

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

The Virginia Board for Asbestos, Lead, and Home Inspectors met on November 3, 2004 in Conference Room 4 West at the offices of the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

The following members of the Board were present:

Frederick Heppner, Chairperson  
Joseph W. Crockett  
P. Bradley Nott, Jr.  
Howard D. Varner  
Thomas Joel Loving  
Wendy G. Hill  
Vickie Harlow

Board members Honeycutt, Bouldin and Daniels were unable to attend the meeting.

The following members of DPOR staff were present during some or all of the meeting:

Louise Fontaine Ware, Director  
Sandra Whitley Ryals, Chief Deputy Director  
Karen O'Neal, Deputy Director for LRD  
David Dick, Executive Director  
Joseph Kossan, Regulatory Boards Administrator  
Thomas K. Perry, Regulatory Boards Administrator  
Earlyne Perkins, Legal Assistant  
Marilyn Mandel, Administrative Assistant

Others who attended the meeting included:

William McCloud, Representing Macsons, Inc., Respondent  
Stephen McCloud, Representing Macsons, Inc., Respondent  
Paul Schmidt, Counsel for Macsons, Inc.  
Daniel Jungers, Representing Marcor, Respondent  
William Dozier, Counsel for Marcor  
Anthony Farnella, Sr., Representing Potomac Abatement, Inc.,  
Respondent  
Douglas Lasure, Representing Potomac Abatement, Inc.,  
Respondent  
Cdr. Don Hagen, U.S. Navy  
Kerby Latham, U.S. Navy  
Thomas Fleming, U.S. Navy  
Kevin B. Duncan, Jr., Applicant

Robert Holmes, Applicant

Eric Gregory of the Office of the Attorney General was present.

Chairperson Heppner, finding a quorum of the Board present, **Call to Order**  
called the meeting to order at 9:05 AM.

Mr. Crockett moved that the Board approve the agenda as prepared by staff. Ms. Harlow seconded the motion, which was unanimously approved by the following members: Crockett, Varner, Nott, Heppner, Hill, Harlow and Loving. **Adopt Agenda**

Mr. Crockett moved that the Board approve the minutes of its August 19, 2004 meeting and the IFF minutes of August 19, 2004 and October 14, 2004. Mr. Nott seconded the motion which was unanimously approved by the following members: Crockett, Varner, Nott, Heppner, Hill, Harlow and Loving. **Approval of Board Minutes**

Chairperson Heppner opened the floor for public comment. No member of the public present expressed a desire to address the Board. **Public Comment Period**

Mr. Crockett recused himself of any discussion during the closed meeting. **Closed Meeting Actual and Probable Litigation**

Ms. Harlow moved that the meeting be recessed and that the Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and briefings by staff pertaining to actual or probable litigation as permitted by § 2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Eric Gregory, Karen O'Neal and David Dick. This motion is made with respect to the matter identified as agenda item V.5 and V.6. Mr. Loving seconded the motion, which was approved by the following members: Varner, Nott, Heppner, Hill, Harlow and Loving.

Mr. Varner moved that the closed meeting, as authorized by Section 2.2-3711.A.7 of the *Code of Virginia* be adjourned and that the Board immediately reconvene in open public meeting. Mr. Nott seconded the motion, which was approved by the following members: Varner, Nott., Heppner, Hill, Harlow and Loving.

WHEREAS, the Board for Asbestos, Lead, and Home Inspectors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

**Certification of Closed Meeting**

WHEREAS, § 2.2-3712 of the *Code of Virginia* requires a certification by this Board for Asbestos, Lead, and Home Inspectors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Board for Asbestos, Lead, and Home Inspectors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board for Asbestos, Lead, and Home Inspectors.

**ROLL CALL VOTE**

YES: Howard Varner, Thomas J. Loving, Wendy Hill, Vickie Harlow, Frederick Heppner, P. Bradley Nott.

NAYS: None

ABSENT DURING VOTE: Joseph Crockett

ABSENT DURING MEETING: Richard L. Honeycutt, John C. Bouldin, Jr., Delores C. Daniels

In the matter of **File Numbers 2004-04828 and 2004-01608, Macsons, Inc.**, the Board reviewed the record, which consisted of the investigative file, transcript and exhibits from the IFF, and the presiding Board member's summary, conclusion, and recommendation. Mr. Schmidt, Counsel for Macsons, Inc., was present and addressed the Board. Ms. Harlow moved that the request to reconvene the IFF be accepted. Ms. Hill seconded the motion which was approved by the following members: Varner, Nott, Heppner, Hill, Harlow and Loving.

**File Numbers**  
**2004-01603**  
**2004-01608**

In the matter of **File Numbers 2004-01605 and 2004-01610,** **File Numbers**

**Marcor Remediation, Inc.**, the Board reviewed the Consent Orders offered by and agreed to by Marcor Remediation, Inc. (Respondent) as well as the record, which consisted of the investigative file, transcript and exhibits from the IFF and the presiding Board member's summary, conclusion and recommendation. Mr. Varner moved that the Board accept the Consent Orders. Mr. Loving seconded the motion which failed by the following votes: "YES" Varner and Loving and "NO" Heppner, Nott and Hill. Mr. Crockett abstained from the vote. Ms. Harlow recused herself and did not participate in the discussion or vote.

**2004-01605**  
**2004-01610**

Ms. Harlow recused herself of any discussion during the closed meeting.

**Closed Meeting**  
**Actual and Probable**  
**Litigation**

Mr. Varner moved that the meeting be recessed and that the Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and briefings by staff pertaining to actual or probable litigation as permitted by § 2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Eric Gregory, Karen O'Neal and David Dick. This motion is made with respect to the matter identified as agenda item V.7 and V.8. Mr. Loving seconded the motion which was approved by the following members: Varner, Nott, Heppner, Hill, and Loving. Mr. Crockett abstained from the vote.

Mr. Varner moved that the closed meeting, as authorized by Section 2.2-3711.A.7 of the *Code of Virginia* be adjourned and that the Board immediately reconvene in open public meeting. Mr. Loving seconded the motion which was approved by the following members: Varner, Nott, Heppner, Hill, Crockett and Loving.

WHEREAS, the Board for Asbestos, Lead, and Home Inspectors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

**Certification of**  
**Closed Meeting**

WHEREAS, § 2.2-3712 of the *Code of Virginia* requires a certification by this Board for Asbestos, Lead, and Home Inspectors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Board for Asbestos, Lead, and Home Inspectors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board for Asbestos, Lead, and Home Inspectors.

ROLL CALL VOTE

YES: Howard Varner, Thomas J. Loving, Wendy Hill, Joseph W. Crockett, Frederick Heppner, P. Bradley Nott.

NAYS: None

ABSENT DURING VOTE: Vickie Harlow

ABSENT DURING MEETING: Richard L. Honeycutt, John C. Bouldin, Jr., Delores C. Daniels

In the matter of **File Numbers 2004-01673, 2004-01674, 2004-01675, Metropolitan Laboratories, Inc.**, the Board reviewed the Consent Orders which were offered by and agreed to by Metropolitan Laboratories, Inc. Ms. Harlow moved that the Board reject the Consent Orders and refer the matter to an IFF. Mr. Nott seconded the motion which was approved by the following members: Varner, Nott, Heppner, Hill, Harlow and Loving. Mr. Crockett abstained from voting.

**File Numbers**  
**2004-01673**  
**2004-01674**  
**2004-01675**

In the matter of **File Number 2005-01417, Robert T. Holmes**, the Board reviewed the record, which consisted of the application file, transcript and exhibits from the IFF, and the presiding officer's summary and recommendation. Robert T. Holmes (Respondent) was present and addressed the Board. Mr. Crockett moved that the Board accept the summary and recommendation and approve the application for Asbestos Supervisor license. Ms. Hill seconded the motion which was approved by the following members: Crockett, Varner, Nott, Heppner, Hill, and Loving. Ms. Harlow was not present for the vote.

**File Number**  
**2005-01417**

In the matter of **File Number 2005-00129, Kevin Bryant Duncan, Sr.**, the Board reviewed the record, which consisted of

**File Number**  
**2005-00129**

the application file, transcript and exhibits from the IFF, and the presiding officer's summary and recommendation. Kevin Bryant Duncan, Sr. (Respondent) was present and addressed the Board. Mr. Crockett moved that the Board accept the summary and recommendation and approve the application for Asbestos Supervisor license. Ms. Hill seconded the motion which was approved by the following members: Crockett, Varner, Nott, Heppner, Hill, Harlow, Crockett and Loving.

In the matter of **File Number 2003-00915, Paint City Contractors, Inc.**, the Board reviewed the record, which consisted of the investigative file, transcript and exhibits from the IFF, and the presiding Board member's summary and recommendation. Paint City Contractors, Inc. (Respondent) had no representative present. Ms. Harlow moved that the Board adopt the summary and find for Count 1 that Paint City Contractors, Inc. was in violation of 18 VAC 15-30-810(A)(6) of the Board's regulations and for Count 2 that Paint City Contractors, Inc. was in violation of 18 VAC 15-30-810(A)(7) of the Board's regulations. Ms. Hill seconded the motion which was unanimously approved by the following members: Crockett, Varner, Nott, Heppner, Hill, Harlow and Loving.

**File Number**  
**2003-00915**

Ms. Harlow moved that the Board accept the recommendation of the presiding Board member for both Counts and revoke Paint City Contractors, Inc.'s Lead Contractor License and impose a monetary penalty of \$2,500. Mr. Varner seconded the motion which was unanimously approved by the following members: Crockett, Varner, Nott, Heppner, Hill, Harlow and Loving.

In the matter of **File Numbers 2004-04189 and 2004-04190, Potomac Abatement, Inc.**, the Board reviewed the record, which consisted of the investigative file, transcript and exhibits from the IFF, and the presiding Board member's summary and recommendation. Anthony Farnella, Sr. and Douglas Lasure, representing Potomac Abatement, Inc. (Respondent) were present and addressed the Board. Mr. Varner moved that the Board grant the Respondent's request for a continuance to the next Board meeting to allow Potomac Abatement, Inc. to have legal counsel present. Mr. Nott seconded the motion which was approved by the following members: Varner, Nott, Heppner, Hill, and Loving. Ms. Harlow and Mr. Crockett abstained.

**File Numbers**  
**2004-04189**  
**2004-04190**

Anthony Farnella, Sr. and Douglas Lasure, representing Potomac

Abatement, Inc., agreed to waive the 90 day decision provision of § 2.2-4021 B of the *Code of Virginia*.

In the matter of **File Number 2004-04790, Holmes Environmental, Inc.**, the Board reviewed the record, which consisted of the investigative file, transcript and exhibits from the IFF, and the presiding Board member's summary, conclusion and recommendation. No representative for Holmes Environmental, Inc. (Respondent) was present. Ms. Harlow moved that the Board adopt the summary and find Holmes Environmental, Inc. in violation of 18 VAC 15-20-459(4)(C) of the Board's regulations. Mr. Crockett seconded the motion which was approved by the following members: Nott, Heppner, Hill, Harlow, Loving and Crockett. Mr. Varner recused himself and did not participate in any discussion or vote.

**File Number**  
**2004-04790**

Ms. Harlow moved that the Board accept the recommendation of the presiding Board member and deny Holmes Environmental, Inc.'s Asbestos Analytical Laboratory license renewal application. Mr. Crockett seconded the motion which was approved by the following members: Nott, Heppner, Hill, Harlow, Loving and Crockett. Mr. Varner recused himself and did not participate in any discussion or vote.

The Board agreed without dissent to review File Numbers 2004-04102, 2004-04103, 2004-04104 and 2004-04105 together as a bloc.

**File Numbers**  
**2004-04102**  
**2004-04103**  
**2004-04104**  
**2004-04105**

In the matter of **File Numbers 2004-04102, 2004-04103, 2004-04104 and 2004-04105, Ethel Mae Holmes**, the Board reviewed the records, which consisted of the investigative files, transcripts and exhibits from the IFF and the presiding Board member's summaries, conclusions and recommendations. Ms. Holmes was not present at the Board meeting.

Mr. Nott moved that the Board adopt the presiding Board member's summaries and find Ms. Holmes in violation of 18 VAC 15-20-450.A.6 and 18 VAC 15-20-450.A.5 of the Board's regulations on all counts. Ms. Hill seconded the motion which was unanimously approved by the following members: Heppner, Nott, Crockett, Loving, Hill and Harlow. Mr. Varner recused himself and did not participate in any discussion or vote.

Ms. Harlow moved that the Board accept the recommendation of

the presiding Board member to revoke Ms. Holmes' Asbestos Project Monitor License, Asbestos Management Planner License, Asbestos Inspector License and Asbestos Project Designer License and to impose a monetary penalty of \$1,000 per count, totaling \$4,000. Ms. Hill seconded the motion which was unanimously approved by the following members: Heppner, Nott, Crockett, Loving, Hill and Harlow. Mr. Varner recused himself and did not participate in any discussion or vote.

Ms. Harlow recused herself of any discussion during the closed meeting.

**Closed Meeting**  
**Actual and Probable**  
**Litigation**

Ms. Hill moved that the meeting be recessed and that the Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and briefings by staff pertaining to actual or probable litigation as permitted by § 2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Eric Gregory, Karen O'Neal and David Dick. This motion is made with respect to the matter identified as agenda item V.7 and V.8. Mr. Loving seconded the motion which was approved by the following members: Varner, Nott, Crockett, Loving, Heppner and Hill.

Mr. Varner moved that the closed meeting, as authorized by Section 2.2-3711.A.7 of the *Code of Virginia* be adjourned and that the Board immediately reconvene in open public meeting. Ms. Hill seconded the motion which was approved by the following members: Varner, Nott, Crockett, Loving, Heppner and Hill.

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**Certification of**  
**Closed Meeting**

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matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board for Asbestos, Lead, and Home Inspectors.

ROLL CALL VOTE

YES: Howard Varner, Thomas J. Loving, Wendy Hill, Frederick Heppner, Joseph W. Crockett and P. Bradley Nott.

NAYS: None

ABSENT DURING VOTE: Vickie Harlow

ABSENT DURING MEETING: Richard L. Honeycutt, John C. Bouldin, Jr., Delores C. Daniels

In the matter of **File Numbers 2004-01605 and 2004-01610, Marcor Remediation, Inc.**, the Board reviewed the Consent Orders as rewritten by Board counsel and Respondent counsel. Mr. Varner moved that the Board accept the Consent Orders whereby Marcor Remediation, Inc. agrees to pay monetary penalties and Board costs of \$5,300 per order, totaling \$10,600 and Marcor Remediation, Inc. further agrees to remain in good standing with the EPA and agrees to notify the Board in writing, no later than 30 days prior to each board meeting, of any violations of the EPA Compliance Agreement (Agreement) and these consent orders, any reports of hotline complaints made to EPA under the Agreement, and of any disciplinary actions instituted against Marcor relating to violations of the Agreement or Marcor's lead or asbestos abatement licenses. Mr. Nott seconded the motion which was unanimously approved by the following members: Varner, Nott, Crockett, Loving, Heppner and Hill. Ms. Harlow recused herself and did not participate in any discussion or vote.

**File Numbers**  
**2004-01605**  
**2004-01610**

Karen O'Neal provided training on the Conflict of Interest Act (COIA) to all members of the Board.

**Conflict of Interest**  
**Act Training**

The Board reviewed comments received from the Notices of Intended Regulatory Action (NOIRA) to review the current requirements for Asbestos Project Monitors and adopt ostensible

**Regulatory Action**

ownership language for both the Asbestos Licensing Regulations and the Lead-Based Paint Activities Regulations. The NOIRAs were published in the Virginia Register on August 9, 2004 and the public comment period ran from August 9 through October 15.

Mr. Perry reviewed for the Board the proposed reorganization of both the Asbestos Licensing Regulations and the Lead-Based Paint Activities Regulations. The reorganization should make the regulations more consistent with other DPOR board regulations. All DPOR boards will be going through similar regulation reorganizations in the near future. The reorganization is not intended to make changes to the requirements of the regulations, but rather to present the requirements in a different and easier to understand manner.

Mr. Loving moved that staff invite someone involved with the asbestos abatement notification process from the Department of Labor and Industry (DOLI) to the Board's next meeting to address project monitor information requirements on the 20-day notification form and the feasibility of DOLI requiring a final clearance report upon completion of the abatement project. He also requested staff to provide language that would clarify when a project monitor is required to be on the job site. Ms. Hill seconded the motion which was approved by the following members: Varner, Nott, Loving, Harlow, Heppner, and Hill. Mr. Crockett voted in opposition to the motion.

Mr. Crockett moved that the Board stop accepting Asbestos and Lead Supervisor Refresher Training Programs completed after December 31, 2004 to renew Worker licenses since the Board's review of its regulations lead to the conclusion that refresher training must be discipline specific unless specific exemptions were made by the regulation language. Mr. Nott seconded the motion which was unanimously approved by the following members: Varner, Nott, Crockett, Loving, Harlow, Heppner, and Hill.

Commander Don Hagen from the Naval Occupational Safety and Health and Environmental Training Center, made a presentation to the board regarding their proposal to conduct one-day Asbestos Supervisor refresher training using Video-Tele Training (VTT) technology. The Board requested that a detailed proposal be presented at the next board meeting for approval.

#### **Other Business**

The following meeting dates have been scheduled.

**Next Meeting Date**

- February 16, 2005
- May 18, 2005
- August 17, 2005
- November 2, 2005

Mr. Heppner asked the Board members to complete their conflict of interest forms, travel vouchers and COIA training certificates..

**Conflict of Interest  
Forms and Travel  
Vouchers**

Mr. Heppner, finding no further business to conduct, adjourned the meeting at 3:05 PM.

**Adjournment**



\_\_\_\_\_  
Frederick Heppner, Chairperson



\_\_\_\_\_  
Louise Fontaine Ware, Secretary

COPY TESTE:

\_\_\_\_\_  
Custodian of the Records

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

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

1. Name: Frederick Heppner
2. Title: Board Member - Asbestos, Lead and Home Inspectors
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: Home Inspector

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

Dated: 11/3/04

Signature: Frederick Heppner

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

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

1. Name: Joseph W. Crockett
2. Title: Board Member - Asbestos, Lead and Home Inspectors
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: ASBESTOS AND  
LEAD REMEDIATION CONTRACTING
6. I declare that:
  - (a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: OFFICER OF WACO, INC;  
ASBESTOS AND LEAD CONTRACTOR
  - (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: 11/3/07

Signature: Joseph W. Crockett

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

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

- 1. Name: P. Bradley Nott, Jr.
- 2. Title: Board Member - Asbestos, Lead and Home Inspectors
- 3. Agency: Department of Professional and Occupational Regulation
- 4. Transaction: Board Meeting
- 5. Nature of Personal Interest Affected by Transaction: None

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: \_\_\_\_\_

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

Dated: 11/3/04

Signature: P. Bradley Nott, Jr.

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

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

1. Name: Howard D. Varner
2. Title: Board Member - Asbestos, Lead and Home Inspectors
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: Holmes Env. Corp  
A client of the Lab I manage & defaulted on payment.

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: Environmental Hazards Services LLC.

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

*I recused myself from the cases involving Holmes Env. & EYH/ Holmes.*

Dated: Nov. 3, 2011

Signature: *Howard D. Varner*

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

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

1. Name: Thomas Joel Loving
2. Title: Board Member - Asbestos, Lead and Home Inspectors
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: None

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: \_\_\_\_\_

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

Dated:

11/3/04

Signature:

Thomas Joel Loving



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

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

1. Name: Wendy G. Hill
2. Title: Board Member – Asbestos, Lead, and Home Inspectors
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_  
\_\_\_\_\_

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: \_\_\_\_\_  
\_\_\_\_\_

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

Dated: 11/3/09

Signature: 

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

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

1. Name: Vickie Harlow
2. Title: Board Member - Asbestos, Lead and Home Inspectors
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: Marcor / recused myself

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: \_\_\_\_\_

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

Dated:

11/3/04

Signature:

Vickie Harlow