

VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS
Tentative AGENDA

THURSDAY, AUGUST 24, 2023, 9:00 A.M.
BOARD ROOM 2—SECOND FLOOR

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
PERIMETER CENTER—9960 MAYLAND DRIVE
RICHMOND, VA 23233

I. CALL TO ORDER

II. EMERGENCY EVACUATION PROCEDURES

III. APPROVAL OF AGENDA

- a. Board Agenda, August 24, 2023

IV. APPROVAL OF MINUTES

- a. Board Meeting Minutes, May 11, 2023
- b. Asbestos Regulatory Review Committee Minutes, May 31, 2023
- c. Asbestos Regulatory Review Committee Minutes, July 13, 2023
- d. Asbestos Regulatory Review Committee Minutes, August 9, 2023

V. DPOR STAFF UPDATES

VI. PUBLIC COMMENT PERIOD – Five minute public comment, per person, on those items not included on the agenda with the exception of any open disciplinary or application files

VII. CASE FILES *

- a. File Number 2022-02331 Blackwell, William Bruce (HI)
Prima Facie (Salva)
- b. File Number 2023-00012 Wang, Lixin (HI)
Consent Order (Cranor)
- c. File Number 2023-02240 Wilkins, Tywone Lovell (ASB)
Licensing—IFF by Jackson-Bailey
- d. File Number 2023-02401 Maradiaga, Lilians C. (ASB)
Licensing—IFF by Jackson-Bailey
- e. File Number 2023-02452 Black, Brandon J. (HI)
Licensing—IFF by Jackson-Bailey

VIII. REGULATIONS

- a. Regulatory Action Update
- b. Consider Authorizing NOIRA and Committee Membership for Lead Based Paint Activities
General Review
- c. Discussion of Proposed Regulations for Home Inspector Licensing General Review
- d. Consider Committee Recommendations for Amendment of Asbestos Licensing Regulations
and Adopt Proposed Regulations

IX. OTHER BUSINESS

- a. 2023 Legislative Update
- b. Consider Board Policy on Continuance of Case File Decisions
- c. Consider 2024 Meeting Dates
- d. Consider Resolution for Service
- g. Board Financial Statements

- h. Outreach Update
- i. Other Board Business

X. FUTURE MEETING DATES

- a. November 30, 2023

XI. COMPLETE CONFLICT OF INTEREST FORMS AND TRAVEL VOUCHERS

XII. ADJOURN

Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the Department at (804) 367-0362 at least ten days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation. The Department fully complies with the Americans with Disabilities Act.

* Agenda materials made available to the public do not include disciplinary case files or application files pursuant to §54.1-108 of the *Code of Virginia*.

PERIMETER CENTER CONFERENCE CENTER
EMERGENCY EVACUATION OF BOARD AND TRAINING ROOMS
(Script to be read at the beginning of each meeting.)

PLEASE LISTEN TO THE FOLLOWING INSTRUCTIONS ABOUT EXITING THE PREMISES IN THE EVENT OF AN EMERGENCY.

In the event of a fire or other emergency requiring the evacuation of the building, alarms will sound. When the alarms sound, leave the room immediately. Follow any instructions given by Security staff

Board Room 1

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Room 2

Exit the room using one of the doors at the back of the room. (Point) Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

You may also exit the room using the side door, turn **Right** out the door and make an immediate **Left**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Rooms 3 and 4

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Training Room 1

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Training Room 2

Exit the room using one of the doors at the back of the room. Upon exiting the doors, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

**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	James E. Haltigan
Sandra Baynes, Chair	Gene Magruder
Douglas Burgess	Kevin Salva
John E. Cranor, Vice-Chair	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 meeting to order at 9:01 a.m. **Call to Order**

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

**VIRGINIA BOARD FOR
ASBESTOS, LEAD, AND HOME INSPECTORS
ASBESTOS REGULATORY REVIEW COMMITTEE**

The Asbestos Regulatory Review Committee of the Virginia Board for Asbestos, Lead, and Home Inspectors (Board) met on May 31, 2023, at the offices of the Department of Professional and Occupational Regulation (DPOR), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 1, Richmond, Virginia 23233.

The following members of the Committee were present:

Stacy J. Armentrout
Jeffrey Brown
Ron Graham
Patrick Studley, Chair
Paul Thomas

Committee member Louis Walker was not present at the meeting.

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

Tanya M. Pettus, Board Administrator
Joseph C. Haughwout, Jr., Regulatory Administrator
Lisa Robinson, Licensing Administrator
Raven Custer, Administrative Coordinator

Mr. Studley called the meeting to order at 10:01 a.m.

Call to Order

Ms. Pettus advised the Committee of the emergency evacuation procedures.

**Emergency
Evacuation
Procedures**

Mr. Thomas moved to approve the agenda as presented. Mr. Armentrout seconded the motion which was unanimously approved by: Armentrout, Brown, Graham, Studley, and Thomas.

Approval of Agenda

There were no members of the public present who wished to address the Committee.

**Public Comment
Period**

The Committee was provided with current versions of applicable laws and regulations, as well as asbestos regulatory review topics, and licensing requirements from other states for reference.

**Resources and
Information**

Ms. Pettus provided the Committee with draft proposed amendments to Parts I through V of the Asbestos Licensing Regulations.

New Business

Discussion was held on scope, definitions and general, and entry..

The Committee recessed from 12:23 p.m. to 12:57 p.m.

Recess

The Committee continued to consider draft proposed amendments to Parts I through V of the regulations.

New Business Continued

Ms. Pettus advised the Committee

Other Business

Mr. Studley reminded the Committee members to complete their conflict of interest forms and travel vouchers

Complete Conflict of Interest Forms and travel Vouchers

There being no further business, the meeting was adjourned at 4:36 p.m.

Adjourn

Sandra Baynes, Chair

Demetrios J. Melis, Secretary

**VIRGINIA BOARD FOR
ASBESTOS, LEAD, AND HOME INSPECTORS
ASBESTOS REGULATORY REVIEW COMMITTEE**

The Asbestos Regulatory Review Committee of the Virginia Board for Asbestos, Lead, and Home Inspectors (Board) met on July 13, 2023, at the offices of the Department of Professional and Occupational Regulation (DPOR), Perimeter Center, 9960 Mayland Drive, Richmond, Virginia 23233.

The following members of the Committee were present:

Stacy J. Armentrout
Ron Graham
Patrick Studley, Chair
Paul Thomas (arrived 10:27 am)

Committee members Jeff Brown and Louis Walker were not present at the meeting.

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

Tanya M. Pettus, Board Administrator
Joseph C. Haughwout, Jr., Regulatory Administrator
Amy Goobic, Executive Assistant

Mr. Studley called the meeting to order at 10:04 a.m.

Call to Order

Ms. Pettus advised the Committee of the emergency evacuation procedures.

**Emergency
Evacuation
Procedures**

Mr. Armentrout moved to approve the agenda as presented. Mr. Graham seconded the motion which was unanimously approved by: Armentrout, Graham, and Studley.

Approval of Agenda

There were no members of the public present who wished to address the Committee.

**Public Comment
Period**

The Committee was provided with current versions of applicable laws and regulations, as well as asbestos regulatory review topics, and licensing requirements from other states for reference.

**Resources and
Information**

Ms. Pettus provided the Committee with draft proposed amendments to Parts I through V of the Asbestos Licensing Regulations.

New Business

Discussion was held on degree, experience, and training requirements. Ms. Pettus informed the Committee that 'Training Programs and Courses' would be a separate section going forward.

The Committee recessed from 11:45 a.m. to 12:20 p.m.

Recess

The Committee continued to consider draft proposed amendments to Parts I through V of the regulations.

New Business Continued

There was no other business.

Other Business

Mr. Studley reminded the Committee members to complete their conflict of interest forms and travel vouchers

Complete Conflict of Interest Forms and travel Vouchers

There being no further business, the meeting was adjourned at 2:10 p.m.

Adjourn

Sandra Baynes, Chair

Demetrios J. Melis, Secretary

**VIRGINIA BOARD FOR
ASBESTOS, LEAD, AND HOME INSPECTORS
ASBESTOS REGULATORY REVIEW COMMITTEE**

The Asbestos Regulatory Review Committee of the Virginia Board for Asbestos, Lead, and Home Inspectors (Board) met on August 9, 2023, at the offices of the Department of Professional and Occupational Regulation (DPOR), Perimeter Center, 9960 Mayland Drive, Richmond, Virginia 23233.

The following members of the Committee were present:

Stacy J. Armentrout
Patrick Studley, Chair
Paul Thomas

Committee members Jeff Brown, Ron Graham, and Louis Walker were not present at the meeting.

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

Stephen Kirschner, Licensing and Regulatory Programs Division Deputy Director
Tanya M. Pettus, Board Administrator
Lee D. Bryant Regulatory Administrator
Joseph C. Haughwout, Jr., Regulatory Affairs Manager
Emily Trent, Executive Assistant

Mr. Studley called the meeting to order at 11:13 a.m.

Call to Order

Ms. Pettus advised the Committee of the emergency evacuation procedures.

**Emergency
Evacuation
Procedures**

Mr. Thomas moved to approve the agenda as presented. Mr. Armentrout seconded the motion which was unanimously approved by: Armentrout, Studley, and Thomas.

Approval of Agenda

There were no members of the public present to address the Committee.

**Public Comment
Period**

Ms. Pettus introduced to the Committee Lee Bryant, who will serve as the Board's Regulatory Administrator, and Emily Trent, who was present to assist with administrative duties.

Staff Introductions

The Committee was provided with current versions of applicable laws and regulations, as well as asbestos regulatory review topics, and licensing requirements from other states for reference.

**Resources and
Information**

Ms. Pettus provided the Committee with draft proposed amendments to Parts VI through IX of the Asbestos Licensing Regulations. **New Business**

Discussion was held on industry specific practices, standards of practice and conduct, and proposed prohibited acts.

The Committee recessed from 12:39 p.m. to 1:08 p.m. **Recess**

The Committee continued to consider draft proposed amendments to Parts VI through IX of the regulations. **New Business Continued**

The Committee revisited Parts I through V of the regulations to determine amendments needed to definitions based on proposed amendments previously discussed.

Ms. Pettus provided the Committee with entry requirements for licensure in neighboring states for the purpose of considering amendments to the Board's current entry requirements. Discussion was held on education and experience requirements for each license type.

After review and discussion, Mr. Thomas moved to recommend proposed draft amendments to the Asbestos Licensing Regulations as discussed for presentation to the Board for review and approval, authorizing staff to make non-substantive changes as necessary. Mr. Armentrout seconded the motion which was unanimously approved by: Armentrout, Studley, and Thomas.

There was no other business. **Other Business**

Mr. Studley reminded the Committee members to complete their conflict of interest forms and travel vouchers **Complete Conflict of Interest Forms and travel Vouchers**

There being no further business, the meeting was adjourned at 4:51 p.m. **Adjourn**

Sandra Baynes, Chair

Demetrios J. Melis, Secretary

DRAFT

DPOR STAFF UPDATES

PUBLIC COMMENT PERIOD

Five minute public comment, per person, with the exception of any open disciplinary or application files.

Virginia Board for Asbestos, Lead, and Home Inspectors

Update on Regulatory Actions (as of August 7, 2023)

Action: Home Inspector Regulations General Review

Current Stage: Proposed

- Board reviewed and considered NOIRA stage public comments on 11/4/21.
- Board reviewed and considered committee recommendations, and adopted proposed regulatory text on 11/4/21.
- Proposed regulatory text submitted for Executive Branch review on 2/14/22.
- Board adopted revision to proposed regulatory text on 5/12/22.
- Currently in Executive Branch review.

Action: SB 607 Amendment (Home Inspector Licensing Regulations)

Current Stage: Proposed

- Executive Branch review completed 5/23/2023.
- Published in Virginia Register on 7/3/23.
- 60-day public comment period began on 7/3/2023, inclusive of a public hearing to be held on 8/9/23, and concludes on 9/1/2023.

Next Step: Public Comment Review/Amendments

- Board to consider public comments and adopt final amendments to regulation at its 11/30/2023, meeting.
- Final amendments forwarded for Executive Branch Review.

Action: Virginia Asbestos Licensing Regulations General Review

Current Stage: NOIRA

- NOIRA 30-day public comment period concluded 4/26/23, no public comments received.
- Board to review and adopt Committee recommended regulatory amendments.

Next Step: Proposed Stage/Executive Branch Review

- Proposed regulatory amendments submitted for Executive Branch Review.
- Following completion of Executive Branch review, amendments will be submitted for publication in the Virginia Register, and 60-day public comment period.

Action: Update to 18 VAC 15-30-510 and DIBR (Virginia Lead-Based Paint Activities Regulations)

Current Stage: Fast-Track Regulation

- Executive Branch review concluded on 5/23/23.
- Regulatory amendments published in Virginia Register 7/3/2023.
- Public comment period concluded 8/2/2023, no public comments received.
- Amendments become effective 9/1/23.

Virginia Board for Asbestos, Lead, and Home Inspectors

Action: Initial Promulgation of Lead-Based Paint Renovation, Repair, and Painting Regulation

Current Stage: Final Regulation

- Final regulation, as amended, adopted by Board on 8/26/21.
- Final regulation submitted for Executive Branch review on 1/18/22.

CONSIDER AUTHORIZING
NOIRA AND COMMITTEE
MEMBERSHIP FOR LEAD BASED
PAINT ACTIVITIES GENERAL
REVIEW

DISCUSSION OF PROPOSED
REGULATIONS FOR HOME INSPECTOR
LICENSING GENERAL REVIEW

CONSIDER COMMITTEE
RECOMMENDATIONS FOR AMENDMENT
OF ASBESTOS LICENSING REGULATIONS
AND ADOPT PROPOSED REGULATIONS

(Draft proposed amendments to be distributed once finalized.)

UPDATE ON 2023
LEGISLATION



MEMORANDUM

TO: Members, Virginia Board for Asbestos, Lead, and Home Inspectors

FROM: Tanya M. Pettus, Board Administrator
Virginia Board for Asbestos, Lead, and Home Inspectors

DATE: August 24, 2023

SUBJECT: Granting Continuances for Disciplinary and Licensing Cases
Brought Before the Board

I. Background

As other Boards within the Agency have received inquiries from respondents regarding requesting a continuance of the Board's review and decision of their disciplinary cases, it was determined that the ALHI Board does not currently have a policy on granting continuances for disciplinary or licensing cases.

II. Applicable Regulation

§2.2-4021.B of the Code of Virginia requires that, "in any informal fact-finding, formal proceeding, or summary case decision proceeding in which a hearing officer is not ... not empowered to recommend a finding, the board, commission, or agency personnel responsible for rendering a decision shall render that decision within 90 days from the date of the informal fact-finding, formal proceeding, or completion of a summary case decision proceeding, or from a later date agreed to by the named party and the agency..."

III. Consideration of Policy

As the Code of Virginia provides a means for respondents or their attorneys to request case decisions to be rendered later than the 90-day timeframe from the date of the informal fact-finding conference, staff recommends the Board adopt the following policy governing continuances for disciplinary and licensing cases. This will ensure consistency in considering requests for continuance going forward.

1. All requests for a continuance of a case must be in writing.
2. Requests for a continuance of a licensing case may be granted administratively by the Board's Executive Director or designee.
3. Requests for a continuance for disciplinary cases in which the recommended sanction does not include license revocation may be granted administratively by the Board's Executive Director or designee. The Executive Director may only grant one continuance to the next meeting for any case. Any further requests for a continuance may only be granted by vote of the Board at the next meeting in which the case is to be considered.
4. Requests for a continuance for disciplinary cases in which the recommended sanction includes license revocation may only be granted by vote of the Board at the meeting in which the case is scheduled to be considered.

2024 TENTATIVE BOARD MEETING SCHEDULE

ALHI BOARD
Board Meeting
Thursday, February 8, 2024 @ 9:00 am Board Room 2
Thursday, May 9, 2024 @ 9:00 a.m. Board Room 1
Thursday, August 15, 2024 @ 9:00 am Board Room 1
Thursday, November 21, 2024 @ 9:00 am Board Room 3

Commonwealth of Virginia



Department of Professional and Occupational Regulation Virginia Board for Asbestos, Lead, and Home Inspectors

Resolution for

Trisha L. Lindsey

WHEREAS, **Trisha L. Lindsey** did faithfully and diligently serve the Virginia Board for Asbestos, Lead, and Home Inspectors, and the Department of Professional and Occupational Regulation;

WHEREAS, **Trisha L. Lindsey**, did devote generously of her time, talent and leadership to the Board;

WHEREAS, **Trisha L. Lindsey**, 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-fourth day of August 2023, that **Trisha L. Lindsey** be given all honors and respect due her for her outstanding service to this Board and the Commonwealth and its citizens; and

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

Sandra Baynes, Chair

**Department of Professional and Occupational Regulation
Statement of Financial Activity
Board for Asbestos, Lead, and Home Inspectors
954540**

2022-2024 Biennium

July 2023

	July 2023 Activity	Biennium-to-Date Comparison	
		July 2020 - July 2021	July 2022 - July 2023
Cash/Revenue Balance Brought Forward			66,585
Revenues	0	318,974	269,808
Cumulative Revenues			336,393
Cost Categories:			
Board Expenditures	0	42,646	41,417
Board Administration	0	92,237	92,212
Administration of Exams	0	4,306	716
Enforcement	0	5,753	7,487
Legal Services	0	752	1,546
Information Systems	0	63,399	58,777
Facilities and Support Services	0	50,011	41,438
Agency Administration	0	42,021	62,091
Other / Transfers	0	0	-75
Total Expenses	0	301,126	305,608
Transfer To/(From) Cash Reserves	0	0	(5,862)
Ending Cash/Revenue Balance			36,646

Cash Reserve Beginning Balance	270,462	0	276,323
Change in Cash Reserve	0	0	(5,862)
Cash Reserve Ending Balance	270,462	0	270,462

Number of Regulants	
Current Month	0
Previous Biennium-to-Date	6,261

UPDATE ON OUTREACH **OPPORTUNITIES**

OTHER BUSINESS

FUTURE MEETING DATES

- November 30, 2023

COMPLETE CONFLICT OF INTEREST
FORMS AND
TRAVEL VOUCHERS