

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

The Virginia Board for Asbestos, Lead, and Home Inspectors met on May 11, 2023, at the offices of the Department of Professional and Occupational Regulation (DPOR), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 3, Richmond, Virginia 23233.

The following members of the Board were present:

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

James E. Haltigan
Gene Magruder
Kevin Salva
Patrick Studley

Board members Chadwick Bowman, Sharad Tandale, Paul D. Thomas, 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
Trisha L. Lindsey, Executive Director
Stephen Kirschner, Licensing and Regulatory Programs Division Deputy Director
Tanya M. Pettus, Board 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 **Call to Order** meeting to order at 9:01 a.m.

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

Ms. Lindsey requested the Board amend the agenda to remove “Legislative Update” under Other Business. Mr. Magruder moved to approve the agenda as amended. Mr. Salva seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Cranor, Haltigan, Magruder, Salva, and Studley. **Approval of Agenda**

Mr. Armentrout moved to approve the minutes of the February 6, 2023, Asbestos Regulatory Review Committee meeting. Mr. Studley seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Cranor, Haltigan, Magruder, Salva, and Studley. **Approval of Minutes**

Mr. Magruder moved to approve the minutes of the February 9, 2023, Board meeting. Mr. Armentrout seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Cranor, Haltigan, Magruder, Salva, and Studley

Ms. Lindsey introduced Douglas “Scooter” Burgess who has been appointed to the Board as a Home Inspector representative. Ms. Lindsey advised the Board that due to legislative changes to the Board’s composition made during the 2023 General Assembly session, there are now three home inspector seats on the Board.

Introduction of Board Members

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

Public Comment Period

Mr. Salva recused himself from the meeting for discussion and deliberation of File Numbers 2023-00045, 2023-00517, 2023-00563, and 2023-01378.

Recusal of Board Member

In the matter of **File Number 2023-00045, Daniel Lee Wheeler**, the Board members reviewed the Consent Order. Mr. Wheeler admits to a violation of 18 VAC 15-40-120.B.9 as provided in Count 1, a violation of 18 VAC 15-40-130.A.1.d as provided in Count 2, and a violation of 18 VAC 15-40-130.B.1 as provided in Count 3. Mr. Wheeler consents to the imposition of a monetary penalty of \$100.00 for violation of Count 1, a monetary penalty of \$100.00 for violation of Count 2, and a monetary penalty of \$250.00 for violation of Count 3, in addition to Board costs in the amount of \$150.00. In addition, the Board shall waive imposition of the \$100.00 monetary penalty for Count 1 provided Mr. Wheeler provides a copy of his current updated inspection contract to the Board within thirty (30) days of the effective date of this Consent Order. Further, the Board shall waive imposition of the \$100.00 monetary penalty for Count 2 provided Mr. Wheeler provides a copy of his current updated home inspection report to the Board withing thirty (30) days of the effective date of this consent order. Mr. Haltigan moved to approve the Consent Order as presented. Mr. Magruder seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Cranor, Haltigan, Magruder, and Studley.

File Number 2023-00045, Daniel Lee Wheeler

In the matter of **File Number 2023-00517, Timothy Wade Thoner**, the Board members reviewed the Consent Order. Mr. Thoner 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, and a violation of 18 VAC 15-40-130.B.8 as provided in Count 3. Mr.

File Number 2023-00517, Timothy Wade Thoner

Thoner consents to the imposition of a monetary penalty of \$100.00 for violation of Count 1, a monetary penalty of \$100.00 for violation of Count 2, and a monetary penalty of \$250.00 for violation of Count 3, in addition to Board costs in the amount of \$150.00. In addition, Mr. Thoner agrees to provide a copy of his current home inspection contract within thirty (30) days of the effective date of this consent order. Mr. Magruder moved to approve the Consent Order as presented. Mr. Studley seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Cranor, Haltigan, Magruder, and Studley.

In the matter of **File Number 2023-00563, Curtis Larry Calvert**, the Board members reviewed the Consent Order. Mr. Calvert admits to a violation of 18 VAC 15-40-120.B.9 as provided in Count 1, a violation of 18 VAC 15-40-130.A.1.d as provided in Count 2, and a violation of 18 VAC 15-40-130.B.5.d as provided in Count 3. Mr. Thoner consents to the imposition of a monetary penalty of \$100.00 for violation of Count 1, a monetary penalty of \$100.00 for violation of Count 2, and a monetary penalty of \$250.00 for violation of Count 3, in addition to Board costs in the amount of \$150.00. In addition, the Board shall waive imposition of the \$100.00 monetary penalty for Count 1 provided Mr. Calvert provides to the Board within thirty (30) days of the effective date of this Consent Order an updated inspection contract. Further, the Board shall waive imposition of the \$100.00 monetary penalty for count 2 provided Mr. Calvert provides to the Board within thirty (30) days of the effective date of this Consent Order an updated home inspection report. Mr. Cranor moved to approve the Consent Order as presented. Mr. Magruder seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Cranor, Haltigan, Magruder, and Studley.

File Number 2023-00563, Curtis Larry Calvert

Mr. Cranor recused himself from the meeting.

Recusal of Board Member

In the matter of **File Number 2022-01378, Jonathan A. Guffey**, 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 2022-01378, Jonathan A. Guffey

The Board considered each of the charged Violations under Counts 1 through 3. Mr. Magruder moved to accept the recommendation of the Presiding Officer and find Mr. Guffey 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. Haltigan seconded the motion. The motion was approved by: Armentrout, Baynes, Burgess, Haltigan, Magruder, and Studley. Mr. Magruder then moved to accept the recommended sanctions and impose a monetary penalty of \$250.00. Mr. Haltigan seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Haltigan, Magruder, and Studley.

Mr. Salva returned to the meeting.

**Return of Board
Member**

In the matter of **File Number 2023-01442, Jack J. Mooney**, 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 2023-
01442, Jack J.
Mooney**

Mr. Salva moved to accept the recommendation of the Presiding Officer to approve Mr. Mooney's application for a Home Inspector license. Mr. Magruder seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Haltigan, Magruder, Salva, and Studley.

Mr. Cranor returned to the meeting

**Return of Board
Member**

In the matter of **File Number 2023-01213, James Patrick Connelly**, 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 2023-
01213, James Patrick
Connelly**

Mr. Connelly was present to address the Board. Mr. Connelly thanked the Board for reviewing his application. Mr. Connelly also expressed his concerns about the time it can take to complete the application review and informal fact-finding process for individuals who have criminal records.

Mr. Haltigan moved to accept the recommendation of the Presiding Officer to approve Mr. Connelly's application for a Home Inspector license. Mr. Cranor seconded the motion. After discussion, the motion was unanimously approved by: Armentrout, Baynes, Burgess, Cranor, Haltigan, Magruder, Salva, and Studley.

In the matter of **File Number 2023-01639, Nelson Antonio Molina**, 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 2023-01639, Nelson Antonio Molina

Mr. Magruder moved to accept the recommendation of the Presiding Officer to deny Mr. Molina's application for an Asbestos Worker license. Mr. Haltigan seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Cranor, Haltigan, Magruder, Salva, and Studley.

Ms. Lindsey informed the Board that Joe Haughwout, former Regulatory Administrator of the Board, will now serve as the Regulatory Affairs Manager for the agency. Mr. Haughwout will still be involved in the regulatory review process and will attend regulatory review committee meetings.

Regulatory Action Update

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

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.

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 Board met on November 10, 2022, and adopted proposed 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 has been formed and held its first meeting on February 6, 2023. The NOIRA was submitted for Executive Branch review on January 23, 2023.

Final Lead-Based Paint Renovation, Repair, and Painting Program

(RRP) Regulations (Initial Promulgation) were submitted for Executive Branch review on January 18, 2022.

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 was submitted for Executive Branch Review on February 6, 2023.

Ms. Lindsey informed the Board that the Asbestos Regulatory Review Committee will hold their second meeting on May 31, 2023.

**Update on Asbestos
Regulatory Review
Committee**

Ms. Lindsey also advised that while undergoing regulatory reviews, the Board and staff are tasked with reducing regulations by 25% for each Board.

Ms. Lindsey provided the Board with Senate Bill 1213, known as Universal License Recognition (ULR), which passed during the 2023 General Assembly session. The bill provides for methods of entry for home inspectors from other states wishing to get licensed in Virginia. Ms. Lindsey advised that because the asbestos and lead programs follow federal regulatory requirements, ULR would not apply to asbestos or lead licensing.

**Consider Universal
Licensing
Recognition
Regulatory
Amendment and
Authorize
Regulatory Process**

Ms. Lindsey asked the Board to consider items specific to home inspector entry requirements that would need to be addressed in light of the passage of ULR. After lengthy discussion, Mr. Magruder moved to authorize Board staff to prepare a guidance document stating that work experience may be verified by realtors, home inspectors, supervisors, attorneys, and lending institutions. Mr. Studley seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Cranor, Haltigan, Magruder, Salva, and Studley.

Mr. Salva then moved to authorize staff to draft a guidance document requiring a home inspector licensed through ULR to provide proof of insurance within 30 days of becoming licensed. Mr. Magruder seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Cranor, Haltigan, Magruder, Salva, and Studley.

The Board agreed by consensus that a state jurisprudential examination for home inspectors will not be necessary at this time.

The guidance documents will be published for a 30-day public comment period, after which they will become effective.

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 February 14, 2023.

**Home Inspector CPE
Audit Report**

Ms. Pettus provided an update of asbestos and lead course audits conducted between February and May 2023.

**Asbestos and Lead
Course Audit Report**

Ms. Pettus provided proposed draft guidance for out-of-state asbestos course applications, and asked the Board to consider waiving the in-person course audit requirement for out-of-state training programs that are already approved by an EPA Model Accreditation Plan (MAP) state, as MAP states are each required to remain in compliance with the same asbestos training, training program, and record-keeping requirements of the EPA, including the completion of an in-person audit prior to approval.

**Consider Guidance
Regarding Out-of-
State Asbestos
Course Applications**

After discussion, Mr. Magruder moved to adopt the following guidance:

1. Onsite audits are not required for final approval of asbestos courses with a primary location that is out-of-state, to be conducted solely out-of-state, so long as the course is currently approved by a MAP state.
2. Proof of MAP state approval must be submitted for verification purposes.
3. If an out-of-state course has not received MAP state approval, an onsite audit will be conducted as part of the approval process. This policy applies to applications for asbestos course approval only.

This policy does not apply to courses and/or training providers with a primary location in the Commonwealth of Virginia, or for those courses that will be conducted primarily in Virginia.

Mr. Haltigan seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Cranor, Haltigan, Magruder, Salva, and Studley.

The guidance document will be published for a 30-day public comment period, after which it will become effective.

As all lead courses are permitted to be conducted in Spanish, Ms.

Discussion of VA

Lindsey asked the Board to consider allowing staff to begin researching the feasibility of providing the Virginia lead abatement examination specific to lead supervisor, lead inspector, and lead risk assessor applicants in Spanish.

**Specific Lead
Abatement
Examination**

Mr. Magruder moved to authorize the Board to take the next steps to research on providing the Virginia lead abatement examination in Spanish. Mr. Salva seconded the motion. After discussion the motion was unanimously approved by: Armentrout, Baynes, Burgess, Cranor, Haltigan, Magruder, Salva, and Studley.

Ms. Lindsey provided the Board with a list of potential legislative items to be considered during the 2024 General Assembly session. Mr. Cranor moved to approve the list of legislative items as presented. Mr. Studley seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Cranor, Haltigan, Magruder, Salva, and Studley.

**2024 Legislative
Discussion**

Ms. Lindsey presented the Board with tentative 2024 Board meeting dates for consideration. Mr. Magruder moved to approve the following meeting dates.

**Consider 2024
Meeting Dates**

- February 8, 2024
- May 9, 2024
- August 15, 2024
- November 21, 2024

Mr. Salva seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Cranor, Haltigan, Magruder, Salva, and Studley.

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

**Board Financial
Statements**

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

Outreach Update

Ms. Pettus advised that she had received a request for the Board to provide clarification of the term “in” as provided in 18 VAC 15-20-455.1.

**Discussion of 18 VAC
15-20-455.1**

The Board agreed by consensus to interpret the definition of the term “in” as the Asbestos Hazard Emergency Response Act (AHERA) does when describing the envelope of buildings.

Ms. Lindsey reminded the Board that the next meeting date is August 24, 2023.

Future Meeting Dates


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 11:24 a.m.

Adjourn


Sandra Baynes, Chair


Demetrios J. Melis, Secretary

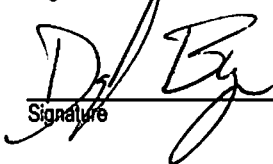
**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

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

1. Name Douglas Burgess
(Name of Board Member)
2. Title: Board Member
3. Agency: DPOR/Board for Asbestos, Lead and Home Inspectors
(Name of Board)
4. Meeting/IFF Date: 05/11/2023
5. Do you have a personal interest in the following transaction?
 No; I **do not** have a personal interest in any transactions taken at this meeting.
 Yes - If yes, please answer the following questions.
- A. _____
(Agenda Item)
- B. Nature of Personal Interest Affected by Transaction:
- C. I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

6. Signature of Board Member:


Signature

5/11/23
Date

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

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

1. Name Sandra Baynes
(Name of Board Member)

2. Title: Board Member

3. Agency: DPOR/Board for Asbestos, Lead and Home Inspectors
(Name of Board)

4. Meeting/IFF Date: 05/11/2023

5. Do you have a personal interest in the following transaction?

No; I **do not** have a personal interest in any transactions taken at this meeting.

Yes - If yes, please answer the following questions.

A.

(Agenda Item)

B. Nature of Personal Interest Affected by Transaction:

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

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

I did not participate in the transaction.

6. Signature of Board Member:


Signature

5.11.2023
Date


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

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

1. Name Patrick Studley
(Name of Board Member)
2. Title: Board Member
3. Agency: DPOR/Board for Asbestos, Lead and Home Inspectors
(Name of Board)
4. Meeting/IFF Date: 05/11/2023
5. Do you have a personal interest in the following transaction?
 No; I do not have a personal interest in any transactions taken at this meeting.
 Yes - If yes, please answer the following questions.
- A. _____
(Agenda Item)
- B. Nature of Personal Interest Affected by Transaction:
- C. I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

6. Signature of Board Member:


Signature

5/11/2023
Date

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

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

1. Name Stacy J. Armentrout
(Name of Board Member)

2. Title: Board Member

3. Agency: DPOR/Board for Asbestos, Lead and Home Inspectors
(Name of Board)

4. Meeting/IFF Date: 05/11/2023

5. Do you have a personal interest in the following transaction?

No; I **do not** have a personal interest in any transactions taken at this meeting.

Yes - If yes, please answer the following questions.

A.

(Agenda Item)

B. Nature of Personal Interest Affected by Transaction:

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

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

I did not participate in the transaction.

6. Signature of Board Member:


Signature

5/11/2023
Date

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

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

1. Name Gene E. Magruder
(Name of Board Member)
2. Title: Board Member
3. Agency: DPOR/Board for Asbestos, Lead and Home Inspectors
(Name of Board)
4. Meeting/IFF Date: 05/11/2023
5. Do you have a personal interest in the following transaction?
 No; I **do not** have a personal interest in any transactions taken at this meeting.
 Yes - If yes, please answer the following questions.
- A. _____
(Agenda Item)
- B. Nature of Personal Interest Affected by Transaction:
- C. I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- D. I am able to participate in this transaction fairly, objectively, and in the public interest. or
 I did not participate in the transaction.
6. Signature of Board Member:

Gene E. Magruder
Signature

5-11-2023
Date

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

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

1. Name James E. Haltigan
(Name of Board Member)
2. Title: Board Member
3. Agency: DPOR/Board for Asbestos, Lead and Home Inspectors
(Name of Board)
4. Meeting/IFF Date: 05/11/2023

5. Do you have a personal interest in the following transaction?

No; I **do not** have a personal interest in any transactions taken at this meeting.

Yes - If yes, please answer the following questions.

A.

(Agenda Item)

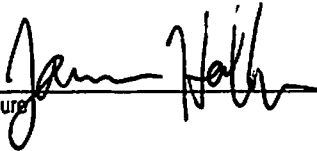
B. Nature of Personal Interest Affected by Transaction:

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

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

I did not participate in the transaction.

6. Signature of Board Member:


Signature

5/11/23
Date

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

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

1. Name Kevin Salva
(Name of Board Member)
2. Title: Board Member
3. Agency: DPOR/Board for Asbestos, Lead and Home Inspectors
(Name of Board)
4. Meeting/IFF Date: 05/11/2023
5. Do you have a personal interest in the following transaction?
 No; I **do not** have a personal interest in any transactions taken at this meeting.
 Yes - If yes, please answer the following questions.
- A. _____
(Agenda Item)
- B. Nature of Personal Interest Affected by Transaction:
- C. I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- D. I am able to participate in this transaction fairly, objectively, and in the public interest. or
 I did not participate in the transaction.
6. Signature of Board Member:

Kevin Salva
Signature

5.4.23
Date

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

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

1. Name John Cranor
(Name of Board Member)
2. Title: Board Member
3. Agency: DPOR/Board for Asbestos, Lead and Home Inspectors
(Name of Board)
4. Meeting/IFF Date: 05/11/2023

5. Do you have a personal interest in the following transaction?

- No; I do not have a personal interest in any transactions taken at this meeting.
- Yes - If yes, please answer the following questions.

A.

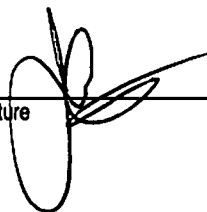
(Agenda Item)

B. Nature of Personal Interest Affected by Transaction:

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

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

6. Signature of Board Member:

Signature 

Date 5-11-23