

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

The Virginia Board for Asbestos, Lead, and Home Inspectors met on May 13, 2009, in Board Room 3 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:

Christopher Chapman
Keith F. Cronan
Dolores Daniels
Frederick Heppner
Bowen Hyatt
Brian Koepf
Thomas Joel Loving
Howard D. Varner

Board member Clayton Sinyai was not present at the meeting.

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

Jay W. DeBoer, Director
Mark Courtney, Deputy Director of Licensing and Regulation Division
Justin Garofalo, Board Administrator
Earlyne Perkins, Legal Analyst
Michelle Gowen, Administrative Assistant

Others who attended the meeting included:

Steven Jack was present from the Office of the Attorney General.

Mr. Heppner, finding a quorum of the Board present, called the meeting to order at 9:00 am.

Call to Order

Mr. Cronan moved that the Board approve the agenda. Mr. Koepf seconded the motion which was unanimously approved by members: Chapman, Cronan, Daniels, Heppner, Hyatt, Koepf, Loving, and Varner.

Adopt Agenda

Mr. Koepf moved that the Board approve the following Board meeting minutes:

Approval of Board Minutes

February 4, 2009, Board Meeting Minutes;
February 26, 2009, Informal Fact-Finding Conference; and

March 19, 2009, Informal Fact-Finding Conference.

Mr. Cronan seconded the motion which was unanimously approved by members: Chapman, Cronan, Daniels, Heppner, Hyatt, Koepf, Loving, and Varner.

There were no comments made to the Board.

In the matter of **File Number 2009-01787 – Proscience Analytical Services, Inc.**, the Board members reviewed the Consent Order as seen and agreed to by Proscience Analytical Services, Inc. Proscience Analytical Services, Inc., (respondent) was not present to address the Board.

Mr. Koepf moved to accept the Consent Order which cites the following violations of the Board's regulations: 18 VAC 15-20-450.A.4 (Count 1) and 18 VAC 15-20-440.B (Count 2). For these violations Proscience Analytical Services, Inc., agrees to the following monetary penalties: \$1,200.00 for the violation contained in Count 1 and \$500.00 for the violation contained in Count 2, for a total monetary penalty of \$1,800.00. In addition, Proscience Analytical Services, Inc., also agrees to a suspension of its license until all monetary penalties are paid in full. Mr. Chapman seconded the motion which was unanimously approved by members: Chapman, Cronan, Daniels, Heppner, Hyatt, Koepf, and Loving. As the reviewing Board member Mr. Varner was not present during the discussion or vote.

In the matter of **File Number 2009-02189 – Lawrence Jenkins**, the Board members reviewed the record which consisted of the application file, transcript and exhibits from the IFF and the Presiding Officer's summary and recommendation. Mr. Jenkins (respondent) was present and addressed the Board.

Mr. Loving moved that the Board accept the Presiding Officer's Summary and Recommendation to approve Mr. Jenkins' application for an asbestos supervisor license. Mr. Koepf seconded the motion which was unanimously approved by members: Chapman, Cronan, Daniels, Heppner, Hyatt, Koepf, Loving, and Varner.

**Public Comment
Period**

**File Number 2009-
01787, Proscience
Analytical Services,
Inc.**

**File Number 2009-
02189, Lawrence
Jenkins**

In the matter of **File Number 2009-02794 – Shaun West**, the Board members reviewed the record which consisted of the application file, transcript and exhibits from the IFF and the Presiding Officer's summary and recommendation. Mr. West (respondent) was present and addressed the Board.

File Number 2009-02794, Shaun West

Mr. Cronan moved that the Board accept the Presiding Officer's Summary and Recommendation and approve Mr. West's application for a lead supervisor license. Mr. Cronan further moved to correct the conviction date noted in the record to July 3, 2003. Mr. Chapman seconded the motion which was unanimously approved by members: Chapman, Cronan, Daniels, Heppner, Hyatt, Koepf, Loving, and Varner.

In the matter of **File Number 2009-02990 – Michael Asante**, the Board members reviewed the record which consisted of the application file, transcript and exhibits from the IFF and the Presiding Officer's summary and recommendation. Mr. Asante (respondent) was not present to address the Board.

File Number 2009-02990, Michael Asante

Mr. Varner moved that the Board accept the Presiding Officer's Summary and Recommendation to deny Mr. Asante's request for a waiver of the requirement to complete the lead risk assessor initial training as he failed to complete the refresher training within the timeframe required by the Board's regulations. Mr. Koepf seconded the motion which was unanimously approved by members: Chapman, Cronan, Daniels, Heppner, Hyatt, Koepf, Loving, and Varner.

Mr. Garofalo updated the Board members on the printing status of the educational brochure.

Other Business

Also, Mr. Garofalo updated the Board members on the status of the Home Inspector Regulations general review process.

In the matter of lead licensing, Mr. Garofalo provided the Board members with a written request for the Board's interpretation of the regulatory refresher training requirements for the renewal of lead licenses established in 18VAC15-30-52, 18VAC15-30-164, 18VAC15-30-165, and 18VAC15-30-166. After review and discussion, the Board requested that Mr. Garofalo contact the EPA for guidance on the EPA's requirements for lead refresher training specific to each type of lead license. The results of the

correspondence and guidance from EPA will be considered by the Board at its August 12, 2009, Board meeting.

In the matter of asbestos licensing, Mr. Garofalo provided the Board members with a written request for the Board's interpretation of its acceptance of training completed through EPA/AHERA accredited training providers. After review and discussion, Mr. Varner moved that the Board interpret 18VAC15-20-32 and 18VAC15-20-70 to mean that a training course completed through an EPA/AHERA accredited training provider is considered acceptable by the Board to satisfy asbestos licensing training requirements only when the course taken by the participant was taught within the geographical boundaries of the state in which the provider was approved at the time that the course was taken. Mr. Hyatt seconded the motion which was unanimously approved by members: Chapman, Cronan, Daniels, Heppner, Hyatt, Koepf, Loving, and Varner.

The Board members discussed the EPA's Model Accreditation Plan for continuing education as outlined in 40 CFR Part 763, Subpart E, Appendix C, Subpart D. After discussion, Mr. Hyatt moved to allow a 12-month grace period to enable formerly accredited persons with expired training certificates to complete refresher training without having to retake the initial training course for asbestos licensure. Mr. Cronan seconded the motion which was unanimously approved by members: Chapman, Cronan, Daniels, Heppner, Hyatt, Koepf, Loving, and Varner.

Mr. Garofalo informed the Board members that a Notice of Intended Regulatory Action (NOIRA) needed to be filed in order to begin the process of promulgating the regulations for the Mold Remediator/Inspector licensure program pursuant to House Bill 2032. After discussion, Mr. Cronan moved to authorize staff to file a NOIRA to begin promulgating regulations for the licensure of mold remediators and inspectors.

Mr. Loving seconded the motion which was unanimously approved by members: Chapman, Cronan, Daniels, Heppner, Hyatt, Koepf, Loving, and Varner. After further discussion, the Board agreed by consensus to form a committee to draft the required regulations for consideration by the Board. In addition to public members that will be selected at a later date, the

following Board members were chosen to serve on this committee: Christopher Chapman, Bowen Hyatt, Keith Cronan, and Brian Koepf.

Mr. Garofalo informed the Board members that a NOIRA needed to be filed in order to begin the process of promulgating regulations for the implementation of a licensure program for lead renovation, repair, & painting (RR&P) pursuant to House Bill 2432. After discussion, Mr. Chapman moved to authorize staff to file a NOIRA for the promulgation of regulations. Mr. Loving seconded the motion which was unanimously approved by members: Chapman, Cronan, Daniels, Heppner, Hyatt, Koepf, Loving, and Varner. After further discussion, the Board agreed by consensus to form a committee to draft the required regulations for consideration by the Board. In addition to public members that will be selected at a later date, the following Board members were chosen to serve on this committee: Chris Chapman, Bowen Hyatt, Keith Cronan, and Brian Koepf.

Mr. Garofalo updated the Board members on the status of training provider audit activity.

The following meeting dates have been scheduled:

- August 12, 2009
- November 4, 2009

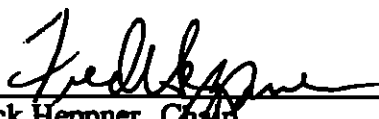
Future Meeting Dates

Mr. Heppner requested that the Board members complete their conflict of interest forms and travel vouchers.

Conflict of Interest Forms and Travel Vouchers

Mr. Heppner, finding no further business to conduct, adjourned the meeting at 11:05 A.M.

Adjournment



Frederick Heppner, Chair



for Jay W. DeBoer, Secretary

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

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

1. Name: Keith F. Cronan
2. Title: Board Member
3. Agency: ALHI Board
4. Meeting/IFF Date: Board Meeting May 13, 2009

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

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:

SPECIAL RENOVATIONS, INC. ASSOC. BUILDERS & CONTRACTORS

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

5/13/09
Date

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

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

1. Name: Dolores C. Daniels
2. Title: Board Member
3. Agency: ALHI Board
4. Meeting/IFF Date: Board Meeting May 13, 2009

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

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.

Dolores C. Daniels
Signature

May 13, 2009
Date

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

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

1. Name: Howard D. Varner
2. Title: Board Member
3. Agency: ALHI Board
4. Meeting/IFF Date: Board Meeting May 13, 2009

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

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.

Howard D. Varner
Signature

5/13/09
Date

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

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

1. Name: Thomas J. Loving
2. Title: Board Member
3. Agency: ALHI Board
4. Meeting/IFF Date: Board Meeting May 13, 2009

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

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



Date

5.13.09

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

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

1. Name: Frederick Heppner
2. Title: Board Member
3. Agency: ALHI Board
4. Meeting/IFF Date: Board Meeting May 13, 2009

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

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

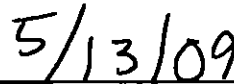
I did not participate in the transaction.

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

Signature



Date



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

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

1. Name: David B. Hyatt
2. Title: Board Member
3. Agency: ALHI Board
4. Meeting/IFF Date: Board Meeting May 13, 2009

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

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:

Architects/Lead contractor

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

David B. Hyatt

Date

5/13/09

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

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

1. Name: Brian Koepf
2. Title: Board Member
3. Agency: ALHI Board
4. Meeting/IFF Date: Board Meeting May 13, 2009
5. I have a personal interest in the following transaction:

NONE

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.

B Koepf
Signature

May 13, 2009
Date

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

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

1. Name: Christopher Chapman
2. Title: Board Member
3. Agency: ALHI Board
4. Meeting/IFF Date: Board Meeting May 13, 2009

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

None

Nature of Personal Interest Affected by Transaction:

None

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

None

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

5-13-09
Date

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

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

1. Name: Christopher Chapman
2. Title: Board Member
3. Agency: ALHI Board
4. Meeting/IFF Date: Board Meeting May 13, 2009
5. I have a personal interest in the following transaction:

None

Nature of Personal Interest Affected by Transaction:

None

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

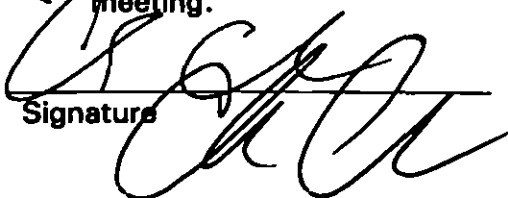
None

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

5-13-09
Date
6-11-08

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