

**THE VIRGINIA BOARD FOR  
ASBESTOS, LEAD AND HOME INSPECTORS**

**MEETING MINUTES**

The Virginia Board for Asbestos, Lead and Home Inspectors met on May 7, 2008 in Board Room 1 at the offices of the Department of Professional and Occupational Regulation, Perimeter Center, 9960 Mayland Drive, Richmond, Virginia.

The following members of the Board were present:

Frederick Heppner, Chairperson  
Dolores Daniels  
Howard D. Varner  
Thomas Joel Loving  
Keith F. Cronan  
Dr. Clayton S. Sinyai

Board members Wendy Hill, Bowen Hyatt, John Bouldin and Vicki Harlow were unable to attend the meeting.

The following members of DPOR staff were present during some or all of the meeting:

Jay W. DeBoer, Director  
Saba Shami, Chief Deputy  
Mark Courtney, Deputy Director for LRD  
David Dick, Executive Director  
Earlyne Perkins, Legal Analyst  
Anna Badgley, Administrative Assistant  
David Dehetre, Office Manager

Others who attended the meeting included:

David Spinazzolo, Metropolitan Labs, witness for applicant  
Roy K. Tucker, Jr., applicant  
Earl Blanchard, witness for applicant

No representative of the Office of the Attorney General was present.

Chairperson Heppner, finding a quorum of the Board present, **Call to Order** called the meeting to order at 9:05 am.

**Adopt Agenda**

Mr. Varner moved that the Board approve the agenda as amended by staff. Mr. Cronan seconded the motion, which was unanimously approved by the following members: Mr. Heppner, Ms. Daniels, Mr. Varner, Mr. Loving, Mr. Cronan and Mr.

Sinyai. Ms. Hill, Ms. Harlow, Mr. Bouldin and Mr. Hyatt were not present for the vote.

Ms. Daniels moved that the Board approve the minutes of its February 6, 2008 meeting and the IFF minutes of February 7, 2008, March 13, 2008 and April 10, 2008 as a block. Mr. Loving seconded the motion. Mr. Heppner, Ms. Daniels, Mr. Varner, Mr. Loving, Mr. Cronan and Mr. Sinyai. Ms. Hill, Ms. Harlow, Mr. Bouldin and Mr. Hyatt were not present for the vote.

**Approval of Board Minutes**

Chairperson Heppner opened the floor for public comment. No person present asked to address the Board at this time. Mr. Spinazzolo addressed the Board after the case files were heard. The Board took no action.

**Public Comment Period**

In the matter of **File Number 2008-02939 – Roy K. Tucker, Jr.**, the Board reviewed the record which consisted of the application file, transcript and exhibits from the IFF and the Presiding Officer's summary and recommendation. Roy K. Tucker (Respondent) was not present at the time his case was heard, but did appear shortly after the Board had approved his application.

**File Number 2008-02939**

Upon a motion by Mr. Varner and seconded by Mr. Loving the Board adopted the Presiding Officer's summary and recommendation and approved the application for Asbestos Supervisor license for Mr. Roy K. Tucker, Jr. The motion was unanimously approved by the following members: Mr. Heppner, Ms. Daniels, Mr. Varner, Mr. Loving, Mr. Cronan and Mr. Sinyai. Ms. Hill, Ms. Harlow, Mr. Bouldin and Mr. Hyatt were not present for the vote.

In the matter of **File Number 2008-03400 - Veve Veneal Edwards** the Board reviewed the record which consisted of the application file, transcript and exhibits from the IFF and the presiding officer's summary and recommendation. Mr. Veve Veneal Edwards (Respondent) was not present.

**File Number 2008-03400**

Upon a motion by Mr. Sinyai and seconded by Ms. Daniels the Board adopted the Presiding Officer's summary and recommendation and approved the application for Asbestos Supervisor license for Mr. Veve Veneal Edwards. The motion was unanimously approved by the following members: Mr. Heppner, Ms. Daniels, Mr. Varner, Mr. Loving, Mr. Cronan and Mr. Sinyai. Ms. Hill, Ms. Harlow, Mr. Bouldin and Mr. Hyatt were not present for the vote.

In the matter of **File Number 2008-03401 – Eric Jerome Harris** **File Number**  
the Board reviewed the record which consisted of the application **2008-03401**  
file, transcript and exhibits from the IFF and the presiding  
officer's summary and recommendation. Mr. Eric Jerome Harris  
(Respondent) was not present.

Upon a motion by Mr. Varner and seconded by Mr. Cronan the  
Board adopted the Presiding Officer's summary and  
recommendation and approved the application for Asbestos  
Supervisor license for Mr. Eric Jerome Harris. The motion was  
unanimously approved by the following members: Mr. Heppner,  
Ms. Daniels, Mr. Varner, Mr. Loving, Mr. Cronan and Mr.  
Sinyai. Ms. Hill, Ms. Harlow, Mr. Bouldin and Mr. Hyatt were  
not present for the vote.

In the matter of **File Number 2008-03410 – Teron Coleman** the **File Number**  
Board reviewed the record which consisted of the application file, **2008-03410**  
transcript and exhibits from the IFF. Mr. Teron Coleman  
(Respondent) was not present. Mr. Spinozzolo was present and  
addressed the Board in behalf of Mr. Coleman.

Mr. Loving moved that the Board accept the Presiding Officer's  
Recommendation, Mr. Varner seconded the motion. Discussion  
followed and Mr. Loving withdrew his motion, Mr. Varner  
concurred.

Mr. Loving moved that the Board reject the Presiding Officer's  
recommendation and adopt a sanction to enter into an agreement  
for licensure for an Asbestos Supervisor License contingent upon  
Mr. Coleman agreeing to the following conditions within 14 days  
of the signing of the order:

1. That Coleman makes his weekly payment of \$10.00 to  
Glasser & Glasser, PLC in accordance with the payment  
plan, until all fines and costs are paid in full;
2. That Coleman submits proof of payment to the Board on a  
quarterly basis until the debt(s) are paid in full;
3. That Coleman remain compliant with all terms of his  
probation; and
4. That Coleman immediately notifies the Board of any  
arrests or convictions.

Discussion followed and Mr. Loving withdrew his motion, Mr. Varner concurred.

Mr. Loving offered a motion seconded by Mr. Varner that the Board accept the facts of the Presiding Officer's summary and amend the recommendation and enter into an agreement for licensure for an Asbestos Supervisor License with Mr. Coleman contingent upon Mr. Coleman agreeing to enter into an agreement for licensure with the following stipulations within 14 days:

1. That Coleman makes his weekly payment of \$10.00 to Glasser & Glasser, PLC in accordance with the payment plan, until all fines and costs are paid in full;
2. That Coleman submits proof of payment to the Board on a quarterly basis until the debt(s) are paid in full;
3. That Coleman remain compliant with all terms of his probation; and
4. That Coleman immediately notifies the Board of any arrests or convictions.

Failure to enter into the agreement for licensure within 14 days of the signing of the order will result in the denial of Mr. Coleman's application for licensure.

The motion was unanimously approved by the following members: Mr. Heppner, Ms. Daniels, Mr. Varner, Mr. Loving, Mr. Cronan and Mr. Sinyai. Ms. Hill, Ms. Harlow, Mr. Bouldin and Mr. Hyatt were not present for the vote.

In the matter of **File Number 2008-03882 and File Number 2008-03883 - Teron Coleman** the Board reviewed the records which consisted of the complaint files, transcripts and exhibits from the IFFs and the Presiding Officer's summaries and recommendations. Mr. Teron Coleman (Respondent) was not present. Mr. Spinazzolo was present and addressed the Board in behalf of Mr. Coleman.

**File Number**  
**2008-03882 and File**  
**Number 2008-03883**

The Board voted on these two cases as a block. Upon a motion by Mr. Cronan and seconded by Mr. Loving the Board adopted the Presiding Officer's summary and recommendation in finding Mr. Coleman in violation of the Board's regulations. The motion was unanimously approved by the following members: Mr. Heppner, Ms. Daniels, Mr. Varner, Mr. Loving, Mr. Cronan and Mr. Sinyai. Ms. Hill, Ms. Harlow, Mr. Bouldin and Mr. Hyatt

were not present for the vote.

Upon a motion by Mr. Sinyai and seconded by Mr. Loving the Board accepted the presiding officers recommendation of not imposing a monetary penalty for the violations of the Board's regulations. The motion was unanimously approved by the following members: Mr. Heppner, Ms. Daniels, Mr. Varner, Mr. Loving, Mr. Cronan and Mr. Sinyai. Ms. Hill, Ms. Harlow, Mr. Bouldin and Mr. Hyatt were not present for the vote.

In the matter of **File Number 2008-03416 – Timothy Arthur Dwyer** the Board reviewed the record which consisted of the application file, transcript and exhibits from the IFF and the presiding officer's summary and recommendation. Mr. Timothy Arthur Dwyer (Respondent) was not present. Mr. Spinozzolo was present and addressed the Board in behalf of Mr. Coleman. **File Number 2008-03416**

Upon a motion by Mr. Varner and seconded by Mr. Loving the Board adopted the Presiding Officer's summary and recommendation and denied the application for Asbestos Supervisor license for Mr. Timothy Arthur Dwyer. The motion was unanimously approved by the following members: Mr. Heppner, Ms. Daniels, Mr. Varner, Mr. Loving, Mr. Cronan and Mr. Sinyai. Ms. Hill, Ms. Harlow, Mr. Bouldin and Mr. Hyatt were not present for the vote.

In the matter of **File Number 2008-02213 – Lorenzo Cowell** the Board reviewed the record which consisted of the application file, transcript and exhibits from the IFF and the presiding officer's summary and recommendation. An additional exhibit document that was left off the Board's agenda was distributed. Ms. Perkins announced two corrections to the presiding officer's recommendation. Mr. Lorenzo Cowell (Respondent) was not present. **File Number 2008-02213**

Mr. Loving offered a motion seconded by Mr. Sinyai that the Board accept the facts of the IFF Summary and the amended recommendation and enter into an agreement for licensure for an Asbestos Supervisor with Mr. Cowell contingent upon Mr. Cowell agreeing to comply with the following stipulations within 14 days:

1. That Cowell continues to make monthly payments toward

- his fines in accordance with his payment plan until paid in full;
2. That Cowell submits proof of payment(s) to the Board on a quarterly basis, until his fines are paid in full;
  3. That Cowell continues to abide by all rules, regulations and terms of his probation.

Failure to enter into the agreement for licensure within 14 days of the signing of the order will result in the denial of Mr. Cowell's application for licensure.

In the matter of **File Number 2008-02704 – James Pippin** the Board reviewed the record which consisted of the application file, transcript and exhibits from the IFF and the presiding officer's summary and recommendation. Mr. James Pippin (Respondent) was not present.

**File Number**  
**2008-02704**

Upon a motion by Mr. Loving and seconded by Mr. Sinyai the Board adopted the Presiding Officer's summary and recommendation and denied the application for Lead Risk Assessor license for Mr. James Pippin. The motion was unanimously approved by the following members: Mr. Heppner, Ms. Daniels, Mr. Varner, Mr. Loving, Mr. Cronan and Mr. Sinyai. Ms. Hill, Ms. Harlow, Mr. Bouldin and Mr. Hyatt were not present for the vote.

David Dick updated the Board on the Asbestos Fast Track Amendment. Public Comment Period ends June 24, 2008. If there are no objections to the use of the APA Fast Track provisions, it will become effective August 1, 2008.

**Other Business**

David Dick reported to the Board that the RFP for Education Programs closes next week.

There has been no training program audit activity since the last Board meeting.

Mr. Keith Cronan volunteered to sit on the Lead Examination RFP Evaluation Panel.

Mr. Heppner gave the NOIRA HI Committee report and reviewed the summary of the comments and draft responses developed by the Committee.

Upon a motion by Mr. Loving and seconded by Mr. Sinyai the Board accepted the report. The motion was unanimously approved by the following members: Mr. Heppner, Ms. Daniels, Mr. Varner, Mr. Loving, Mr. Cronan and Mr. Sinyai. Ms. Hill, Ms. Harlow, Mr. Bouldin and Mr. Hyatt were not present for the vote.

The Committee will meet before the next Board meeting to prepare proposed amendments.

David Dick reviewed the EPA RRP Final Rule that was published on the Federal Register on April 22, 2008. Staff will send a link to the Board for the published final rule for EPA

Mr. Heppner asked that staff prepare a certificate of appreciation for Marilyn Cohn for Board signature at the next meeting.

The following meeting dates have been scheduled.

- August 13, 2008
- November 5, 2008
- February 4, 2009
- May 6, 2009
- August 12, 2009
- November 4, 2009

DRAFT

**Future Meeting  
Dates**

Mr. Heppner asked the Board members to complete their conflict of interest forms and travel vouchers.

**Conflict of Interest  
Forms and Travel  
Vouchers**

Chairperson Heppner, finding no further business to conduct, adjourned the meeting at 11:50 A.M.

**Adjournment**

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Frederick Heppner, Chairperson

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Jay W. DeBoer, Secretary