

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

The Virginia Board for Asbestos, Lead, and Home Inspectors met on February 7, 2019, at the offices of the Department of Professional and Occupational Regulation (DPOR), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 4, Richmond, Virginia 23233.

The following members of the Board were present:

Sandra Baynes
John E. Cranor
Joe T. France
James E. Haltigan
Rick Holtz

Galappa Madhusudhan
Gene E. Magruder, Vice-Chair
Peter D. Palmer, Chair
Patrick Studley

Board members Chadwick Bowman and David Rushton were not present at the meeting.

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

Mary Broz-Vaughan, Acting Director
Trisha L. Henshaw, Executive Director
Lisa Robinson, Licensing Administrator
Tanya M. Pettus, Administrative Assistant

Robert Drewry from the Office of the Attorney General was present.

Mr. Palmer, finding a quorum of the Board present, called the meeting to order at 9:01 a.m. **Call to Order**

Ms. Henshaw advised the Board of the emergency evacuation procedures. **Emergency Evacuation Procedures**

Ms. Henshaw introduced newly appointed Board members Patrick Studley, who will serve as the lead risk assessor representative, and Galappa Madhusudhan, citizen member. **Introduction of New Board Members**

Ms. Henshaw introduced to the Board Robert Drewry from the Office of the Attorney General.

Ms. Henshaw also introduced to the Board DPOR staff members Mary Broz-Vaughan, Acting Director, and Lisa Robinson, Licensing Administrator.

Ms. Baynes moved to approve the agenda as presented. Mr. France seconded the motion which was unanimously approved by: Baynes, France, Haltigan, Madhusudhan, Magruder, Palmer, and **Approval of Agenda**

Studley. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

Mr. Magruder moved to approve the minutes of the August 16, 2018, Board meeting as presented. Ms. Baynes seconded the motion which was unanimously approved by: Baynes, France, Haltigan, Madhusudhan, Magruder, Palmer, and Studley. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

Approval of
Minutes

There were no members of the public present to address the Board on matters other than the case files to be presented.

Public Comment
Period

Mr. Haltigan recused himself from the meeting for discussion and deliberations on File Number 2019-00946.

Recusal of Board
Member

In the matter of **File Number 2019-00946, Tony Midence**, 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.

File Number 2019-
00946, Tony Midence

Mr. Midence was present and thanked the Board for the opportunity to have his application considered.

Mr. Magruder moved to accept the recommendation of the Presiding Officer and approve Mr. Midence's application for an asbestos worker license. Mr. Studley seconded the motion which was unanimously approved by: Baynes, France, Madhusudhan, Magruder, Palmer, and Studley. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

Mr. Haltigan returned to the meeting.

Return of Board
Member

In the matter of **File Number 2019-01054, Wayne Lynn Smith**, 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.

File Number 2019-
01054, Wayne Lynn
Smith

Mr. Magruder moved to accept the recommendation of the Presiding Officer and approve Mr. Smith's application for an asbestos supervisor license. Ms. Baynes seconded the motion which was unanimously approved by: Baynes, France, Haltigan, Madhusudhan, Magruder, Palmer, and Studley. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

In the matter of **File Number 2019-01056, Jeffrey Milford Barnes**, 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.

File Number 2019-01056, Jeffrey Milford Barnes

Mr. Barnes was present and thanked the Board for their time and consideration.

Mr. Magruder moved to accept the recommendation of the Presiding Officer and approve Mr. Barnes' application for a home inspector license. Mr. Haltigan seconded the motion which was unanimously approved by: Baynes, France, Haltigan, Madhusudhan, Magruder, Palmer, and Studley. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

Ms. Henshaw provided an update on the current status of the regulatory review processes for the Board's regulatory packages.

Update on Regulatory Review Processes

Final amendments to Asbestos Analytical Laboratory and Project Monitor regulations were adopted on February 8, 2018. Final regulations are currently undergoing executive branch review.

The proposed Lead-Based Paint Renovation, Repair, and Painting Program regulations (Initial Promulgation) are currently undergoing review by the office of the Secretary of Commerce and Trade.

Ms. Henshaw presented the Board with the final report from the study conducted on Senate Bill 627, which proposed to prohibit home inspector contracts from containing any provision limiting their liability for damages arising from the acts of the home inspector or employees or agents of the home inspector. The final report was forwarded to the bill patron and the Chair of the Senate

Review of Final Report from SB 627 Study

Committee on General Laws and Technology in September 2018.

Ms. Henshaw provided the Board with the most recent financial statements for review.

Board Financial Statements

Mr. Cranor arrived at 9:13 a.m.

Arrival of Board Member

Board members considered the following resolution for former Board member Erich J. Fritz:

Consideration of Resolutions for Service

Erich J. Fritz

WHEREAS, Erich Fritz, did faithfully and diligently serve as a member of the Virginia Board for Asbestos, Lead, and Home Inspectors from 2014 to 2018;

WHEREAS, Erich Fritz, did devote generously of his time, talent and leadership to the Board;

WHEREAS, Erich Fritz, did endeavor at all times to render decisions with fairness and good judgement in the best interest of the citizens of the Commonwealth and these professions; and
WHEREAS, the Virginia Board for Asbestos, Lead, and Home Inspectors wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Virginia Board for Asbestos, Lead, and Home Inspectors this twenty-ninth day of January 2019, that Erich Fritz be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held by this Board.

Mr. Magruder moved to adopt the resolution as presented. Mr. Haltigan seconded the motion which was unanimously approved by: Baynes, Cranor, France, Haltigan, Madhusudhan, Magruder, Palmer, and Studley. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

Board members considered the following resolution for former Board member Walter C. Nixon:

Walter C. Nixon

WHEREAS, Chris Nixon, did faithfully and diligently serve as a member of the Virginia Board for Asbestos, Lead, and Home Inspectors from 2012 to 2018;

WHEREAS, Chris Nixon, did devote generously of his time, talent and leadership to the Board;

WHEREAS, Chris Nixon, did endeavor at all times to render decisions with fairness and good judgement in the best interest of the citizens of the Commonwealth and these professions; and

WHEREAS, the Virginia Board for Asbestos, Lead, and Home Inspectors wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Virginia Board for Asbestos, Lead, and Home Inspectors this twenty-ninth day of January 2019, that Chris Nixon be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held by this Board.

Mr. Magruder moved to adopt the resolution as presented. Mr. Haltigan seconded the motion which was unanimously approved by: Baynes, Cranor, France, Haltigan, Madhusudhan, Magruder, Palmer, and Studley. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

Ms. Henshaw opened the floor for annual nominations of the Board Chair. Mr. Magruder moved to nominate Mr. Palmer. Ms. Baynes seconded the motion, which was unanimously approved by: Baynes, Cranor, France, Haltigan, Madhusudhan, Magruder, Palmer, and Studley. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations. By acclamation, Mr. Palmer was named Board Chair.

Election of Officers

Mr. Palmer opened the floor for annual nominations of Board Vice-Chair. Mr. Palmer moved to nominate Mr. Magruder. Mr. Studley seconded the motion, which was unanimously approved by:

Baynes, Cranor, France, Haltigan, Madhusudhan, Magruder, Palmer, and Studley. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations. By acclamation, Mr. Magruder was named Board Vice-Chair.

Ms. Henshaw advised the Board that Mr. Smith arrived at the meeting after his application was considered and approved by the Board. Mr. Smith drove from Bristol, Virginia to attend the meeting, but arrived after the Board considered his application. Because his application had already been reviewed he did not stay to address the Board, but wanted to express his gratitude. Ms. Henshaw conveyed Mr. Smith's appreciation to the Board for approving his application.

File Number 2019-01054, Wayne Lynn Smith

Ms. Henshaw updated the Board on recent and upcoming outreach opportunities.

Outreach Update

Ms. Henshaw asked the Board to consider whether candidates who apply for a lead inspector license and a lead supervisor license at the same time, or in short succession, must take the Virginia Lead Law exam as part of each application. Ms. Henshaw advised the Board that many candidates have raised concerns over the application requirements that necessitate taking and passing the same exam twice within short succession, and asked the Board to consider determining a timeframe in which the passing of the exam would remain valid for future applications. After discussion, Mr. Magruder moved to allow that an individual would not be required to re-take the Virginia Lead Law exam if applying for another discipline or reapplying as a result of an expired license if that individual has taken and passed the Virginia Lead Law exam within the last three years. However, this three-year waiver for re-taking the Virginia Lead Law examination will not be applicable in the event there are significant changes to the laws and/or regulations that results in an examination review and update. Anyone required by regulation to take a lead licensing examination, to include the Virginia Lead Law exam, would have to take the Virginia Lead Law exam after the date of implementation of the updated examination regardless of when they may have previously taken the Virginia Lead Law exam. Mr. Studley seconded the motion which was unanimously approved by: Baynes, Cranor, France, Haltigan, Madhusudhan, Magruder, Palmer, and Studley. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and

Discuss Virginia Lead Law Exam

painting (RRP) until the effective date of the regulations.

Ms. Henshaw and Ms. Broz-Vaughan advised the Board that the 2019 General Assembly session began on January 9, 2019, and provided an update of legislation affecting DPOR and the Board.

Legislative Update

Ms. Henshaw advised the Board that effective January 1, 2019, any guidance document drafted by the Board must now be made available to the public for a 30-day public comment period before being published as an official guidance document.

Ms. Henshaw advised the Board that staff will soon be publishing a request for proposals for lead exam vendors for the next exam cycle, as the contract with the current lead exam provider will expire in December 2019.

Other Business

Mr. Magruder took the opportunity to address the Board and stated his hope that all Board members will continue to do the work of the Commonwealth for the safety and wellbeing of the public.

The following meeting dates have been scheduled:

- May 16, 2019
- August 15, 2019
- November 7, 2019

Future Meeting Dates

Mr. Palmer reminded Board members to complete their conflict of interest forms and travel vouchers.

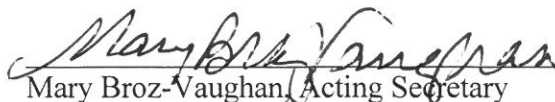
Conflict of Interest Forms and Travel Vouchers

There being no further business, the meeting adjourned at 10:05 a.m.

Adjourn



Peter D. Palmer, Chair



Mary Broz-Vaughan, Acting Secretary

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Sandra Baynes
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: February 7, 2019
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.

6. I do not have a personal interested in any transactions taken at this meeting.

Sandra Baynes
Signature

2.7.2019
Date

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


TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: John E. Cranor
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: February 7, 2019
5. I have a personal interest in the following transaction:

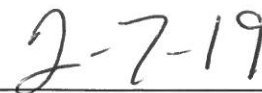
Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.
6. I **do not** have a personal interested in any transactions taken at this meeting.



Signature



Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Joe T. France
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: February 7, 2019
5. I have a personal interest in the following transaction:

N/A

Nature of Personal Interest Affected by Transaction: N/A

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

N/A

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.
6. I do not have a personal interested in any transactions taken at this meeting.

Signature

Joe T. France

Date

2-7-19

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: James Haltigan
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: February 7, 2019

5. I have a personal interest in the following transaction:

File No 2019-00946 - Tony Midence

Nature of Personal Interest Affected by Transaction: Past Employees

Employed by a Vendor

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

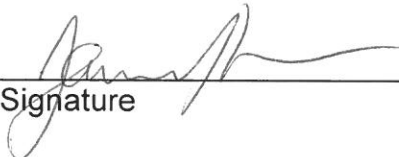
SEMCO Services, Inc.

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

or

I did not participate in the transaction.

6. I **do not** have a personal interested in any transactions taken at this meeting.


Signature

2/7/19
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Rick Holtz
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: February 7, 2019
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.
6. ~~A~~ I **do not** have a personal interested in any transactions taken at this meeting.

Signature



Date

2/7/19

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Galappa Madhusudhan
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: February 7, 2019
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.

6. I **do not** have a personal interested in any transactions taken at this meeting.

G. J. Madhusudhan
Signature

2/7/19
Date

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

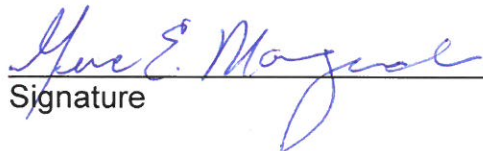
TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Gene Magruder
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: February 7, 2019
5. I have a personal interest in the following transaction:


Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.
6. I **do not** have a personal interested in any transactions taken at this meeting.



Signature



Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Peter D. Palmer
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: February 7, 2019
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.
6. I **do not** have a personal interested in any transactions taken at this meeting.



Signature

2/7/2019
Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government


1. Name: Patrick Studley
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: February 7, 2019
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.

6. I **do not** have a personal interested in any transactions taken at this meeting.



Signature

2/7/2019

Date