

**BOARD FOR CONTRACTORS COMMITTEE
MEETING MINUTES**

The Board for Contractors Committee met on **Tuesday, June 18, 2024**, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia.

Board member(s) present for the meeting:

Donald Groh, Chair
Nathan Trice, Vice Chair
James Spencer
Francis McGonegal
Doug Lowe
Ralph "Tripp" Costen

Board member(s) absent from the meeting:

Taylor Brannan
Jerry Heinline

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

Marjorie King, Executive Director
Mary Charity, Licensing Operations Administrator
Stephanie Keuther, Administrative Coordinator
Christina Cottone, Licensing Specialist

Mr. Groh called the June 18, 2024, Board for Contractors Committee Meeting to order at 8:05 A.M.

Call To Order

Mr. Spencer made a motion, seconded by Mr. Trice, to adopt the Draft Agenda of June 18, 2024.

**Approval of
Agenda**

The motion was approved with a vote of 6-0-0. Ayes: Groh, Trice, Spencer, Lowe, Costen, and McGonegal. **Nays:** None. **Abstain:** None. **Absent:** Brannan and Heinline.

Mr. Spencer made a motion, seconded by Mr. McGonegal, to approve the draft Minutes of May 7, 2024, Board for Contractors Committee Meeting as presented.

Minutes

The motion was approved with a vote of 6-0-0. Ayes: Groh, Trice, Spencer, Lowe, Costen, and McGonegal. **Nays:** None. **Abstain:** None. **Absent:** Brannan and Heinline.

Emergency Egress

Emergency Egress

Marjorie King, Executive Director, reviewed the Emergency Egress procedures with the Committee and members of the public.

Mr. Groh opened the Public Comment section of the meeting.

Public Comment

With no one wishing to come forward, Mr. Groh closed the public comment section of the meeting.

Education Provider Applications

**Education Provider
Applications**

Mary Charity, Licensing Operations Administrator, addressed the Committee:

Applications for proposed education providers and courses were reviewed and the Committee's recommendations are as follows:

Mrs. Charity shared that staff recommends approval for:

**Virginia Water Well
Association Inc.**

Virginia Water Well Association Inc.- 5 Zoom Pre-licensing courses and one 8 hr. Zoom Continuing Education course for Certified Water Well System Providers.

Mr. Spencer made a motion, seconded by Mr. Trice, for approval.

The motion was approved with a vote of 6-0-0. Ayes: Groh, Trice, Spencer, Lowe, Costen, and McGonegal. **Nays:** None. **Abstain:** None. **Absent:** Brannan and Heinline.

Mrs. Charity shared that staff recommends approval for:

South Atlantic Jubilee - One classroom continuing education course for Certified Water Well Systems Providers

South Atlantic Jubilee

Mr. Spencer made a motion, seconded by Mr. Trice, for approval.

The motion was approved with a vote of 6-0-0. Ayes: Groh, Trice, Spencer, Lowe, Costen, and McGonegal. **Nays:** None. **Abstain:** None. **Absent:** Brannan and Heinline.

Mrs. Charity shared that staff recommends approval for:

Zitro Services LLC - Initial Education Provider application and one 8 hr. classroom Contractor Pre-license Course and one 8 hr. Virtual Contractor Pre-license Course

Zitro Services LLC

Mr. Spencer made a motion, seconded by Mr. Trice, for approval.

The motion was approved with a vote of 6-0-0. Ayes: Groh, Trice, Spencer, Lowe, Costen, and McGonegal. **Nays:** None. **Abstain:** None. **Absent:** Brannan and Heinline.

New Business

New Business

Examinations and remote proctoring update

Examinations and remote proctoring update

Marjorie King, Executive Director, informed the Committee: Remote proctoring of examinations has gone live. Statistics will be provided at the 3, 6, and 9 month markings for review. Ms. King also noted that the Board has been asked to complete a review of its examination questions for all the classifications, specialty's, business law exams, and the pass rates by the end of the year. Ms. King informed the Committee that the Education Providers will have until January 2025 to update their courses.

Petition for Rulemaking

Petition for Rulemaking

Marjorie King, Executive Director, informed the Committee: Section 2.2-4007 of the Administrative Process Act (APA) (§ 2.2-4000 et seq. of the Code of Virginia) allows for any person to "...petition an agency to request the agency to develop a new regulation or amend an existing regulation." The APA requires that upon receipt of a petition, the agency must submit a notice of the petitioner's request and the agency's plan for disposition of the petition to the Registrar within 14 days of receipt. The APA further requires that a 21-day period for acceptance of written public comment be provided following publication in the Virginia Register of

Regulations.

At its March 12, 2024, meeting, the Board received a petition to amend 18VAC50-30-190 of the Individual License and Certification Regulations.

On April 22, 2024, the petition was published in the Virginia Register of Regulations. The public comment period on the petition concluded on May 13, 2024, during which, the Board received comments on the petition. The petition and comments received are attached as Exhibits 1 and 2, respectively.

Section 2.2-4007 of the Code of Virginia requires the Board to issue a written decision to grant or deny the petitioner's request. The written decision issued by the Board must include a statement of its reasons and must be submitted for publication in the Virginia Register.

Mr. McGonegal made a motion, seconded by Mr. Spencer to deny the petition requesting amendment to the Individual License and Certification Regulations. This decision aligns with the statutes and regulations of the Board, which are designed to safeguard the health, safety, and welfare of the public. Amending the regulation as the petitioner has requested would fail to uphold the Board's duty to ensure these protections.

The motion was approved with a vote of 6-0-0. Ayes: Groh, Trice, Spencer, Lowe, Costen, and McGonegal. **Nays:** None. **Abstain:** None. **Absent:** Brannan and Heinline.

Regulatory Review update

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18VAC50-22	General Regulatory Reduction Initiative	Executive branch review
18VAC50-22	Eligibility Requirement Amendment	Proposed to be filed
18VAC50-22	Amendment of Prohibited Acts	Executive branch review
18VAC50-30	Continuing Education Amendment	Proposed to be filed
18VAC50-30	General Regulatory Reduction Initiative	Final to be filed, followed by executive branch review.
18VAC50-30	Eligibility Requirement Amendment	Public Comment scheduled for 5/20/24 through 7/5/24
18VAC50-30	Temporary Elevator Mechanic Certifications	Fast Track to be filed.
18VAC50-22	Guidance Document 5724 - PSI	To be filed.
18VAC50-30	Examination Equivalency	To be filed.

Executive Director Report

**Executive Director
Report**

Marjorie King, Executive Director, informed the Committee of current and passed statistical data related to Board cases, licensing applications, emails and phone calls. Ms. King informed the Committee that the remedial education class continues to be well received by participants and recommends all Board members attend a remedial education class.

Adjournment

Mr. Groh thanked the Committee and Staff and adjourned the Committee Meeting at 9:00 A.M.

The next Committee Meeting will be **August 6, 2024**.

Donald Groh, Chair

Date

Draft