

BOARD FOR CONTRACTORS COMMITTEE MEETING MINUTES

The Board for Contractors Committee ("the Committee") met on Monday, April 2nd, 2012, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia. The following Committee members were present:

E. G. Middleton, III, Chairman
Bailey Dowdy, Vice-Chairman
Herbert Dyer, Jr.
Michael Gelardi
Doug Murrow
D. Todd Vander Pol
Chancey Walker

The following DPOR staff attended the meeting:

Gordon Dixon, Director
Eric L. Olson, Executive Director
Adrienne Mayo, Regulator Boards Administrator
Karen Bullock, Administrative Assistant
Chris Kunkel, Licensing and Education Specialist
Steven Jack, Legal Counsel

Chairman Middleton called the meeting to order at 2:09 P.M.

Call To Order

The Meeting Agenda was approved unanimously. Motion made by **Mr. Dowdy**, seconded by **Mr. Walker**.

Approval of Agenda

The Minutes from the January 23rd, 2012 Committee meeting were adopted as drafted by unanimous vote. Motion made by **Mr. Gelardi**, seconded by **Mr. Dyer**.

Minutes Adopted

Tom Fauber with the James City Service Authority and Wade Hill, with Wade In Cross Connection addressed the Committee during public comment concerning the installation of cross-connection devices and Board-approved training requirements.

Public Comment

George Wagner, Executive Director of the American Fire Sprinkler Association and Ron Reynolds from the Virginia State Fire Marshal's Office addressed the Committee regarding establishing a licensure program for the inspection of fire sprinklers.

Items requiring Board action are marked with an asterisk (*):

Education Provider Applicants:

Education Provider Applications*

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

After discussion, and a motion by **Mr. Dyer**, seconded by **Mr. Gelardi**, the Committee unanimously recommended that the Board approve Energy Transfer Technology, Electrical continuing and vocational (classroom) course.

Energy Transfer Technology

After discussion, and a motion by **Mr. Dyer**, seconded by **Mr. Gelardi**, the Committee unanimously recommended that the Board approve Maryland Delaware Water Well Association, continuing and vocational WWP (classroom) course.

Maryland Delaware Water Well Association

After discussion, and a motion by **Mr. Gelardi**, seconded by **Mr. Dyer**, the Committee unanimously recommended that the Board approve James White, Electric continuing and vocational education (classroom) course.

James White

Derek Woryn, on behalf of CBT Development Corporation, attended the meeting and addressed the Committee.

CBT Development Corporation

After discussion, and a motion by **Mr. Dyer**, seconded by **Mr. Gelardi**, the Committee unanimously recommended that the Board approve CBT Development Corporation, contractor pre-license (online) course.

**Minneapolis
Electrical JATC**

After discussion, and a motion by **Mr. Dyer**, seconded by **Mr. Gelardi**, the Committee unanimously recommended that the Board approve Minneapolis Electrical JATC, continuing education, Electrical (classroom) course.

**Red Rocks
Community College**

After discussion, and a motion by **Mr. Dyer**, seconded by **Mr. Gelardi**, the Committee unanimously recommended that the Board approve Red Rocks Community College, continuing education, Electrical (classroom) course.

American Trainco

After discussion, and a motion by **Mr. Dyer**, seconded by **Mr. Gelardi**, the Committee unanimously recommended that the Board approve American Trainco, continuing and vocational, Electrical (classroom) course.

**Walter W Granger Jr
Inc**

After discussion, and a motion by **Mr. Dyer**, seconded by **Mr. Gelardi**, the Committee unanimously recommended that the Board approve Walter W Granger Jr Inc, continuing education, Electrical (classroom) course.

Dana Smith, on behalf of CodeUpdate4U, attended the meeting and addressed the Committee.

CodeUpdate4U

After discussion, and a motion by **Mr. Dyer**, seconded by **Mr. Gelardi**, the Committee unanimously recommended that the Board approve CodeUpdate4U, continuing education, WWP (online) course.

After discussion, and a motion by **Mr. Dyer**, seconded by **Mr. Gelardi**, the Committee unanimously recommended that the Board approve Elton R Fahnestock, vocational education, ELE, COMM LLC - ELEI (classroom) course.

Elton R Fahnestock

At 3:05 P.M. **Mr. Dyer** addressed the Chair:

Old Business

Mr. Chairman, I move that this meeting be recessed and that the Committee immediately reconvene in closed meeting for the purpose of consultation with legal counsel and/or briefings by staff members pertaining to legal matters within the jurisdiction of the Committee as permitted by § 2.2-3711.A.7 of the Code of Virginia. The following non-members will be in attendance to reasonably aid the consideration of the topic: Mark Courtney, Steven Jack, Adrienne Mayo, Gordon Dixon and Eric Olson.

**Closed Session
Legal Interpretation
of 54.1-1129**

This motion is made with respect to the matters identified as agenda item: 6 A Legal Interpretation of 54.1-1129 by Board Counsel.

The motion was seconded by **Mr. Gelardi**. The Motion passed with a unanimous vote: Members voting "Yes" were: Dowdy, Dyer, Gelardi, Middleton, Murrow, Vander Pol and Walker.

At 3:40 P.M. Adrienne Mayo, Regulatory Boards Administrator read the following statement:

**Certification of
Closed
Meeting
Legal Interpretation
of 54.1-1129
Reconvene 3:40
P.M.**

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

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

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

Call for vote (each member must answer "Aye" or "Nay"):

Dowdy (Aye)
Dyer (Aye)
Gelardi (Aye)
Middleton (Aye)
Murrow (Aye)
Vander Pol (Aye)
Walker (Aye)

VOTE

AYES: 7

After discussion, and a motion by **Mr. Walker**, seconded by **Mr. Gelardi**, the Committee by majority vote recommended the Board rescind its policy restricting plumbers from breaking the seal of water well.

Reopen Legal Interpretation of 54.1-1129

Mr. Dowdy and Mr. Vander Pol voted "No."

The Committee took a break at 3:52 P.M. and resumed the meeting at 4:07 P.M.

Break

Legislative Update

none

New Business

Regulatory Update

Board staff shared with the Committee that regulation submissions are still awaiting action from the Governor's office.

Policy Discussion: Safety Training as Continuing Education*

Board staff presented an email message to the Committee from Steve Wells regarding consideration to incorporate safety as a continuing education requirement along with Code updates regulatory requirements.

After discussion, and a motion by **Mr. Gelardi**, seconded by **Mr. Dyer**, the Committee unanimously recommended that the Board keep the continuing education for Code requirements as they are.

Application/Probation*

Eric L. Olson, Executive Director for the Board Office shared with the Committee an applicant for licensure previously given probation by the Board has applied for a different license. Mr. Olson asked the Committee's recommendation to the Board in regards to automatically sending this applicant to an Informal Fact Finding (IFF) or delegate authority to staff to determine if an applicant with probation be treated as a routine or a non-routine applicant.

After discussion, and a motion by **Mr. Walker**, seconded by **Mr. Gelardi**, the Committee unanimously recommended that the Board delegate authority to staff to determine routine or non routine applications.

The Committee's next scheduled meeting is Monday, June 4th, 2012. Chairman Middleton entertained a motion to adjourn from **Mr. Gelardi**, seconded by **Mr. Dyer** and approved unanimously by the Committee. The meeting adjourned at 4:29 P.M.

Next Meeting Adjourn

E. G. Middleton III
E.G. Middleton, III, Chairman

June 4, 2012
Date

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

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

1. Name: Bailey Dowdy
(Name of Board Member)
2. Title: Board Member
3. Agency: Board for Contractors Committee
(Name of Board)
4. Meeting/IFF Date: April 2, 2012
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

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

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.
6. I do not have a personal interest in any transactions taken at this meeting.

Signature

April 2, 2012
Date

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

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

1. Name: Herbert "Jack" Dyer, Jr.
(Name of Board Member)
2. Title: Board Member
3. Agency: Board for Contractors Committee
(Name of Board)
4. Meeting/IFF Date: April 2, 2012
(Date)


5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

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

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.
6. I do not have a personal interested in any transactions taken at this meeting.



Signature

April 2, 2012
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Michael Gelardi
(Name of Board Member)
2. Title: Board Member
3. Agency: Board for Contractors Committee
(Name of Board)
4. Meeting/IFF Date: April 2, 2012
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

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

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

or

I did not participate in the transaction.

6. I do not have a personal interested in any transactions taken at this meeting.

Michael Gelardi
Signature

April 2, 2012
Date

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

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

1. Name: Erby G. "Rudy" Middleton, III
(Name of Board Member)
2. Title: Board Member
3. Agency: Board for Contractors Committee
(Name of Board)
4. Meeting/IFF Date: April 2, 2012
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

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

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.
6. I **do not** have a personal interested in any transactions taken at this meeting.

E. G. Middleton III
Signature

April 2, 2012
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Doug Murrow
(Name of Board Member)
2. Title: Board Member
3. Agency: Board for Contractors Committee
(Name of Board)
4. Meeting/IFF Date: April 2, 2012
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

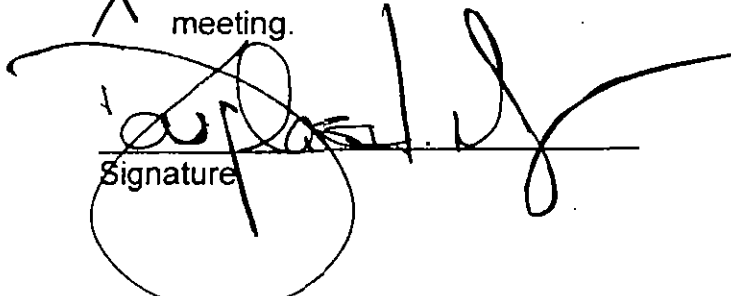
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.


Signature

April 2, 2012
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: D. Todd Vander Pol
(Name of Board Member)
2. Title: Board Member
3. Agency: Board for Contractors Committee
(Name of Board)
4. Meeting/IFF Date: April 2, 2012
(Date)

5. I have a personal interest in the following transaction:

_____ (Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

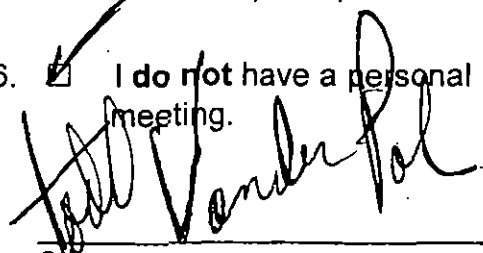
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.


Signature

April 2, 2012
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Chancey Walker
(Name of Board Member)
2. Title: Board Member
3. Agency: Board for Contractors Committee
(Name of Board)
4. Meeting/IFF Date: April 2, 2012
(Date)

5. I have a personal interest in the following transaction:

N/A
(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

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

N/A

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.
6. I do not have a personal interest in any transactions taken at this meeting.

C. W. Walker III
Signature

April 2, 2012
Date