

**BOARD FOR CONTRACTORS COMMITTEE
MEETING MINUTES**

The Board for Contractors Committee met on **Tuesday, September 19, 2023** at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia.

Board member(s) present for the meeting:

Donald Groh, Chairman
Nathan Trice (arrived at 8:13)
James Spencer
Francis McGonegal

Board member(s) absent from the meeting:

Jerry Heinline

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

Marjorie King, Executive Director
Joe Haughwout, Regulatory Affairs Manager
Mary Charity, Licensing Supervisor
Stephanie Keuther, Administrative Coordinator

APPROVED

Mr. Groh called the September 19, 2023, Board for Contractors Committee Meeting to order at 8:04 A.M.

Call To Order

Mr. Spencer made a motion seconded by Mr. McGonegal to adopt the Draft Agenda of September 19, 2023.

Approval of Agenda

The motion was approved with a vote of 3-0-0. Ayes: Groh, Spencer, and McGonegal Nays: None Abstain: None Absent: Heinline, Trice.

Mr. Spencer made a motion seconded by Mr. McGonegal to approve the draft Minutes of August 8, 2023 Board for Contractors Committee Meeting as presented.

Minutes

The motion was approved with a vote of 3-0-0. Ayes: Groh, Spencer, and McGonegal Nays: None Abstain: None Absent: Heinline, Trice.

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

Public Comment

With no one wishing to come forward Mr. Groh closed the public comment section of the meeting.

Education Provider Applications

Education Provider Applications

Mary Charity, Licensing Supervisor addressed the Committee.

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

Ms. Charity shared that staff recommends approval for:

NAESA International

NAESA International –one classroom continuing education course for Certified Elevator Mechanics.

A motion was made by Mr. Spencer seconded by Mr. McGonegal for approval.

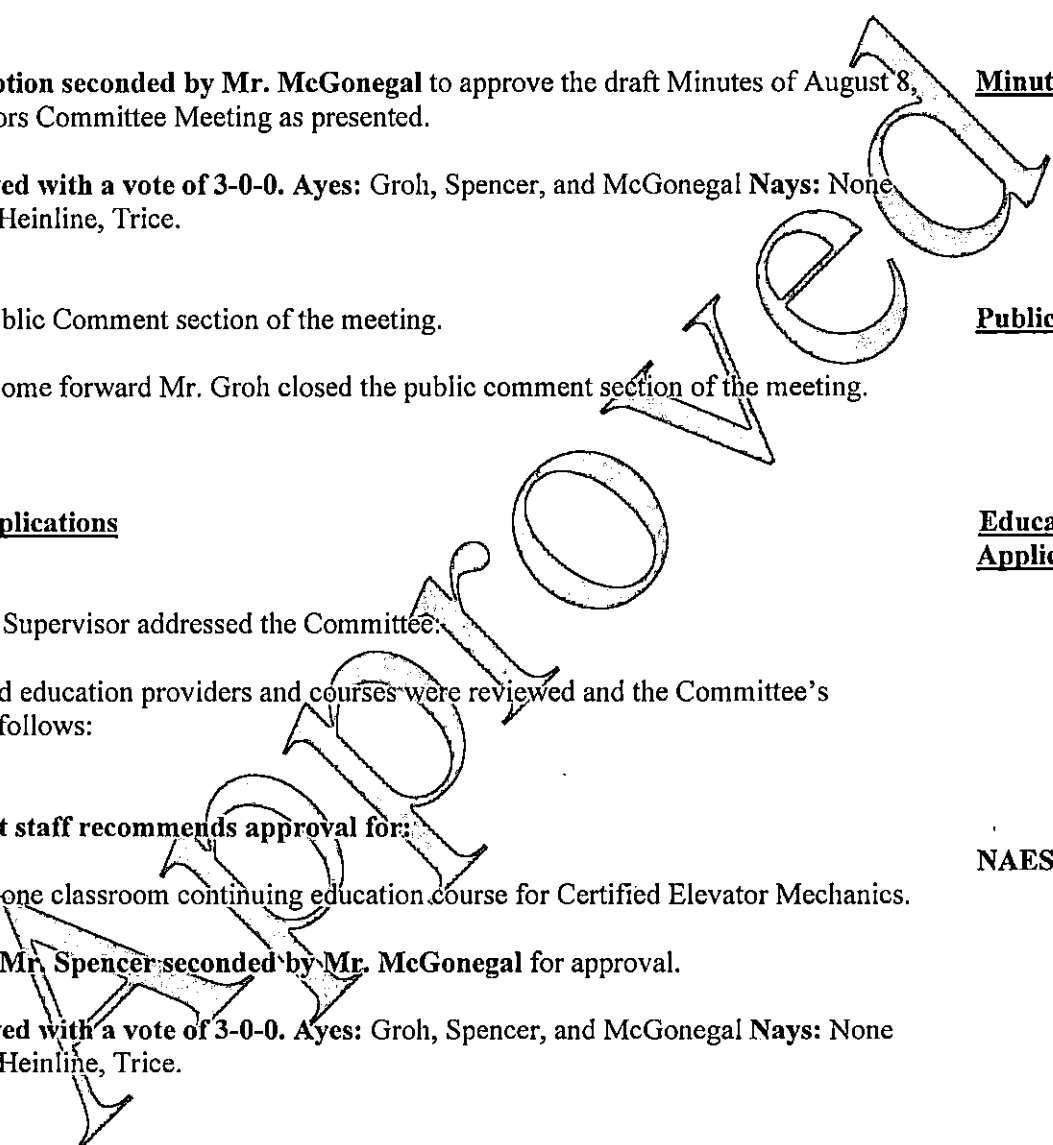
The motion was approved with a vote of 3-0-0. Ayes: Groh, Spencer, and McGonegal Nays: None Abstain: None Absent: Heinline, Trice.

Old Business
None

Old Business
None

New Business

New Business



Education Provider Audit

Education Provider Audit

Tidewater Community College

Bill Ferguson provided a report for the pre-license education course he audited. On August 26, 2023, Mr. Ferguson audited a contractor business pre-license course given by Tidewater Community College. This was an unannounced audit of the course titled Basic Contractor Business Licensing Course. The instructor was Anthony Anderson. The course's location and date were in agreement with the course information on the education provider's website. After briefing the Committee of the audit details the following recommendations were made to the Committee. The class was conducted in accordance with the Board's education provider requirements.

No action was taken.

Remedial Education Report

Remedial Education Report

Marjorie King, Executive Director informed the Committee that the remedial education class continues to be well received by participants. Ms. King recommended to all Board Members that they attend a Remedial Education class.

Board Member, Mr. Brannan attended the Remedial Education.

Board Member Trice has arrived at the meeting and will be included in the vote.

Regulatory Review update

Regulatory Review update

18VAC50-22	General Regulatory Reduction Initiative	Proposed to be filed.
18VAC50-22	Eligibility Requirement Amendment	Proposed to be filed.
18VAC50-22	Amendment of Prohibited Acts	Board to adopt final language on 9/19/2023.
18VAC50-22 18VAC50-30	Temporary Fee Reduction	Final – effective 9/1/2023
18VAC50-30	Continuing Education Amendment	Proposed filed - Will be published in Virginia Register on 10/9/2023.
18VAC50-30	General Regulatory Reduction Initiative	Currently in Executive Branch review.
18VAC50-30	Eligibility Requirement Amendment	Proposed to be filed.
18VAC50-30	Temporary Elevator Mechanic Certifications	Fast Track to be filed.
18VAC50-22 18VAC50-30	Guidance Document 5724 - PSI Examination Equivalency	To be filed.

Amendment to Prohibited Acts

Amendment to Prohibited Acts

Marjorie King, Executive Director provided the Committee the final language to Prohibited Act 18 VAC 50-22-260 B 9 B.

A motion was made by Mr. Spencer seconded by Mr. McGonegal to approve the final language to Prohibited Act 18 VAC 50-22-260 B 9 B as presented.

The motion was approved with a vote of 4-0-0. Ayes: Groh, Spencer, Trice and McGonegal **Nays:** None **Abstain:** None **Absent:** Heinline.

Periodic Review

Periodic Review

Marjorie King, Executive Director informed the Committee pursuant to Executive Order 19 (2022) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Board for Contractor Regulations, Individual License and Certification Regulations, and the Public Participation Guidelines underwent a periodic review.

The review of these regulations were guided by the principles in Executive Order 19.

The purpose of the review is to determine whether these regulations should be repealed, amended, or retained in its current form. Public comment was sought on the review of any issue relating to the regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

The public comment period began July 17, 2023, and ended on August 7, 2023. One public comment was received in reference to the Individual License and Certification Regulations.

A motion was made by Mr. Spencer seconded by Mr. McGonegal to approve the proposed response to the comment received.”

The motion was approved with a vote of 4-0-0. Ayes: Groh, Spencer, Trice and McGonegal **Nays:** None **Abstain:** None **Absent:** Heinline.

A motion was made by Mr. Spencer seconded by Mr. McGonegal retain the Contractor Regulations, Individual License and Certification Regulations, and the Public Participation Guidelines as is.

The motion was approved with a vote of 4-0-0. Ayes: Groh, Spencer, Trice and McGonegal **Nays:** None **Abstain:** None **Absent:** Heinline.

NASCLA update

NASCLA update

Marjorie King, Executive Director informed the Committee she and Mary Charity the Licensing Operations Administrator, recently attended the NASCLA conference in San Antonio Texas. Ms. King

informed the Committee this is where states go to network about licensing, discuss reciprocal agreements, and opportunities to hear what other states are doing.

Ms. King informed the Committee that during her time at the NASCLA conference she was asked to mentor a student from Virginia Tech who is majoring in Real Estate Development and Construction Management.

Ms. King was also asked to participate on the NASCLA Board of Directors as a Board Member.

Reciprocal agreements

Reciprocal agreements

Marjorie King, Executive Director informed the Committee that she will be discussing reciprocal agreements with the North Carolina State Licensing Board for a General Contractors agreement, and the District of Columbia, The Department of Licensing and Consumer Protection (DLCP) Plumbing and HVAC individual agreement.

**North Carolina
District of Columbia**

American Family Professional Remodeling, 2705172436 & 2705180392, Recovery Fund payments

American Family Professional Remodeling

Marjorie King, Executive Director informed the Committee that American Family Professional Remodeling, terminated their initial license, license number 2705172436, and obtained a second license, license number 2705180392. In doing so, it maintained its LLC entity, but dropped its fictitious name. Because the disciplinary process was not completed when we received the application for the second license, the LLC entity was granted its second license.

There are several recovery fund claims against the LLC entity under each license. Initially, the recovery fund claims were filed against each license, which created two \$40,000 biennium limits for the claimants. We have paid out a couple claims under each license and have several more pending against each license. After further review of The Virginia Contractor Transaction Recovery Act, the definition of "regulant" means the legal entity, and the LLC having a second license did not create a second regulant, and therefore should be treated as one entity.

The statute and regulations do not prevent the Board from considering a motion to approve an additional amount to allow pooling all the claimants together to determine the appropriate prorated distribution. In short, the Board may approve an extra amount equal to any overpaid claimants so that we could ensure the remaining claimants receive a full prorated share.

When all claims are combined and prorated, there's an overpayment of \$8,200.72. Should the Board choose this additional amount, a vote is required.

A motion was made by Mr. Spencer seconded by Mr. McGonegal to approve an additional \$8,200.72 to be paid from the Contractor Transaction Recovery Fund on behalf of American Family Professional Remodeling, license numbers 2705172436 and 2705180392. This additional amount is equal to the overpayment amount to claimants, and ensures other claimants receive a full prorated share.

The motion was approved with a vote of 4-0-0. Ayes: Groh, Spencer, Trice and McGonegal **Nays:** None **Abstain:** None **Absent:** Heinline.

Beyond Design Inc - 2022-01999 - Compliance extension

Beyond Design Inc.

Marjorie King, Executive Director informed the Committee an ADA request to include an extension was received for Consent Order 2022-01999 Beyond Design Inc.

A motion was made by Mr. Trice seconded by Mr. McGonegal to approve the ADA extension request for Consent Order 2022-01999 Beyond Design Inc. through December 31, 2023. If compliance is not obtained the license will be suspended for non-compliance.

The motion was approved with a vote of 4-0-0. Ayes: Groh, Spencer, Trice and McGonegal **Nays:** None **Abstain:** None **Absent:** Heinline.

Application experience requirements

**Application
experience
requirements**

Marjorie King, Executive Director informed the Committee that In 2016 the Board voted to require all Qualified Individuals associated with a Contractor license application to verify their experience, regardless of their previous license history.

More specifically, effective March 1, 2016, all Qualified Individuals associated with a contractor license application are required to have their experience verified by a licensed contractor, licensed tradesman, building official, building inspector, licensed architect, or licensed engineer, even if they're associated with an active current license, or a previously issued expired license. This requires all experience to be verified after March 1, 2016.

A motion was made by Mr. Spencer seconded by Mr. McGonegal to maintain the experience requirements as presented.


The motion was approved with a vote of 4-0-0. Ayes: Groh, Spencer, Trice and McGonegal **Nays:** None **Abstain:** None **Absent:** Heinline.

Adjournment

Adjournment

Mr. Groh thanked the Committee and Staff and adjourned the Committee Meeting at 8:54 A.M.

The next Committee Meeting will be **October 24, 2023**.



Donald Groh, Chairman

10/24/2023
Date