

**BOARD FOR CONTRACTORS COMMITTEE  
MEETING MINUTES**

The Board for Contractors Committee met on Tuesday, July 20, 2021 at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia.

Donald Groh, Chairman  
Jeffrey Hux  
Shawn Mitchell  
Vernell Woods

Board member(s) absent from the meeting:

E.G. Rudy Middleton  
John O'Dell  
Deborah Tomlin, Vice Chairman

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

Eric Olson, Executive Director  
Marjorie King, Board Administrator  
Adrienne Mayo, Board Administrator  
Mary Charity, Licensing Supervisor  
Stephanie Keuther, Administrative Assistant

**Chairman, Groh** called the July 20, 2021 Board for Contractors Committee Meeting to order at 8:01A.M.

**Call To Order**

**Mr. Hux** made a motion seconded by Mr. Mitchell to adopt the Agenda of July 20, 2021.

**Approval of Agenda**

**The motion was approved with a vote of 4-0-0. Ayes:** Groh, Hux, Mitchell and Woods. **Nays:** None **Abstain:** None **Absent:** O'Dell, Middleton, and Tomlin.

**Mr. Hux made a motion seconded by Mr. Mitchell** to approve the Minutes of June 8, 2021 Board for Contractors Committee Meeting as presented.

**Minutes**

**The motion was approved with a vote of 4-0-0. Ayes:** Groh, Hux, Mitchell and Woods. **Nays:** None **Abstain:** None **Absent:** O'Dell, Middleton, and Tomlin.

**Chairman, Groh** opened the Public Comment section of the meeting.

**Public Comment**

With no one wishing to come forward Chairman, Groh closed the Public Comment section of the meeting.

**Education Provider Applications**

**Education Provider Applications**

Adrienne Mayo, Regulatory Board Administrator addressed the Committee:

Applications for proposed education providers and courses were reviewed and the Committee's recommendations are as follows:

**Ms. Mayo shared that staff recommends approval for:**

**Central Virginia Electrical Contractors Association** – 4 classroom vocational Electrical Courses

**Central Virginia  
Electrical  
Contractors  
Association**

**A motion was made by Mr. Hux seconded by Mr. Mitchell** for approval.

**The motion was approved with a vote of 4-0-0. Ayes:** Groh, Hux, Mitchell and Woods. **Nays:** None **Abstain:** None **Absent:** O'Dell, Middleton, and Tomlin.

**Ms. Mayo shared that staff recommends approval for:**

**International Association of Electrical Inspectors (IAEI)** – 3 online Continuing Education Electrical Courses

**International  
Association of  
Electrical Inspectors  
(IAEI)**

**A motion was made by Mr. Hux seconded by Mr. Mitchell** for approval.

**The motion was approved with a vote of 4-0-0. Ayes:** Groh, Hux, Mitchell and Woods. **Nays:** None **Abstain:** None **Absent:** O'Dell, Middleton, and Tomlin.

**Ms. Mayo shared that staff recommends approval for:**

**JCR Productions Inc.** – 1 ZOOM type Continuing Education course for Electrical

**JCR Productions Inc.**

A motion was made by Mr. Hux seconded by Mr. Mitchell for approval.

The motion was approved with a vote of 4-0-0. Ayes: Groh, Hux, Mitchell and Woods. Nays: None  
Abstain: None Absent: O'Dell, Middleton, and Tomlin.

Ms. Mayo shared that staff recommends approval for:

NAESA International

NAESA International – 1 classroom Vocational Education Certified Elevator Mechanic Course and 1 classroom Continuing Education Certified Elevator Mechanic course

A motion was made by Mr. Hux seconded by Mr. Mitchell for approval.

The motion was approved with a vote of 4-0-0. Ayes: Groh, Hux, Mitchell and Woods. Nays: None  
Abstain: None Absent: O'Dell, Middleton, and Tomlin.

Ms. Mayo shared that staff recommends approval for:

TPC Training

TPC Training – 1 classroom Vocational Electrical Course

A motion was made by Mr. Hux seconded by Mr. Mitchell for approval.

The motion was approved with a vote of 4-0-0. Ayes: Groh, Hux, Mitchell and Woods. Nays: None  
Abstain: None Absent: O'Dell, Middleton, and Tomlin.

Ms. Mayo shared that staff recommends approval for:

VA Electrical Education

VA Electrical Education – 4 Vocational Education and 4 continuing education classes to be given via classroom and GOOGLE MEET

A motion was made by Mr. Hux seconded by Mr. Mitchell for approval.

The motion was approved with a vote of 4-0-0. Ayes: Groh, Hux, Mitchell and Woods. Nays: None  
Abstain: None Absent: O'Dell, Middleton, and Tomlin.

Ms. Mayo shared that staff recommends approval for:

Virginia Section  
American Water  
Works Association  
(VA AWWA)

Virginia Section American Water Works Association (VA AWWA) -1 classroom Certified Backflow Device Prevention Device Worker Vocation Education Course.

A motion was made by Mr. Hux seconded by Mr. Mitchell for approval.

The motion was approved with a vote of 4-0-0. Ayes: Groh, Hux, Mitchell and Woods. Nays: None  
Abstain: None Absent: O'Dell, Middleton, and Tomlin.

**Ms. Mayo shared that staff recommends approval for:**

**Virginia Water Well Association**

**Virginia Water Well Association** – 1 online (ZOOM Type) Vocational Education Certified Water Well Systems provider course and 1 online (ZOOM Type) Continuing Education Certified Water Well Systems provider course

**A motion was made by Mr. Hux seconded by Mr. Mitchell** for approval.

**The motion was approved with a vote of 4-0-0. Ayes:** Groh, Hux, Mitchell and Woods. **Nays:** None  
**Abstain:** None **Absent:** O'Dell, Middleton, and Tomlin.

**Old Business**  
None

**Old Business**  
None

**New Business**

**New Business**

**Regulatory Review**

**Regulatory Review**

Marjorie King, Board Administrator provided the Committee an update that the Board for Contractors proposed regulation for Separation of SDS Specialty - Conventional and Alternative, and the Individual License and Certification Regulation to Amend the Backflow Vocational Training Requirement are open to Public Comment through September 17, 2021. Currently no comments have been made, and the Public Hearings are scheduled for Wednesday, July 28, 2021.

**Apprenticeship Exam Exemptions**

**Apprenticeship Exam Exemptions**

Eric Olson, Executive Director informed the Committee that at the Trade Exploration Workgroup it was recommended to allow individuals that have successfully completed an apprenticeship program approved by the U.S. Department of Labor or the Virginia Department of Labor and Industry, be exempt from the requirement to sit for the applicable examination in order to obtain a journeyman license issued by the Board.

**After discussion, Mr. Hux made a motion seconded by Mr. Mitchell** to recommend the Board allow staff to discuss apprenticeship programs further with the Apprenticeship Council and to complete a notice of intended regulatory action. (NOIRA)

**The motion was approved with a vote of 4-0-0. Ayes:** Groh, Hux, Mitchell and Woods. **Nays:** None  
**Abstain:** None **Absent:** O'Dell, Middleton, and Tomlin.

Mr. Olson also noted that as of July 1, 2021 the Department of Professional and Occupational Regulation will now be under the Department of Labor headed by the Secretary of Labor.

**Remedial Education  
Report – Michael  
and Son update**

**Remedial Education Report – Michael and Son update**

Marjorie King, Board Administrator informed the Board Michael and Sons last Remedial Education class was on June 11, 2021. However, there are 15 employees that still need to complete the Contractor Remedial Education course that are either new employees or that were no shows. These Michael and Son's employees will join our regularly scheduled Remedial Education class on July 27, 2021.

**Trade Exploration  
Workgroup update**

**Trade Exploration Workgroup update**

Eric Olson, Executive Director updated the Committee that at its last Trade Exploration Workgroup on June 28, 2021 the Workgroup determined carpenters, masons, sheetrock installers, painters, and glaziers should be recommended for voluntary certification and subsequent exemption from the current Qualified Individual examination.

- Carpenters
- Masons
- Sheetrock Installers
- Painters
- Glaziers

Other recommendations provided by the Workgroup were to increase enforcement availability to localities and to earmark more funding for localities in order to revamp, share, and communicate information regarding licensed contractors and tradesman on a larger level.

A subsequent recommendation was to increase funding for local Commonwealth Attorneys in order to increase their focus on prosecution of unlicensed contractors in their localities. The Workgroup also recommended having a Recognition Program for companies that have a certain percentage of its employees licensed. This information would be posted on the DPOR website under the Contractor's License information for consumers to view and could be used as an incentive for contractors to increase the number of licensed and certified individuals in their company.

**Prohibited Acts –  
Contract Language**

**Prohibited Acts – Contract Language**

Eric Olson, Executive Director informed the Committee at its last Board for Contractors Meeting on June 8, 2021 the Board voted to start the Regulatory Review process to include cost plus and time and material to the Prohibit Act, and instructed staff to adopt a policy for Investigations and CAR to not site for this violation while in progress. Currently contractors using cost plus and time and materials are unable to comply with Prohibit Act 9.b.

Prohibited Act 9.b. "A statement of the total cost of the contract and the amounts and schedule for progress payments including a specific statement on the amount of the down payment"

After discussion, the Committee recommended the amended language for cost plus, and time and material to specific hourly rate and percentage markups, maximum-not to exceed amount or percentage, and a payments schedule be added to Prohibited Act 9.b.

**A motion was made by Mr. Hux and seconded by Mr. Mitchell** to recommend the Board open the Regulatory Review process to amend the language for Prohibit Act 9.b. to include; specific hourly rate and percentage markups, maximum-not to exceed amount or percentage, and a payments schedule.

#### **National Trade Organizations Substantial Equivalency**

Eric Olson, Executive Director informed the Committee that during the Trade Exploration Work Group it was discovered that a significant number of specialties available to licensees for licensure had related national certifying organizations that are recognized throughout the United States. The Workgroup suggested that the Board explore the possibility of determining whether some of these organizations may offer training and examinations that could be considered substantially equivalent to those requirements current in place for Qualified Individuals in select specialties. In those instances the Board could exempt the applicant from the experience and examination requirements because of their national certification.

The Committee agreed to defer this to the next Committee Meeting on September 14, 2021 for further discussion.

#### **Contractor Recovery Fund Financial Statements for FY2021**

The recovery fund Financial statement was given to the Board for their review.

#### **Joshua Weaver Letter - Handout**

Hello,  
I think the organization needs to reconsider its policy with regards to verification of continuing education. Currently the department requires every single provider of continuing education to transmit to the department the last four digits of someone's Social Security number in order to verify attendance and grant credit. With the increasing risk and the impact of cyber security breaches, this seems to be an excessive risk to place on every licensed individual, and an overly large responsibility to place on every training provider. Many of the training providers that the department approves are small time businesses that may be owned by someone who owns a contracting business but has an online training program on the side. Many of these people are not like universities in that they don't have the time or the budgets for continuous audit in monitoring of their cyber hygiene practices. Furthermore, most likely the board does not consider the adequacy of these firm's security programs when approving them for education. In many cases, the last four digits of a Social Security number are the only ones that are truly random. In a lot of cases if someone can figure out someone's date and place of birth (which is usually available by other public information) then they can figure out the other five digits. Thus, requiring licensed people to provide the last four digits of their Social Security number to any number of continuing education providers is putting a large risk on the licensed population.  
I think the department could achieve the same level of security if it offered an option for every single licensed person to have a pin number that would be confidential and assigned only to them and that only they, the department, and the education providers that they sign up with would know. This pin number could be provided and used to verify education with the same level of security or verification of attendance that the Social Security number could be used for. (Educational provider not verifying photo copies of Social Security cards and therefore someone giving the digits of a pin number is just good a

**National Trade  
Organizations  
Substantial  
Equivalency**

**Contractor  
Recovery Fund  
Financial  
Statements for  
FY2021**

**Joshua Weaver  
Letter**

verification as someone giving the last four digits of the Social Security number). This would provide an advantage in that we aren't subjecting both licensed individuals and training firms and also even the department to the risks, liabilities, and reputational damage that can occur from a cyber incident. Additionally if there is a cyber incident peoples' pin numbers can be changed.

**COVID Update**

Eric Olson, Executive Director informed the Committee that all correspondence with Continuing Education Providers are done through a secure server.

Bill Ferguson, Licensing and Education Compliance Officer informed the Committee in his audits he has not come across any mishandling of Social Security numbers, but attendees can always provide a Driver's License number or DMV Control number.

**COVID Update**

Mr. Olson, Executive Director informed the Committee as of June 30, 2021 Executive Order 55 ended, and as of July 1, 2021 all Board Meetings will resume as they did pre COVID while continuing to follow all CDC guidelines.

**Fire Sprinkler  
Inspector Scope of  
Practice**

Marjorie King, Board Administrator informed the Committee that most of the Contractor staff has been working from home and exceeding expectation. Currently staff is still required to come in to a mandatory training once a month. Ms. King also informed the Committee that staff has been working towards all electronic files. As of June 1, 2021 staff is close to 100% complete.

**Fire Sprinkler Inspector Scope of Practice**

Eric Olson, Executive Director informed the Committee staff was notified of letters being sent to various institutions. These letters are stating in house Fire Sprinklers are no longer able to run weekly test on fire pumps or provide circuit testing of the entire system.

Marjorie King, Board Administrator informed the Committee the Fire Sprinkler regulations allow weekly testing of the fire pumps to be completed by authorized personnel, and the circuit testing is to be completed by a certified Fire Sprinkler Inspector.

Eric Olson, Executive Director informed the Committee at its next meeting on September 14, 2021 the Committee recommend a proposed guidance document policy to the Board.

Ed Rhodes, addressed the Committee and requested to be included in any policy discussions.

**Adjournment**

**Adjournment**

**Chairman, Groh** thanked the Committee and Staff and adjourned the Committee Meeting at 9:18 A.M.

The next Committee Meeting will be **September 14, 2021**

  
\_\_\_\_\_  
Donald Groh, Chairman

10/26/2021  
\_\_\_\_\_  
Date