

**BOARD FOR CONTRACTORS COMMITTEE
MEETING MINUTES**

The Board for Contractors Committee met on Tuesday, October 26, 2021 at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia.

Donald Groh, Chairman
John O'Dell
Jeffrey Hux

Board member(s) absent from the meeting:

Deborah Tomlin, Vice Chairman
E.G. Rudy Middleton
Vernell Woods
Shawn Mitchell

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

Mr. Groh called the October 26, 2021 Board for Contractors Committee Meeting to order at 8:07A.M.

Call To Order

Mr. O'Dell made a motion seconded by Mr. Hux to adopt the Agenda of October 26, 2021.

Approval of
Agenda

The motion was approved with a vote of 3-0-0. Ayes: Groh, O'Dell and Hux Nays: None Abstain:
None Absent: Middleton, Mitchell, Woods, and Tomlin.

Mr. O'Dell made a motion seconded by Mr. Hux to approve the Minutes of September 14, 2021 Board
for Contractors Committee Meeting as presented.

Minutes

The motion was approved with a vote of 3-0-0. Ayes: Groh, O'Dell and Hux Nays: None Abstain:
None Absent: Middleton, Mitchell, Woods, and Tomlin.

Mr. Groh opened the Public Comment section of the meeting.

Public Comment

Jordan Woodley addressed the Board with questions regarding a pending application with the Board for
Contractors.

With no one else wishing to come forward Mr. 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:

American Electrical Institute LLC – 1 Electrical Continuing Education course ONLINE – NEW
FORMAT

American Electrical
Institute LLC

A motion was made by Mr. Hux seconded by Mr. O'Dell for approval.

The motion was approved with a vote of 3-0-0. Ayes: Groh, O'Dell and Hux Nays: None Abstain:
None Absent: Middleton, Mitchell, Woods, and Tomlin.

Ms. Mayo shared that staff recommends approval for:

American Electrical Institute LLC – 1 Electrical Continuing Education course CORRESPONDENCE
– NEW FORMAT

American Electrical
Institute LLC

A motion was made by Mr. Hux seconded by Mr. O'Dell for approval.

The motion was approved with a vote of 3-0-0. Ayes: Groh, O'Dell and Hux **Nays:** None **Abstain:** None **Absent:** Middleton, Mitchell, Woods, and Tomlin.

Ms. Mayo shared that staff recommends approval for:

Bauls Academy of Learning – 1 HVAC Continuing Education course – ZOOM

Bauls Academy of Learning

A motion was made by Mr. Hux seconded by Mr. O'Dell for approval.

The motion was approved with a vote of 3-0-0. Ayes: Groh, O'Dell and Hux **Nays:** None **Abstain:** None **Absent:** Middleton, Mitchell, Woods, and Tomlin.

Ms. Mayo shared that staff recommends approval for:

Milby Company – 1 Virtual Water Well Systems Provider Continuing Education course – VIRTUAL

Milby Company

A motion was made by Mr. Hux seconded by Mr. O'Dell for approval.

The motion was approved with a vote of 3-0-0. Ayes: Groh, O'Dell and Hux **Nays:** None **Abstain:** None **Absent:** Middleton, Mitchell, Woods, and Tomlin.

Ms. Mayo shared that staff recommends approval for:

National Ground Water Association – 1 Continuing Education Certified Water Well Systems Provider course – VIRTUAL CONFERENCE

National Ground Water Association

A motion was made by Mr. Hux seconded by Mr. O'Dell for approval.

The motion was approved with a vote of 3-0-0. Ayes: Groh, O'Dell and Hux **Nays:** None **Abstain:** None **Absent:** Middleton, Mitchell, Woods, and Tomlin.

Ms. Mayo shared that staff recommends approval for:

National Ground Water Association – 1 Continuing Education Certified Water Well Systems Provider course – VIRTUAL CONFERENCE

National Ground Water Association

A motion was made by Mr. Hux seconded by Mr. O'Dell for approval.

The motion was approved with a vote of 3-0-0. Ayes: Groh, O'Dell and Hux **Nays:** None **Abstain:** None **Absent:** Middleton, Mitchell, Woods, and Tomlin.

Ms. Mayo shared that staff recommends approval for:

Tidewater Community College – 1 Plumbing Vocational Education Classroom course

**Tidewater
Community College**

A motion was made by Mr. Hux seconded by Mr. O'Dell for approval.

The motion was approved with a vote of 3-0-0. Ayes: Groh, O'Dell and Hux **Nays:** None **Abstain:** None **Absent:** Middleton, Mitchell, Woods, and Tomlin.

Ms. Mayo shared that staff recommends approval for:

Water Right – 1 Plumbing Continuing Education, 1 Plumbing Vocational Education course, 1 Certified Water Well Systems Providers Continuing Education course, 1 Certified Water Well Systems Provider Vocational Education Course – ZOOM COURSES – NEW FORMAT

Water Right

A motion was made by Mr. Hux seconded by Mr. O'Dell for approval.

The motion was approved with a vote of 3-0-0. Ayes: Groh, O'Dell and Hux **Nays:** None **Abstain:** None **Absent:** Middleton, Mitchell, Woods, and Tomlin.

Old Business

None

Old Business

None

New Business

New Business

Remedial Education Report

**Remedial Education
Report**

Marjorie King, Board Administrator informed the Committee at its last Remedial Education class, staff gave a pop quiz at the end of the meeting to the attendees. The quiz was given not as a pass or fail but to see what information was being retained during the class. Ms. King shared the statistics of the quiz with the Committee.

Eric Olson, Executive Director, informed the Committee the new Misclassification Prohibited Act is still a matter of great interest with the class attendees, as they are confused regarding the IRS requirements and voice a strong concern about how to solve the labor shortage issue in the light of the employee classification requirements. Class attendees have many questions regarding the misclassification that staff is unable to answer and currently direct them to call the tax authorities (IRS/VaTax), their CPA/bookkeeper, or tax attorney. Staff continues attempts to have a representative from the Department of Taxation teach the class.

Regulatory Review Updates

Regulatory Review Updates

➤ Amend Backflow Vocational Training Requirement - Final Regs

Eric Olson, Executive Director, informed the Committee that the Board for Contractors proposed regulation for the individual License and Certification Regulation to Amend the Backflow Vocational Training Requirement were approved by the Governor and are in the final stages. Mr. Olson informed the Committee that no public comment was received. The Board will be required to adopt the proposed regulations as final.

Amend Backflow Vocational Training Requirement - Final Regs

➤ Separation of SDS Specialty-Conventional and Alternative – Final Regs

Eric Olson, Executive Director, informed the Committee that the Board for Contractors proposed regulation for Separation of SDS Specialty – Conventional and Alternative were approved by the Governor and are in the final stages. Mr. Olson informed the Committee that no public comment was received. The Board will be required to adopt the proposed regulations as final.

Separation of SDS Specialty-Conventional and Alternative – Final Regs

➤ Marijuana Legalization Amendments – Contractors

Eric Olson, Executive Director informed the Committee at its last meeting on September 14, 2021 the Board for Contractors authorized staff to file the necessary exempt actions to conform the Board for Contractors Regulations as it pertains to the disclosure of marijuana-related misdemeanor offenses by applicants. Mr. Olson updated the Committee that Exempt Regulatory package is Final and will become effective December 1, 2021.

Marijuana Legalization Amendments – Contractors

➤ Marijuana Legalization Amendments – Tradesman

Eric Olson, Executive Director informed the Committee at its last meeting on September 14, 2021 the Board for Contractors authorized staff to file the necessary exempt actions to conform the Individual License and Certification Regulations as it pertains to the disclosure of marijuana-related misdemeanor offenses by applicants. Mr. Olson updated the Committee that Exempt Regulatory package is Final and will become effective December 1, 2021.

Marijuana Legalization Amendments – Tradesman

➤ Change in Contractor/Tradesman Application Forms

**Change in
Contractor/Trades
man Application
Forms**

Eric Olson, Executive Director informed the Committee at its last Board for Contractors Meeting on September 14, 2021 the Board authorized staff to open an Exempt Regulatory Action to bring the Contractor and Tradesman applications language into compliance with the recent legalization of marijuana as it relates to criminal convictions. Mr. Olson updated the Exempt Regulatory package is Final and will become effective December 1, 2021.

Eric Olson, Executive Director informed the Committee at its last Board for Contractors Meeting on September 14, 2021 the Board adopted a temporary reduction in renewal fees for contractor licenses in order to reduce an accumulated surplus in its budget and to be in compliance with the Callahan Act. Mr. Olson updated the Committee Exempt Regulatory package is Final and will become effective December 1, 2021.

Eric Olson, Executive Director informed the Committee the Regulatory Review process to amend the language for Prohibit Act 9.b. is still at the Governor's office.

Exam update

Marjorie King, Board Administrator informed the Committee PSI is performing remote pilot examinations with a remote proctor. Currently 11 other states are offering remote testing. PSI would like the Board for Contractors to do a pilot period for HIC.

Exam update

Eric Olson, Executive Director informed the Committee being proactive and having data is a good idea.

A motion was made by Mr. Hux seconded by Mr. O'Dell to send this to the Board for Contractors for approval.

The motion was approved with a vote of 3-0-0. Ayes: Groh, O'Dell and Hux **Nays:** None **Abstain:** None **Absent:** Middleton, Mitchell, Woods, and Tomlin.

Blower door test

Blower door test

Eric Olson, Executive Director informed the Committee currently RBEA firms analyze energy data use in residential, commercial and industrial properties, While an HVAC individual can analyze an HVAC system. Recently we have had calls regarding Blower door test and do they require a contractor license.

After discussion, a motion was made by Mr. Hux and seconded by Mr. O'Dell that Blower door tests do not require a contractor license.

The motion was approved with a vote of 3-0-0. Ayes: Groh, O'Dell and Hux **Nays:** None **Abstain:** None **Absent:** Middleton, Mitchell, Woods, and Tomlin.

AES Policy

AES Policy

Eric Olson, Executive Director informed the Committee staff has received complaints from AES Contractors regarding the policy adopted by the Board that allows AES Contractors to install alternative energy systems that do not exceed 100KW. In order to install alternative energy systems that generate more than 100KW would require that the contractor hold a license with the H/H classification. AES Contractors have asked that the Board reconsider changing from 100KW to 500KW in order to accommodate larger solar projects.

After discussion, a motion was made by Mr. Hux and seconded by Mr. O'Dell to allow staff to research 100kw to 500kw to the insure the sufficient amount of kw is being given.

The motion was approved with a vote of 3-0-0. Ayes: Groh, O'Dell and Hux Nays: None Abstain: None Absent: Middleton, Mitchell, Woods, and Tomlin.

Adjournment

Adjournment

Mr. Groh thanked the Committee and Staff and adjourned the Committee Meeting at 9:01 A.M.

The next Committee Meeting will be **December 7, 2021**



Donald Groh, Chairman

12/7/2021
Date

APR