

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

The Virginia Board for Asbestos, Lead, and Home Inspectors met on November 30, 2023, at the offices of the Department of Professional and Occupational Regulation (DPOR), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 2, Richmond, Virginia 23233.

The following members of the Board were present:

Sandra Baynes, Chair
John E. Cranor, Vice-Chair
Stacy J. Armentrout
Douglas Burgess
Ralph Costen
Kevin Salva
Robert Shackford
Patrick Studley
Louis Walker

Board members Michael Baum, James Haltigan, Sharad Tandale, and Paul D. Thomas were not present at the meeting.

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

Brian Wolford, Deputy Director
Steve Kirschner, LRPD Deputy Director
Tanya M. Pettus, Board Administrator
Lee D. Bryant, Regulatory and Board
Administrator
Grace Flores-Hughes, BPOPR Liaison
Rachel Harris, Administrative Coordinator

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

Ms. Baynes, Chair, finding a quorum of the Board present, called the meeting to order at 9:08 a.m.

Call to Order

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

**Emergency
Evacuation**

Mr. Salva moved to approve the agenda as presented. Mr. Walker seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Costen,

**Approval of
Agenda**

Cranor, Salva, Shackford, Studley, and Walker.

Mr. Armentrout moved to approve the minutes of the August 24, 2023, Board meeting and the October 25, 2023, Lead-Based Paint Activities Regulatory Review Committee meeting. Mr. Studley seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Costen, Cranor, Salva, Shackford, Studley, and Walker.

Approval of Minutes

Ms. Pettus introduced to the Board newly appointed Board members and Ralph Costen and Robert Shackford

Introduction of New Board Members

Ms. Pettus introduced new Board staff members Rachel Harris, Administrative Coordinator, and Lee Bryant, Regulatory Operations Administrator.

DPOR Staff Updates

Ms. Pettus also advised that Kishore Thota is the newly appointed agency Director, and introduced Brian Wolford as the newly appointed Chief Deputy Director.

There were no members of the public present to address the board 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 2023-02604, 2023-02603, 2022-02331, and 2023-02605.

Recusal of Board Member

In the matter of **File Number 2023-02604, Justin Gene Davis**, the Board reviewed the Consent Order. Justin Gene Davis admits to a violation of Board regulation 18 VAC 15-40-155.9 as outlined in Count 1 of the Order, and a violation of 18 VAC 15-40-160.A as outlined in Count 2. Mr. Davis consents to the imposition of monetary penalties of \$150.00 for the violation outlined in Count 1, monetary penalties of \$100.00 for the violation outlined in Count 2, and Board costs of \$150.00. In addition, for violation of Count 1, Mr. Davis agrees to complete sixteen (16) hours of Board-approved continuing professional education (CPE) and provide proof of attendance and successful completion prior to March 31, 2024. For violation of Count 2, Mr. Davis agrees to report to the Board, in a written form acceptable to the Board, his current address of record. Upon receipt of the current

File Number 2023-02604, Justin Gene Davis

address of record submitted within thirty (30) days of the effective date of the Order, the Board shall waive the imposition of the \$100.00 monetary penalty for Count 2.

Mr. Canor moved to accept the terms of the Consent Order as written. Mr. Walker seconded the motion, which was unanimously approved by Armentrout, Baynes, Burgess, Costen, Cranor, Shackford, Studley, and Walker.

In the matter of **File Number 2023-02603, Brandon L. Thomas** the Board considered the record which consisted of the Notice of Prima Facie Case, Report of Findings, evidence, and the Recommendation. Mr. Burgess moved to accept the Recommendation and find Brandon L. Thomas in violation of 18 VAC 15-40-155.12 as outlined in Count 1, and in violation of 18 VAC 15-40-180.D as outlined in Count 2. Mr. Cranor seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Costen, Cranor, Shackford, Studley, and Walker.

File Number
2023-02603.
Brandon L.
Thomas

Mr. Cranor moved to accept the recommended sanctions and impose a monetary penalty of \$300.00 for violation of Count 1, and the revocation of Mr. Thomas' home inspector license for violation of Count 2. Mr. Armentrout seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Costen, Cranor, Shackford, Studley, and Walker.

Mr. Cranor recused himself from the meeting for discussion and deliberation of File Numbers 2022-02331 and 2023-02605.

Recusal of
Board Member

In the matter of **File Number 2022-02331, William Bruce Blackwell** the Board reviewed the record which consisted of the investigative file, the transcript and exhibits from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation.

File Number
2022-02331,
William Bruce
Blackwell

The Board considered each of the charged Violations under Counts 1 through 3. Mr. Armentrout moved to accept the recommendation of the Presiding Officer and find Mr. Blackwell in violation of 18VAC 15-40-130.A as outlined in Count 1, 18VAC 15-40-130.B as outlined in Count 2, and 18VAC 15-40-155.6 as outlined in Count 3. Mr. Burgess seconded the motion. After discussion, the

motion was unanimously approved by: Armentrout, Baynes, Burgess, Costen, Shackford, Studley, and Walker.

Mr. Armentrout then moved to accept the recommended sanctions and impose a monetary penalties in the amount of \$200.00 for violation of Count 1, \$250.00 for violation of Count 2, and \$1,000.00 for violation of Count 3. Mr. Studley seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Costen, Shackford, Studley, and Walker.

In the matter of **File Number 2023-02605, Farbod Azari** the Board reviewed the record which consisted of the investigative file, the transcript and exhibits from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation.

File Number
2023-02605,
Farbod Azari

Rachel Adams, counsel for Mr. Azari, was present to address the Board. Ms. Adams gave an overview of the information found in the record and stated that though the record indicates Mr. Azari's CPE certificates could not be verified, Mr. Azari completed the requisite CPE. Ms. Adams relayed to the Board that Mr. Azari states he has begun submitting CPE certificates to the Board as he completes continuing education courses.

Ms. Baynes moved to accept the recommendation of the Presiding Officer and find Mr. Azari in violation of 18VAC 15-40-72, 18VAC 15-40-80, and 18VAC 15-40-155.3, as outlined in Count 1, and in violation of 18VAC15-40-180.C as outlined in Count 2. Mr. Studley seconded the motion. After discussion, the motion was unanimously approved by: Armentrout, Baynes, Burgess, Costen, Shackford, Studley, and Walker.

Ms. Baynes moved to accept the recommended sanction and impose a monetary penalty of \$1,000.00 and revocation of Mr. Azari's home inspector license for violation of Count 1. Mr. Burgess seconded the motion. After lengthy discussion, Ms. Baynes withdrew her motion and then moved to amend the recommended sanction and impose a monetary penalty of \$1,500.00 for violation of Count 1. Mr. Burgess seconded the motion which was approved by: Baynes, Burgess, Costen, Shackford, Studley, and Walker. Mr. Armentrout opposed the motion.

Mr. Armentrout then moved to accept the recommended sanction for violation of Count 2 and impose a monetary penalty of

\$1,000.00 and revocation of Mr. Azari's home inspector license. Mr. Studley seconded the motion. After discussion, the motion was unanimously approved by: Armentrout, Baynes, Burgess, Costen, Shackford, Studley, and Walker.

Mr. Salva and Mr. Cranor returned to the meeting.

In the matter of **File Number 2023-02940, Welder Dariel Solis**, 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.

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

Ms. Pettus introduced to the Board Grace Flores-Hughes, who serves as the Board's liaison to the Board for Professional and Occupational Regulation (BPOR). Ms. Flores-Hughes provided a brief overview of the scope and purpose of the BPOR Board.

Mr. Bryant provided an update on the status of the Board's regulatory actions.

Mr. Bryant asked the Board to review and consider public comments received on draft proposed amendments to the Home Inspector Licensing Regulations pursuant to SB 607, and to consider draft proposed Board responses to the comments received.

After review, Mr. Canor moved to adopt the proposed responses as amended. Mr. Armentrout seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Costen, Cranor, Salva, Shackford, Studley, and Walker.

Mr. Haughwout and Mr. Bryant provided the Board with

Return of Board Members

File Number 2023-02940, Welder Dariel Solis

Introduction of BPOR Board Liaison

Regulatory Action Update

Consider Public Comments Received on SB 607

Consider Board Response to Public Comments Received

Consider

final draft amendments to the Home Inspector Licensing Regulations pursuant to SB 607.

**Adoption of
Final SB607
Amendments**

After review and discussion, Mr. Salva moved to amend the definition of “good working order”. Mr. Studley seconded the motion. After discussion, the motion failed as there were no votes to approve the motion. After further discussion, Mr. Armentrout moved to adopt the final draft amendments as presented. Mr. Shackford seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Costen, Cranor, Salva, Shackford, Studley, and Walker.

Mr. Bryant provided information on the status of the periodic review of the Boards’ regulations. There were no public comments received on Chapter 20, Chapter, 30, or Chapter 40 of the Board’s regulations, for which the public comment period was held from July 3, 2023, to July 24, 2023.

**Periodic
Review of
Board
Regulations**

Mr. Bryant then asked the Board to consider whether to repeal, amend, or retain as is Chapter 20, Chapter, 30, and Chapter 40 of the Board’s regulations as part of the periodic review. Mr. Armentrout moved to retain the regulations as is, as the Board’s regulation are currently undergoing general review. Mr. Studley seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Costen, Cranor, Salva, Shackford, Studley, and Walker.

Mr. Kirschner asked the Board to consider proposed draft amendments to the Home Inspector Licensing Regulations pertaining to CPE. Mr. Kirshcner advised that the Board has been asked to clarify a portion of the proposed amendments as part of the Executive Branch review of the proposed stage of the general review of the regulations. After review and discussion, Mr. Cranor moved to re-submit draft proposed amendments to the regulations as amended. Mr. Salva seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Costen, Cranor, Salva, Shackford, Studley, and Walker.

**Discussion of
Home
Inspector
Proposed
Regulations**

Mr. Kirschner asked the Board to reconsider a guidance document adopted by the Board at its May 2023, meeting regarding insurance requirements for home inspectors

**Discussion of
Insurance
Requirements**

licensed through Universal Licensing Recognition (ULR). Mr. Kirschner advised that, as written, the guidance document imposes an additional requirement on ULR applicants that does not comport with the ULR statute. After discussion, the Board agreed by consensus that staff will draft proposed language to be considered by the Board at its next scheduled meeting for possible submission as a regulatory action.

**for Home
Inspectors
Licensed
Under ULR**

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 18, 2023.

**HI CPE Audit
Report**

Board members considered the following Resolution for Service:

**Consider
Resolution for
Service**

Gene Magruder

WHEREAS, **Gene Magruder** did faithfully and diligently serve the Virginia Board for Asbestos, Lead, and Home Inspectors, and the Department of Professional and Occupational Regulation from 2014 to 2023;

WHEREAS, **Gene Magruder**, did devote generously of his time, talent and leadership to the Board;

WHEREAS, **Gene Magruder**, 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 thirtieth day of November 2023, that **Gene Magruder** be given all honors and respect due him for his outstanding service to this Board and the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to

his and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held by this Board.

Mr. Studley moved to adopt the resolution as written. Mr. Cranor seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Costen, Cranor, Salva, Shackford, Studley, and Walker.

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

Election of Officers

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

Ms. Pettus provided the Board with the most recent financial statement for informational purposes.

Board Financial Statements

The Board agreed by consensus to have the finance department present an overview of the financial statements at its next scheduled Board meeting.

Ms. Pettus provided the Board with an update on recent and upcoming outreach opportunities.

Update on Outreach Opportunities

Ms. Pettus reminded the Board that per regulations, CPE courses for home inspectors must pertain to topics covered in the National Home Inspector Examination. There has been an increase in radon courses submitted by home inspectors as CPE in response to CPE audits, and those courses cannot currently be accepted to meet the CPE requirement. Ms. Pettus asked the home inspector representatives of the Board to share this information with

Other Business

their respective professional and industry associations so that this information can be included in educational resources or addressed during meetings or other outreach activities.

Ms. Baynes requested that an overview of the Board's functions and Board member responsibilities be given at its next scheduled meeting. The Board agreed by consensus.

Ms. Baynes reminded the board that the next meeting date is February 8, 2024.

Ms. Baynes reminded the Board members to complete and return their conflict-of interest forms and travel vouchers.

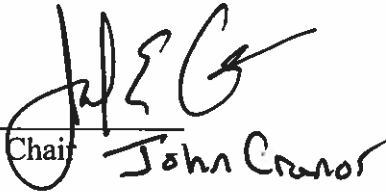
There being no further business, the meeting was adjourned at 11:11 a.m.

Future Meeting Dates

Complete Conflict of Interest Forms and Travel Vouchers

Adjourn

~~Sandra Baynes, Chair~~



John Cranor



Kishore S. Thota, Secretary

**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: 11/30/2023

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

November 30, 2023

Date

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

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

1. Name Robert Shackford
(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: 11/30/2023

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:

 November 30, 2023
Signature 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: 11/30/2023

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 

November 30, 2023

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: 11/30/2023
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:

Sandra Baynes
Signature

November 30, 2023
Date

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

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

1. Name Ralph Costen
(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: 11/30/2023

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

November 30, 2023
Date

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

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

1. Name Louis Walker
(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: 11/30/2023

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

November 30, 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: 11/30/2023
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

November 30, 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: 11/30/2023

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

November 30, 2023
Date

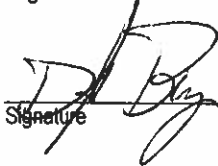
**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**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: 11/30/2023
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

November 30, 2023

Date

