

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

The Virginia Board for Asbestos, Lead, and Home Inspectors met on November 10, 2022, at the offices of the Department of Professional and Occupational Regulation (DPOR), Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room 2, Richmond, Virginia 23233.

The following members of the Board were present:

Stacy J. Armentrout  
Sandra Baynes, Vice-Chair  
John E. Cranor

Kevin Salva  
Patrick Studley  
Paul D. Thomas

Board members James E. Haltigan, Gene E. Magruder, Chadwick Bowman, Sharad Tandale, and Louis Walker were not present at the meeting.

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

Demetrios J. Melis, Director  
Kishore Thota, Chief Deputy Director  
Trisha L. Lindsey, Executive Director  
Stephen Kirschner, Licensing and Regulatory Programs Division Deputy Director  
Tanya M. Pettus, Board Administrator  
Joseph C. Haughwout, Jr., Regulatory Administrator  
Raven C. Custer, Administrative Coordinator

Joshua Laws from the Office of the Attorney General was present.

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

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

Mr. Cranor moved to approve the agenda as amended. Mr. Studley seconded the motion which was unanimously approved by: Armentrout, Baynes, Cranor, Salva, Studley, and Thomas. **Approval of Agenda**

Ms. Lindsey introduced Stephen Kirschner, Deputy Director of the Licensing and Regulatory Programs Division, to the Board. **Introduction of Staff**

Mr. Cranor moved to approve the minutes of the August 18, 2022, Board meeting and the August 24, 2022, Home Inspectors SB 607 Committee meeting as presented. Mr. Salva seconded the motion **Approval of Minutes**

which was unanimously approved by: Armentrout, Baynes, Cranor, Salva, Studley, and Thomas.

Joe Hudgins introduced himself to the Board as an insurance industry professional and shared that he and Bob Bradshaw were present for the item later in the agenda regarding home inspector insurance requirements.

**Public Comment  
Period**

Mr. Salva recused himself from the meeting for discussion and deliberation of File Number 2022-01240.

**Recusal of Board  
Member**

In the matter of **File Number 2022-01240, Henry Robert Nice**, the Board members reviewed the Consent Order. Mr. Nice admits to a violation of 18 VAC 15-40-120.B as provided in Count 1, a violation of 18 VAC 15-40-130.A as provided in Count 2, a violation of 18 VAC 15-40-130.B as provided in Count 3, and a violation of 18 VAC 15-40-155.6 as provided in Count 4. Mr. Nice consents to the imposition of a monetary penalty of \$125.00 for violation of Count 1, a monetary penalty of \$100.00 for violation of Count 2, a monetary penalty of \$125.00 for violation of Count 3, and a monetary penalty of \$500.00 for violation of Count 4, for monetary penalties totaling \$850.00, and Board costs in the amount of \$150.00. Mr. Studley moved to approve the Consent Order as presented. Mr. Cranor seconded the motion which was unanimously approved by: Armentrout, Baynes, Cranor, Studley, and Thomas.

**File Number 2022-  
01240, Henry Robert  
Nice**

Mr. Salva returned to the meeting.

**Return of Board  
Member**

Mr. Cranor recused himself from the meeting for discussion and deliberation of File Number 2022-01580.

**Recusal of Board  
Member**

In the matter of **File Number 2022-01580, Patrick Hayes**, the Board members reviewed the Consent Order. Mr. Hayes admits to a violation of 18VAC 15-40-120.B as provided in Count 1, a violation of 18VAC 15-40-130.B as provided in Count 2, and a violation of 18VAC 15-40-130.C as provided in Count 3. Mr. Hayes consents to the imposition of a monetary penalty of \$200.00 for violation of Count 1, a monetary penalty of \$150.00 for violation of Count 2, and a monetary penalty of \$150.00 for violation of Count 3, for monetary penalties totaling \$500.00, and Board costs in the amount of \$150.00. Mr. Salva moved to approve the Consent Order as presented. Mr. Armentrout seconded the motion which was unanimously approved by: Armentrout, Baynes, Salva, Studley, and Thomas.

**File Number 2022-  
01580, Patrick Hayes**

In the matter of **File Number 2021-01927, Marlon Donnell Moore**, the Board members reviewed the record which consisted of the investigative file, the transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference.

**File Number 2021-01927, Marlon Donnell Moore**

The Board considered each of the charged Violations under Counts 1 through 4. Mr. Salva moved to accept the recommendation of the Presiding Officer and find Mr. Moore in violation of 18VAC 15-40-120.A. as outlined in Count 1, 18VAC 15-40-120.B. as outlined in Count 2, 18VAC 15-40-130.A. as outlined in Count 3, and 18VAC 15-40-130.B as outlined in Count 4. Mr. Studley seconded the motion which was unanimously approved by: Armentrout, Baynes, Salva, Studley, and Thomas.

Mr. Studley then moved to accept the recommended sanctions and impose a monetary penalty of \$475.00 for violation of Count 1, a monetary penalty of \$250.00 for violation of Count 2, a monetary penalty of \$225.00 for violation of Count 3, and a monetary penalty of \$250.00 for violation of Count 4, for monetary penalties totaling \$1,200.00, and to suspend Mr. Moore's license 30 days after the effective date of the Board's final order until Mr. Moore provides proof satisfactory to the Board that he has completed eight (8) hours of continuing professional education related to home inspection for the violations of Counts 1 and 2, as presented in the Summary. Mr. Salva seconded the motion which was unanimously approved by: Armentrout, Baynes, Salva, Studley, and Thomas.

In the matter of **File Number 2022-00879, Scott Robert Sanford**, the Board members reviewed the record which consisted of the investigative file, the transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference.

**File Number 2022-00879, Scott Robert Sanford**

The Board considered each of the charged Violations under Counts 1 through 3. Mr. Salva moved to accept the recommendation of the Presiding Officer and find Mr. Sanford in violation of 18VAC 15-40-120.A. as outlined in Count 1, 18VAC 15-40-130.A. as outlined in Count 2, and 18VAC 15-40-130.B. as outlined in Count 3. Mr. Thomas seconded the motion which was unanimously approved by: Armentrout, Baynes, Salva, Studley, and Thomas.

Mr. Thomas then moved to accept the recommended sanctions and impose a monetary penalty of \$275.00 for violation of Count 1, a monetary penalty of \$125.00 for violation of Count 2, and a

monetary penalty of \$175.00 for violation of Count 3, for monetary penalties totaling \$575.00 as presented in the Summary. Mr. Salva seconded the motion which was unanimously approved by: Armentrout, Baynes, Salva, Studley, and Thomas.

Mr. Cranor returned to the Board meeting

**Return of Board  
Member**

In the matter of **File Number 2022-01713, Lilians Mardiaga**, 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 2022-  
01713, Lilians  
Mardiaga**

Mr. Salva moved to accept the recommendation of the Presiding Officer to deny Ms. Maradiaga's application for an asbestos worker license. Mr. Armentrout seconded the motion which was unanimously approved by: Armentrout, Baynes, Cranor, Salva, Studley, and Thomas.

In the matter of **File Number 2022-02494, Curtis Lee Gowans**, 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 2022-  
02494, Curtis Lee  
Gowans**

Mr. Gowan's was present to address the Board and wanted to thank the members for taking the time to consider his application.

Mr. Armentrout moved to accept the recommendation of the Presiding Officer to approve Mr. Gowans's application for a home inspectors license. Mr. Studley seconded the motion which was unanimously approved by: Armentrout, Baynes, Cranor, Salva, Studley, and Thomas.

In the matter of **File Number 2022-00952, Jacinto Vasquez Gonzalez**, 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 2022-  
00952, Jacinto  
Vasquez Gonzalez**

Mr. Thomas moved to accept the recommendation of the Presiding Officer to deny Mr. Gonzalez's application for an asbestos worker license. Mr. Salva seconded the motion which was unanimously approved by: Armentrout, Baynes, Cranor, Salva, Studley, and

Thomas.

Mr. Haughwout provided an update on the current status of the regulatory review processes for the Board's regulatory packages. **Regulatory Action Update**

The general review of the Home Inspector Licensing Regulations is at the proposed stage. The Board adopted proposed regulatory text at its meeting on November 4, 2021, and adopted revisions to proposed regulatory text at its meeting on May 12, 2022. Proposed amendments have been submitted for Executive Branch review. Executive Branch review is pending.

Final Lead-Based Paint Renovation, Repair, and Painting Program (RRP) Regulations (Initial Promulgation) were submitted for Executive Branch review on January 18, 2022. Executive Branch review is pending.

The Board authorized filing of a Notice of Intended Regulatory Action (NOIRA) and formation of a regulatory review committee at the Board meeting on May 12, 2022, to consider amendments to the Home Inspector Licensing Regulations as required by Senate Bill 607. The NOIRA was submitted for Executive Branch review on July 22, 2022. Executive Branch review was completed, and the NOIRA was published on September 12, 2022. The 30-day public comment period concluded on October 12, 2022. The regulatory review committee met on August 24, 2022, and adopted recommended amendments to the regulations.

The Board authorized filing of a NOIRA for a general review of the Virginia Asbestos Licensing Regulations and formation of regulatory review committee. The committee is being formed and the NOIRA is in development, after which it will be submitted for Executive Branch Review.

The Board authorized a fast-track action to amend the Virginia Lead-based Paint Activities Regulations to update 18 VAC 15-30-510 and documents incorporated by reference. The fast-track action is in development to be submitted for Executive Branch Review.

Mr. Haughwout provided an update on the SB 607 Committee. Mr. Haughwout asked the Board to review and consider the public comments following publication of the NOIRA. After reviewing the public comments, Mr. Haughwout asked the Board to consider the draft proposed Board responses to the public comments. **Update to SB 607 Committee**

After discussion, Mr. Salva moved to adopt the proposed responses as presented. Mr. Armentrout seconded the motion which was unanimously approved by: Armentrout, Baynes, Cranor, Salva, Studley, and Thomas.

Mr. Haughwout asked the Board to review and consider the proposed amendments to the regulations as recommended by the committee.

After discussion and review, Mr. Studley moved to accept the proposed amendments as presented. Mr. Salva seconded the motion which was unanimously approved by: Armentrout, Baynes, Cranor, Salva, Studley, and Thomas.

Mr. Haughwout requested that the Board consider an exempt action to continue temporary fee reductions for asbestos and lead renewals.

**Consider Exempt  
Action to Continue  
Temporary Fee  
Reductions for  
Asbestos and Lead**

After discussion and explanation of the Callahan Act, Mr. Salva moved to authorize staff to file an exempt action to amend the regulations to continue the temporary fee reduction. Mr. Cranor seconded the motion which was unanimously approved by: Armentrout, Baynes, Cranor, Salva, Studley, and Thomas.

Joe Hudgins and Bob Bradshaw were present to address the Board regarding language in the Home Inspector Licensing Regulations pertaining to the requirements for insurance to be obtained by home inspectors to qualify for licensure, and to provide the Board with information regarding state laws pertaining to insurance policies.

**Discussion on Home  
Inspector Insurance  
Policies**

The Board took the comments provided under advisement and may address the concerns during its general review of the Home Inspector Licensing Regulations.

Ms. Pettus presented the Board with a proposed guidance document to allow licensure as a landscape architect as a credential in a “related engineering/health, environmental field” that may qualify an individual to meet entry requirements as a lead risk assessor.

**Lead Risk Assessor  
Entry Requirements  
Guidance**

After lengthy discussion, the Board agreed by consensus to not adopt the proposed guidance.

Ms. Pettus provided an update of home inspector continuing professional education (CPE) audits conducted on twenty-five percent of eligible certified home inspectors beginning on September 21, 2022.

**Home Inspector CPE  
Audit Report**

Ms. Pettus provided an update of asbestos and lead course audits conducted between august and November 2022.

**Asbestos and Lead  
Course Audit Report**

Ms. Lindsey provided an overview of an amendment to the Virginia Uniform Statewide Building Code, which allows for energy efficiency air leakage testing to be performed by licensed home inspectors. The Board discussed the processes for this testing as well as qualifications to perform the test.

**Discussion of  
Amendments to  
Virginia Uniform  
Statewide Building  
Code as it Relates to  
Home Inspectors**

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Ms. Lindsey provided the Board with the most recent financial statements for informational purposes.

**Board Financial  
Statements**

Ms. Lindsey and Ms. Pettus updated the Board on recent and upcoming outreach opportunities.

**Outreach Update**

Ms. Lindsey opened the floor for annual nominations of the Board Chair. Mr. Thomas moved to nominate Ms. Baynes as Board Chair. Mr. Salva seconded the motion. Ms. Baynes accepted the nomination. Mr. Salva moved to close the nominations for Chair of the Board. Mr. Armentrout seconded the motion which was unanimously approved by: Armentrout, Baynes, Cranor, Salva, Studley, and Thomas. By acclamation, Ms. Baynes was named Chair of the Board

**Election of Officers**

Ms. Lindsey opened the floor for annual nominations of the Board Vice Chair. Ms. Baynes moved to nominate Mr. Cranor as Board Vice Chair. Mr. Thomas seconded the motion. Mr. Cranor accepted the nomination. Mr. Salva moved to close the nominations for Chair of the Board. Mr. Thomas seconded the motion which was unanimously approved by: Armentrout, Baynes, Cranor, Salva, Studley, and Thomas. By acclamation, Mr. Cranor was named Vice Chair of the Board

Ms. Lindsey provided a report from the 2022 Board Member Training Conference that occurred in October and thanked all of the Board members that were able to attend.

**Report from the 2022  
Board Member  
Training Conference**

Mr. Custer provided the Board with information regarding the new procedure for the distribution of meeting agendas.

**Other Business**

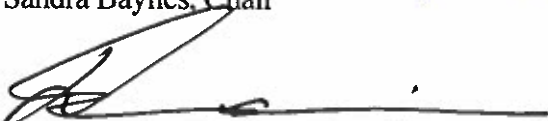
Ms. Baynes reminded Board members to complete their conflict of interest forms.

**Conflict of Interest  
Forms and Travel  
Vouchers**

There being no further business, the meeting adjourned at 10:45  
a.m.

**Adjourn**

  
\_\_\_\_\_  
Sandra Baynes, Chair

  
\_\_\_\_\_  
Demetrios J. Melis, Secretary



**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: November 10, 2022
5. I have a personal interest in the following transaction:

\_\_\_\_\_

Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

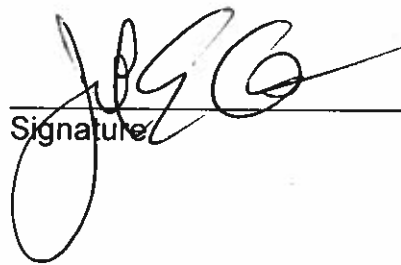
\_\_\_\_\_

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

11-10-22  
\_\_\_\_\_  
Date

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

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

1. Name: Paul D. Thomas
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: November 10, 2022
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.

Paul D. Thomas  
Signature

11/10/2022  
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: November 10, 2022
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

11/10/2022  
\_\_\_\_\_  
Date

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

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

1. Name: Stacy. J. Armentrout
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: November 10, 2022
5. I have a personal interest in the following transaction:

N/A

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

11/10/2022  
Date

**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: November 10, 2022
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

11.10.2022  
Date

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

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

1. Name: Kevin Salva
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: November 10, 2022
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

11.10.22  
\_\_\_\_\_  
Date



