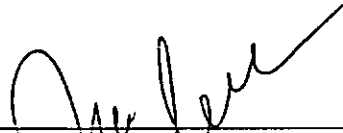
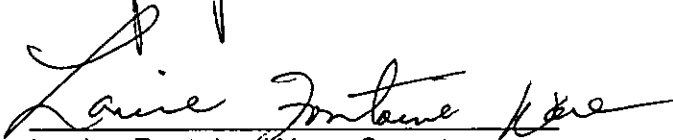
Frederick Guest – R  
Glen Huff, R's Attorney  
Sam Jarrett, W

ETMS, Inc.  
File Number 2004-01595 (Discp)

Glen Huff, R's Attorney  
Frederick Guest – R  
Scott Eggleston – R  
Sam Jarrett - W

The meeting adjourned at 3:00 p.m.

BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

  
\_\_\_\_\_  
Jack Geller, Vice 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: WILLIAM S. MCCLOUD  
LICENSE NUMBER: 3302-004282 (Asbestos Supervisor)**

**FILE NUMBER: 2004-01604**

a Notice of Informal Fact-Finding Conference sent by certified mail to William S. McCloud on December 5, 2004. The following individuals participated at the conference: William S. McCloud, Respondent; Glen Huff, Attorney for Respondent; Stephen McCloud, V. President of Macsons, Inc., Witness; Kelly Ray, Old Dominion Environmental and Applied Testing Laboratories, Witness, Ronald Lauster, Project Manager for W. M. Jordan Co., Witness; Jennifer Kazzie, Staff Member; and Pamela M. Mentz, Presiding Board Member.

### **Summation of Facts**

1. On September 30, 2003, in the United States District Court for the Eastern District of Virginia, Alexandria Division, William S. McCloud (McCloud) pleaded guilty to two counts of False Statements and aiding and abetting the same in violation of 18 U.S.C. §1001 and 2, a felony. McCloud is scheduled to be sentenced by the Court on January 7, 2004.

2. During the IFF McCloud stated that his 8 hour recertification class with F & M lasted only 4 hours. I feel that this should have indicated to him that this was a regular practice and a normal way for F & M to conduct business. The fact that F & M was so accommodating to hold weekend classes when none of the other training providers would do so, should also have been an indication to McCloud that course regulations were not being met.

### **Conclusion and Recommendation**

Count 1: 18 VAC 15-20-450(A)(6) (Effective January 2, 2002)

With the statement in #2 of the facts and Mr. McCloud having pled guilty to two counts of False Statements and aiding and abetting, I find he is in violation of the Board's 2002 Regulation 18 VAC 15-20-450(A)(6). Therefore, I recommend a monetary penalty of \$2,500.00 be imposed, along with revocation of his asbestos supervisor license.

By: \_\_\_\_\_

Pamela M. Mentz  
Presiding IFF Board Member  
Board for Asbestos, Lead and  
Home Inspectors

Date: \_\_\_\_\_

### **FINAL ORDER RECOMMENDATION**

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE (LICENSE NO. 3302-004282) UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

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

#### **BOARD FOR ASBESTOS, LEAD AND HOME INSPECTORS**

**IN RE: WILLIAM S. MCCLOUD  
LICENSE NUMBER: 3353-000250 (Lead Abatement Supervisor)**

**FILE NUMBER: 2004-01609**

#### **Summary of the Informal Fact-Finding Conference**

An Informal Fact-Finding Conference (IFF) was convened on January 8, 2004, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to William S. McCloud on December 5, 2004. The following individuals participated at the conference: William S. McCloud, Respondent; Glen Huff, Attorney for

Respondent; Stephen McCloud, V. President of Macsons, Inc., Witness; Kelly Ray, Old Dominion Environmental and Applied Testing Laboratories, Witness, Ronald Lauster, Project Manager for W. M. Jordan Co., Witness; Jennifer Kazzie, Staff Member; and Pamela M. Mentz, Presiding Board Member.

### Summation of Facts

1. On September 30, 2003, in the United States District Court for the Eastern District of Virginia, Alexandria Division, William S. McCloud (McCloud) pleaded guilty to two counts of False Statements and aiding and abetting the same in violation of 18 U.S.C. §1001 and 2, a felony. McCloud is scheduled to be sentenced by the Court on January 7, 2004.
2. During the IFF McCloud stated that his 8 hour recertification class with F & M lasted only 4 hours. I feel that this should have indicated to him that this was a regular practice and a normal way for F & M to conduct business. The fact that F & M was so accommodating to hold weekend classes when none of the other training providers would do so, should also have been an indication to McCloud that course regulations were not being met.

### Conclusion and Recommendation

Count 1: 18 VAC 15-30-810(A)(6) (Effective October 1, 1995)

With the statement in #2 of the facts and Mr. McCloud, having pled guilty to two counts of False Statements and aiding and abetting, I find he is in violation of the Board's 2002 Regulation 18 VAC 15-30-810 (A)(6). Therefore, I recommend a monetary penalty of \$2,500.00 be imposed, along with revocation of his lead abatement supervisor license.

By: \_\_\_\_\_

Pamela M. Mentz

Presiding IFF Board Member  
Board for Asbestos, Lead and  
Home Inspectors

Date: \_\_\_\_\_

**FINAL ORDER RECOMMENDATION**

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE (LICENSE NO. 3353-000250) UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

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

**BOARD FOR ASBESTOS, LEAD AND HOME INSPECTORS**

**IN RE: MACSONS, INC.  
LICENSE NUMBER: 3306-000657 (Asbestos Contractor License)  
FILE NUMBER: 2004-01603**

**Summary of the Informal Fact-Finding Conference**

An Informal Fact-Finding Conference (IFF) was convened on January 8, 2004, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Macsons, Inc. on December 5, 2003. The following individuals participated at the conference: William S. McCloud, Respondent; Glen Huff, Attorney for Respondent; Stephen McCloud, V. President of Macsons, Inc., Witness; Kelly Ray, Old Dominion Environmental and Applied Testing Laboratories, Witness; Ronald Lauster, Project Manager for W. M. Jordan Co., Witness; Jennifer Kazzie, Staff Member; and Pamela M. Mentz, Presiding Board Member.

### **Summation of Facts**

1. On September 30, 2003, in the United States District Court for the Eastern District of Virginia, Alexandria, Division, Macsons, Inc. pleaded guilty to two counts of False Statements in violation of 18 U.S.C. §1001 and 2, a felony. Macsons, Inc. is scheduled to be sentenced by the Court on January 7, 2004.
2. Evidence was presented at the IFF that measures have been taken to monitor the training courses in order to prevent the same situation from happening again.

### **Conclusion and Recommendation**

Count 1: 18 VAC 15-20-450(A)(6) (Effective January 2, 2002)

Macsons, Inc. having pled guilty to a felony in the United States District Court for the Eastern District of Virginia, Alexandria Division, is in violation of the Board's 2002 Regulation 18 VAC 15-20-450(A)(6). Therefore, I recommend a monetary penalty of \$1,000.00 be imposed.

By: \_\_\_\_\_

Pamela M. Mentz  
Presiding IFF Board Member  
Board for Asbestos, Lead and  
Home Inspectors

Date: \_\_\_\_\_



## **FINAL ORDER RECOMMENDATION**

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE (LICENSE NO. 3306-000657) UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

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

#### **BOARD FOR ASBESTOS, LEAD AND HOME INSPECTORS**

**IN RE: MACSONS, INC.**

**LICENSE NUMBER: 3358-000084 (Lead Abatement License)**

**FILE NUMBER: 2004-01608**

#### **Summary of the Informal Fact-Finding Conference**

An Informal Fact-Finding Conference (IFF) was convened on January 8, 2004, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Macsons, Inc. on December 5, 2003. The following individuals participated at the conference: William S. McCloud, Respondent; Glen Huff, Attorney for Respondent; Stephen McCloud, V. President of Macsons, Inc., Witness; Kelly Ray, Old Dominion Environmental and Applied Testing Laboratories, Witness; Ronald Lauster, Project Manager for W. M. Jordan Co., Witness; Jennifer Kazzie, Staff Member; and Pamela M. Mentz, Presiding Board Member.

#### **Summation of Facts**

1. On September 30, 2003, in the United States District Court for the Eastern District of Virginia, Alexandria Division, Macsons, Inc. pleaded guilty to two counts of False Statements in violation of 18 U.S.C. §1001 and 2, a felony. Macsons, Inc. is scheduled to be sentenced by the Court on January 7, 2004.

2. Evidence was presented at the IFF that measures have been taken to monitor the training courses in order to prevent the same situation from happening again.

### **Conclusion and Recommendation**

Count 1: 18 VAC 15-30-810(A)(6) (Effective October 1, 1995)

Macsons, Inc. having pled guilty to a felony in the United States District Court for the Eastern District of Virginia, Alexandria Division, is in violation of the Board's 2002 Regulation 18 VAC 15-20-450(A)(6). Therefore, I recommend a monetary penalty of \$1,000.00 be imposed.

By: \_\_\_\_\_

Pamela M. Mentz  
Presiding IFF Board Member  
Board for Asbestos, Lead and  
Home Inspectors

Date: \_\_\_\_\_

### **FINAL ORDER RECOMMENDATION**

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE (LICENSE NO. 3358-000084) UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

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

**BOARD FOR ASBESTOS, LEAD AND HOME INSPECTORS**

**IN RE: SCOTT J. EGGLESTON  
LICENSE NUMBER: 3302-006427 (Asbestos Supervisor)**

**FILE NUMBER: 2004-01599**

**Summary of the Informal Fact-Finding Conference**

An Informal Fact-Finding Conference (IFF) was convened on January 8, 2004, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Scott J. Eggleston on December 5, 2003. The following individuals participated at the conference: Scott J. Eggleston, Respondent; Glen Huff, Respondent's Attorney; Sam Jarrett, Abatement Technical Services, Witness; Jennifer Kazzie, Staff Member; and Pamela M. Mentz, Presiding Board Member.

**Summation of Facts**

1. On September 30, 2003, in the United States District Court for the Eastern District of Virginia, Alexandria Division, Scott J. Eggleston pleaded guilty to two counts of False Statements and aiding and abetting the same in violation of 18 U.S.C. §1001 and 2, a felony. Eggleston is scheduled to be sentenced by the Court on December 19, 2003.

### Conclusion and Recommendation

Count 1: 18 VAC 15-20-450(A)(6) (Effective January 2, 2002)

Scott J. Eggleston having pled guilty to a felony in the United States District Court for the Eastern District of Virginia, Alexandria Division, is in violation of the Board's 2002 Regulation 18 VAC 15-20-450(A)(6). Therefore, I recommend a monetary penalty of \$500.00 be imposed, along with suspension of Eggleston's Asbestos Supervisor license until such time as he completes his recertification.

By: \_\_\_\_\_

Pamela M. Mentz  
Presiding IFF Board Member  
Board for Asbestos, Lead and  
Home Inspectors

Date: \_\_\_\_\_

### **FINAL ORDER RECOMMENDATION**

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE (LICENSE NO. 3302-006427) UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

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

**BOARD FOR ASBESTOS, LEAD AND HOME INSPECTORS**

**IN RE: SCOTT J. EGGLESTON  
LICENSE NUMBER: 3309-000573 (Asbestos Project Monitor)**

**FILE NUMBER: 2004-01600**

**Summary of the Informal Fact-Finding Conference**

An Informal Fact-Finding Conference (IFF) was convened on January 8, 2004, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Scott J. Eggleston on December 5, 2003. The following individuals participated at the conference: Scott J. Eggleston, Respondent; Glen Huff, Respondent's Attorney; Sam Jarrett, Abatement Technical Services, Witness; Jennifer Kazzie, Staff Member; and Pamela M. Mentz, Presiding Board Member.

**Summation of Facts**

1. On September 30, 2003, in the United States District Court for the Eastern District of Virginia, Alexandria Division, Scott J. Eggleston pleaded guilty to two counts of False Statements and aiding and abetting the same in violation of 18 U.S.C. §1001 and 2, a felony. Eggleston is scheduled to be sentenced by the Court on December 19, 2003.

## Conclusion and Recommendation

Count 1: 18 VAC 15-20-450(A)(6) (Effective January 2, 2002)

Scott J. Eggleston having pled guilty to a felony in the United States District Court for the Eastern District of Virginia, Alexandria Division, is in violation of the Board's 2002 Regulation 18 VAC 15-20-450(A)(6). Mr. Eggleston has taken the necessary classes for recertification. I see no real benefit in revoking his license. However, I recommend a monetary penalty of \$500.00 be imposed.

By: \_\_\_\_\_

Pamela M. Mentz  
Presiding IFF Board Member  
Board for Asbestos, Lead and  
Home Inspectors

Date: \_\_\_\_\_

### **FINAL ORDER RECOMMENDATION**

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE (LICENSE NO. 3309-000573) UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

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

**BOARD FOR ASBESTOS, LEAD AND HOME INSPECTORS**

**IN RE: SCOTT J. EGGLESTON**

**LICENSE NUMBER: 3303-000832 (Asbestos Inspector)**

**FILE NUMBER: 2004-01601**

**Summary of the Informal Fact-Finding Conference**

An Informal Fact-Finding Conference (IFF) was convened on January 8, 2004, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Scott J. Eggleston on December 5, 2003. The following individuals participated at the conference: Scott J. Eggleston, Respondent; Glen Huff, Respondent's Attorney; Sam Jarrett, Abatement Technical Services, Witness; Jennifer Kazzie, Staff Member; and Pamela M. Mentz, Presiding Board Member.

**Summation of Facts**

1. On September 30, 2003, in the United States District Court for the Eastern District of Virginia, Alexandria Division, Scott J. Eggleston pleaded guilty to two counts of False Statements and aiding and abetting the same in violation of 18 U.S.C. §1001 and 2, a felony. Eggleston is scheduled to be sentenced by the Court on December 19, 2003.

**Conclusion and Recommendation**

Count 1: 18 VAC 15-20-450(A)(6) (Effective January 2, 2002)

Scott J. Eggleston having pled guilty to a felony in the United States District Court for the Eastern District of Virginia, Alexandria Division, is in violation of the Board's 2002 Regulation 18 VAC 15-20-450(A)(6). Mr. Eggleston has taken the necessary classes for recertification. I see no real benefit in revoking his license. However, I recommend a monetary penalty of \$500.00 be imposed.

By: \_\_\_\_\_

Pamela M. Mentz  
Presiding IFF Board Member  
Board for Asbestos, Lead and  
Home Inspectors

Date: \_\_\_\_\_

**FINAL ORDER RECOMMENDATION**

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE (LICENSE NO. 3303-000832) UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

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

**BOARD FOR ASBESTOS, LEAD AND HOME INSPECTORS**

**IN RE: SCOTT J. EGGLESTON  
LICENSE NUMBER: 3305-000774 (Asbestos Project Designer)**

**FILE NUMBER: 2004-01602**



### **Summary of the Informal Fact-Finding Conference**

An Informal Fact-Finding Conference (IFF) was convened on January 8, 2004, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Scott J. Eggleston on December 5, 2003. The following individuals participated at the conference: Scott J. Eggleston, Respondent; Glen Huff, Respondent's Attorney; Sam Jarrett, Abatement Technical Services, Witness; Jennifer Kazzie, Staff Member; and Pamela M. Mentz, Presiding Board Member.

### **Summation of Facts**

1. On September 30, 2003, in the United States District Court for the Eastern District of Virginia, Alexandria Division, Scott J. Eggleston pleaded guilty to two counts of False Statements and aiding and abetting the same in violation of 18 U.S.C. §1001 and 2, a felony. Eggleston is scheduled to be sentenced by the Court on December 19, 2003.

### **Conclusion and Recommendation**

Count 1: 18 VAC 15-20-450(A)(6) (Effective January 2, 2002)

Scott J. Eggleston having pled guilty to a felony in the United States District Court for the Eastern District of Virginia, Alexandria Division, is in violation of the Board's 2002 Regulation 18 VAC 15-20-450(A)(6). Mr. Eggleston has taken the

necessary classes for recertification. I see no real benefit in revoking his license. However, I recommend that a monetary penalty of \$500.00 be imposed.

By: \_\_\_\_\_

Pamela M. Mentz  
Presiding IFF Board Member  
Board for Asbestos, Lead and  
Home Inspectors

Date: \_\_\_\_\_

**FINAL ORDER RECOMMENDATION**

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE (LICENSE NO. 3305-000774) UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

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

**BOARD FOR ASBESTOS, LEAD AND HOME INSPECTORS**

**IN RE: SCOTT J. EGGLESTON  
LICENSE NUMBER: 3357000121 (Lead Project Designer)**

**FILE NUMBER: 2004-01607**

## **Summary of the Informal Fact-Finding Conference**

An Informal Fact-Finding Conference (IFF) was convened on January 8, 2004, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Scott J. Eggleston on December 5, 2003. The following individuals participated at the conference: Scott J. Eggleston, Respondent; Glen Huff, Respondent's Attorney; Sam Jarrett, Abatement Technical Services, Witness; Jennifer Kazzie, Staff Member; and Pamela M. Mentz, Presiding Board Member.

### **Summation of Facts**

1. On September 30, 2003, in the United States District Court for the Eastern District of Virginia, Alexandria Division, Scott J. Eggleston pleaded guilty to two counts of False Statements and aiding and abetting the same in violation of 18 U.S.C. §1001 and 2, a felony. Eggleston is scheduled to be sentenced by the Court on December 19, 2003.

### **Conclusion and Recommendation**

Count 1: 18 VAC 15-30-810(A)(6) (Effective October 1, 1995)

Scott J. Eggleston having pled guilty to a felony in the United States District Court for the Eastern District of Virginia, Alexandria Division, is in violation of the Board's 2002 Regulation 18 VAC 15-30-810(A)(6). Mr. Eggleston has taken the necessary classes for recertification. I see no real benefit in revoking his license. However, I recommend that a monetary penalty of \$500.00 be imposed.

By: \_\_\_\_\_

Pamela M. Mentz  
Presiding IFF Board Member  
Board for Asbestos, Lead and  
Home Inspectors

Date: \_\_\_\_\_

**FINAL ORDER RECOMMENDATION**

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE (LICENSE NO. 3357-000121) UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

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

**BOARD FOR ASBESTOS, LEAD AND HOME INSPECTORS**

**IN RE: FREDERICK L. GUEST  
LICENSE NUMBER: 3309-000466 (Asbestos Project Monitor)**

**FILE NUMBER: 2004-01596**

**Summary of the Informal Fact-Finding Conference**

An Informal Fact-Finding Conference (IFF) was convened on January 8, 2004, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Frederick L. Guest on December 5, 2003. The following individuals participated at the conference: Frederick L. Guest, Respondent; Glen Huff, Respondent's Attorney; Sam Jarrett, Abatement Technical Services, Witness; Jennifer Kazzie, Staff Member; and Pamela M. Mentz, Presiding Board Member.

### **Summation of Facts**

1. On September 30, 2003, in the United States District Court for the Eastern District of Virginia, Alexandria Division, Frederick L. Guest (Guest) pleaded guilty to two counts of False Statements and aiding and abetting the same in violation of 18 U.S.C. §1001 and 2, a felony. Guest is scheduled to be sentenced by the Court on December 19, 2003.

### **Conclusion and Recommendation**

Count 1: 18 VAC 15-20-450(A)(6) (Effective January 2, 2002)

Frederick L. Guest having pled guilty to a felony in the United States District Court for the Eastern District of Virginia, Alexandria Division, is in violation of the Board's 2002 Regulation 18 VAC 15-20-450(A)(6). I see no real benefit in revoking his license. However, I recommend that a monetary penalty of \$500.00 be imposed.

By: \_\_\_\_\_

Pamela M. Mentz  
Presiding IFF Board Member  
Board for Asbestos, Lead and  
Home Inspectors

Date: \_\_\_\_\_

**FINAL ORDER RECOMMENDATION**

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE (LICENSE NO. 3309-000466) UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

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

**BOARD FOR ASBESTOS, LEAD AND HOME INSPECTORS**

**IN RE: FREDERICK L. GUEST  
LICENSE NUMBER: 3303-001534 (Asbestos Inspector)**

**FILE NUMBER: 2004-01598**

**Summary of the Informal Fact-Finding Conference**

An Informal Fact-Finding Conference (IFF) was convened on January 8, 2004, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Frederick L. Guest on December 5, 2003. The following individuals participated at the conference: Frederick L. Guest, Respondent; Glen Huff, Respondent's Attorney; Sam Jarrett, Abatement Technical Services, Witness; Jennifer Kazzie, Staff Member; and Pamela M. Mentz, Presiding Board Member.

**Summation of Facts**

1. On September 30, 2003, in the United States District Court for the Eastern District of Virginia, Alexandria Division, Frederick L. Guest (Guest) pleaded guilty

to two counts of False Statements and aiding and abetting the same in violation of 18 U.S.C. §1001 and 2, a felony. Guest is scheduled to be sentenced by the Court on December 19, 2003.

### **Conclusion and Recommendation**

Count 1: 18 VAC 15-20-450(A)(6) (Effective January 2, 2002)

Frederick L. Guest having pled guilty to a felony in the United States District Court for the Eastern District of Virginia, Alexandria Division, is in violation of the Board's 2002 Regulation 18 VAC 15-20-450(A)(6). I see no real benefit in revoking his license. However, I recommend that a monetary penalty of \$500.00 be imposed.

By: \_\_\_\_\_

Pamela M. Mentz  
Presiding IFF Board Member  
Board for Asbestos, Lead and  
Home Inspectors

Date: \_\_\_\_\_

**FINAL ORDER RECOMMENDATION**

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE (LICENSE NO. 3303-001534) UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

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

**BOARD FOR ASBESTOS, LEAD AND HOME INSPECTORS**

**IN RE: FREDERICK L. GUEST  
LICENSE NUMBER: 3356-000066 (Lead Risk Assessor)**

**FILE NUMBER: 2004-01606**

**Summary of the Informal Fact-Finding Conference**

An Informal Fact-Finding Conference (IFF) was convened on January 8, 2004, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Frederick L. Guest on December 5, 2003. The following individuals participated at the conference: Frederick L. Guest, Respondent; Glen Huff, Respondent's Attorney; Sam Jarrett, Abatement Technical Services, Witness; Jennifer Kazzie, Staff Member; and Pamela M. Mentz, Presiding Board Member.

**Summation of Facts**

1. On September 30, 2003, in the United States District Court for the Eastern District of Virginia, Alexandria Division, Frederick L. Guest (Guest) pleaded guilty to two counts of False Statements and aiding and abetting the same in violation of 18 U.S.C. §1001 and 2, a felony. Guest is scheduled to be sentenced by the Court on December 19, 2003.



### **Conclusion and Recommendation**

Count 1: 18 VAC 15-30-810(A)(6) (Effective October 1, 1995)

Frederick L. Guest having pled guilty to a felony in the United States District Court for the Eastern District of Virginia, Alexandria Division, is in violation of the Board's 2002 Regulation 18 VAC 15-30-810(A)(6). I see no real benefit in revoking his license. However, I recommend that a monetary penalty of \$500.00 be imposed.

By: \_\_\_\_\_

Pamela M. Mentz  
Presiding IFF Board Member  
Board for Asbestos, Lead and  
Home Inspectors

Date: \_\_\_\_\_

### **FINAL ORDER RECOMMENDATION**

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION

OF LICENSE (LICENSE NO. 3356-000066) UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

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

**BOARD FOR ASBESTOS, LEAD AND HOME INSPECTORS**

**IN RE: ETMS, INC.  
LICENSE NUMBER: 3333-000154 (Analytical Lab)**

**FILE NUMBER: 2004-01595**

**Summary of the Informal Fact-Finding Conference**

An Informal Fact-Finding Conference (IFF) was convened on January 8, 2004, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to ETMS, Inc. on December 5, 2003. The following individuals participated at the conference: Frederick Guest, President and CEO, Respondent; Scott Eggleston, V. President, Respondent; Glenn Huff, Respondent's Attorney; Sam Jarrett, Abatement Technical Services, Witness; Jennifer Kazzie, Staff Member; and Pamela M. Mentz, Presiding Board Member.

**Summation of Facts**

1. On September 30, 2003, in the United States District Court for the Eastern District of Virginia, Alexandria, Division, Environmental Testing and Monitoring Systems, Inc. (ETMS) pleaded guilty to two counts of False Statements and aiding and abetting the same in violation of 18 U.S.C. §1001 and 2, a felony. ETMS is scheduled to be sentenced by the Court on December 19, 2003.
2. During the IFF, Scott Eggleston, V. President, advised that ETMS, because of scheduling conflicts, used F & M Training when other training facilities were not available. ETMS switched to other training facilities as they became available. Currently ETMS has put into place stringent measures to monitor the training courses in order to prevent the same situation from reoccurring.

3. Training and retesting has been done to bring everyone into compliance. ETMS has hired an independent auditor to monitor their facility. Since the primary goal is to insure that the public is protected, the actions of ETMS did not result in danger to the public.

### **Conclusion and Recommendation**

Count 1: 18 VAC 15-20-450(A)(6) (Effective January 2, 2002)

ETMS, Inc. having pled guilty to a felony in the United States District Court for the Eastern District of Virginia, Alexandria Division, is in violation of the Board's 2002 Regulation 18 VAC 15-20-450(A)(6). I do not feel that any real benefit would be served by revoking ETMS' license. I do, however, recommend that a monetary penalty of \$1,000.000 be imposed

By: \_\_\_\_\_

Pamela M. Mentz  
Presiding IFF Board Member  
Board for Asbestos, Lead and  
Home Inspectors

Date: \_\_\_\_\_

### **FINAL ORDER RECOMMENDATION**

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE (LICENSE NO. 3333000154) UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

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

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

1. Name: Pamela M. Mentz
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 January 8, 2004
5. Nature of Personal Interest Affected by Transaction: N/A
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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:

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

Pamela M. Mentz

Signature

1/8/04

Date