

**DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION  
PERIMETER CENTER  
9960 MAYLAND DRIVE  
RICHMOND, VIRGINIA 23233**

**VIRGINIA BOARD FOR  
ASBESTOS, LEAD, MOLD, AND HOME INSPECTORS  
*TENTATIVE AGENDA***

**TUESDAY, MAY 3, 2011, 9:00 A.M.  
2<sup>nd</sup> FLOOR, BOARD ROOM 4**

**I. CALL TO ORDER**

**II. APPROVAL OF AGENDA**

1. May 3, 2011, Agenda

**III. APPROVAL OF MINUTES**

2. February 2, 2011 - Board Meeting Minutes;
3. February 10, 2011 - IFF Meeting Minutes
4. February 22, 2011 - IFF Meeting Minutes;
5. March 10, 2011 - IFF Meeting Minutes; and
6. March 22, 2011 - IFF Meeting Minutes.

**IV. PUBLIC COMMENT PERIOD – Five minute public comment, per person, on those items not included on the agenda with the exception of any open disciplinary or application files**

**V. CASE FILES**

7. File Number 2011-03613 (ASB) – Jason May  
IFF by Becker – Application
8. File Number 2011-02920 (ASB) – Millard Buchanan  
IFF by Brigil – Application
9. File Number 2011-03440 (ASB) – Patrice N. Larkins  
IFF by Brigil - Application
10. File Number 2011-02977 (ASB) – Ahmed Akram  
IFF by Brigil - Application
11. File Number 2011-03105 (ASB) – Terrance Small  
IFF by Brigil - Application

## **VI. OTHER BUSINESS**

12. Adopt Lead-Based Paint Regulation Amendment
13. Discussion of Approval of Mold Training Providers and Approval of National and State Professional Organizations
14. Final Home Inspector Regulations Effective April 1, 2011
15. Discussion of Home Inspector Entry Requirements
16. Discussion of Asbestos Refresher Courses for Workers and Supervisors
17. Discussion of 18 VAC 15-20-453.2 – Conflict of Interest
18. Elections of Officers
19. CID Training Presentation
20. Board Roles & Responsibilities Training Presentation

## **VII. FUTURE MEETING DATES**

- August 23, 2011
- November 15, 2011

## **VIII. COMPLETE CONFLICT OF INTEREST FORMS AND TRAVEL VOUCHERS**

## **IX. ADJOURN**

Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the Department at (804) 367-8595 at least ten days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation. The Department fully complies with the Americans with Disabilities Act.

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

The Virginia Board for Asbestos, Lead, Mold, and Home Inspectors met on February 2, 2011, 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:

Bonnie Atwood (arrived 12:15 p.m. departed (1:15 p.m.)	Brian Koepf
Colleen Becker	T. Joel Loving
Christopher Chapman (departed 1:45 p.m.)	Reginald Marston, III
Keith F. Cronan	Kenneth Nash
Dolores Daniels	Peter Palmer
Phillip Fincher	Todd Vander Pol
Rick Holtz	Howard D. Varner
D. Bowen Hyatt	

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

Gordon Dixon, Director  
Mark N. Courtney, Deputy Director of Licensing and Regulation  
David Dick, Executive Director  
Jill Richardson, Board Administrator  
Michele Atkinson, Board Administrator  
Michelle Gowen, Administrative Assistant  
Earlyne Perkins, Legal Analyst

Elizabeth Peay was present from the Office of the Attorney General.

Mr. Cronan, finding a quorum of the Board present, called the meeting to order at 9:02 am.

**Call to Order**

Mr. Dick introduced new Board members Kenneth Nash, Rick Holtz, and Todd Vander Pol and welcomed them to the Board.

**Introduction of New Board Members**

Mr. Marston moved to approve the agenda. Ms. Daniels seconded the motion which was unanimously approved by members: Chapman, Cronan, Daniels, Fincher, Hyatt, Koepf, Loving, Marston, Palmer, Vander Pol, and Varner. Board members Colleen Becker, Rick Holtz and Kenneth Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

**Approval of Agenda**

Ms. Becker moved to approve the following minutes:

**Approval of  
Minutes**

Board Meeting Minutes – November 10, 2010; and  
IFF Meeting Minutes – November 18, 2010

Ms. Daniels seconded the motion which was unanimously approved by members: Chapman, Cronan, Daniels, Fincher, Hyatt, Koepf, Loving, Marston, Palmer, Vander Pol, and Varner. Board members Colleen Becker, Rick Holtz and Kenneth Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

There were no comments made to the Board.

**Public Comment  
Period**

Regarding **File Number 2010-05276, Christopher A. Rowe**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Rowe. Mr. Rowe was present and addressed the Board. Ms. Becker moved to accept the Consent Order which cites the following violations of the Board's regulations: 18 VAC 15-40-120.B (count 1) and 18 VAC 15-40-190.6 (count 2). For these violations Mr. Rowe agrees to a monetary penalty of \$1,500.00 and \$150.00 in Board costs. Mr. Fincher seconded the motion which was approved by members: Chapman, Cronan, Daniels, Fincher, Hyatt, Koepf, Loving, Palmer, Vander Pol, and Varner. Board members Colleen Becker, Rick Holtz and Kenneth Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations. Mr. Marston voted in opposition of the motion. The motion passed by a majority vote.

**File Number 2010-  
05276 – Christopher  
A. Rowe**

Regarding **File Number 2011-02419, David Berry**, the Board members reviewed the application file, which consisted of the exhibits, transcript and the summary of the Informal Fact-Finding Conference. Mr. Berry was not present at the meeting. Mr. Hyatt moved to accept the summary of the IFF and approve Mr. Berry's asbestos supervisor application. Ms. Becker seconded the motion which was unanimously approved by members: Chapman, Cronan, Daniels, Fincher, Hyatt, Koepf, Loving, Marston, Palmer, Vander Pol, and Varner. Board members Colleen Becker, Rick Holtz and Kenneth Nash were present but did not vote because, by statute, they are ineligible to vote on matters

**File Number 2011-  
02419 – David  
Berry**

unrelated to RRP until the effective date of the regulations.

Ms. Hrynciw reviewed the summary of public comments with the Board members as well as the draft Board response. After review and discussion, Mr. Marston moved to adopt the summary of public comment and Board response as amended. Ms. Becker seconded the motion which was unanimously approved by members: Chapman, Cronan, Daniels, Fincher, Hyatt, Koepf, Loving, Marston, Palmer, Vander Pol, and Varner. Board members Colleen Becker, Rick Holtz and Kenneth Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

**Review Summary of  
Public Comment on  
Mold Regulations  
and Adopt Board  
Response**

After review and discussion, Mr. Vander Pol moved to adopt the Mold regulations as amended. Ms. Becker seconded the motion which was unanimously approved by members: Chapman, Cronan, Daniels, Fincher, Hyatt, Koepf, Loving, Marston, Palmer, Vander Pol, and Varner. Board members Colleen Becker, Rick Holtz and Kenneth Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

**Adopt Final Mold  
Regulations**

Mr. Dick informed the Board of the status of the Home Inspector Regulations as well as the RRP regulations.

**Update on Home  
Inspector  
Regulations**

The following meeting dates have been scheduled:

- May 3, 2011
- August 23, 2011
- November 15, 2011

**Future Meeting  
Dates**

The meeting adjourned at 2:00 p.m.

**Adjournment**

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Keith F. Cronan, Chair

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Gordon Dixon, Secretary

Minutes of Meeting  
INFORMAL FACT-FINDING CONFERENCES  
**FEBRUARY 10, 2011**

The Board for Asbestos, Lead, Mold and Home Inspectors convened in Richmond, Virginia, an Informal Fact-Finding Conferences pursuant to the Administrative Process Act.

Ann-Marie Brigil, Presiding Officer, presided. No Board members were present.

Ilona LaPaglia appeared for the Department of Professional and Occupational Regulation.

The conferences were recorded by Tammie M. Brown, CCR and the Summaries or Consent Orders are attached unless no decision was made.

Disc = Disciplinary Case  
Lic = Licensing Application  
RF = Recovery Fund Claim

C = Complainant/Claimant  
A = Applicant  
R = Respondent/Regulant  
W = Witness  
Atty = Attorney  
Inv = Investigator

**Participants**

1. Terrance D. Small  
File Number 2011-03105  
**(NO DECISION MADE)**

Terrance Small – A

2. Ahmad Najeeullah Akram  
File Number 2011-02977  
**(NO DECISION MADE)**

Ahmad Akram – A

The meeting adjourned at 4:05 PM

BOARD FOR ASBESTOS, LEAD, MOLD AND HOME INSPECTORS

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Keith F. Cronan, Chairman

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Gordon Dixon, Secretary

Minutes of Meeting  
INFORMAL FACT-FINDING CONFERENCES  
**FEBRUARY 22, 2011**

The Board for Asbestos, Lead, Mold and Home Inspectors convened in Richmond, Virginia, an Informal Fact-Finding Conferences pursuant to the Administrative Process Act.

Kristin Becker, Presiding Officer, presided. No Board members were present.

Ilona LaPaglia appeared for the Department of Professional and Occupational Regulation.

The conferences were recorded by Tammie M. Brown, CCR and the Summaries or Consent Orders are attached unless no decision was made.

Disc = Disciplinary Case  
Lic = Licensing Application  
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C = Complainant/Claimant  
A = Applicant  
R = Respondent/Regulant  
W = Witness  
Atty = Attorney  
Inv = Investigator

**Participants**

1. Millard L. Buchanan  
File Number 2011-02920  
**(NO DECISION MADE)**

Millard Buchanan – A

The meeting adjourned at 3:30 PM

BOARD FOR ASBESTOS, LEAD, MOLD AND HOME INSPECTORS

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Keith F. Cronan, Chairman

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Gordon Dixon, Secretary

Minutes of Meeting  
INFORMAL FACT-FINDING CONFERENCES  
**MARCH 10, 2011**

The Board for Asbestos, Lead, Mold and Home Inspectors convened in Richmond, Virginia, an Informal Fact-Finding Conferences pursuant to the Administrative Process Act.

Ann-Marie Brigil, Presiding Officer, presided. No Board members were present.

Ilona LaPaglia appeared for the Department of Professional and Occupational Regulation.

The conferences were recorded by Tammie M. Brown, CCR and the Summaries or Consent Orders are attached unless no decision was made.

Disc = Disciplinary Case  
Lic = Licensing Application  
RF = Recovery Fund Claim

C = Complainant/Claimant  
A = Applicant  
R = Respondent/Regulant  
W = Witness  
Atty = Attorney  
Inv = Investigator

**Participants**

1. Patrice Nicole Larkin  
File Number 2011-03440  
**(NO DECISION MADE)**

Patrice Larkin – A

The meeting adjourned at 10:40 AM

BOARD FOR ASBESTOS, LEAD, MOLD AND HOME INSPECTORS

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Keith F. Cronan, Chairman

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Gordon Dixon, Secretary



Minutes of Meeting  
INFORMAL FACT-FINDING CONFERENCES  
**MARCH 22, 2011**

The Board for Asbestos, Lead, Mold and Home Inspectors convened in Richmond, Virginia, an Informal Fact-Finding Conferences pursuant to the Administrative Process Act.

Kristin Becker, Presiding Officer, presided. No Board members were present.

Ilona LaPaglia appeared for the Department of Professional and Occupational Regulation.

The conferences were recorded by Tammie M. Brown, CCR and the Summaries or Consent Orders are attached unless no decision was made.

Disc = Disciplinary Case  
Lic = Licensing Application  
RF = Recovery Fund Claim

C = Complainant/Claimant  
A = Applicant  
R = Respondent/Regulant  
W = Witness  
Atty = Attorney  
Inv = Investigator

**Participants**

1. Jason Craig May  
File Number 2011-03613  
**(NO DECISION MADE)**

Jason May – A

The meeting adjourned at 10:40 AM

BOARD FOR ASBESTOS, LEAD, MOLD AND HOME INSPECTORS

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Keith F. Cronan, Chairman

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Gordon Dixon, Secretary

**IN THE**  
**COMMONWEALTH OF VIRGINIA**  
**BOARD FOR ASBESTOS, LEAD, MOLD, AND HOME INSPECTORS**

Re: Jason Craig May  
Application

File Number: 2011-03613

**SUMMARY OF THE INFORMAL FACT-FINDING CONFERENCE**

On February 22, 2011, the Notice of Informal Fact-Finding Conference (“Notice”) was mailed, via United Parcel Service (“UPS”), to Jason Craig May (“May”). The Notice included the Informal Fact-Finding Conference Referral Memorandum, which contained the facts regarding the application.

On March 22, 2011, an Informal Fact-Finding Conference (“IFF”) was convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the IFF: Jason Craig May (via telephone conference call), Applicant; Ilona LaPaglia, Staff Member; and Kristin Becker, Presiding Officer.

**PRIOR CRIMINAL CONVICTIONS**

§ 54.1-204 of the Code of Virginia. Prior convictions not to abridge rights.

B. In determining whether a criminal conviction directly relates to an occupation or profession, the regulatory board shall consider the following criteria:

1. The nature and seriousness of the crime;

On February 14, 2002, in Lee County Circuit Court in Alabama, May was convicted of possession of dangerous drugs, a felony. He served seventeen (17) days in jail, received a three (3) year suspended sentence with one (1) year probation and was ordered to pay court costs.

May stated he was out partying with friends at a bar and upon stepping outside of the bar, a police officer stopped him because he was intoxicated. They searched his pockets and found clonazepam, a generic form of Valium. May stated the clonazepam was for his personal use and not prescribed to him.

2. The relationship of the crime to the purpose for requiring a license to engage in the occupation;

The purpose of licensure is to protect the health, safety, and welfare of the public. I believe there is a relationship between a crime such as May's and the purpose for requiring a license. The Board safeguards the public welfare by ensuring only those individuals with sufficient character and integrity engage in the profession. May's conviction could indicate that he does not have the character or integrity to possess the credentials of a license.

3. The extent to which the occupation or profession might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved;

It appears more than nine years have elapsed without incident since May's last offense. Based on this information, it does not appear that granting May a license will offer him an opportunity to engage in further criminal activity of the same type.

4. The relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the occupation or profession;

May is currently licensed in Alabama as an Asbestos Contractor/Supervisor. He is also licensed as a contractor in North Carolina, South Carolina, Ohio, Indiana, Mississippi and Tennessee. In light of this information, there does not appear to be a relationship between May's crimes and his current ability to perform the duties of an asbestos supervisor.

5. The extent and nature of the person's past criminal activity;

May said he has been involved in no past criminal activity.

6. The age of the person at the time of the commission of the crime;

May was twenty-three (23) at the time of the crime mentioned above.

7. The amount of time that has elapsed since the person's last involvement in the commission of a crime;

More than nine years have elapsed since May's last involvement in a crime.

8. The conduct and work activity of the person prior to and following the criminal activity; and

May and his father started their own company, Environmental Services Group in Alabama and May was Vice-President from 1999 until October 2003, until they sold the company. From 2003 until 2005, May took an early retirement and on occasions helped another contractor in Decatur, Alabama for outages. In 2005, after hurricane Katrina, he went back to work for Environmental Services Group as an employee.

9. Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.

May completed an intensive outpatient drug rehabilitation program presented by Bradford Health Services in Milton, Alabama on August 14, 2003.

### **RECOMMENDATION**

Based on the evidence and the IFF, including the information obtained from the Central Criminal Records Exchange, and in consideration of the criteria outlined in § 54.1-204(B), the following is recommended regarding the application as outlined in the IFF Conference Referral Memorandum:

Jason Craig May does not have an extensive criminal history. The crimes for which he was convicted appear to be the result of being young, being intoxicated and per his statements in part, " ... feeling of being invincible at that time and on top of the world."

Since May's conviction, it appears he has made an effort to remain living an offense-free lifestyle. He has not engaged in any additional criminal activity, he has been gainfully employed at Environmental Services since 2005, where he is the environmental manager.

It appears May's efforts of rehabilitation have been successful and it is my opinion that his crimes are not directly related to the occupation or profession for which he is seeking licensure.

In consideration of the amount of time that has elapsed since May's last involvement in a crime, his conduct and work activity following his criminal activity, and the appearance of May's rehabilitation and rehabilitative efforts, I believe he has met the criteria for licensure. Therefore, I recommend the Board approve Jason Craig May's application.

By: \_\_\_\_\_

Kristin Becker  
Presiding Officer

Date: \_\_\_\_\_

BOARD FOR ASBESTOS, LEAD, MOLD, AND HOME INSPECTORS



**Licensing and Regulation Division**

Application Review  
Informal Fact-Finding Conference Referral Memorandum

To: Board Administrative Proceedings Section

From: Jill R. Hrynciw, Board Administrator

Date: February 9, 2011

Re:

Applicant Name: Jason C. May

Application No. 3302-010158P

Type of License Applied for: Asbestos Supervisor

Application Reviewed by: Whitney Fulcher

Presiding Officer Requested:  Staff  
 Board Member \_\_\_\_\_

Basis Upon Which Applicant May Not Meet Statutory/Regulatory Requirements –  
Criminal Conviction(s):

Pursuant to §54.1-204 of the *Code of Virginia*  
and  
Board Regulations 18VAC15-20-32 G and 18VAC15-20-450 A 6

*FACTS:*

On December 15, 2010, Jason C. May applied for a Asbestos Supervisor license and has been convicted of the following:

<u>Date of Conviction</u>	<u>Court</u>	<u>Conviction</u>	<u>Type</u>
February 14, 2002	Lee County Circuit Court, Alabama	Dangerous Drugs	Felony

COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION  
BOARD FOR ASBESTOS, LEAD, MOLD & HOME INSPECTORS

IN RE: INFORMAL FACT-FINDING TELEPHONE CONFERENCE  
HEARD BEFORE: KRISTIN BECKER

MARCH 22, 2011  
SECOND FLOOR CONFERENCE ROOM  
9960 MAYLAND DRIVE  
RICHMOND, VIRGINIA 23233  
10:30 a.m.

IN RE: JASON CRAIG MAY  
FILE NUMBER 2011-03613

TAMMIE M. BROWN, CCR  
67 Stoney Point Road  
Cumberland, Virginia 23040  
(804) 492-4954  
brownccr@gmail.com

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BOARD MEMBER:

Kristin Becker, Presiding

STAFF:

Ilona LaPaglia  
Legal Analyst  
Department of Professional and Occupational Regulation

Also Present:

Jason Craig May - Applicant (by telephone)



I N D E X

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Board Exhibit Number 1.....	5
Informal Fact-Finding Referral Memorandum	
Board Exhibit Number 2.....	6
Notice of IFF	
May Exhibit Number 1.....	9
Certificate (Upon Receipt)	

1 MS. LAPAGLIA: Jason May?

2 MR. MAY: Yes.

3 MS. LAPAGLIA: This is Ilona with the  
4 Asbestos Board. Are you ready to go forward with your  
5 hearing?

6 MR. MAY: Yes, ma'am.

7 MS. LAPAGLIA: Just to let you know, in  
8 the room is myself. We do have a court reporter and the  
9 presiding officer, Kristin Becker. And Kristin Becker  
10 and I will be conducting the hearing together. Okay?

11 MR. MAY: Thank you. Okay.

12 MS. BECKER: Mr. Jason Craig May?

13 MR. MAY: Yes, ma'am.

14 MS. BECKER: Good morning, sir. How are  
15 you?

16 MR. MAY: Good. A little nervous I guess.  
17 I've never done this before.

18 MS. BECKER: Well, don't be nervous.  
19 We're just going to have a little chit-chat. My name is  
20 Kristin Becker. And I'm a designee of the Board for  
21 Asbestos, Lead, Mold and Home Inspectors. And this is  
22 an Informal Fact-Finding Conference just to gather a  
23 little bit of information regarding the criminal  
24 conviction that you disclosed on your application and  
25 some additional things that we're going to talk about.

1 MR. MAY: Okay.

2 MS. BECKER: Our department sent you a  
3 packet of information about what we're going to discuss  
4 today. Did you receive that?

5 MR. MAY: The only thing I received is the  
6 stuff that I copied of everything that I had sent in.

7 MS. BECKER: Okay. That's exactly it.  
8 And did you have a chance to take a look at that?

9 MR. MAY: Yes, ma'am.

10 MS. BECKER: And are you comfortable with  
11 going forward today?

12 MR. MAY: Yes, ma'am.

13 MS. LAPAGLIA: Mr. May, could I get you to  
14 state your full name and mailing address for the court  
15 reporter, please?

16 MR. MAY: Jason Craig May. 10 County  
17 Road, 230, Florence, Alabama 35633.

18 MS. LAPAGLIA: I'd like to introduce into  
19 exhibit, Board Exhibit Number 1, which is the Informal  
20 Fact-Finding Conference Referral Memorandum prepared by  
21 Jill Hyrnciw.

22 NOTE: Informal Fact-Finding Conference  
23 Memorandum was marked as Board Exhibit Number 1.

24 MS. LAPAGLIA: Board Exhibit Number 2, is  
25 a letter dated February 22, 2011, addressed to Mr. May

1 advising him of today's hearing, March 22, 2011, being  
2 conducted by telephone conference call.

3 NOTE: Notice of Informal Fact-Finding  
4 Conference was marked as Board Exhibit Number 2.

5 MS. LAPAGLIA: On February 14, 2002, in  
6 Lee County Circuit Court in Alabama, you were convicted  
7 of possession of a dangerous drug which was a felony.  
8 You received a three year suspended sentence with one  
9 year probation. Is that correct?

10 MR. MAY: Yes, ma'am.

11 MS. LAPAGLIA: And you were approximately  
12 23 years old at the time of the offense?

13 MR. MAY: Yes, ma'am.

14 MS. LAPAGLIA: Did you have to pay any  
15 court costs or fines or fees or anything?

16 MR. MAY: Oh, yes, ma'am. I had to pay  
17 court costs. And I really don't know what those are off  
18 the top of my head. But it was a hefty fine. Yes,  
19 ma'am.

20 MS. LAPAGLIA: Did you serve any jail time  
21 at all?

22 MR. MAY: It was I think 17 days. I  
23 served 17 days.

24 MS. LAPAGLIA: And could you tell me what  
25 happened?

1 MR. MAY: I was in Auburn, the town of  
2 Auburn. And I was gathering with some of my friends,  
3 and I guess you'd say, partying. Wrong place at the  
4 wrong time.

5 MS. LAPAGLIA: Well, how did you get  
6 caught?

7 MR. MAY: I was coming out of the bar  
8 intoxicated, and I guess you'd say, some metro police or  
9 Auburn police had stopped us. And I was pretty much  
10 intoxicated. And when they went to search, they had  
11 found the pills in my pocket.

12 MS. LAPAGLIA: And what were the pills  
13 that they found?

14 MR. MAY: They were Clonazepam, which is a  
15 generic Valium, basically.

16 MS. LAPAGLIA: Were they prescription  
17 drugs for you or someone else?

18 MR. MAY: No, ma'am.

19 MS. LAPAGLIA: They were not prescribed  
20 for you or anyone else, you just -- how'd you get the  
21 drugs?

22 MR. MAY: I had bought them off someone  
23 there in one of the local bars in Auburn.

24 MS. LAPAGLIA: Did you have a drug habit  
25 or were you addicted to prescription drugs?

1 MR. MAY: I wouldn't say that. I was 23.  
2 And I was the owner of the company I'm working at. And  
3 I was, I guess you could say, on top of the world and  
4 thought I was invincible And just out partying.

5 MS. LAPAGLIA: Okay.

6 MR. MAY: Lesson learned.

7 MS. LAPAGLIA: Expensive lesson, huh?

8 MR. MAY: Very.

9 MS. LAPAGLIA: Were you ordered to do any  
10 kind of drug rehab program, or anything like that,  
11 through the courts?

12 MR. MAY: Yes, ma'am. I did attend the  
13 Bradford in Milton, Alabama. And I forgot to send that,  
14 but I do have a copy of my certificate from Bradford  
15 Drug Rehab.

16 MS. LAPAGLIA: Okay. Could you forward  
17 that to me? I could keep the record open maybe five  
18 days for you to forward that to me so we could put it in  
19 your file.

20 MR. MAY: Yes ma'am. Who do I need to  
21 send that to?

22 MS. LAPAGLIA: You can send it to my  
23 attention -- Ilona, I-L-O-N-A. L-A-P-A-G-L-I-A. And  
24 the address is on the letterhead that I sent. Okay?  
25 9960 Mayland Drive. Okay?

1 MR. MAY: Yes, ma'am.

2 MS. LAPAGLIA: So once I receive that,  
3 I'll put it in your file and I will mark that as May  
4 Exhibit Number 1. Okay?

5 MR. MAY: Okay. Thank you.

6 MS. LAPAGLIA: Now, were you employed at  
7 the time?

8 MR. MAY: Yes, ma'am.

9 MS. LAPAGLIA: Where were you working?

10 MR. MAY: I was vice-president of the  
11 Environmental Services Group.

12 MS. LAPAGLIA: Okay. And how long did you  
13 work there?

14 MR. MAY: Me and my father started the  
15 company in '99, until basically it was October 2003,  
16 when we sold our portion of the company.

17 MS. LAPAGLIA: And then what did you do  
18 after 2003?

19 MR. MAY: 2003 to 2005, I basically took a  
20 little early retirement. I helped another contractor in  
21 Decatur, Alabama for outages, just here and there. But  
22 really didn't -- I just took a long life-taking break, I  
23 guess. In 2005, the company that we had sold had called  
24 me back right after Katrina. So I started back with the  
25 company and been with them since 2005.

1 MS. LAPAGLIA: So Environmental Services?

2 MR. MAY: Yes, ma'am. And I'm currently  
3 environmental manager for the company now. I just don't  
4 have no shareholdings in it anymore.

5 MS. LAPAGLIA: I do not have anything  
6 else. I don't know if Ms. Becker does.

7 MS. BECKER: Mr. May, this is Ms. Becker  
8 again. I just had a quick question. Are you currently  
9 licensed in the state you reside in now?

10 MR. MAY: Oh, yes. I'm actually -- I have  
11 a contractor license. Is that what you're basically  
12 asking?

13 MS. BECKER: Yes. Do you have a  
14 contractor's license or the equivalent of the license  
15 you're applying for now, there?

16 MR. MAY: Oh, yes, ma'am. I hold a State  
17 of Alabama. I hold a North Carolina and South Carolina  
18 contractor's license, Ohio, Indiana, Mississippi,  
19 Tennessee. I'm trying to think if there's any others.  
20 I hold all those contractor licenses for the company.  
21 And then I hold a supervisor's license for each one of  
22 those companies. Plus, I'm an asbestos inspector. I'm  
23 an air monitor. "Hazwaper." I'm basically the pedigree  
24 dog for the company.

25 MS. BECKER: Something you just said that



1 the court reporter couldn't pick up. What's a Hazwaper?

2 MR. MAY: Hazardous Waste Operator.

3 MS. BECKER: Okay. She didn't know how to  
4 type that.

5 MR. MAY: I'm sorry.

6 MS. BECKER: No, that's okay. It's  
7 strange to hear it. Okay, no problem.

8 So to make sure I have it right. You have  
9 a contractor's license in Alabama, North and South  
10 Carolina, Ohio, Indiana, Mississippi and Tennessee?

11 MR. MAY: Yes, ma'am. And I'm trying to  
12 think if there's any others. I believe that's it. And  
13 for each one of them, I hold a supervisor's license.  
14 Asbestos supervisor.

15 MS. BECKER: Okay.

16 And as far as those licenses in each of  
17 those states, have you ever been subject to any  
18 disciplinary action in those states?

19 MR. MAY: No, ma'am, never; knock on wood.

20 MS. BECKER: And do you have a rough time  
21 frame estimate as to when you got those licenses?

22 MR. MAY: What now?

23 MS. BECKER: Do you have a time frame of  
24 when those licenses became effective?

25 MR. MAY: Oh since -- well, actually '97

1 all the way to 2011, right now, except for, basically,  
2 2003 to 2005. I just hold my current Alabama asbestos  
3 supervisor license. And didn't do no contractor license  
4 since I wasn't employed with the company. And then I  
5 started on back in 2005.

6 MS. BECKER: Outside of these licenses,  
7 and your Hazwaper, do you have any other certifications  
8 outside of these?

9 MR. MAY: I'm part of the Local Union 477  
10 Ironworkers, certified welder. Let me see. No,  
11 basically, my background is all environmental.

12 MS. BECKER: And what is your purpose for  
13 obtaining licensure in Virginia?

14 MR. MAY: Looking at some projects coming  
15 up in the near future with another -- being a  
16 subcontractor under another contractor that we estimated  
17 some work for. I'm trying to get all the east coast,  
18 basically.

19 MS. BECKER: Okay. That's what it sounds  
20 like. Okay. Ms. LaPaglia, did you have any other  
21 questions for Mr. May?

22 MS. LAPAGLIA: No, I don't.

23 MS. BECKER: I don't have any either.

24 MS. LAPAGLIA: Mr. May, I'm going to let  
25 you know what happens next. In a couple of weeks

1 you'll receive a letter from me with a summary of the  
2 information from today. Just to let you know, we're  
3 going to approve your application.

4 MR. MAY: Thank you.

5 MS. LAPAGLIA: You're welcome. The  
6 summary, the transcript from today's hearing, the  
7 information in your file, along with the letter that  
8 you're going to send me, has to go to the next Board  
9 meeting. And it's the full Board that will make the  
10 final decision. They can accept, they can reject, or  
11 they can amend our recommendation.

12 MR. MAY: Yes, ma'am.

13 MS. LAPAGLIA: We encourage all the  
14 applicants to attend the Board meeting, but I realize  
15 coming from Alabama that may not be possible. You can  
16 send someone on your behalf if you'd like, but --

17 MR. MAY: If it's better for me to show  
18 up, I will make a trip to Virginia, that is no problem.

19 MS. LAPAGLIA: I don't think the Board is  
20 going to have any problems with this at all. But if you  
21 were to attend the Board meeting, you would be allotted  
22 five minutes to speak on your behalf about anything we  
23 discussed today. You would know the Board's decision  
24 that day. The next Board meeting is May 4. And five to  
25 seven days after the Board meeting, you should receive a

1 letter from the Board section letting you know what the  
2 Board's final decision is.

3 MR. MAY: Okay.

4 MS. LAPAGLIA: So in a couple of weeks  
5 you'll receive a copy of the summary. And then on May 4  
6 is the Board meeting.

7 MR. MAY: And then after I guess the Board  
8 does approve, how long will it take before I actually --  
9 because what I'm going to try to do is I'm going to try  
10 to get my asbestos first and then I'm going to apply for  
11 my Virginia contractor license. It's a back and forth,  
12 wonderful thing. I'm just looking at a time frame, just  
13 roughly.

14 MS. LAPAGLIA: Well, five to seven days  
15 after the Board meeting, you'll get a letter from the  
16 Board section. You can check -- a lot of times they'll  
17 post it on the website a couple days after the hearing.  
18 Although, we encourage you not to do anything until you  
19 actually receive the license.

20 MR. MAY: Okay. No problem.

21 MS. LAPAGLIA: So do you have any other  
22 questions?

23 MR. MAY: Well, I'll probably have to do  
24 the same thing once I apply for my contractor's license.  
25 Because they kind of ask the same questions; is that

1 correct?

2 MS. LAPAGLIA: Not really sure. We'll  
3 have to check on that for you.

4 MR. MAY: A whole other -- I understand.

5 MS. LAPAGLIA: So if there's nothing else,  
6 we will adjourn this meeting.

7 MR. MAY: I'm looking for your address  
8 that I can mail this to you. Can I scan it and email it  
9 to you?

10 MS. LAPAGLIA: You sure can.

11 MR. MAY: What is your email address?

12 MS. LAPAGLIA:  
13 Ilona.LaPaglia@dpor.virginia.gov.

14 MR. MAY: And your phone number, just in  
15 case it does not go through.

16 MS. LAPAGLIA: 804 367-2194.

17 MR. MAY: Thank you very much.

18 NOTE: Off the record at 10:40 a.m.

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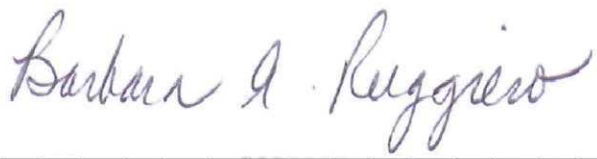
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CERTIFICATE OF COURT REPORTER

I, Barbara A. Ruggiero, a Certified Court Reporter, hereby certify that I was the Court Reporter at the Informal Fact-Finding Conference regarding Jason Craig May, heard in the County of Henrico, Virginia, on March 22, 2011, at the time of the hearing herein.

I further certify that the foregoing transcript is a true and accurate record of the testimony and other incidents of the hearing, to the best of my ability.

Given under my hand this 1st day of April, 2011.

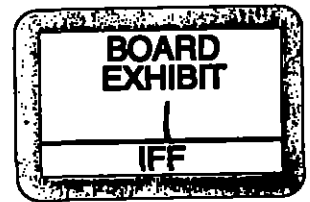


Barbara A. Ruggiero, CCR

My Commission Expires:

July 31, 2012

Notary Registration Number: 291009



**Licensing and Regulation Division**

**Application Review  
Informal Fact-Finding Conference Referral Memorandum**

To: Board Administrative Proceedings Section

From: Jill R. Hrynciw, Board Administrator

Date: February 9, 2011

Re:

Applicant Name: Jason C. May  
Application No. 3302-010158P  
Type of License Applied for: Asbestos Supervisor

Application Reviewed by: Whitney Fulcher

Presiding Officer Requested:  Staff  
 Board Member \_\_\_\_\_

RECEIVED   
FEB 09 2011  
BAP

**Basis Upon Which Applicant May Not Meet Statutory/Regulatory Requirements –  
Criminal Conviction(s):**

Pursuant to §54.1-204 of the *Code of Virginia*  
and  
Board Regulations 18VAC15-20-32 G and 18VAC15-20-450 A 6

**FACTS:**

On December 15, 2010, Jason C. May applied for an Asbestos Supervisor license and has been convicted of the following:

<u>Date of Conviction</u>	<u>Court</u>	<u>Conviction</u>	<u>Type</u>
February 14, 2002	Lee County Circuit Court, Alabama	Dangerous Drugs	Felony



Commonwealth of Virginia  
 Department of Professional and Occupational Regulation  
 Post Office Box 29570  
 Richmond, Virginia 23242-0570  
 (804) 367-8595



Board for Asbestos, Lead, Mold and Home Inspectors  
**ASBESTOS LICENSE APPLICATION**  
 Fee \$25.00

**A check or money order payable to the TREASURER OF VIRGINIA, or a completed credit card insert must be mailed with your application package. APPLICATION FEES ARE NOT REFUNDABLE.**

To obtain an asbestos license, your application package must include 1) a complete and legible Asbestos License Application and 2) copies of any training certificates proving that you successfully completed an *initial* EPA/AHERA or board-approved training course and all subsequent EPA/AHERA or board-approved *refresher* courses in your discipline. Inspector, Management Planner, Project Designer, and Project Monitor applicants must also include completed *Experience and Education Verification Forms*.

1. Name Jason Craig May ✓  
First Middle Last Generation (SR, JR, III, etc.)

2. Social Security Number \* 421-19-5780 ✓

3. Date of Birth 04/20/1977 ✓

4. Home Street Address (PO Box not accepted) 10 County Road 230 ✓  
 City, State, Zip Code Florence, AL 35633

5. E-mail Address jmay@general-insulation.com

6. Telephone & Facsimile Numbers (251) 443-8149 ✓ (251) 443-9077 ✓ (251) 762-9463 ✗  
Telephone Facsimile Beeper/Cellular

7. Check the one type of license you are requesting.

- ✓ Asbestos Worker 3301
- Asbestos Supervisor 3302
- Asbestos Inspector \* 3303  \* Completed *Experience and Education Verifications* is also required.
- Asbestos Management Planner \* 3304
- Asbestos Project Designer \* 3305
- Asbestos Project Monitor \* 3309

8. Do you hold a current or expired environmental remediation license issued by the Virginia Board for Asbestos, Lead, Mold and Home Inspectors?

✓ No  Yes  If yes, please enter the Virginia license number(s) and expiration date(s) below.

<b>RECEIVED</b> DEC 16 2010 465-LIC	Asbestos License Number	Expiration Date	Lead License Number	Expiration Date

OFFICE USE ONLY	DATE	FEE	CLASS OF FEE	LICENSE NUMBER	ISSUE DATE
	12/15/10	25	4/25	3302-010158	

9. Have you or any contractor with whom you have had a substantial identity of interest (see 18 VAC 15-20-150 of the board regulations) ever been subject to a disciplinary action imposed by any (including Virginia) local, state or national regulatory body?

No   
Yes

If yes, list the jurisdiction in which the disciplinary action took place, the license number and the name of the business and/or individual(s) involved in the disciplinary action. Provide an explanation of events, including a description of the disciplinary proceeding and the type of sanctions that were imposed (i.e., suspension, revocation, voluntary surrender of license, monetary penalty, fine, reprimand, termination of asbestos abatement or inspection activities prior to project completion, etc.). Attach copies of any correspondence or documentation (including a copy of the final order, decree or case decision) related to this matter. If necessary, you may attach a separate sheet of paper.



10. A. Have you ever been convicted in any jurisdiction of any felony? Any guilty plea or plea of nolo contendere must be disclosed on this application. Do not disclose any violations that were adjudicated as a minor in the juvenile court system.

No  Yes  If yes, please provide the information requested in #10.C.

B. Have you ever been convicted in any jurisdiction of any misdemeanor? Any guilty plea or plea of nolo contendere must be disclosed on this application. Do not disclose any violations that were adjudicated as a minor in the juvenile court system.

No  Yes  If yes, please provide the information requested in #10.C.

C. If you answered "yes" to either question #10.A. or #10.B., list the felony and/or misdemeanor conviction(s). Attach a copy of all applicable criminal conviction, state police and court records; information on the current status of incarceration, parole, probation, etc.; and any other information you wish to have considered with this application (i.e., reference letters, documentation of rehabilitation, etc.). If necessary, you may attach a separate sheet of paper.

Please see Attached

11. I, the undersigned, certify that the foregoing statements and answers are true, and I have not suppressed any information that might affect the Board's decision to approve this application. I verify that during the past three years, there were no suspensions or revocations of any authorizations I hold to perform asbestos-related work, nor are there any pending enforcement actions involving any of my asbestos licenses. I will notify the Department if I am subject to any disciplinary action or convicted of any felony or misdemeanor charges (in any jurisdiction) prior to receiving the requested license. I also certify that I understand, and have complied with, all the laws of Virginia related to licensure and environmental remediation under the provisions of Title 54.1, Chapters 1, 2, 3, and 5 of the Code of Virginia and the Virginia Asbestos Licensing Regulations.

Signature

[Handwritten Signature]

Date

12-14-10

\* State law requires every applicant for a license, permit, registration or other authorization to engage in a business, trade, profession or occupation issued by the Commonwealth to provide a social security number or a contractor number issued by the Virginia Department of Motor Vehicles.

RECEIVED

FEB 01 2011

DEC 16 2010

465-LIC

465-LIC

ALABAMA DEPARTMENT OF PUBLIC SAFETY  
ABI IDENTIFICATION UNIT  
PO BOX 1511  
MONTGOMERY AL 36102-1511

To: JASON C MAY  
10 COUNTY ROAD 230  
FLORENCE AL 35633-0920

Release Date: 01-18-2011  
SID Number : 01694711  
FBI Number :  
Requestor # : 999-00014995

Attention: JASON C MAY

Subj: MAY, JASON CRAIG

SSN : 421-19-5780

===== RESULTS OF ABI SEARCH =====

The following information contains the results of inquiry request 2011-01-00192 made on 01/18/2011 concerning the above named subject.

FURNISHED HERewith  
copy of RECORD: POSSIBLY your subject.

**CERTIFIED COPY  
OF  
ABI DOCUMENT**

RECEIVED .

FEB 01 2011

465-LIC

WARNING! THE USE OF THIS RECORD AND ATTACHED INFORMATION IS REGULATED BY LAW AND IS PROVIDED FOR OFFICIAL USE ONLY. IT MAY BE USED FOR THE PURPOSE REQUESTED AND MAY NOT BE RE-DISSEMINATED TO ANOTHER INDIVIDUAL OR AGENCY.

TF01022

Jan 21, 2011 9:13:10 AM

Received Time: Jan 21, 2011 09:06:46 Source ORI: AL003015Y

Summary: S\_QR: PUR=C SID=AL01694711

View Message Details

\*\*\*\*\* ALABAMA DEPARTMENT OF PUBLIC SAFETY \*\*\*\*\*

ABI IDENTIFICATION UNIT

\*\*\*\*\* DISSEMINATION RAPSHEET \*\*\*\*\*

\*\*\*\*\* RESULTS OF ABI SEARCH \*\*\*\*\*

WARNING!! THE USE OF THIS RECORD AND ATTACHED INFORMATION IS REGULATED BY LAW AND IS PROVIDED FOR OFFICIAL USE ONLY. IT MAY BE USED FOR THE PURPOSE REQUESTED AND MAY NOT BE DISSEMINATED TO ANOTHER INDIVIDUAL OR AGENCY.

\*\*\*\*\* THIS RECORD IS INVALID AFTER 90 DAYS \*\*\*\*\*

\*\*\*\*\* FOR CURRENT INFORMATION, PLEASE RE-CHECK THE ACJIC/CCH SYSTEM \*\*\*\*\*

NAME	REPORT DATE						
MAY, JASON C	01-21-2011						
SEX	RACE	BIRTH DATE	HEIGHT	WEIGHT	EYE	HAIR	BIRTH PLACE
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SOCIAL SECURITY	SCARS-MARKS-TATTOOS	FINGERPRINT CLASS
421-19-5780	TAT R SHLD	

ALIAS NAMES  
MAY, J C

FILE NUMBER	BIRTH DATE	SOCIAL SECURITY	OCCUPATION
01694711			

ARREST-01

DATE OF ARREST - 07-06-2001  
 AGENCY - AUBURN POLICE DEPT ORI - AL0430100  
 NAME - MAY, JASON C  
 CHARGE 01 - 3599 DANGEROUS DRUGS-  
 DATE OF OFFENSE - 07-06-2001  
 AGENCY CASE# - 01007943 01  
 DISP - CONVICTED DATE OF DISP - 02-14-2002  
 OFFENSE - 3599 DANGEROUS DRUGS-  
 OTHER COURT PROVISIONS- SENT SUSP: 3Y  
 PROB: 1Y

END OF RAPSHEET

\*\*\*\*\* THIS INFORMATION IS PROVIDED BY \*\*\*\*\*  
 \*\*\*\*\* ALABAMA CRIMINAL JUSTICE INFORMATION CENTER /CCH SYSTEM \*\*\*\*\*  
 SEQ # 0002 MRI # 9413221

Received Time: Jan 21, 2011 09:06:46 Source ORI: ALAST0359

Summary: S\_QR: PUR=C SID=AL01694711

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MESSAGE ACCEPTED - Y2Q 00003 AT 09:06 01/21/2011  
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# ORDER OF PROBATION

Form CR-50 Rev. 6/98

IN THE        CIRCUIT COURT OF LEE ALABAMA  
(Circuit or District) (Name of County)

STATE OF ALABAMA v. JASON CRAIG HAY  
Defendant

It appears to the court the above named defendant  has been convicted of  has been adjudicated a Youthful Offender for the offense of Possession of Cocaine and has been sentenced to three (3) years

The defendant having applied for the benefits of probation and the court having examined the cause, it is ORDERED, ADJUDGED, and DECREED that the sentence is hereby suspended and that the defendant is placed on probation for a period of one (1) year

It is the order of the court that the probationer comply with the following conditions of probation:

1. Do not violate any Federal, State, or local law.
  2. Avoid injurious or vicious habits.
  3. Avoid persons or places of disreputable or harmful conduct or character.
  4. Report to the Probation Officer as directed.
  5. Permit the Probation Officer to visit defendant at home or elsewhere.
  6. Work faithfully at suitable employment as much as possible.
  7. Remain within a specified place, to-wit: Lee Co. or as directed.
  8. Support his/her dependents to the best of his/her ability.
  9. Do not change residence or employment without the consent of the Probation Officer.
  10. Submit to substance abuse tests when ordered to do so by the Probation Officer. These tests may include urinalysis, breathalyzer, and blood samples, but are not limited thereto. Probationer will pay costs of tests.
  11. Submit to searches by the Probation Officer of his person, residence, vehicle, or any property under his/her control.
  12. Pay to the Probation Officer \$30.00 per month during the probation period, pursuant to law.
  13. Do not possess, receive, or transport firearms.
  14. If the defendant was convicted of any offense specified in §38-18-24, Code of Alabama, he or she must submit to DNA testing according to §38-18-25(c), Code of Alabama 1976.
  15. The defendant is ordered to pay fines, court costs, restitution, assessments, and other court-ordered monies at the rate of \$ \_\_\_\_\_ per month on or before the \_\_\_\_\_ day of each month, beginning \_\_\_\_\_. Payments of cash, money orders, or certified funds may be brought to the clerk's office. Money orders or certified funds may be mailed to the Clerk of Court: CORINNE T. BURR, CLERK OF COURT
- Name Lee Co. Justice Center, 2311 Gateway Drive, Ste. 9104
- Address Opalika AL 36801
- City Opalika State AL Zip Code 36801
- At each report to the probation officer, the defendant shall furnish written proof (Clerk's receipt or money order receipt) of any previous month's payment of court-ordered monies.
16. Notify the Clerk of Court of any change of mailing address and appear in court whenever ordered.
  17. Report to the Court Referral Officer immediately, and attend, pay for, and successfully complete the recommended program. The telephone number is \_\_\_\_\_.
  18. The defendant shall perform \_\_\_\_\_ hours of community service to be approved by the court.
  19. Other conditions of probation ordered by the court are as follows: NO DRUG USE

It is the further order of the court that the defendant is hereby advised that the court may at any time revoke or modify any conditions of this probation or change the period of probation and may discharge defendant from probation or extend the period of probation. The probationer shall be subject to arrest for violation of any condition of the probation herein granted. The court may, at any time, for cause, order the original sentence executed.

8-22-02

Date

Judge Robert H. Harper

A copy of this order has been delivered to the probationer, who has been instructed regarding this order.

8-22-02

Date

Probation Officer Carolyn Miles-Fruitt

The above instructions and conditions have been read and explained to me. I have received a copy of this order, I understand the conditions, and I agree to abide by them.

8-22-02

Date

Probationer's Signature Jason Craig Hay

Probationer's Address

Probationer's Telephone Number

1350 H. H. Drive C-3  
City Opalika State AL Zip Code 36801

STATE OF ALABAMA  
BOARD OF PARDONS AND PAROLES  
301 S. RIPLEY STREET  
P.O. BOX 302405  
MONTGOMERY, ALABAMA 36130 - 2405

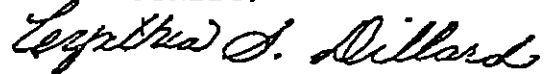
08-22-2007

JASON CRAIG MAY  
10 COUNTY ROAD 230  
FLORENCE AL 35630

DEAR SIR OR MADAM:

ENCLOSED IS YOUR CERTIFICATE OF PARDON WITH RESTORATION OF CIVIL  
AND POLITICAL RIGHTS, WHICH WAS GRANTED BY THE BOARD OF PARDONS  
AND PAROLES ON 08-20-2007

SINCERELY,



CYNTHIA S. DILLARD  
EXECUTIVE DIRECTOR

ENC: CERTIFICATE

AIS#: 805512

CC: FLORENCE

BOARD OF PARDONS AND PAROLES

CERTIFICATE OF PARDON WITH RESTORATION OF  
CIVIL AND POLITICAL RIGHTS

KNOW ALL MEN BY THESE PRESENTS:

IT HAVING BEEN MADE TO APPEAR TO THE ALABAMA STATE BOARD  
OF PARDONS AND PAROLES THAT JASON CRAIG MAY 805512  
WAS CONVICTED OF THE FOLLOWING DISQUALIFYING OFFENSES:

COUNTY	CASE NUMBER	DATE	OFFENSE	SENTENCE
LEE	CC2002-000197	02-14-2002	POSS CLONAZEPAM	003 00 000CS

AND IT FURTHER APPEARING TO THE BOARD FROM THE OFFICIAL REPORT  
OF THE PAROLE OFFICER, WHICH IS A PART OF THE RECORD IN THIS CASE,  
THAT THE ABOVE NAMED HAS SO CONDUCTED HIMSELF AS TO DEMONSTRATE HIS  
REFORMATION AND TO MERIT PARDON WITH RESTORATION OF CIVIL RIGHTS;

~~NOW, IN COMPLIANCE WITH THE AUTHORITY VESTED IN THE STATE BOARD~~  
OF PARDONS AND PAROLES BY THE CONSTITUTION AND THE LAWS OF THE STATE  
OF ALABAMA TO GRANT PARDONS AND TO RESTORE CIVIL AND POLITICAL RIGHTS,  
IT IS

ORDERED THAT A PARDON BE GRANTED TO THE ABOVE NAMED AS A RESULT  
OF THE ABOVE STATED CONVICTION(S), AND IT IS FURTHER ORDERED THAT ALL  
CIVIL AND POLITICAL RIGHTS WHICH WERE FORFEITED AS A RESULT OF THE  
AFORESAID CONVICTION(S) OTHER THAN THOSE RIGHTS SPECIFICALLY EXCLUDED  
BY THE TERMS OF THIS CERTIFICATE BE AND THEY ARE HEREBY RESTORED.

THIS PARDON DOES NOT RELIEVE THE RECIPIENT FROM THE EFFECTS OF THE  
HABITUAL OFFENDER ACT AS CONTAINED IN THE ALABAMA CODE.

GIVEN UNDER THE HAND AND SEAL OF THE STATE BOARD OF PARDONS AND  
PAROLES, THIS THE 20TH DAY OF AUGUST, 2007.

ALABAMA BOARD OF PARDONS AND PAROLES



CYNTHIA S. DILLARD  
EXECUTIVE DIRECTOR



ENVIRONMENTAL SERVICES GROUP, LLC

3555 Hurricane Bay Drive • Theodore, Alabama 36582  
(251) 443-8149 • Fax (251) 443-9077

**February 9, 2011**

**Re: Informal Fact-Finding Conference (IFF)**

**Attention: Jill R. Hrynciw**

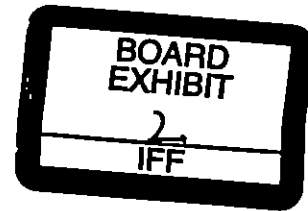
***Mrs. Hrynciw, I would like to pursue and request an IFF conference.***

**Sincerely,**

A handwritten signature in black ink, appearing to read "Jason C. May", with a long, sweeping underline that extends to the left and then curves back under the name.

**Jason C. May**





COMMONWEALTH of VIRGINIA  
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

GORDON N. DIXON  
DIRECTOR

February 22, 2011

NOTICE OF  
INFORMAL FACT-FINDING CONFERENCE

MAILED VIA UPS

DEPUTY DIRECTORS:  
  
NICK A. CHRISTNER  
Compliance & Investigation  
  
MARK N. COURTNEY  
Licensing & Regulation  
  
STEVEN L. ARTHUR  
Administration & Finance

Mr. Jason Craig May  
10 Country Road 230  
Florence, AL 35633

**Re: File No. 2011-03613  
Jason Craig May**

Dear Mr. May:

You have requested the Board for Asbestos, Lead, Mold and Home Inspectors ("the Board") conduct an Informal Fact-Finding Conference ("IFF Conference") regarding your application. The proceeding will take place on **March 22, 2011 at 9:00 a.m.** at the Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Richmond, VA. I have enclosed directions. Please call me at (804) 367-2194 upon receipt of this Notice to confirm that you will attend the IFF Conference.

Pursuant to Code § 2.2-4019.B, agencies may, in their case decisions, rely upon public data, documents or information only when the agencies have provided all parties with advance notice of an intent to consider such public data, documents or information. This requirement shall not apply to an agency's reliance on case law and administrative precedent.

IFF Conferences are provided for under the Administrative Process Act, §§ 2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended. Venue for conferences is established pursuant to Virginia Code § 2.2-4003. The IFF Conference is designed to provide you an opportunity to come before a Presiding Officer designated by the Board and provide any documentation and/or testimony in support of your application. This IFF Conference extends to you an opportunity to be heard in person, by counsel, or other qualified representative of your choice.

The information in the Board's file indicates that your application may not meet the regulatory or statutory requirements of the Board. The enclosed Regulatory Programs

Division Application Review Informal Fact-Finding Conference Referral Memorandum ("Referral Memorandum") states the reasons that the licensing staff has not issued your license. The Referral Memorandum will be made part of the Agency Record during the IFF Conference.

Pursuant to §§ 54.1-204 (A), (B), and (D) of the Code of Virginia, the Board shall consider the following:

- A. A person shall not be refused a license, certificate or registration to practice, pursue, or engage in any regulated occupation or profession solely because of a prior criminal conviction, unless the criminal conviction directly relates to the occupation or profession for which the license, certificate or registration is sought. However, the regulatory board shall have the authority to refuse a license, certificate or registration if, based upon all the information available, including the applicant's record of prior convictions, it finds that the applicant is unfit or unsuited to engage in such occupation or profession.
  
- B. In determining whether a criminal conviction directly relates to an occupation or profession, the regulatory board shall consider the following criteria:
  - 1. The nature and seriousness of the crime;
  - 2. The relationship of the crime to the purpose for requiring a license to engage in the occupation;
  - 3. The extent to which the occupation or profession might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved;
  - 4. The relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the occupation or profession;
  - 5. The extent and nature of the person's past criminal activity;
  - 6. The age of the person at the time of the commission of the crime;
  - 7. The amount of time that has elapsed since the person's last involvement in the commission of a crime;
  - 8. The conduct and work activity of the person prior to and following the criminal activity; and
  - 9. Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.
  
- D. A regulatory board or department shall consider the criminal information as contained in the applicant's state or national criminal history in lieu of the applicant providing certified copies of such court records in determining whether a criminal conviction directly relates to an occupation or profession or if an applicant is unfit or unsuited to engage in an occupation or

profession. The regulatory board or department may request additional information from the applicant in making such determination.

You should be prepared to present information related to these issues.

It is not the policy of the Board to reschedule these matters. Accordingly, you should plan to present your case on the scheduled date.

You are requested to bring a copy of this Notice, the Referral Memorandum and any other documentation and/or individuals that can provide information relevant to your application. You and any witnesses will have an opportunity to present facts related to your application. The IFF Conference is not an adversarial proceeding and there will not be any cross-examination; however, clarifying questions may be asked. A court reporter will be present at the IFF Conference and will prepare a transcript of the testimony given during the IFF Conference. All of the information and testimony presented during the IFF Conference will form the Agency Record.

Notify me in writing, at the address listed above, if you desire to have any witnesses subpoenaed on your behalf. Please provide the witnesses' name(s), physical address(es) and telephone number(s). Subpoenas cannot be issued without a written request.

Following the conclusion of the IFF Conference, the Presiding Officer will prepare a Summary of Informal Fact-Finding Conference ("the Summary") that will include a recommendation regarding this case. The Summary will be submitted to the Board for consideration at the next available Board meeting. The Board may accept, reject, or modify the Summary.


Prior to the Board meeting, a copy of the Summary will be provided to you and the participants of the IFF Conference. In addition, each member of the Board will be sent a complete copy of the Agency Record, which will include all of the exhibits, a copy of the IFF Conference transcript, and the Summary.

You and any participants of the IFF Conference will be invited to attend the Board meeting at which the Board will consider this case. Prior to the Board's final decision, you and the participants will be given the opportunity to make a limited presentation to the Board. At that time, you may not introduce new evidence but may state the reasons why you agree or disagree with the Summary. The Board will make a final decision regarding your application based upon the Agency Record. You will be notified of the Board's final decision within five days of the Board meeting.

**Persons desiring to participate in the conference, and requiring special accommodations or interpretive services, should contact the Department at (804) 367-8500. The Department fully complies with the Americans with Disabilities Act. Please notify the Department of your request for accommodation at least two weeks in advance for consideration of your request.**

If you have any questions, please contact me at (804) 367-2194.

Sincerely,

A handwritten signature in black ink that reads "Ilona LaPaglia" followed by a stylized flourish.

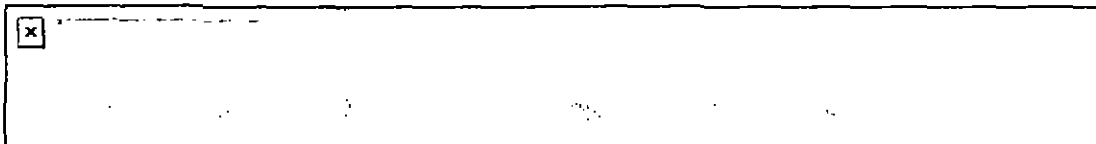
Ilona H. LaPaglia  
Legal Analyst  
Board Administrative Proceedings

IHL  
Enclosures

**LaPaglia, Ilona (DPOR)**

---

**From:** UPS Quantum View [auto-notify@ups.com]  
**Sent:** Thursday, February 24, 2011 12:18 PM  
**To:** LaPaglia, Ilona (DPOR)  
**Subject:** UPS Delivery Notification, Tracking Number 1Z6877890397025334



\*\*\*Do not reply to this e-mail. UPS and DPOR will not receive your reply.

**At the request of DPOR, this notice is to confirm that the following shipment has been delivered.**

**Important Delivery Information**

---

**Tracking Number:** 1Z6877890397025334  
**Delivery Date / Time:** 24-February-2011 / 10:05 AM

**Driver Release Location:** CARPORT

**Shipment Detail**

---

**Ship To:**

Mr. Jason Craig May  
10 COUNTY ROAD 230  
FLORENCE  
AL  
35633  
US

**Number of Packages:** 1

**UPS Service:** GROUND

**Weight:** 1.0 LBS

**Reference Number 1:** 426 / LaPaglia

**Reference Number 2:** 11-03613\_May ASB IFF Not 3/22/11

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Discover more about UPS:  
[Visit www.ups.com](http://www.ups.com)

### Shipment Receipt

Transaction Date: 22 Feb 2011  
 Tracking Number: 1Z6877890397025334

<b>1 Address Information</b>		
<b>Ship To:</b> Mr. Jason Craig May 10 Country Road 230 FLORENCE AL 35633  Residential	<b>Ship From:</b> DPOR Ilona LaPaglia 9960 Mayland Drive Suite 400 RICHMOND VA 23233 Telephone 8043678500	<b>Return Address:</b> DPOR Ilona LaPaglia 9960 Mayland Drive Suite 400 RICHMOND VA 23233 Telephone:8043678500

<b>2 Package Information</b>			
Weight	Dimensions / Packaging	Declared Value	Reference Numbers
1. 10 lbs	Other Packaging		Reference#1 - 426 / LaPaglia Reference#2 - 11-03613_May ASB IFF Not 3/22/11

<b>3 UPS Shipping Service and Shipping Options</b>			
<b>Service:</b> UPS Ground Service			
<b>Guaranteed By:</b> 1 End of Day Thursday, 2/24/2011			
<b>Shipping Fees Subtotal:</b>	8.44 USD	<b>Additional Shipping Options:</b>	
Transportation	5.51 USD	Quantum View Notify E-mail Notifications: No Charge	
Fuel Surcharge	0.48 USD	1 ilona.lapaglia@dpor.virginia.gov: Exception Delivery	
Residential Surcharge	2.45 USD		

<b>4 Payment Information</b>	
<b>Bill Shipping Charges to:</b>	Shipper's Account 687789
Daily rates were applied to this shipment	
<b>Total Charged:</b>	8.44 USD

Note: Your invoice may vary from the displayed reference rates.

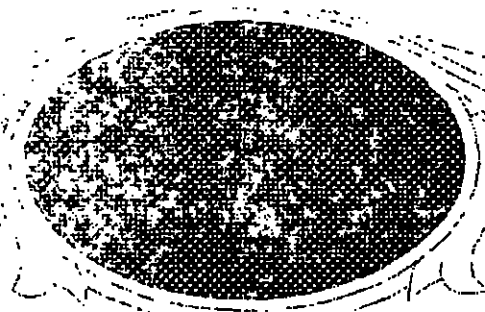
\* For delivery and guarantee information see the UPS Service Guide. To speak to a customer service representative, call 1-800-PICK-UPS for domestic services and 1-800-782-7892 for international services.

#### Responsibility for Loss or Damage

Unless a greater value is recorded in the declared value field as appropriate for the UPS shipping system used, the shipper agrees that the released value of each package covered by this receipt is no greater than \$100, which is a reasonable value under the circumstances surrounding the transportation. If additional protection is desired, a shipper may increase UPS's limit of liability by declaring a higher value and paying an additional charge. UPS does not accept for transportation and shipper's requesting service through the Internet are prohibited from shipping packages with a value of more than \$50,000. The maximum liability per package assumed by UPS shall not exceed \$50,000, regardless of value in excess of the maximum. Claims not made within nine months after delivery of the package (sixty days for international shipments), or in the case of failure to make delivery, nine months after a reasonable time for delivery has elapsed (sixty days for international shipments), shall be deemed waived. The entry of a C.O.D. amount is not a declaration of value for carriage purposes. All checks or other negotiable instruments tendered in payment of C.O.D. will be accepted by UPS at shipper's risk. UPS shall not be liable for any special, incidental, or consequential damages. All shipments are subject to the terms and conditions contained in the UPS Tariff and the UPS Terms and Conditions of Service, which can be found at [www.ups.com](http://www.ups.com).

Close Window


EXHIBIT  
MAY 1



**CERTIFICATE OF COMPLETION**

**Jason C. May**

**is hereby recognized as having successfully completed the  
INTENSIVE OUTPATIENT PROGRAM  
presented by Bradford Health Services  
on this 14th day of August, 2003**

  
**Kim Chosie, PhD, LPC  
Program Director**

  
**Mark L. Watson, M.S.  
Therapist**

April 12, 2011

MAILED VIA UPS

Mr. Jason Craig May  
10 Country Road 230  
Florence, AL 35633

**Re: File No. 2011-03613  
Jason Craig May**

Dear Mr. May:

Enclosed is a copy of the Summary of Informal Fact-Finding Conference (“the Summary”) prepared on behalf of the Board for Asbestos, Lead, Mold, and Home Inspectors (“the Board”) regarding the Informal Fact Finding Conference (“IFF”) held on March 22, 2011, regarding the above-referenced file.

The Summary, which includes the recommendation, will be presented to the Board at its next scheduled meeting on **May 3, 2011**. The meeting will be held at **9:00 a.m.** at the Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Richmond, VA. Directions are enclosed.

The Board has the authority to *accept* or *reject* the Summary. The Board may also, upon consideration of the Summary, testimony, and deliberations, amend the Summary and/or render its own decision. This includes denying a license application or renewal. The Board may consider any prior disciplinary actions before making its final decision.

At the Board meeting, participants may respond to the Summary *only*. Participants may not present any new information or bring any new witnesses. Participants will be permitted to speak for five minutes. This is your final opportunity to make a presentation to the Board before a final decision is made. If you would like to schedule an appointment for the Board meeting or have any questions, please contact the Board section at (804) 367-2648.



**Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the Department at (804) 367-8500. The Department fully complies with the American with Disabilities Act. Please notify the Department of your request for accommodation as soon as possible for consideration of your request.**

Sincerely,

Ilona LaPaglia  
Legal Analyst  
Board Administrative Proceedings

IHL  
Enclosure

**IN THE  
COMMONWEALTH OF VIRGINIA  
BOARD FOR ASBESTOS, LEAD, MOLD, AND HOME INSPECTORS**

Re: Millard L. Buchanan  
Application

File Number: 2011-02920

**SUMMARY OF THE INFORMAL FACT-FINDING CONFERENCE**

On January 28, 2011, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via United Parcel Services ("UPS"), to Millard L. Buchanan ("Buchanan"). The Notice included the Informal Fact-Finding Conference Referral Memorandum, which contained the facts regarding the application.

On February 22, 2011, an Informal Fact-Finding Conference ("IFF") was convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the IFF: Buchanan, Applicant (by telephone); Ilona LaPaglia, Staff Member; and Kristin Becker, Presiding Officer.

**PRIOR CRIMINAL CONVICTIONS**

§ 54.1-204 of the Code of Virginia. Prior convictions not to abridge rights.

B. In determining whether a criminal conviction directly relates to an occupation or profession, the regulatory board shall consider the following criteria:

1. The nature and seriousness of the crime;

On September 21, 2001 in Greene County Criminal Court, Tennessee, Buchanan was convicted of aggravated burglary, a felony. Buchanan was sentenced to three (3) years and six (6) months.

Buchanan provided the Board with a written explanation of the events which lead to him being charged for the above conviction as well as testimony to supplement the record. Buchanan stated his wife purchased a home for \$12,000.00 and invested \$3,000 to improve the residence. Buchanan's stepson was looking for a home for the same low price and eventually they found a home that appeared abandoned. Buchanan stated the home did not have windows or doors and they went inside and found a metal kitchen cabinet. Buchanan stated he assumed the home to be abandoned so he wanted to take the cabinet to repair it and use it. Buchanan found out later that the home belonged to the former area Chief of Police's mother who was in a nursing home and believes this may have played a

factor into why he received the sentence he did. Buchanan stated he served two (2) years and six (6) months of his sentence and served one (1) year on parole.

2. The relationship of the crime to the purpose for requiring a license to engage in the occupation;

The purpose of licensure is to protect the health, safety, and welfare of the public. I believe there is a relationship between a crime such as Buchanan's and the purpose for requiring a license. The Board safeguards the public welfare by ensuring only those individuals with sufficient character and integrity engage in the profession. Buchanan's conviction could indicate that he does not have the character or integrity to possess the credentials of a license.

3. The extent to which the occupation or profession might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved;

Based on the testimony provided during the IFF Conference and the information in the record, it appears that Buchanan's conviction was due to a lack of knowing the law. Buchanan stated he is fully aware now that you cannot enter residences no matter how dilapidated they are and remove things. It appears that Buchanan has remained conviction free for approximately ten (10) years. Based on this information, it does not appear that granting Buchanan a license will offer him an opportunity to engage in further criminal activity of the same type.

4. The relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the occupation or profession;

Buchanan stated he is currently licensed in Tennessee as an Asbestos Worker and his license is scheduled to expire in June of 2011. In addition, Buchanan attested to having never received any disciplinary action against his license in Tennessee. In light of this information, there does not appear to be a relationship between Buchanan's crime and his ability, capacity, or fitness to perform the duties of an asbestos worker.

5. The extent and nature of the person's past criminal activity;

Buchanan lacks any past criminal activity.

6. The age of the person at the time of the commission of the crime;

Buchanan was approximately twenty (20) years old when the above mentioned crime was committed.

7. The amount of time that has elapsed since the person's last involvement in the commission of a crime;

Approximately ten (10) years have elapsed since Buchanan's last involvement in the commission of a crime.

8. The conduct and work activity of the person prior to and following the criminal activity; and

Buchanan stated he is self employed and his job duties consist of asbestos removal for residential, commercial, and industrial sites.

9. Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.

Buchanan stated he served approximately two (2) years and six (6) months for the aforementioned conviction and it appears he was discharged from parole on April 30, 2004 without any further infractions. Buchanan stated that he was young and stupid when this incident happened and he is making payments towards his costs and fines.

### **RECOMMENDATION**

Based on the evidence and the IFF, including the information obtained from the Central Criminal Records Exchange, and in consideration of the criteria outlined in § 54.1-204(B), the following is recommended regarding the application as outlined in the IFF Conference Referral Memorandum:

Millard L. Buchanan's sole conviction occurred approximately ten (10) years ago and it appears his decision to commit aggravated burglary was due to his misunderstanding of the laws of his locality and his youth. It appears Buchanan has remained conviction free for the last approximate decade and has maintained licensure in another state. It is my opinion that Buchanan's lack of any further criminal activity is evidence of his rehabilitation. Based on the information provided during the IFF Conference and in the record, it does not appear that Buchanan's conviction will have a negative impact on his ability to perform the duties of an asbestos worker.

In consideration of amount of time that has elapsed since Buchanan's last involvement in the commission of a crime, Buchanan's lack of any past criminal activity, and the appearance of a lack of relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the occupation or profession, I recommend that Millard L. Buchanan's application be approved.

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Kristin Becker  
Presiding Officer  
BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS



**Licensing and Regulation Division**

Application Review  
Informal Fact-Finding Conference Referral Memorandum

To: Board Administrative Proceedings Section

From: Jill Richardson Hrynciw, Board Administrator

Date: November 29, 2010

Re:

Applicant Name: Millard Lee Buchanan

Application No. 3301-028561P

Type of License Applied for: Asbestos Worker

Application Reviewed by: Christine Rappe

Presiding Officer Requested:  Staff  
 Board Member \_\_\_\_\_

Comments:

Basis Upon Which Applicant May Not Meet Statutory/Regulatory Requirements –  
Criminal Conviction(s):

Pursuant to §54.1-204 of the *Code of Virginia*  
and  
Board Regulations 18VAC15-20-32 G and 18VAC15-20-450 A 6

*FACTS:*

On September 7, 2010, Millard Lee Buchanan applied for an Asbestos Worker license and has been convicted of the following:

<u>Date of Conviction</u>	<u>Court</u>	<u>Conviction</u>	<u>Type</u>
September 21, 2001	Greene County, Tennessee, Criminal/Circuit Court	Aggravated Burglary	Felony

COMMONWEALTH OF VIRGINIA:

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

BOARD FOR ASBESTOS, LEAD, MOLD AND HOME INSPECTORS

IN RE: INFORMAL FACT-FINDING CONFERENCE

HEARD BEFORE: KRISTIN BECKER

FEBRUARY 22, 2011  
SECOND FLOOR CONFERENCE ROOM  
9960 MAYLAND DRIVE  
RICHMOND, VIRGINIA 23233  
1:12 P.M.

IN RE: MILLARD L. BUCHANAN

FILE NUMBER 2011-02920

TAMMIE M. BROWN, CCR  
67 Stoney Point Road  
Cumberland, Virginia 23040  
(804) 492-4954  
brownccr@gmail.com

1 BOARD DESIGNEE:

2 Kristin Becker, Presiding

3

4 STAFF:

5 Ilona LaPaglia

6

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9

ALSO PRESENT:

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Millard Buchanan, Applicant (by phone)

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INDEX

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Board Exhibit Number 1  
IFF Referral Memorandum

4

Board Exhibit Number 2  
Letter dated 1/28/11

5

1 MS. BECKER: Good afternoon. My name  
2 is Kristin Becker, and I'm a designee for the Board for  
3 Asbestos, Lead, Mold and Home Inspectors. This is an Informal  
4 Fact-Finding Conference to gather additional information  
5 regarding your request for licensure.

6 Our department sent you the information that  
7 we're going to discuss today; did you have a chance to review  
8 that information?

9 MR. BUCHANAN: Not really because  
10 I've been busy working.

11 MS. BECKER: Okay.

12 MR. BUCHANAN: I'm ready to answer  
13 anything.

14 MS. BECKER: Are you sure?

15 MR. BUCHANAN: Yes.

16 MS. LAPAGLIA: Mr. Buchanan, could I  
17 get you to state your full name and mailing address to the  
18 court reporter, please.

19 MR. BUCHANAN: Millard Lee Buchanan,  
20 809 West Main Street, Greenville, Tennessee, 37743.

21 MS. LAPAGLIA: I'd like to introduce  
22 into exhibit Board Exhibit Number 1 which is the Informal  
23 Fact-Finding Conference Referral memorandum prepared by Jill  
24 Hrynciw.

25 NOTE: Referral Memorandum was marked as

1 Board Exhibit Number 1.

2 MS. LAPAGLIA: Board Exhibit Number 2  
3 is a letter dated January 28, 2011 addressed to Mr. Buchanan  
4 advising him of today's hearing, February 22, 2011.

5 NOTE: Letter dated January 28, 2011 was  
6 marked as Board Exhibit Number 2.

7 MS. BECKER: Mr. Buchanan, this is  
8 Ms. Becker again. I'm going to ask you a series of questions.  
9 Some of them will be about the criminal convictions that you  
10 disclosed to us. After that, I'll give you a chance to let us  
11 know anything else that you'd like to have in favor or your  
12 application, and I will let you know what will happens next,  
13 okay?

14 MR. BUCHANAN: All right.

15 MS. BECKER: On September 21, 2001 --  
16 does Greene County have a district court or a circuit court?

17 MR. BUCHANAN: Criminal court.

18 MS. BECKER: Okay. In the Greene  
19 County Criminal Court in Tennessee, you were convicted of  
20 aggravated burglary which is a felony. You were sentenced to  
21 three years and six months; how much time did you serve, if  
22 any?

23 MR. BUCHANAN: I served two and a  
24 half years.

25 MS. BECKER: Two and a half years?

1 MR. BUCHANAN: Yes. Then I done  
2 parole for a year.

3 MS. BECKER: And were there any fines  
4 and costs associated with this conviction?

5 MR. BUCHANAN: Yes. I can't tell you  
6 exactly how much.

7 MS. BECKER: Have you paid them?

8 MR. BUCHANAN: I've paid part on it.  
9 I ain't paid the full. It takes everything I make right now  
10 to make my bills that I got right now.

11 MS. BECKER: Okay. Are you on a  
12 payment arrangement with the court?

13 MR. BUCHANAN: I just take them money  
14 -- if I got spare money, I'll take it to them.

15 MS. BECKER: It looks like you had  
16 wrote a letter to us that kind of explains what happened, and  
17 I just want to make sure I understand kind of what happened.

18 MR. BUCHANAN: Yes.

19 MS. BECKER: The house that your wife  
20 purchased, did she purchase the house for \$3,000 or \$12,000?

21 MR. BUCHANAN: Twelve.

22 MS. BECKER: And you put about -- was  
23 it about \$3,000 worth of work put into the house?

24 MR. BUCHANAN: Yes.

25 MS. BECKER: Okay. So it looks like

1 she found a house that was abandoned for some time. She paid  
2 about \$12,000 for it, and you guys put about \$3,000 worth of  
3 repairs into the house. At some point in time -- was it your  
4 wife's son that was looking for a house?

5 MR. BUCHANAN: Yes.

6 MS. BECKER: He was looking for a  
7 home, and you guys found a home that you thought was  
8 abandoned. What happened after that?

9 MR. BUCHANAN: It didn't have no  
10 doors or windows or nothing on it, and we went inside of it.  
11 There was old like metal kitchen cabinet, and we figured the  
12 house was abandoned, so we went ahead and got that piece and  
13 repaired and fixed it and used it. Come to find out, somebody  
14 that owned the house was the ex chief of police. I believe it  
15 was his mother. The house was abandoned for 20 years or  
16 better. They charged us with aggravated burglary on that. It  
17 didn't have no doors, no windows or no nothing on it.

18 MS. BECKER: So when you went into  
19 the house, were you guys taking things out of the house, or  
20 were you just looking at it?

21 MR. BUCHANAN: We took a metal  
22 cabinet out of there because it was tore all to pieces, and we  
23 was going to repair it and fix it and use it. But other than  
24 that -- we got charged for that because who owns the house.

25 MS. BECKER: Okay. Were you

1 convicted of any crimes outside of this one?

2 MR. BUCHANAN: Just burglary charges.

3 MS. BECKER: But you don't have any  
4 other convictions in Tennessee or any other state?

5 MR. BUCHANAN: No, that's the only  
6 one. I was young and stupid at the time I done that, and I  
7 went and done my time, and I ain't been in trouble since.

8 MS. BECKER: How old were you when  
9 that happened?

10 MR. BUCHANAN: Twenty.

11 MS. BECKER: Okay.

12 MR. BUCHANAN: I was fixing to turn  
13 21. I turned 21 in jail.

14 MS. BECKER: Okay. Was anyone else  
15 charged with this?

16 MR. BUCHANAN: Me, my wife and her  
17 son.

18 MS. BECKER: Okay. How old was her  
19 son?

20 MR. BUCHANAN: He was 22. My wife is  
21 older than I am.

22 MS. BECKER: Okay. Are you currently  
23 licensed in Tennessee, or do they require licenses in  
24 Tennessee for asbestos workers?

25 MR. BUCHANAN: Yes, I've got license

1 in Tennessee.

2 MS. BECKER: When did you become  
3 licensed in Tennessee?

4 MR. BUCHANAN: I couldn't tell you  
5 when, but it expires -- 6/16/10.

6 MS. BECKER: So it expires on June  
7 16, 2010?

8 MR. BUCHANAN: No, it expires June  
9 30, 2010.

10 MS. BECKER: So it's already expired?

11 MR. BUCHANAN: No, I mean 2011.

12 MS. BECKER: No problem. Have you  
13 ever been disciplined there as an asbestos worker by the board  
14 that they have there in Tennessee?

15 MR. BUCHANAN: No. This is the first  
16 time.

17 MS. BECKER: Can you tell me a little  
18 bit about your work history. What are you currently doing for  
19 employment?

20 MR. BUCHANAN: Removing asbestos.

21 MS. BECKER: Who do you work for?

22 MR. BUCHANAN: By myself.

23 MS. BECKER: Okay. And the asbestos  
24 work that you do, is it residential or commercial or  
25 industrial?

1 MR. BUCHANAN: A little bit of both.

2 MS. BECKER: And primarily is it just  
3 removing stuff, or what do you do?

4 MR. BUCHANAN: Just removing it.

5 MS. BECKER: So you do removal. And  
6 I've calculated that it's been about nine years and five  
7 months since your last involvement in the commission of a  
8 crime; does that sound about right?

9 MR. BUCHANAN: Yes.

10 MS. BECKER: Correct me if I'm wrong,  
11 but kind of reading the letter that you wrote and listening to  
12 the explanation that you gave, it just kind of sounds like  
13 what happened with your criminal conviction was kind of maybe  
14 an honest mistake. You thought the house was abandoned and no  
15 harm would come from taking the stuff out, but come to find  
16 out, that's not the way the law works; does that sound right?

17 MR. BUCHANAN: Yes, that's right. I  
18 didn't even know I was committing a crime in an abandoned  
19 house. I thought you could go in one that ain't got no doors  
20 or windows on it, but apparently you can't.

21 MS. BECKER: It sounds to me that you  
22 learned that you can't.

23 MR. BUCHANAN: That's right.

24 MS. BECKER: Was there anything else  
25 that you'd like to say in favor of your application or



1 anything that we missed?

2 MR. BUCHANAN: Not really. I'd just  
3 like to get my license.

4 MS. BECKER: Just to let you know,  
5 the Board has these hearings just to gather additional  
6 information about criminal convictions because if we just look  
7 at it on paper, it looks sometimes worse than it actually is  
8 which is what it really is in your case. It's not as bad as  
9 what it looks like on paper.

10 MR. BUCHANAN: It wasn't bad at all.  
11 It was an abandoned house. I didn't think it was bad.  
12 Apparently the other people that owned the house thought it  
13 was bad.

14 MS. BECKER: Okay. Just to let you  
15 know what's going to happen next, now that I kind of got a  
16 clear picture of what happened, I'm going to write a  
17 recommendation to the full board, and my recommendation to  
18 that Board is to grant you a license. You will receive a copy  
19 of that recommendation and the date and time that the Board is  
20 going to meet to review it and take a vote on your  
21 application. Just so you know, when we send out these  
22 recommendations, we always tell you the date and time the  
23 Board will meet to take a vote because if you so choose, you  
24 can come to that meeting if you want and actually speak to the  
25 Board for five minutes if you so choose to. You don't have

1 to, but we let everyone know you can.

2                   If you're present, what the Board will do is  
3 they will vote. They can vote to accept, deny or amend my  
4 recommendation. They can also refer it back to another  
5 hearing if they feel there is information that I missed here  
6 today. If you're present, you'll know the answer right then  
7 and there. If they agree with me for approval, the license  
8 usually goes out roughly 14 days afterwards depending on the  
9 number of people on the docket. Sometimes it can take seven  
10 days or more. If you can't come, that's okay. They will vote  
11 anyway, and you will get the answer in the mail.

12                   How long have you been self-employed?

13                   MR. BUCHANAN: Since I got out of  
14 jail back in 2003.

15                   MS. BECKER: Okay. I didn't have any  
16 other questions for you. Do you have any questions for me?

17                   MR. BUCHANAN: No.

18                   MS. BECKER: You'll receive the  
19 summary in the mail along with the date and time of the board  
20 meeting. Thank you for participating today.

21                   NOTE: Off the record at 1:25 P.M.

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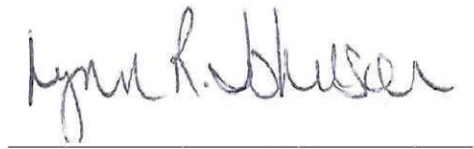
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CERTIFICATE OF COURT REPORTER,

I, Lynn R. Johnson, a Certified Court Reporter,  
hereby certify that I was the Court Reporter at Informal  
Fact-Finding Conference regarding Millard L. Buchanan, heard  
in the County of Henrico, Virginia, on February 22, 2011, at  
the time of the hearing herein.

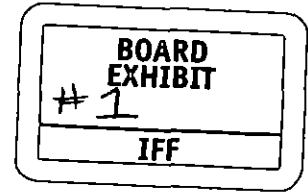
I further certify that the forgoing transcript  
is a true and accurate record of the testimony and other  
incidents of the hearing, to the best of my ability.

Given under my hand this 7th day of March,  
2011.



Lynn R. Johnson, CCR

My Commission Expires:  
March 31, 2013  
Notary Registration Number: 288448



Licensing and Regulation Division

Application Review
Informal Fact-Finding Conference Referral Memorandum

To: Board Administrative Proceedings Section
From: Jill Richardson Hrynciw, Board Administrator
Date: November 29, 2010

Re: Applicant Name: Millard Lee Buchanan
Application No.: 3301-028561P
Type of License Applied for: Asbestos Worker
Application Reviewed by: Christine Rappe
Presiding Officer Requested: [X] Staff [ ] Board Member

Comments.

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NOV 29 2010
BAP

K

Basis Upon Which Applicant May Not Meet Statutory/Regulatory Requirements –  
Criminal Conviction(s)

Pursuant to §54 1-204 of the *Code of Virginia*  
and  
Board Regulations 18VAC15-20-32 G and 18VAC15-20-450 A 6

FACTS

On September 7, 2010, Millard Lee Buchanan applied for an Asbestos Worker license and has been convicted of the following

<u>Date of Conviction</u>	<u>Court</u>	<u>Conviction</u>	<u>Type</u>
September 21, 2001	Greene County, Tennessee, Criminal/Circuit Court	Aggravated Burglary	Felony

Commonwealth of Virginia  
 Department of Professional and Occupational Regulation  
 Post Office Box 29570  
 Richmond, Virginia 23242-0570  
 (804) 367-8595



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Board for Asbestos, Lead, and Home Inspectors  
 ASBESTOS LICENSE APPLICATION  
 Fee \$25.00

A check or money order payable to the **TREASURER OF VIRGINIA**, or a completed credit card insert must be mailed with your application package.  
**APPLICATION FEES ARE NOT REFUNDABLE.**

+ To obtain an asbestos license, your application package must include 1) a complete and legible Asbestos License Application and 2) copies of any training certificates proving that you successfully completed an *initial* EPA/AHERA or board-approved training course and all subsequent EPA/AHERA or board-approved *refresher* courses in your discipline. Inspector, Management Planner, Project Designer, and Project Monitor applicants must also include completed *Experience and Education Verification Forms*

1 Name Millard LEE Bochann ✓  
 First Middle Last Generation (SR, JR, III, etc.)

2 Social Security Number 411-39-0725 ✓

3 Date of Birth 10/03/80 ✓

4 Home Street Address (PO Box not accepted) 509 West Main St ✓  
 City, State, Zip Code Greeneville TN 37743 ✓

5 E-mail Address LeeB1@emb.orgmail.com ✓

6 Telephone & Facsimile Numbers (423) 638-2015 ( ) - ( ) -  
 Telephone Facsimile Beeper/Cellular

7 Check the **one** type of license you are requesting

Asbestos <b>Worker</b>	3301	<input checked="" type="checkbox"/>	
Asbestos <b>Supervisor</b>	3302	<input type="checkbox"/>	
Asbestos <b>Inspector</b>	3303	<input type="checkbox"/>	Completed <i>Experience and Education Verifications</i> is also required
Asbestos <b>Management Planner</b>	3304	<input type="checkbox"/>	
Asbestos <b>Project Designer</b>	3305	<input type="checkbox"/>	
Asbestos <b>Project Monitor</b>	3309	<input type="checkbox"/>	

8 Do you hold a current or expired environmental remediation license issued by the Virginia Board for Asbestos, Lead and Home Inspectors?

No   
 Yes  If yes, please enter the Virginia license number(s) and expiration date(s) below.

Asbestos License Number	Expiration Date	Lead License Number	Expiration Date

OFFICE USE ONLY	DATE	FEE	CLASS OF FEE	LICENSE NUMBER	ISSUE DATE
	9-7-10	25	425	3301-28561	

9 Have you or any contractor with whom you have had a substantial identity of interest (see 18 VAC 15-20-150 of the board regulations) ever been subject to a disciplinary action imposed by any (including Virginia) local, state or national regulatory body?

No   
Yes

If yes, list the jurisdiction in which the disciplinary action took place, the license number and the name of the business and/or individual(s) involved in the disciplinary action. Provide an explanation of events, including a description of the disciplinary proceeding and the type of sanctions that were imposed (i.e., suspension, revocation, voluntary surrender of license, monetary penalty, fine, reprimand, termination of asbestos abatement or inspection activities prior to project completion, etc.) Attach copies of any correspondence or documentation (including a copy of the final order, decree or case decision) related to this matter. If necessary, you may attach a separate sheet of paper.

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10 A Have you ever been convicted in any jurisdiction of **any felony**? Any guilty plea or plea of nolo contendere must be disclosed on this application. Do not disclose any violations that were adjudicated as a minor in the juvenile court system.

No  Yes  If yes, please provide the information requested in #10 C

B Have you ever been convicted in any jurisdiction of **any misdemeanor**? Any guilty plea or plea of nolo contendere must be disclosed on this application. Do not disclose any violations that were adjudicated as a minor in the juvenile court system.

No  Yes  If yes, please provide the information requested in #10 C

C If you answered "yes" to either question #10 A or #10 B, list the felony and/or misdemeanor conviction(s). Attach a copy of all applicable criminal conviction, state police and court records, information on the current status of incarceration, parole, probation, etc., and any other information you wish to have considered with this application (i.e., reference letters, documentation of rehabilitation, etc.) If necessary, you may attach a separate sheet of paper.

GREENE COUNTY CRIMINAL COURT GREENVILLE TN  
AGGRAVATED BURGLARY in 2001 no trouble  
since then

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11. I, the undersigned, certify that the foregoing statements and answers are true, and I have not suppressed any information that might affect the Board's decision to approve this application. I verify that during the past three years, there were no suspensions or revocations of any authorizations I hold to perform asbestos-related work, nor are there any pending enforcement actions involving any of my asbestos licenses. I will notify the Department if I am subject to any disciplinary action or convicted of any felony or misdemeanor charges (in any jurisdiction) prior to receiving the requested license. I also certify that I understand, and have complied with, all the laws of Virginia related to licensure and environmental remediation under the provisions of Title 54.1, Chapters 1, 2, 3, and 5 of the Code of Virginia and the Virginia Asbestos Licensing Regulations.

Signature

*Lee Beckmann*

Date

8/31/10

State law requires every applicant for a license, certificate, registration or other authorization to engage in a business, trade, profession or occupation issued by the Commonwealth to provide a social security number or a control number issued by the Virginia Department of Motor Vehicles




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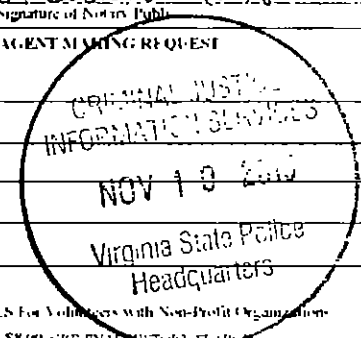
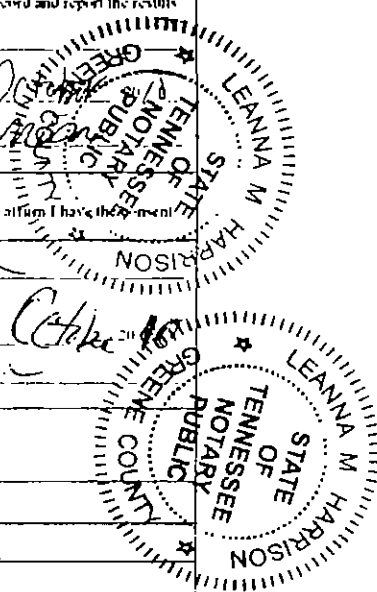
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SP 1078 Rev. 5/12/09

CRIMINAL HISTORY RECORD NAME SEARCH REQUEST

PURPOSE OF THIS REQUEST (Check only one)			
<input type="checkbox"/> ADOPTION-DOMESTIC	<input type="checkbox"/> ADOPTION-INTERNATIONAL COUNTRY		
<input type="checkbox"/> VISA-INTERNATIONAL TRAVEL	<input checked="" type="checkbox"/> OTHER (please specify) CRIMINAL	0069791598	
NAME INFORMATION TO BE SEARCHED			
LAST NAME	FIRST NAME	MIDDLE NAME	RESIDENTIAL
BUCHANAN	MILLERD	LEE	
SEX	DATE OF BIRTH	CONTACT PHONE NUMBER	
M	10 / 03 / 1980 (MM/DD/YYYY)	411-39-0725	
AFFIDAVIT FOR RELEASE OF INFORMATION			
I hereby give consent and authorize the Virginia State Police to search the files of the Central Criminal Records Exchange for a criminal history record and report the results of such search to the agent or individual authorized in this document to receive same.			
State of <u>TN</u> County City of <u>Greene</u>		to wit Subscribed and sworn to before me this <u>8th</u> day of <u>October</u> 20 <u>10</u>	
My Commission Expires <u>6-11</u> 20 <u>11</u>		Signature of Person: <u>Lee Buchanan</u> Signature of Notary Public: <u>Jeanne M. Harrison</u>	
SIGNATURE OF PERSON MAKING REQUEST			
As provided in Section 19-2-389 Code of Virginia, I hereby request the criminal history record of the individual named in Section I and swear or affirm I have the consent of the individual to obtain their record and will not further disseminate the information received except as provided by law.			
State of <u>TN</u> County City of <u>Greene</u>		to wit Subscribed and sworn to before me this <u>8th</u> day of <u>October</u> 20 <u>10</u>	
My Commission Expires <u>9-11-11</u> 20 <u>11</u>		Signature of Person Making Request: <u>Lee Buchanan</u> Signature of Notary Public: <u>Jeanne M. Harrison</u>	
NAME AND MAILING ADDRESS OF AGENCY, INDIVIDUAL OR AUTHORIZED AGENT MAKING REQUEST			
Mail Reply To			
NAME: MILLERD BUCHANAN			
ADDRESS: 809 WEST MAIN ST.			
CITY: GREENEVILLE TN 37743			
FEES FOR SERVICE			
<input checked="" type="checkbox"/> \$15.00 CRIMINAL HISTORY SEARCH <input type="checkbox"/> \$20.00 COMBINATE CRIMINAL HISTORY & SEX OFFENDER SEARCH		<input type="checkbox"/> \$8.00 CRIMINAL HISTORY SEARCH <input type="checkbox"/> \$16.00 COMBINATE CRIMINAL HISTORY & SEX OFFENDER SEARCH	
* Fees for Volunteers with Non-Profit Organizations			
* It is entitled to reduced price services must be on behalf of fees for a non-profit organization with a tax exempt number. Attach documentation to form which supports domestic status and include organization name, address, and your tax exempt identification number.			
METHOD OF PAYMENT (Note: Personal Checks Not Accepted)		Mail Request To	
<input type="checkbox"/> Business or Certified Check or Money Order (payable to Virginia State Police) <input checked="" type="checkbox"/> Charge Card <input checked="" type="checkbox"/> MasterCard  OR <input type="checkbox"/> Visa  Account Number: 5194 - 6123 - 2458 - 5477 Expiration Date: 04 / 2013 Signature of Cardholder: <u>Rosette Buchanan</u> <input type="checkbox"/> Virginia State Police Charge Account Number		Virginia State Police Central Criminal Records Exchange - NF P O Box 85076 Richmond Virginia 23261-5076  ATTN: NEW FORM	
FOR STATE POLICE USE ONLY - DO NOT WRITE BELOW THIS LINE			
Response based on comparison of name information submitted in request against a master name index maintained in the Central Criminal Records Exchange only			
<input checked="" type="checkbox"/> No Conviction Data - Does Not Preclude the Existence of an Arrest Record <input type="checkbox"/> No Criminal Record - Name Search Only <input type="checkbox"/> No Sex Offender Registration Record		<input type="checkbox"/> No Criminal Record - Fingerprint Search <input type="checkbox"/> Criminal Record Attached	
Date: <u>11-10-10</u> BY: <u>CCRE 6443</u>		Purpose code: <input type="checkbox"/> C <input type="checkbox"/> N <input type="checkbox"/> O	



PAID



IN THE CRIMINAL JUSTICE COURT OF Madison COUNTY, TENNESSEE

Case Number 01CR052 Count# 1 Attorney for the State Cecil Mills, Jr.  
 Judicial District 3rd Judicial Division \_\_\_\_\_ Counsel for Defendant William Risher  
 Retained  Appointed  Public Defender

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State of Tennessee  
 vs Millard Lee Buchanan Alias \_\_\_\_\_  
 Date of Birth 10/3/80 Sex M Race W SSN 411-39-0725  
 From Indictment # \_\_\_\_\_ Warrant# \_\_\_\_\_ TDOC# \_\_\_\_\_ TBI Control # \_\_\_\_\_

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JUDGMENT

Comes the District Attorney General for the State and the defendant with counsel of record for entry of judgment. On the 21 day of September 2010 the defendant.

<input checked="" type="checkbox"/> Pleading Guilty <input type="checkbox"/> Dismissed/Notle Prosequit <input type="checkbox"/> Nolo Contendere <input type="checkbox"/> Retired/Unapprehended Defendant <input type="checkbox"/> Guilty Plea - Pursuant to 40-35-313 Is found <input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty <input type="checkbox"/> Jury Verdict <input type="checkbox"/> Not Guilty by Reason of Insanity <input type="checkbox"/> Bench Trial	Indictment: Class (circle one) 1 <sup>st</sup> A B <input checked="" type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Filing date _____ Offense <u>Aggravated Burglary</u> Amended charge _____ Offense date <u>3/3/00</u> County <u>Madison</u> Conviction offense <u>Aggravated Burglary</u> TCA# <u>39-14-403</u> Sentence imposed date <u>9/21/01</u> Conviction class (circle one) 1 <sup>st</sup> A B <input checked="" type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
--	--

After considering the evidence, the entire record, and all factors in T.C.A. Title 40, Chapter 35, all of which are incorporated by reference herein, the Court's findings and rulings are

Sentence Reform Act of 1989 Offender Status (Check one) (Other than 1 <sup>st</sup> degree murder) <input type="checkbox"/> Mitigated <input checked="" type="checkbox"/> Standard <input type="checkbox"/> Multiple <input type="checkbox"/> Persistent <input type="checkbox"/> Career <input type="checkbox"/> Repeat Violent	Release Eligibility (Check one) (Other than 1 <sup>st</sup> degree murder) <input type="checkbox"/> Mitigated 20% <input type="checkbox"/> Mitigated 30% <input checked="" type="checkbox"/> Standard 30% <input type="checkbox"/> Multiple 35% <input type="checkbox"/> Persistent 45% <input type="checkbox"/> Career 60% <input type="checkbox"/> Violent 100%	<input type="checkbox"/> Multiple Rapist 100% <input type="checkbox"/> Child Rapist 100% <input type="checkbox"/> Repeat Violent 100% Misc. (if applicable) <input type="checkbox"/> School Zone <input type="checkbox"/> Gang Related	<input type="checkbox"/> 1 <sup>st</sup> Degree Murder <input type="checkbox"/> Pre 1982 Sentence _____ <input type="checkbox"/> Sentence Reform Act of 1982 <input type="checkbox"/> 30% Range 1 <input type="checkbox"/> 35% Range 2 <input type="checkbox"/> 40% Range 3	Concurrent with _____ Consecutive to _____
--	---	---	---	---

Sentenced to \_\_\_\_\_ Sentence Length \_\_\_\_\_

DOC 3 Years 6 Months \_\_\_\_\_ Life \_\_\_\_\_ Life Without Parole \_\_\_\_\_ Death

Mandatory Minimum Sentence (\_\_\_\_\_ 39-17-417, 39-13-513, 39-13-514 in school zone or \_\_\_\_\_ 55-10-401 - 4th Offense)

County Jail  Workhouse \_\_\_\_\_ Years \_\_\_\_\_ Months \_\_\_\_\_ Days \_\_\_\_\_ Hours \_\_\_\_\_ Weekends \_\_\_\_\_ Periodic: (\_\_\_\_\_)

Mandatory Minimum Sentence (\_\_\_\_\_ 39-17-417, 39-13-513, 39-13-514 in school zone or \_\_\_\_\_ 55-10-401 - 4th Offense)

Period of Incarceration to be Served Prior to Release on Probation \_\_\_\_\_ Months \_\_\_\_\_ Days \_\_\_\_\_ Hours (Misdemeanor Only)

\_\_\_\_\_ % Min Service Prior to Elig for Work Release, Furlough, Trusty Status and Rehabilitative Prog (Misdemeanor Only)

Probation  Diversion \_\_\_\_\_ Years \_\_\_\_\_ Months \_\_\_\_\_ Days Effective \_\_\_\_\_

Community Based Alternative \_\_\_\_\_ Years \_\_\_\_\_ Months \_\_\_\_\_ Days \_\_\_\_\_ Hours \_\_\_\_\_ Weekends

Specify \_\_\_\_\_

Pretrial Jail Credit period from 4.15.01 to 4.16.01 from \_\_\_\_\_ to \_\_\_\_\_ or Number of Days 1

Court Ordered Fees and Fines \$ _____ Criminal Injuries Compensation Fund \$ _____ Supervision \$ _____ Child support \$ _____ Court Costs \$ _____ Fine Assessed \$ _____ Sex Offender Tax	Restitution Victim Name <u>Hugh Wells</u> Address _____ Total Amount \$ _____ \$ _____ per month <input type="checkbox"/> Unpaid Community Service: _____ Hours _____ Days _____ Weeks _____ Months
---	---

The defendant having been found guilty is rendered infamous and is ordered to provide a biological specimen for the purpose of DNA analysis  
 Pursuant to 39-13-524 the defendant is sentenced to community supervision for life following sentence expiration.

Special Conditions Credit time served.

James E. Beckler Judge's Name  
[Signature] Judge's Signature  
9.21.10 Date of Entry of Judgment  
[Signature] Attorney for State/Signature (optional)  
[Signature] Defendant's Attorney/Signature (optional)

MB 289  
 345



State of Tennessee  
**BOARD OF PROBATION AND PAROLE**  
**FIELD SERVICES DIVISION**



# DISCHARGE

THIS IS TO CERTIFY THAT Millerd L. Buchanan

Number: 338639 is hereby discharged from parole by reason  
of expiration of sentence and parole in accordance with TCA 40-28-125.

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**SEP 28 2010**  
**465-LIC**

DATE OF DISCHARGE: April 30, 2004

TENNESSEE BOARD OF PROBATION AND PAROLE

BY: *Vicki Ward*

*Mr. Buchanan was in compliance at the time  
of discharge.  
Steph Martin, PPD II.*

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To Whom It May Concern:

I just wanted to let you that when I got in trouble back a few years ago I did not know much about the laws.

In 1992 my wife bought the house we now live in for 12,000.<sup>00</sup> Cash the house had been abandoned for years & was in need of repairs. My wife went in looked around hunted up the owner & bought the house cheap, less than 3,000.<sup>00</sup> repairs the house is now valued at 69,000.<sup>00</sup> a good investment.

In 2000 my wifes son was looking for that same kind of deal. My wife knew of a house no one had lived in for years. the doors were open, windows broken out & grass up to our behinds. I had no ideal the trouble I was about to get into.

According to the law you can not enter a house even though it is abandoned for the simple fact according to law some one could be staying in the house, a drunk, druggie or a homeless person. For that reason you can

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be charged with aggravated burglary. Although we had no weapons on us, we encountered no one in the house & we did not go there with violent intentions, this is the law.

I was told after I got out of jail if I had retained my own attorney instead of a court appointed one the charges more than likely would have been trespassing & theft.

I found out in court that the house belonged to the ex-wife of Policia's mother who was in the nursing home so this was what I got.

I may be the first you will ever hear say this but I'm glad we were caught. We done our time we payed the price but we learned our lesson eventhough it was at the cost of having a record that will follow us the rest of our lives.

In closing I just want you to know I am now very much a law abiding citizen I am not out to do anything by any means against the law.

Thank you for taking the time

to read this. If I may be of any  
more help you may contact me at  
cell phone (423) 552-8869 Home (423) 638-2015  
or by email leeb1@embarqmail.com.

again thanks  
Lee Buchan

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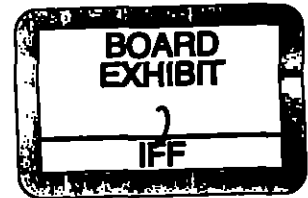
Nov. 29/2010

To Bill R. Hryncie:

I Millard Lee Buchanan do request to have an informal fact-finding conference regarding asbestos worker license.

Thank You Very Much

Millard Lee Buchanan



**COMMONWEALTH of VIRGINIA**  
**DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

GORDON N. DIXON  
DIRECTOR

DEPUTY DIRECTORS:

NICK A. CHRISTNER  
Compliance & Investigation

MARK N. COURTNEY  
Licensing & Regulation

STEVEN L. ARTHUR  
Administration & Finance

January 28, 2011

**NOTICE OF  
INFORMAL FACT-FINDING CONFERENCE**

**MAILED VIA UPS**

Mr. Millard L. Buchanan  
809 West Main Street  
Greenville, TN 37743

**Re: File No. 2011-02920  
Millard L. Buchanan  
(Asbestos Worker)**

Dear Mr. Buchanan:

You have requested the Board for Asbestos, Lead and Home Inspectors ("the Board") conduct an Informal Fact-Finding Conference ("IFF Conference") regarding your application. The proceeding will take place on **February 22, 2011 at 1:00 p.m.** at the Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Richmond, VA. I have enclosed directions. Please call me at (804) 367-2194 upon receipt of this Notice to confirm that you will attend the IFF Conference.

Also enclosed is a waiver form for you to sign. This form is advising us that you are waiving the 30 day notice of this conference and are willing to go forward with the IFF Conference. Please sign the waiver form and mail it back to me before the conference or bring it with you to the conference.

Pursuant to Code § 2.2-4019.B, agencies may, in their case decisions, rely upon public data, documents or information only when the agencies have provided all parties with advance notice of an intent to consider such public data, documents or information. This requirement shall not apply to an agency's reliance on case law and administrative precedent.

Pursuant to §§ 54.1-204 (A), (B), and (D) of the Code of Virginia, the Board shall consider the following:

- A. A person shall not be refused a license, certificate or registration to practice, pursue, or engage in any regulated occupation or profession solely because of a prior criminal conviction, unless the criminal conviction directly relates to the occupation or profession for which the license, certificate or registration is sought. However, the regulatory board shall have the authority to refuse a license, certificate or registration if, based upon all the information available, including the applicant's record of prior convictions, it finds that the applicant is unfit or unsuited to engage in such occupation or profession.**
- B. In determining whether a criminal conviction directly relates to an occupation or profession, the regulatory board shall consider the following criteria:**
- 1. The nature and seriousness of the crime;**
  - 2. The relationship of the crime to the purpose for requiring a license to engage in the occupation;**
  - 3. The extent to which the occupation or profession might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved;**
  - 4. The relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the occupation or profession;**
  - 5. The extent and nature of the person's past criminal activity;**
  - 6. The age of the person at the time of the commission of the crime;**
  - 7. The amount of time that has elapsed since the person's last involvement in the commission of a crime;**
  - 8. The conduct and work activity of the person prior to and following the criminal activity; and**
  - 9. Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.**
- D. A regulatory board or department shall consider the criminal information as contained in the applicant's state or national criminal history in lieu of the applicant providing certified copies of such court records in determining whether a criminal conviction directly relates to an occupation or profession or if an applicant is unfit or unsuited to engage in an occupation or profession. The regulatory board or department may request additional information from the applicant in making such determination.**

**You should be prepared to present information related to these issues.**

**IFF Conferences are provided for under the Administrative Process Act, §§ 2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended. Venue for conferences is established pursuant to Virginia Code § 2.2-4003. The IFF Conference is designed to provide you an opportunity to come before a Presiding Officer designated by the Board**



and provide any documentation and/or testimony in support of your application. This IFF Conference extends to you an opportunity to be heard in person, by counsel, or other qualified representative of your choice.

The information in the Board's file indicates that your application may not meet the regulatory or statutory requirements of the Board. The enclosed Regulatory Programs Division Application Review Informal Fact-Finding Conference Referral Memorandum ("Referral Memorandum") states the reasons that the licensing staff has not issued your license. The Referral Memorandum will be made part of the Agency Record during the IFF Conference.

It is not the policy of the Board to reschedule these matters. Accordingly, you should plan to present your case on the scheduled date.

You are requested to bring a copy of this Notice, the Referral Memorandum and any other documentation and/or individuals that can provide information relevant to your application. You and any witnesses will have an opportunity to present facts related to your application. The IFF Conference is not an adversarial proceeding and there will not be any cross-examination; however, clarifying questions may be asked. A court reporter will be present at the IFF Conference and will prepare a transcript of the testimony given during the IFF Conference. All of the information and testimony presented during the IFF Conference will form the Agency Record.

Notify me in writing, at the address listed above, if you desire to have any witnesses subpoenaed on your behalf. Please provide the witnesses' name(s), physical address(es) and telephone number(s). Subpoenas cannot be issued without a written request.

Following the conclusion of the IFF Conference, the Presiding Officer will prepare a Summary of Informal Fact-Finding Conference ("the Summary") that will include a recommendation regarding this case. The Summary will be submitted to the Board for consideration at the next available Board meeting. The Board may accept, reject, or modify the Summary.

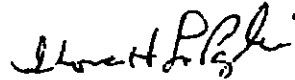
Prior to the Board meeting, a copy of the Summary will be provided to you and the participants of the IFF Conference. In addition, each member of the Board will be sent a complete copy of the Agency Record, which will include all of the exhibits, a copy of the IFF Conference transcript, and the Summary.

You and any participants of the IFF Conference will be invited to attend the Board meeting at which the Board will consider this case. Prior to the Board's final decision, you and the participants will be given the opportunity to make a limited presentation to the Board. At that time, you may not introduce new evidence but may state the reasons why you agree or disagree with the Summary. The Board will make a final decision regarding your application based upon the Agency Record. You will be notified of the Board's final decision within five days of the Board meeting.

**Persons desiring to participate in the conference, and requiring special accommodations or interpretive services, should contact the Department at (804) 367-8500. The Department fully complies with the Americans with Disabilities Act. Please notify the Department of your request for accommodation at least two weeks in advance for consideration of your request.**

If you have any questions, please contact me at (804) 367-2194.

Sincerely,



Ilona H. LaPaglia  
Legal Analyst  
Board Administrative Proceedings

IHL  
Enclosures



**COMMONWEALTH of VIRGINIA**  
**DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

GORDON N. DIXON  
DIRECTOR

DEPUTY DIRECTORS:

NICK A. CHRISTNER  
Compliance & Investigation

MARK N. COURTNEY  
Licensing & Regulation

STEVEN L. ARTHUR  
Administration & Finance

**INFORMAL FACT-FINDING CONFERENCE**  
**SCHEDULING WAIVER NOTICE**

I, Millard L. Buchanan, have a license application pending with the Board for Asbestos, Lead, and Home Inspectors at the Department of Professional and Occupational Regulation ("The Department"). I have requested an Informal Fact-Finding Conference and my hearing is scheduled on February 22, 2011, at 1:00 p.m. at The Department, located at 9960 Mayland Drive, Suite 201, Richmond, Virginia 23223.

I understand I am entitled to appear before a presiding officer for the informal presentation of factual data, argument, or proof in connection with my case, and that I have the right to have reasonable notice of my hearing pursuant to § 2.2-4019 of the *Code of Virginia*. By signing this document, I understand and consent to the scheduling of my hearing on February 22, 2011, at 1:00 p.m.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

**Please return this form prior to your hearing. You may mail it to the Department's letterhead address to the attention of Ilona LaPaglia, Legal Analyst, or you may bring it with you to your hearing.**

### Shipment Receipt

Transaction Date: 13 Dec 2010  
 Tracking Number: 1Z5877890395488817

<b>1 Address Information</b>		
<b>Ship To:</b> Mr. Millard L. Buchanan 809 West Main Street GREENEVILLE TN 377434729 Residential	<b>Ship From:</b> DPOR Ilona LaPaglia 9980 Mayland Drive Suite 400 RICHMOND VA 23233 Telephone:8043678500	<b>Return Address:</b> DPOR Ilona LaPaglia 9980 Mayland Drive Suite 400 RICHMOND VA 23233 Telephone:8043678500

<b>2 Package Information</b>			
Weight	Dimensions / Packaging	Declared Value	Reference Numbers
1. 1.0 lbs	Other Packaging		Reference#1 - 426 / LaPaglia Reference#2 - 2011-02920_Buchanan IFF Not 2/22/11

<b>3 UPS Shipping Service and Shipping Options</b>			
Service: UPS Ground Service  Guaranteed By: <b>1</b> End of Day Wednesday, 12/15/2010			
Shipping Fees Subtotal:	10.66 USD	Additional Shipping Options:	
Transportation	5.11 USD	Quantum View Notify E-mail Notifications:	No Charge
Fuel Surcharge	0.60 USD	1 ilona.lapaglia@dpor.virginia.gov:	Exception ,Delivery
Residential Surcharge	2.20 USD		
Delivery Area Surcharge			
Package 1	2.75 USD		

<b>4 Payment Information</b>	
Bill Shipping Charges to:	Shipper's Account 687769
Total Charged:	10.66 USD

Note: Your invoice may vary from the displayed reference rates.

\* For delivery and guarantee information, see the UPS Service Guide. To speak to a customer service representative, call 1-800-PICK-UPS for domestic services and 1-800-762-7892 for international services.

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BOARD EXHIBIT
3
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**COMMONWEALTH of VIRGINIA**  
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

GORDON N. DIXON  
DIRECTOR

DEPUTY DIRECTORS:

NICK A. CHRISTNER  
Compliance & Investigation

MARK N. COURTNEY  
Licensing & Regulation

STEVEN L. ARTHUR  
Administration & Finance

**INFORMAL FACT-FINDING CONFERENCE  
SCHEDULING WAIVER NOTICE**

I, Millard L. Buchanan, have a license application pending with the Board for Asbestos, Lead, and Home Inspectors at the Department of Professional and Occupational Regulation ("The Department"). I have requested an Informal Fact-Finding Conference and my hearing is scheduled on February 22, 2011, at 1:00 p.m. at The Department, located at 9960 Mayland Drive, Suite 201, Richmond, Virginia 23223.

I understand I am entitled to appear before a presiding officer for the informal presentation of factual data, argument, or proof in connection with my case, and that I have the right to have reasonable notice of my hearing pursuant to § 2.2-4019 of the *Code of Virginia*. By signing this document, I understand and consent to the scheduling of my hearing on February 22, 2011, at 1:00 p.m.

Signed: Millard L. Buchanan Date: 2/16/11

Please return this form prior to your hearing. You may mail it to the Department's letterhead address to the attention of Ilona LaPaglia, Legal Analyst, or you may bring it with you to your hearing.

*Due to work I am unable to attend this meeting however this is my new cell phone # Please contact me during the meeting and I will answer any questions that you have. Thank you very much (423) 444-3680  
Millard Buchanan*

April 12, 2011

MAILED VIA UPS

Mr. Millard L. Buchanan  
809 West Main Street  
Petersburg, VA 23803

**Re: File No. 2011-02920  
Millard L. Buchanan  
(Asbestos Worker)**

Dear Mr. Buchanan:

Enclosed is a copy of the Summary of Informal Fact-Finding Conference (“the Summary”) prepared on behalf of the Board for Asbestos, Lead, Mold and Home Inspectors (“the Board”) regarding the Informal Fact Finding Conference (“IFF”) held on February 22, 2011, regarding the above-referenced file.

The Summary, which includes the recommendation, will be presented to the Board at its next scheduled meeting on **May 3, 2011**. The meeting will be held at **9:00 a.m.** at the Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Richmond, VA. Directions are enclosed.

The Board has the authority to *accept* or *reject* the Summary. The Board may also, upon consideration of the Summary, testimony, and deliberations, amend the Summary and/or render its own decision. This includes denying a license application or renewal. The Board may consider any prior disciplinary actions before making its final decision.

At the Board meeting, participants may respond to the Summary *only*. Participants may not present any new information or bring any new witnesses. Participants will be permitted to speak for five minutes. This is your final opportunity to make a presentation to the Board before a final decision is made. If you would like to schedule an appointment for the Board meeting or have any questions, please contact the Board section at (804) 367-2648.

**Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the Department at (804) 367-8500. The Department fully complies with the American with Disabilities Act. Please notify the Department of your request for accommodation as soon as possible for consideration of your request.**

Sincerely,

Ilona LaPaglia  
Legal Analyst  
Board Administrative Proceedings

IHL  
Enclosure

**IN THE**  
**COMMONWEALTH OF VIRGINIA**  
**BOARD FOR ASBESTOS, LEAD, MOLD, AND HOME INSPECTORS**

Re: Patrice N. Larkins  
Application

File Number: 2011-03440

**SUMMARY OF THE INFORMAL FACT-FINDING CONFERENCE**

On February 3, 2011, the Notice of Informal Fact-Finding Conference (“Notice”) was mailed, via United Parcel Services (“UPS”), to Patrice N. Larkins (Larkins). The Notice included the Informal Fact-Finding Conference Referral Memorandum, which contained the facts regarding the application.

On March 10, 2011, an Informal Fact-Finding Conference (“IFF”) was convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the IFF: Larkins, Applicant; Ilona LaPaglia, Staff Member; and Ann-Marie Brigil, Presiding Officer.

**PRIOR CRIMINAL CONVICTIONS**

§ 54.1-204 of the Code of Virginia. Prior convictions not to abridge rights.

B. In determining whether a criminal conviction directly relates to an occupation or profession, the regulatory board shall consider the following criteria:

1. The nature and seriousness of the crime;

On January 20, 2006, in a Washington, DC court, Larkins was convicted of attempted possession with intent to distribute controlled substances, a felony. Larkins was sentenced to two years and was placed on probation for two years.

Larkin explained she was the passenger in a car that was pulled over by police officers because the tint on the window was too dark. Subsequent to a search of the vehicle, officers located drugs.

On September 26, 2007, in a Washington, DC court, Larkins was convicted of attempted possession with intent to distribute controlled substances; namely, cocaine. Larkins received 36 months probation.



Larkins was the driver of the vehicle that was stopped by police officers. According to her, she stopped to pick up someone but unbeknownst to her, officers had her passenger under surveillance. After officers stopped Larkins, they conducted a search and found the drugs.

2. The relationship of the crime to the purpose for requiring a license to engage in the occupation;

The purpose of licensure is to protect the health, safety, and welfare of the public. I believe there is a relationship between crimes such as Larkins' and the purpose for requiring a license. The Board safeguards the public welfare by ensuring only those individuals with sufficient character and integrity engage in the profession. Larkins' convictions could indicate that she does not have the character or integrity to possess the credentials of a license.

3. The extent to which the occupation or profession might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved;

Larkins indicated she is licensed as an asbestos supervisor in Washington, DC (DC) and in Maryland and since becoming licensed, has refrained from committing additional crimes. If Larkins has remained living an offense-free lifestyle since becoming licensed in DC and in Maryland, it does not appear that granting Larkins a license in Virginia will offer her an opportunity to engage in further criminal activity of the same type.

4. The relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the occupation or profession;

Larkins stated she is licensed in Washington, DC and in Maryland as an asbestos supervisor and that she has worked in that capacity since November 2010. She is currently employed by E.E.C. of Washington, DC, a company that performs asbestos abatement work and Larkin stated her employers are aware of her criminal past. In light of this information, there does not appear to be a relationship between Larkins' crimes and her current ability to perform the duties of licensed Asbestos Supervisor.

5. The extent and nature of the person's past criminal activity;

Larkin said she has no prior or other criminal history.

6. The age of the person at the time of the commission of the crime;

Larkins was between the ages of 25 and 26 at the time of the offenses described above.

7. The amount of time that has elapsed since the person's last involvement in the commission of a crime;

Approximately four years have elapsed since Larkins' last involvement in a crime.

8. The conduct and work activity of the person prior to and following the criminal activity; and

Larkins is licensed in Washington, DC and in Maryland as an asbestos supervisor and she has worked in that capacity since November 2010. She is currently employed by E.E.C. of Washington, DC, a company that performs asbestos abatement work. Prior to working at E.E.C. Larkins said she was a cashier at Safeway from 2006 to 2010.

9. Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.

At the IFF Conference, Larkins revealed she was addicted drugs; namely, ecstasy and marijuana, from 2002 to 2006. She said she completed an eight month drug rehabilitation program when she was incarcerated and upon her release from confinement, she voluntarily enrolled in Narcotics Anonymous (NA) and attended NA for six months. Larkins has been clean from drugs since 2007 and she attributes her rehabilitation to her participation in these programs.

Larkins also attributes her successful rehabilitation to her nieces and nephews. She explained her aunt recently passed away after a long bout with cancer and that she is now raising her aunt's grandchildren. Larkins said there was a time she was ready to give up on life but that having to be responsible for and providing for people who are not able to care for themselves gave her a new outlook on life. She understands she has been given a second chance and Larkins said she plans on making the most of life.

## **RECOMMENDATION**

Based on the evidence and the IFF, including the information obtained from the Central Criminal Records Exchange, and in consideration of the criteria outlined in § 54.1-204(B), the following is recommended regarding the application as outlined in the IFF Conference Referral Memorandum:

Patrice Larkins does not have an extensive criminal history. The two crimes for which she was convicted in 2006 and in 2007 were a result of her addiction to drugs and her need to earn money. After Larkins was incarcerated she said she was ready to give up on life. However, she sought help for her addiction and completed an eight-month drug rehabilitation program and when she was released from incarceration she voluntarily enrolled in NA for six months. Larkins said she has remained clean and sober since 2007.

Larkins stated she has a new appreciation for life and she vowed to never make the same mistakes. After her aunt died from cancer, she was charged with raising her aunt's grandchildren. Larkin said her new found sobriety and the responsibility of caring for others has proven beneficial, and her nieces and nephews are the reasons Larkins has pursued a career in asbestos work.

Larkins holds two asbestos supervisor licenses; one from the State of Maryland and the other from the District of Columbia. Her employer is bidding on a project in Virginia and is requiring a licensed supervisor in Virginia to be present at the jobsite. Larkins advised that her employer is aware of her criminal convictions and still willing to employ her despite her criminal past. It seems that Larkins possesses the skills required to perform the duties of an asbestos supervisor; therefore, it is my opinion that her criminal convictions are not directly related to the occupation of profession.

In consideration of the amount of time that has elapsed since Larkins' last offense, her conduct and work activity prior to and after her criminal activity, and the evidence of her rehabilitation and rehabilitative efforts, I believe she has met the criteria for licensure. Therefore, I recommend the Board approve Patrice Nicole Larkins' application.

By: \_\_\_\_\_

Date: \_\_\_\_\_

Ann-Marie Brigil  
Presiding Officer

BOARD FOR ASBESTOS, LEAD, MOLD AND HOME INSPECTORS



**Licensing and Regulation Division**

Application Review  
Informal Fact-Finding Conference Referral Memorandum

To: Board Administrative Proceedings Section

From: Jill R. Hrynciw, Board Administrator

Date: January 24, 2011

Re:

Applicant Name: Patrice N. Larkins

Application No. 3302-010181P

Type of License Applied for: Asbestos Supervisor

Application Reviewed by: Susan Salomon

Presiding Officer Requested:  Staff  
 Board Member \_\_\_\_\_

Basis Upon Which Applicant May Not Meet Statutory/Regulatory Requirements –  
Criminal Conviction(s):

Pursuant to §54.1-204 of the *Code of Virginia*  
and  
Board Regulations 18VAC15-20-32 G and 18VAC15-20-450 A 6

*FACTS:*

On January 11, 2011, Patrice N. Larkins applied for an Asbestos Supervisor license and has been convicted of the following:

<u>Date of Conviction</u>	<u>Court</u>	<u>Conviction</u>	<u>Type</u>
January 20, 2006	Washington, D.C.	Attempted Possess w/t Intent to Distribute Controlled Substance	Felony
September 26, 2007	Washington, D.C.	Attempted Possess w/t Intent to Distribute Controlled Substance Cocaine	Felony

COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION  
BOARD FOR ASBESTOS, LEAD, MOLD & HOME INSPECTORS

IN RE: INFORMAL FACT-FINDING CONFERENCE  
HEARD BEFORE: Ann-Marie Brigil

MARCH 10, 2011  
SECOND FLOOR CONFERENCE ROOM  
9960 MAYLAND DRIVE  
RICHMOND, VIRGINIA 23233  
9:50 a.m.

IN RE: PATRICE NICOLE LARKIN  
FILE NUMBER 2011-03440

TAMMIE M. BROWN, CCR  
67 Stoney Point Road  
Cumberland, Virginia 23040  
(804) 492-4954  
brownccr@gmail.com

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BOARD MEMBER:

Ann-Marie Brigil, Presiding

STAFF:

Ilona LaPaglia  
Department of Professional and Occupational Regulation

Also Present:

Patrice Nicole Larkin - Applicant

I N D E X

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Page

Board Exhibit Number 1..... 5  
Informal Fact-Finding Referral Memorandum

Board Exhibit Number 2..... 5  
Notice of IFF



1 MS. BRIGIL: Good morning. You are  
2 Patrice N. Larkin, right?

3 MS. LARKIN: Yes.

4 MS. BRIGIL: My name is Ann-Marie Brigil.  
5 I'm a designee for the Board for Asbestos, Lead, Mold  
6 and Home Inspectors. I'm going to preside at your  
7 conference and get some information from you about the  
8 application you have on file for your asbestos  
9 supervisor license.

10 Now, I see you have the envelope that we  
11 sent you. Were you able to open the disk and read the  
12 contents?

13 MS. LARKIN: Yes, I read everything.

14 MS. BRIGIL: Okay. And are you ready to  
15 go forward with your hearing?

16 MS. LARKIN: Yes.

17 MS. LAPAGLIA: Could I get you to state  
18 your full name and mailing address for the court  
19 reporter, please?

20 MS. LARKIN: My name is Patrice Nicole  
21 Larkin, 421 20th Street N.E., Washington, D.C. 20002.

22 MS. LAPAGLIA: I'd like to introduce into  
23 exhibit, Board Exhibit Number 1, which is the Informal  
24 Fact-Finding Conference Referral Memorandum prepared by  
25 Jill Hrynciw.

1           NOTE: Informal Fact-Finding Referral  
2 Memorandum was marked as Board Exhibit Number 1.

3           MS. LAPAGLIA: Board Exhibit Number 2, is  
4 a letter dated February 3, 2011, addressed to Ms. Larkin  
5 advising her of today's hearing, March 10, 2011.

6           NOTE: Notice of Informal Fact-Finding  
7 Conference was marked as Board Exhibit Number 2.

8           MS. BRIGIL: Ms. Larkin, as I said, I'm  
9 going to be presiding at your conference, and the way I  
10 do that is by asking you some questions. My questions  
11 are not designed to upset you, offend you, embarrass  
12 you, insult you, or anything. They're designed to get  
13 information necessary to make a recommendation to the  
14 Board about your license application.

15           If you need additional time to answer any  
16 questions, let me know so we can accommodate you. We do  
17 have a court reporter here who is going to take your  
18 statements. That's necessary because the Board members  
19 will read the transcript of this hearing, and they need  
20 to do that in order to make the final decision. So  
21 speak loudly and clearly for her so she can hear  
22 everything you say. Also, speak loudly and clearly for  
23 me so I can hear everything. I will be taking some  
24 notes during the conference, so if I'm not always  
25 looking at you, I am paying attention.

1 MS. LARKIN: Okay.

2 MS. BRIGIL: You applied for your asbestos  
3 supervisor license in January. And you told the Board  
4 about two convictions that you have. The first  
5 conviction occurred on January 20, 2006 in Washington,  
6 D.C. It was a felony for attempted possession with  
7 attempt to distribute a controlled substance. And it  
8 looks like from your paperwork, you were sentenced to  
9 two years and then placed on probation for two years; is  
10 that correct?

11 MS. LARKIN: Yes, ma'am.

12 MS. BRIGIL: Did you have to do the whole  
13 sentence or did you get out early?

14 MS. LARKIN: I got an early release  
15 because it was concurrent to my new charge, so the judge  
16 dropped it and continued with my new charge in '08.

17 MS. BRIGIL: So were these two offenses  
18 related, or were they totally separate?

19 MS. LARKIN: Totally separate.

20 MS. BRIGIL: How old were you at the time  
21 when this crime occurred?

22 MS. LARKIN: 25.

23 MS. BRIGIL: And what happened that got  
24 the police involved? How did they know you were doing  
25 this?

1 MS. LARKIN: I got pulled over. I was in  
2 someone's car. I got pulled over at the time and  
3 everything was in the car.

4 MS. BRIGIL: Was that person speeding or  
5 was there an accident or something like that?

6 MS. LARKIN: No. It was the tint on the  
7 window.

8 MS. BRIGIL: So traffic stop --

9 MS. LARKIN: Yes.

10 MS. BRIGIL: -- and then the police  
11 searched the vehicle and found that?

12 MS. LARKIN: Yes.

13 MS. BRIGIL: Was it on your person or was  
14 it near you?

15 MS. LARKIN: It was near me. It wasn't on  
16 my person.

17 MS. BRIGIL: The next conviction is from  
18 September 26, 2007, also in Washington D.C. court. It's  
19 a felony for attempt possess with intent to distribute a  
20 controlled substance, namely, cocaine. And you received  
21 36 months probation; is that correct?

22 MS. LARKIN: Yes.

23 MS. BRIGIL: Did this violate your  
24 probation from the previous sentence?

25 MS. LARKIN: No. My previous probation

1 got terminated. It got terminated because I was doing  
2 well. But I caught a new charge while I was on  
3 probation. So my probation judge just gave me a  
4 dishonorable discharge.

5 MS. BRIGIL: So you got a new charge after  
6 the 2007 conviction?

7 MS. LARKIN: No. It ran into it. I was  
8 still on probation when I caught the 2007 charge.

9 MS. BRIGIL: Oh, okay.

10 So what happened on this day that the  
11 police knew that this was going on?

12 MS. LARKIN: That day, honestly, I was  
13 just trying to take the easy way out. And being as I  
14 caught the charge before, it was -- I couldn't find  
15 work, so I thought I found a better job. I got early  
16 release off my probation for good behavior. I was  
17 working and in school. So I got off a year and a half  
18 early before my termination date for probation.

19 MS. BRIGIL: So you were working in a  
20 school?

21 MS. LARKIN: Yes.

22 MS. BRIGIL: What were you doing at the  
23 school?

24 MS. LARKIN: No. I was working and going  
25 to school.

1 MS. BRIGIL: Oh, "and going to school."  
2 Okay. So when the police arrested you for this, were  
3 you home or were you driving again?

4 MS. LARKIN: I was driving.

5 MS. BRIGIL: So you were driving this  
6 time?

7 MS. LARKIN: I was the driver.

8 MS. BRIGIL: Okay. And why did they pull  
9 you over?

10 MS. LARKIN: They said they was following  
11 me.

12 MS. BRIGIL: They didn't give you a  
13 reason?

14 MS. LARKIN: They told me they seen me,  
15 like, three blocks before somebody got in my car, and  
16 they was watching that person that got in my car. So  
17 they pulled me over because of that person that got in  
18 my car.

19 MS. BRIGIL: And you had this on you?

20 MS. LARKIN: Yes.

21 MS. BRIGIL: Now, I know you said you were  
22 using this, I guess, to sell. Were you also using drugs  
23 at the time?

24 MS. LARKIN: Yes.

25 MS. BRIGIL: How long had you been using

1 drugs?

2 MS. LARKIN: I was using drugs since '02.

3 MS. BRIGIL: So from '02 to about '06 or  
4 '07?

5 MS. LARKIN: Yeah.

6 MS. BRIGIL: Was cocaine your drug of  
7 choice or --

8 MS. LARKIN: No, ma'am.

9 MS. BRIGIL: -- was it something else?

10 MS. LARKIN: It was marijuana and ecstasy.

11 MS. BRIGIL: When was the last time you  
12 had drugs?

13 MS. LARKIN: '07.

14 MS. BRIGIL: Okay. Now, as part of your  
15 probation, did they order you to complete a drug class  
16 or some treatment?

17 MS. LARKIN: Yeah. I did eight months  
18 drug program prior to my release from incarceration.

19 MS. BRIGIL: Okay.

20 MS. LARKIN: Eight month drug program.  
21 Once I got out of the drug program and came home, I did  
22 voluntary NAA meetings.

23 MS. BRIGIL: Do you still participate in  
24 those meetings?

25 MS. LARKIN: No, ma'am.

1 MS. BRIGIL: How long did you go to NAA?

2 MS. LARKIN: Six months.

3 MS. BRIGIL: So you've been clean since  
4 2007?

5 MS. LARKIN: Yes, ma'am.

6 MS. BRIGIL: Good. Congratulations.

7 MS. LARKIN: Thank you.

8 MS. BRIGIL: Other than these two  
9 convictions, have you been convicted of any other crime  
10 either in Virginia or D.C. or anywhere else in the  
11 country -- a felony or misdemeanor? I'm not talking  
12 traffic tickets.

13 MS. LARKIN: No, not at all.

14 MS. BRIGIL: Now, I noticed on your  
15 application that you're licensed as an asbestos worker.  
16 Are you a worker or a supervisor in D.C.?

17 MS. LARKIN: I'm a supervisor in D.C. and  
18 Maryland.

19 MS. BRIGIL: And when did you first get  
20 licensed in D.C. and Maryland?

21 MS. LARKIN: November 19.

22 MS. BRIGIL: Now, that's for both D.C. and  
23 Maryland?

24 MS. LARKIN: Yes.

25 MS. BRIGIL: So November 19, 2010?



1 MS. LARKIN: Yes, ma'am.

2 MS. BRIGIL: And what company do you work  
3 for?

4 MS. LARKIN: I work for EEC of D.C.

5 MS. BRIGIL: Now, they come into Virginia  
6 and Maryland, is that why you need to be licensed here  
7 as well?

8 MS. LARKIN: Yes. They have a contract  
9 coming up in Virginia and they need supervisors for that  
10 project. They do asbestos abatement removing in each  
11 state. I'm currently working at a school right now  
12 doing abatement in D.C.

13 MS. BRIGIL: Do you have a lead license  
14 also?

15 MS. LARKIN: No. Just asbestos.

16 MS. BRIGIL: Is your employer aware of  
17 your criminal convictions?

18 MS. LARKIN: Yes, ma'am.

19 MS. BRIGIL: And they're still okay with  
20 you working for them?

21 MS. LARKIN: Yes, ma'am.

22 MS. BRIGIL: I calculated about three  
23 years having passed since you've been involved in any  
24 crime. And I really didn't have the offense dates, I  
25 was guessing off of the conviction date. Has it been

1 longer, or has it been about three years?

2 MS. LARKIN: It's going on four years now.

3 MS. BRIGIL: And prior to you working for  
4 EEC, where were you working?

5 MS. LARKIN: Before I was working for EEC,  
6 I was working for Safeway.

7 MS. BRIGIL: How long did you work at  
8 Safeway?

9 MS. LARKIN: From '06 to 2010.

10 MS. BRIGIL: And what did you do at  
11 Safeway?

12 MS. LARKIN: I was a cashier.

13 MS. BRIGIL: And then from then, you  
14 started working at this company?

15 MS. LARKIN: Yes, ma'am.

16 MS. BRIGIL: One of the criteria for  
17 licensure, ma'am, is evidence of your rehabilitation or  
18 evidence that you've been trying to improve upon  
19 yourself. That's one of the requirements for licensure.

20 What can you tell me that I might be able  
21 to relay to the Board about how you've made positive  
22 changes in your life so that if they give you the  
23 opportunity to be licensed here in Virginia, that you  
24 won't commit the same types of crimes again in the  
25 future?

1 MS. LARKIN: When I caught my charge in  
2 '07, I was really ready to give up on life. I had just  
3 lost my aunt to cancer. She was like my mother. And  
4 once I was incarcerated, and I got a second chance,  
5 because I'm supposed to be incarcerated right now. I'm  
6 supposed to be doing ten years about. So I got a new  
7 outlook on life when I came home. And I have  
8 responsibilities that I didn't have then.

9 MS. BRIGIL: Like what?

10 MS. LARKIN: My aunt left behind two  
11 grandkids. And I also have two nephews.

12 MS. BRIGIL: So you're helping to raise  
13 them?

14 MS. LARKIN: Yes.

15 MS. BRIGIL: Okay.

16 MS. LARKIN: During my incarceration, one  
17 of the kids said something to me that really hurt my  
18 feelings to the point of I promised him I would never,  
19 ever leave him again unless I die. Because even though  
20 I don't have no kids, kids really depend on you. My  
21 little cousin told me she called my phone and I didn't  
22 answer. And I asked her why. And she said, Because I  
23 really needed you. I needed someone to talk to because  
24 I was going through something. She's ten. So when she  
25 told me that, it was just stunning.

1                   Then my youngest nephew was, like, there's  
2 nothing more important than leaving us. So that day I  
3 vowed never to take the easy way out again no matter how  
4 hard it is. No matter what I have to go through. Life  
5 isn't easy. There is no easy way out in life. So this  
6 is like my new beginning. I never thought that I would  
7 be able to be anyone's supervisor. So, I mean,  
8 everything is just looking up for me.

9                   MS. BRIGIL: Do you enjoy what you do?

10                  MS. LARKIN: I love it. I love it.

11                  MS. BRIGIL: Good.

12                         How old are your -- now, you're helping to  
13 raise your nephews and then your aunt's grandchildren,  
14 so your cousins basically?

15                  MS. LARKIN: 14, 13, 12, and 10.

16                  MS. BRIGIL: All right. I don't have  
17 anymore questions for you, ma'am. Is there anything  
18 else that you want to tell me that you'd want the Board  
19 to consider about your application?

20                  MS. LARKIN: Just, when you look at a  
21 piece of paper, that's my past. It's going on four  
22 years I haven't been in trouble. I'm a totally  
23 different person. I know what life is now. I know how  
24 to deal with situations with life, pertaining to life --  
25 good, bad and ugly. And instead of running away from my

1 problems, I deal with them.

2 MS. BRIGIL: Do you have someone that you  
3 can talk to?

4 MS. LARKIN: Yes. I have a very, very  
5 good support group. I have my mother, my father,  
6 someone that I didn't turn to before.

7 MS. BRIGIL: Okay.

8 MS. LARKIN: And I just love my kids. I  
9 love them.

10 MS. BRIGIL: All right. Thank you, Ms.  
11 Larkin, I really appreciate your honesty. And I  
12 appreciate all the information that you shared with me  
13 today. I'm going to do my best to make sure I can  
14 reflect that in writing. I don't know how well I'll  
15 succeed, but I'm going to try my best. And I appreciate  
16 you coming down here from D.C. And if you don't have  
17 anything else to share with me, I'm going to go ahead  
18 and close the record and conclude this part of the  
19 hearing and let you know what you can expect after  
20 today.

21 I have to make a recommendation to the  
22 Board about whether I think they should approve your  
23 application. I include that recommendation in the  
24 summary that I have to submit to them. And you're going  
25 to get a copy of my summary in probably about four to

1 five weeks. Ms. Lapaglia is also going to send you a  
2 letter that's going to give you the date and time that  
3 this Board will meet to decide if they're going to  
4 approve your application for licensure.

5 Now, you're invited to come back to that  
6 Board meeting. You're not required to. We always  
7 encourage applicants to come back for a couple of  
8 reasons. I don't get to make the final decision.  
9 Although the recommendation I make will weigh heavily on  
10 them, they are the people that make the final decision  
11 about whether to approve your license.

12 The Board can accept the recommendation.  
13 They can reject it. They can amend it. The Board can  
14 make its own decision. Or, they can vote to have you  
15 come back for another hearing so I can get additional  
16 information they may need to make a decision. I don't  
17 think it'll be the case for you, but it has happened  
18 with this Board and other Boards in the past, so I want  
19 to make you aware of that.

20 MS. LARKIN: Okay.

21 MS. BRIGIL: Another reason we always  
22 encourage people to come is because you will get an  
23 opportunity to address the full Board at the Board  
24 meeting. And you can talk about things we've discussed  
25 today, anything that I write in your summary, or

1 anything that's in your file. They may ask you some  
2 questions. You'll have an opportunity to respond to  
3 them. But you're not allowed to introduce things that  
4 we've not discussed or provide them with new  
5 documentation. They need those things in advance.

6           If you can't attend the meeting, you can  
7 send a representative or legal representative in your  
8 place to speak for you. But the same rules would apply  
9 to them. No new information. No new documentation. At  
10 the Board meeting, the Board will normally take a vote  
11 and you'll know before you leave if your application is  
12 going to be approved. If you can't make it, they'll go  
13 ahead and still make a decision and you'll just be  
14 mailed a copy of their decision about five to seven days  
15 after the Board meeting.

16           The Board meetings do take place in our  
17 office down here. They don't allow phone participation,  
18 so if you couldn't make it and you couldn't send  
19 someone, you would just have to wait for their decision  
20 to come in the mail.

21           But other than that, that's about it. So  
22 just be on the lookout for another package from us. But  
23 it won't be on a disk this time, it will be actual a  
24 hard copy.

25           MS. LARKIN: Okay.

1 MS. BRIGIL: And I hope I get to see you  
2 again. I wish you continued success. Sounds like  
3 you're doing better.

4 MS. LARKIN: Thank you.

5 NOTE: Off the record at 10:08 a.m.

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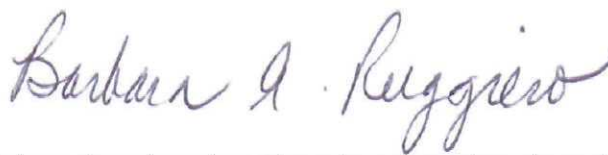
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CERTIFICATE OF COURT REPORTER

I, Barbara A. Ruggiero, a Certified Court Reporter, hereby certify that I was the Court Reporter at the Informal Fact-Finding Conference regarding Patrice Nicole Larkin, heard in the County of Henrico, Virginia, on March 10, 2011, at the time of the hearing herein.

I further certify that the foregoing transcript is a true and accurate record of the testimony and other incidents of the hearing, to the best of my ability.

Given under my hand this 21st day of March, 2011.



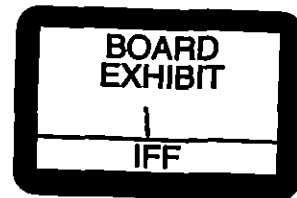
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Barbara A. Ruggiero, CCR

My Commission Expires:

July 31, 2012

Notary Registration Number: 291009



Licensing and Regulation Division

Application Review  
Informal Fact-Finding Conference Referral Memorandum

To: Board Administrative Proceedings Section

From: Jill R. Hrynciw, Board Administrator

Date: January 24, 2011

Re:


Applicant Name: Patrice N. Larkins

Application No. 3302-010181P

Type of License Applied for: Asbestos Supervisor

Application Reviewed by: Susan Salomon

Presiding Officer Requested:  Staff  
 Board Member \_\_\_\_\_

RECEIVED   
JAN 24 2011  
BAP

Basis Upon Which Applicant May Not Meet Statutory/Regulatory Requirements – Criminal Conviction(s):

Pursuant to §54.1-204 of the *Code of Virginia* and Board Regulations 18VAC15-20-32 G and 18VAC15-20-450 A 6

*FACTS:*

On January 11, 2011, Patrice N. Larkins applied for an Asbestos Supervisor license and has been convicted of the following:

<u>Date of Conviction</u>	<u>Court</u>	<u>Conviction</u>	<u>Type</u>
January 20, 2006	Washington, D.C.	Attempted Possess w/t Intent to Distribute Controlled Substance	Felony
September 26, 2007	Washington, D.C.	Attempted Possess w/t Intent to Distribute Controlled Substance Cocaine	Felony

Commonwealth of Virginia  
 Department of Professional and Occupational Regulation  
 Post Office Box 29570  
 Richmond, Virginia 23242-0570  
 (804) 367-8595



Board for Asbestos, Lead, Mold and Home Inspectors  
**ASBESTOS LICENSE APPLICATION**  
 Fee \$25.00

A check or money order payable to the TREASURER OF VIRGINIA, or  
 a completed credit card insert must be mailed with your application package.  
**APPLICATION FEES ARE NOT REFUNDABLE.**

To obtain an asbestos license, your application package must include 1) a complete and legible Asbestos License Application and 2) copies of any training certificates proving that you successfully completed an *initial* EPA/AHERA or board-approved training course and all subsequent EPA/AHERA or board-approved *refresher* courses in your discipline. Inspector, Management Planner, Project Designer, and Project Monitor applicants must also include completed *Experience and Education Verification Forms*.

1. Name Patrice Nicole Larkins  
 First Middle Last Generation (SR, JR, III, etc.)

2. Social Security Number \* 578-08-9991

3. Date of Birth July 07, 1980

4. Home Street Address (PO Box not accepted) 421 20th Street NE  
 City, State, Zip Code Washington, DC 20002

5. E-mail Address Plarkins80@verizon.net

6. Telephone & Facsimile Numbers (202) 445-1658 ( ) - ( ) -  
 Telephone Facsimile Beeper/Cellular

7. Check the one type of license you are requesting.
- Asbestos Worker 3301
  - Asbestos Supervisor 3302
  - Asbestos Inspector \* 3303  \* Completed Experience and Education Verifications is also required.
  - Asbestos Management Planner \* 3304
  - Asbestos Project Designer \* 3305
  - Asbestos Project Monitor \* 3309

8. Do you hold a current or expired environmental remediation license issued by the Virginia Board for Asbestos, Lead, Mold and Home Inspectors?  
 No   
 Yes  If yes, please enter the Virginia license number(s) and expiration date(s) below.

Asbestos License Number	Expiration Date	Lead License Number	Expiration Date
109720	11/19/2011		

OFFICE USE ONLY	DATE	FEE	CLASS OF FEE	LICENSE NUMBER	ISSUE DATE
	01/11/11	25	425	3302-10/81	

9. Have you or any contractor with whom you have had a substantial identity of interest (see 18 VAC 15-20-150 of the board regulations) ever been subject to a disciplinary action imposed by any (including Virginia) local, state or national regulatory body?

No   
Yes

If yes, list the jurisdiction in which the disciplinary action took place, the license number and the name of the business and/or individual(s) involved in the disciplinary action. Provide an explanation of events, including a description of the disciplinary proceeding and the type of sanctions that were imposed (i.e., suspension, revocation, voluntary surrender of license, monetary penalty, fine, reprimand, termination of asbestos abatement or inspection activities prior to project completion, etc.). Attach copies of any correspondence or documentation (including a copy of the final order, decree or case decision) related to this matter. If necessary, you may attach a separate sheet of paper.

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10. A. Have you ever been convicted in any jurisdiction of any felony? *Any guilty plea or plea of nolo contendere must be disclosed on this application. Do not disclose any violations that were adjudicated as a minor in the juvenile court system.*

No  Yes  If yes, please provide the information requested in #10.C.

B. Have you ever been convicted in any jurisdiction of any misdemeanor? *Any guilty plea or plea of nolo contendere must be disclosed on this application. Do not disclose any violations that were adjudicated as a minor in the juvenile court system.*

No  Yes  If yes, please provide the information requested in #10.C.

C. If you answered "yes" to either question #10.A. or #10.B., list the felony and/or misdemeanor conviction(s). Attach a copy of all applicable criminal conviction, state police and court records; information on the current status of incarceration, parole, probation, etc.; and any other information you wish to have considered with this application (i.e., reference letters, documentation of rehabilitation, etc.). If necessary, you may attach a separate sheet of paper.

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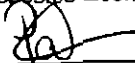
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11. I, the undersigned, certify that the foregoing statements and answers are true; and I have not suppressed any information that might affect the Board's decision to approve this application. I verify that during the past three years, there were no suspensions or revocations of any authorizations I hold to perform asbestos-related work, nor are there any pending enforcement actions involving any of my asbestos licenses. I will notify the Department if I am subject to any disciplinary action or convicted of any felony or misdemeanor charges (in any jurisdiction) prior to receiving the requested license. I also certify that I understand, and have complied with, all the laws of Virginia related to licensure and environmental remediation under the provisions of Title 54.1, Chapters 1, 2, 3, and 5 of the *Code of Virginia* and the *Virginia Asbestos Licensing Regulations*.

Signature



Date

12/27/2010

\* State law requires every applicant for a license, certificate, registration or other authorization to engage in a business, trade, profession or occupation issued by the Commonwealth to provide a social security number or a control number issued by the Virginia Department of Motor Vehicles.

RECORDED

1107100

405-110

SSW #

Date of Request <b>12/28/2010</b>		METROPOLITAN POLICE DEPARTMENT Washington, D. C. <b>CRIMINAL HISTORY REQUEST</b>		MP PDID Number <b>578-08-9991</b>
Request Record of: (Last, First, Middle Name) <b>LARKINS, Patrice Nicole</b>				Purpose of Request (check one)
Address <b>421 20th Street NE Washington DC 20002</b>				<input type="checkbox"/> Law Enforcement Purposes (not for employment)
Sex <b>F</b>	Race <b>BLK</b>	Birthdate <b>July 07, 1980</b>	Place of Birth <b>Washington DC</b>	<input type="checkbox"/> Visas*
Requesting Agency			Call-Back Number	<input type="checkbox"/> Employment*/Licensing*
Signature of Agent			Badge No.	<input type="checkbox"/> Challenge*
<b>IDENTIFICATION AND RECORDS DIVISION USE ONLY--(Check if applicable)</b>				Method of Request (Check One)
<input type="checkbox"/> SUBJECT UNDER ARREST		<input type="checkbox"/> CORRECT COLOR CODE		<input type="checkbox"/> Mail
Request Received By	Date and Time Received	Date and Time Returned		<input type="checkbox"/> In Person
				<input type="checkbox"/> NLET
				<input type="checkbox"/> Telephone

**D.C. CODE §1-2530 IS QUOTED HERE FOR YOUR INFORMATION**

It shall be an unlawful practice, punishable by a fine of not more than three-hundred dollars (\$300.) or imprisonment for not more than ten (10) days, or both, for any person to require the production of an arrest record or any copy, extract, or statement thereof, at the monetary expense of any individual to whom such record may relate. Such "arrest records" shall contain only listings of convictions and forfeitures of collateral that have occurred within ten (10) years of the time at which such record is requested. (Dec. 13, 1977, D.C. Law 2-38, Title II, §266, 24 DCR 6038).

\*I hereby authorize the release of my adult arrest record revealing convictions and forfeitures within the past ten (10) years.

*[Signature]*

**12/28/2010**  
Date

**RESULTS OF CRIMINAL HISTORY FILE SEARCH**  Name Search  Fingerprint Search

TO: Criminal History Users

This request concerns information whose collection, dissemination, and use are conditioned and restricted by applicable federal and District of Columbia statutes, and policy of the Metropolitan Police Department. Continued assistance from this department is conditioned upon your strict adherence to these regulations.

**WARNING TO APPLYING AGENCIES:** The Metropolitan Police Department does not guarantee either the accuracy of the record or that the individual whose record is furnished is actually the same individual whose record was requested. To obtain accuracy, the record of the Court involved should be examined. Positive identification can only be determined by comparable fingerprints. Records of arrests obtained from the Metropolitan Police Department as detailed on this form are for convictions and forfeitures for the past 10 years prior to the date of request of this record, exclusive of periods of imprisonment, if any. This record does not reflect any cases which may be currently pending before the Courts or cases where convictions have been set aside pending appeals.

CHIEF OF POLICE

Date of Arrest	Charge(s)	Disposition
09/26/07	Attempted possess w/t intent to dist controlled substance Cocaine	36 months probation
01/20/06	Attempted possess w/t intent to dist a Controlled Substance	2 months confinement 2 yrs probation

METROPOLITAN POLICE DEPARTMENT  
NAME FILE ARREST RECORD FOUND

**DEC 28 2010**

WASHINGTON DC

Documents Released:

<input type="checkbox"/> Criminal History Record	<input type="checkbox"/> Photograph	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Prosecution Report	<input type="checkbox"/> Fingerprints	<input type="checkbox"/> Other: _____

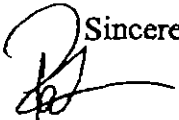
Date of Record Search	Record Searched By	Release Authorization
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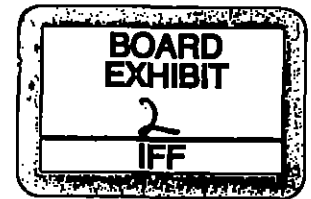
Patrice Larkins  
421 20<sup>th</sup> Street NE  
Washington, DC 20002  
January 20, 2011

To Whom It May Concern:

I, Patrice Larkins, am writing this letter to introduce myself and to request that the court issue an informal fact-finding conference concerning an Asbestos Supervisor License for the pursuant to Penal Code § 54.1-204 of the Commonwealth of Virginia and Board Regulations 18VAC15-20-32 G and 18VAC15-20-450 A 6. I have been granted my license in both the District of Columbia and Maryland. I am very concerned about obtaining my Asbestos Supervisor License in the state of Virginia and I fully understand that my attempt has been thwarted by my criminal background. However, I believe that my pass should not hinder my future career goals. For the past three years of my life I have been moving in the right direction and making more responsible decisions. I am trying everything in my power to correct my wrongdoings and remain a law-abiding citizen. Therefore, allowing me to obtain an Asbestos Supervisor License in the Commonwealth of Virginia will not only guarantee a heavier workload, but motivate me to further my experience in other states as well.

Thank You.

Sincerely,  
  
Patrice Larkins



**COMMONWEALTH of VIRGINIA**  
**DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

GORDON N. DIXON  
DIRECTOR

DEPUTY DIRECTORS:

NICK A. CHRISTNER  
Compliance & Investigation

MARK N. COURTNEY  
Licensing & Regulation

STEVEN L. ARTHUR  
Administration & Finance

February 3, 2011

**NOTICE OF  
INFORMAL FACT-FINDING CONFERENCE**

**MAILED VIA UPS**

Ms. Patrice Nicole Larkins  
421 20<sup>th</sup> Street NE  
Washington, D.C. 20002

**Re: File No. 2011-03440  
Patrice Nicole Larkins**

Dear Ms. Larkins:

You have requested the Board for Asbestos, Lead, Mold and Home Inspectors ("the Board") conduct an Informal Fact-Finding Conference ("IFF Conference") regarding your application. The proceeding will take place on **March 10, 2011 at 9:00 a.m.** at the Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Richmond, VA. I have enclosed directions. Please call me at (804) 367-2194 upon receipt of this Notice to confirm that you will attend the IFF Conference.

Pursuant to Code § 2.2-4019.B, agencies may, in their case decisions, rely upon public data, documents or information only when the agencies have provided all parties with advance notice of an intent to consider such public data, documents or information. This requirement shall not apply to an agency's reliance on case law and administrative precedent.

IFF Conferences are provided for under the Administrative Process Act, §§ 2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended. Venue for conferences is established pursuant to Virginia Code § 2.2-4003. The IFF Conference is designed to provide you an opportunity to come before a Presiding Officer designated by the Board and provide any documentation and/or testimony in support of your application. This IFF Conference extends to you an opportunity to be heard in person, by counsel, or other qualified representative of your choice.

The information in the Board's file indicates that your application may not meet the regulatory or statutory requirements of the Board. The enclosed Regulatory Programs



Division Application Review Informal Fact-Finding Conference Referral Memorandum ("Referral Memorandum") states the reasons that the licensing staff has not issued your license. The Referral Memorandum will be made part of the Agency Record during the IFF Conference.

Pursuant to §§ 54.1-204 (A), (B), and (D) of the Code of Virginia, the Board shall consider the following:

- A. A person shall not be refused a license, certificate or registration to practice, pursue, or engage in any regulated occupation or profession solely because of a prior criminal conviction, unless the criminal conviction directly relates to the occupation or profession for which the license, certificate or registration is sought. However, the regulatory board shall have the authority to refuse a license, certificate or registration if, based upon all the information available, including the applicant's record of prior convictions, it finds that the applicant is unfit or unsuited to engage in such occupation or profession.
  
- B. In determining whether a criminal conviction directly relates to an occupation or profession, the regulatory board shall consider the following criteria:
  - 1. The nature and seriousness of the crime;
  - 2. The relationship of the crime to the purpose for requiring a license to engage in the occupation;
  - 3. The extent to which the occupation or profession might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved;
  - 4. The relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the occupation or profession;
  - 5. The extent and nature of the person's past criminal activity;
  - 6. The age of the person at the time of the commission of the crime;
  - 7. The amount of time that has elapsed since the person's last involvement in the commission of a crime;
  - 8. The conduct and work activity of the person prior to and following the criminal activity; and
  - 9. Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.
  
- D. A regulatory board or department shall consider the criminal information as contained in the applicant's state or national criminal history in lieu of the applicant providing certified copies of such court records in determining whether a criminal conviction directly relates to an occupation or profession or if an applicant is unfit or unsuited to engage in an occupation or

profession. The regulatory board or department may request additional information from the applicant in making such determination.

You should be prepared to present information related to these issues.

It is not the policy of the Board to reschedule these matters. Accordingly, you should plan to present your case on the scheduled date.

You are requested to bring a copy of this Notice, the Referral Memorandum and any other documentation and/or individuals that can provide information relevant to your application. You and any witnesses will have an opportunity to present facts related to your application. The IFF Conference is not an adversarial proceeding and there will not be any cross-examination; however, clarifying questions may be asked. A court reporter will be present at the IFF Conference and will prepare a transcript of the testimony given during the IFF Conference. All of the information and testimony presented during the IFF Conference will form the Agency Record.

Notify me in writing, at the address listed above, if you desire to have any witnesses subpoenaed on your behalf. Please provide the witnesses' name(s), physical address(es) and telephone number(s). Subpoenas cannot be issued without a written request.

Following the conclusion of the IFF Conference, the Presiding Officer will prepare a Summary of Informal Fact-Finding Conference ("the Summary") that will include a recommendation regarding this case. The Summary will be submitted to the Board for consideration at the next available Board meeting. The Board may accept, reject, or modify the Summary.

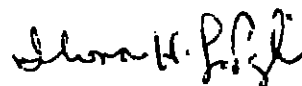
Prior to the Board meeting, a copy of the Summary will be provided to you and the participants of the IFF Conference. In addition, each member of the Board will be sent a complete copy of the Agency Record, which will include all of the exhibits, a copy of the IFF Conference transcript, and the Summary.

You and any participants of the IFF Conference will be invited to attend the Board meeting at which the Board will consider this case. Prior to the Board's final decision, you and the participants will be given the opportunity to make a limited presentation to the Board. At that time, you may not introduce new evidence but may state the reasons why you agree or disagree with the Summary. The Board will make a final decision regarding your application based upon the Agency Record. You will be notified of the Board's final decision within five days of the Board meeting.

Persons desiring to participate in the conference, and requiring special accommodations or interpretive services, should contact the Department at (804) 367-8500. The Department fully complies with the Americans with Disabilities Act. Please notify the Department of your request for accommodation at least two weeks in advance for consideration of your request.

If you have any questions, please contact me at (804) 367-2194.

Sincerely,

A handwritten signature in black ink, appearing to read "Ilona H. LaPaglia". The signature is written in a cursive style with a large initial "I".

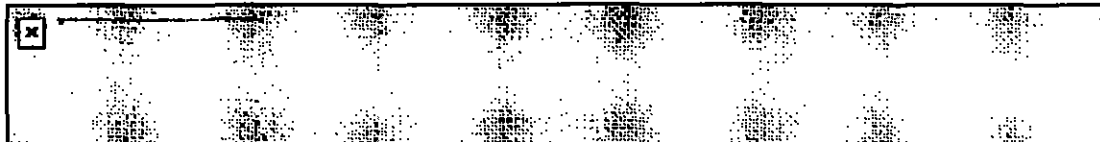
Ilona H. LaPaglia  
Legal Analyst  
Board Administrative Proceedings

IHL  
Enclosures

**LaPaglia, Ilona (DPOR)**

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**From:** UPS Quantum View [auto-notify@ups.com]  
**Sent:** Friday, February 04, 2011 4:48 PM  
**To:** LaPaglia, Ilona (DPOR)  
**Subject:** UPS Delivery Notification, Tracking Number 1Z6877890397655930



**\*\*\*Do not reply to this e-mail. UPS and DPOR will not receive your reply.**

**At the request of DPOR, this notice is to confirm that the following shipment has been delivered.**

**Important Delivery Information**

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**Tracking Number:** 1Z6877890397655930  
**Delivery Date / Time:** 04-February-2011 / 4:12 PM

**Delivery Location:** RESIDENTIAL  
**Signed by:** LARKINS

**Shipment Detail**

---

**Ship To:**  
Ms. Patrice Nicole Larkins  
421 20TH ST NE  
WASHINGTON  
DC  
20002  
US

**Number of Packages:** 1  
**UPS Service:** GROUND  
**Weight:** 1.0 LBS  
**Reference Number 1:** 426  
**Reference Number 2:** 11-03440 ASB LIC IFF W/PO 3-10-11

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Discover more about UPS:

### Shipment Receipt

Transaction Date: 03 Feb 2011  
 Tracking Number: 1Z6677890397655830

<b>1 Address Information</b>		
<b>Ship To:</b> Ms. Patrice Nicole Larkins 421 20th Street NE WASHINGTON DC 200024703 Telephone:202 445-1858 Residential	<b>Ship From:</b> DPOR Ilona LaPaglia 9960 Mayland Drive Richmond VA 23233 Telephone:(804) 387-2194	<b>Return Address:</b> DPOR Ilona LaPaglia 9960 Mayland Drive RICHMOND VA 23233 Telephone:(804) 387-2194

<b>2 Package Information</b>			
Weight	Dimensions / Packaging	Declared Value	Reference Numbers
1. 1.0 lbs	Other Packaging		Reference#1 - 426 Reference#2 - 11-03440 ASB LIC IFF WPO 3-10-11

<b>3 UPS Shipping Service and Shipping Options</b>			
Service: UPS Ground Service			
Guaranteed By: 1 End of Day Friday, 2/04/2011			
<b>Shipping Fees Subtotal:</b>	<b>8.04 USD</b>	<b>Additional Shipping Options:</b>	
Transportation	5.17 USD	Quantum View Notify E-mail Notifications: No Charge	
Fuel Surcharge	0.42 USD	1 ilona.lapaglia@dpor.virginia.gov: Delivery	
Residential Surcharge	2.45 USD		

<b>4 Payment Information</b>	
Bill Shipping Charges to:	Shipper's Account 687789
Daily rates were applied to this shipment	
Total Charged:	8.04 USD

Note: Your invoice may vary from the displayed reference value.

\* For delivery and guarantee information, see the UPS Service Guide. To speak to a customer service representative, call 1-800-PICK-UPS for domestic services and 1-800-782-7892 for international services.

#### Responsibility for Loss or Damage

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April 12, 2011

MAILED VIA UPS

Ms. Patrice Nicole Larkins  
421 20<sup>th</sup> Street NE  
Washington, DC 20002

**Re: File No. 2011-03440  
Patrice Nicole Larkins**

Dear Ms. Larkins:

Enclosed is a copy of the Summary of Informal Fact-Finding Conference (“the Summary”) prepared on behalf of the Board for Asbestos, Lead, Mold and Home Inspectors (“the Board”) regarding the Informal Fact Finding Conference (“IFF”) held on March 10, 2011, regarding the above-referenced file.

The Summary, which includes the recommendation, will be presented to the Board at its next scheduled meeting on **May 3, 2011**. The meeting will be held at **9:00 a.m.** at the Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Richmond, VA. Directions are enclosed.

The Board has the authority to *accept* or *reject* the Summary. The Board may also, upon consideration of the Summary, testimony, and deliberations, amend the Summary and/or render its own decision. This includes denying a license application or renewal. The Board may consider any prior disciplinary actions before making its final decision.

At the Board meeting, participants may respond to the Summary *only*. Participants may not present any new information or bring any new witnesses. Participants will be permitted to speak for five minutes. This is your final opportunity to make a presentation to the Board before a final decision is made. If you would like to schedule an appointment for the Board meeting or have any questions, please contact the Board section at (804) 367-2648.

**Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the Department at (804) 367-8500. The Department fully complies with the American with Disabilities Act. Please notify the Department of your request for accommodation as soon as possible for consideration of your request.**

Sincerely,

Ilona LaPaglia  
Legal Analyst  
Board Administrative Proceedings

IHL  
Enclosure

**IN THE**  
**COMMONWEALTH OF VIRGINIA**  
**BOARD FOR ASBESTOS, LEAD, MOLD, AND HOME INSPECTORS**

Re: Ahmad N. Akram  
Application

File Number: 2011-02977

**SUMMARY OF THE INFORMAL FACT-FINDING CONFERENCE**

On January 20, 2011, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via United Parcel Services ("UPS"), to Ahmad Akram (Akram). The Notice included the Informal Fact-Finding Conference Referral Memorandum, which contained the facts regarding the application.

On February 10, 2011, an Informal Fact-Finding Conference ("IFF") was convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the IFF: Akram, Applicant; Ilona LaPaglia, Staff Member; and Ann-Marie Brigil, Presiding Officer.

**PRIOR CRIMINAL CONVICTIONS**

§ 54.1-204 of the Code of Virginia. Prior convictions not to abridge rights.

B. In determining whether a criminal conviction directly relates to an occupation or profession, the regulatory board shall consider the following criteria:

*The applicant was formerly known as Michael Norman. During the IFF Conference, Akram revealed he was addicted to heroin and to cocaine for 10 years and that many of the crimes mentioned below were committed to support his drug habit.*

1. The nature and seriousness of the crime;

On December 7, 1979, in Norfolk Circuit Court, Akram was convicted of two counts of receiving stolen goods, both felonies. Akram was 19 at the time of this crime and he said the stolen goods were cars.

On February 27, 1980, in Portsmouth Circuit Court, Akram was convicted of larceny, a felony.



On August 26, 1981, in Norfolk Circuit Court, Akram was convicted of larceny, a misdemeanor.

On March 16, 1982, in Norfolk Circuit Court, Akram was convicted of burglary, a felony.

On September 9, 1982, in Virginia Beach Circuit Court, Akram was convicted of three counts of burglary, statutory burglary, and larceny, all felonies. He received a 12-year sentence and Akram served two years.

Akram said he was addicted to drugs and on the day of the offense, he broke into a home to steal merchandise to sell so he could support his habit. He was caught because police officers were able to identify his fingerprints.

On May 7, 1991, in Norfolk Circuit Court, Akram was convicted of distributing cocaine, a felony.

On May 20, 1996, in Norfolk Circuit Court, Akram was convicted of four counts of worthless checks, all misdemeanors. He received a 48-month sentence with 30 months suspended. In addition, he was ordered to pay costs totaling \$1,969. Akram said this conviction violated the term of his probation from his previous sentence. The court revoked his previously suspended sentence and imposed two years.

Akram said the checks involved in the crime were his but he was unable to recall all of the details of the offense.

On January 26, 2009, in Norfolk General District Court, Akram was convicted of failure to appear in court, a misdemeanor. Akram's 10-day jail sentence was suspended.

On August 14, 2009, in Norfolk Circuit Court, Akram was convicted of petit larceny – pick pocket, a felony. (*Note – petit larceny is normally categorized as a misdemeanor offense; however, if a person is convicted of the crime three or more times, it is then categorized as a felony offense.*) Akram was sentenced to one year and six months with six months suspended. In addition, he was ordered to pay costs of \$386 and was placed on unsupervised probation (good behavior) for two years. Akram said he served nine months in jail.

According to Akram's explanation in his letter to the Board, he stated he was having financial difficulties and he and his girlfriend made the [poor] decision to take groceries from the supermarket. Akram said they were in the self-pay line and did not scan all items and as they were leaving the store, security personnel asked Akram for his receipt.

2. The relationship of the crime to the purpose for requiring a license to engage in the occupation;

The purpose of licensure is to protect the health, safety, and welfare of the public. I believe there is a relationship between crimes such as Akram's and the purpose for requiring a license. The Board safeguards the public welfare by ensuring only those individuals with sufficient character and integrity engage in the profession. Akram's convictions could indicate that he does not have the character or integrity to possess the credentials of a license.

3. The extent to which the occupation or profession might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved;

Akram said he was addicted to drugs and alcohol during the time of the offenses that occurred in the 1990s. He attributes his involvement in criminal behavior to his addiction problem.

During the IFF Conference, Akram said he has been clean and sober since 1990. It also appeared he understood he cannot resort to making up his own rules and he acknowledged that his poor decision making played a significant role in his criminal behavior.

Based on this, it does not appear that granting Akram a license will offer him an opportunity to engage in further criminal activity of the same type.

4. The relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the occupation or profession;

Akram was previously licensed in the State of Maryland as an asbestos worker from 2007 to 2008 and he held a lead license from North Carolina until 2006. According to Akram, his current employer knows about his criminal convictions and is still willing to keep him in their employ should the Board grant licensure. In light of this, there does not appear to be a relationship between Akram's crimes and his current ability to perform the duties of a licensed asbestos supervisor.

5. The extent and nature of the person's past criminal activity;

Akram said he has not been convicted of any other crimes.

6. The age of the person at the time of the commission of the crime;

Akram was between the ages of 19 and 49 at the time of the offenses.

7. The amount of time that has elapsed since the person's last involvement in the commission of a crime;

Two years and three months have elapsed since Akram's last involvement in a crime. Prior to his offense in 2009, more than 13 years had elapsed since his involvement in any criminal activity.

8. The conduct and work activity of the person prior to and following the criminal activity; and

Akram was previously licensed as a asbestos worker in the State of Maryland from 2007 to 2008 and he was licensed in North Carolina as a lead worker. He is currently employed part-time at Mold Stoppers where he will work full-time if the Board approves his application. Akram is also employed at Marine Hydraulics as a fire watchman.

9. Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.

During the IFF Conference, Akram revealed he had been addicted to drugs, namely cocaine and heroin, for approximately 10 years and that some of his crimes were committed to support his drug addiction. Akram said he participated in various substance abuse treatment programs when he was incarcerated and he participated in the Second Chance program. Akram has been clean and sober since 1990.

With regard to his most recent offense, Akram said he was trying to cope after the deaths of his wife, mother and grandmother, and that he was struggling and was trying to pay bills. Akram stated he was not trying to diminish his role in the criminal activity but said these were factors that led to his decision to commit the crime in 2009.

After the offense in 2009, Akram said he had time to think about his crime and its effect on his life. He participated in the Second Chance Program and was able to talk with other people who were in similar situations as he. Akram said they networked and the people in the program offered job seeker assistance. Akram said it was a great help to him and said it has taught him how to make wiser decisions and to use better judgment.

## **RECOMMENDATION**

Based on the evidence and the IFF, including the information obtained from the Central Criminal Records Exchange, and in consideration of the criteria outlined in § 54.1-204(B), the following is recommended regarding the application as outlined in the IFF Conference Referral Memorandum:

Ahmad N. Akram has an extensive criminal history that dates back to 1979. During the IFF Conference, Akram said he was addicted to cocaine and to heroin for over a decade and that the crimes he committed from 1979 to 1990 were to support his drug addiction problem. Akram said he sought help for his addiction and participated in several substance abuse programs when he was incarcerated. As a result of his rehabilitative efforts, Akram has been clean and sober since 1990.

Before his last offense in 2009, Akram refrained from engaging in criminal activity for approximately 13 years. At the IFF, he stated he was coping with the losses of his wife, mother and grandmother, and was struggling to make ends meet, which is what led to him making the poor decision to steal items from the grocery store. Akram did not excuse his actions and it appeared he has accepted full responsibility for the decision he made.

Based on the evidence in the record, it seems Akram possesses the knowledge and skill to perform the duties of an asbestos supervisor. He was previously licensed as an asbestos worker in the State of Maryland and as a lead worker in the State of North Carolina. His employer is aware of his criminal convictions and is willing to employ him on a full-time basis if the Board approves the application for licensure. Therefore, it is my opinion that Akram's convictions are not directly related to the occupation or profession of an asbestos supervisor.

In consideration of Akram's conduct and work activity prior to and following his criminal activity, the fact I do not believe there is a relationship between Akram's crimes and his ability to perform the duties and discharge the responsibilities of an asbestos supervisor, and based on the appearance of his rehabilitative efforts, I believe Akram has met the criteria for licensure. Therefore, I recommend the Board approve Ahmad N. Akram's application.

By: \_\_\_\_\_  
Ann-Marie Brigil  
Presiding Officer

Date: \_\_\_\_\_

BOARD FOR ASBESTOS, LEAD, MOLD AND HOME INSPECTORS



**Licensing and Regulation Division**

Application Review  
Informal Fact-Finding Conference Referral Memorandum

To: Board Administrative Proceedings Section

From: Jill R. Hrynciw, Board Administrator

Date: December 8, 2010

Re:

Applicant Name: Ahmad N. Akram

Application No. 3302- P

Type of License Applied for: Asbestos Supervisor

Application Reviewed by: Christine Rappe

Presiding Officer Requested:  Staff  
 Board Member \_\_\_\_\_

Basis Upon Which Applicant May Not Meet Statutory/Regulatory Requirements – Criminal Conviction(s):

Pursuant to §54.1-204 of the *Code of Virginia* and Board Regulations 18VAC15-20-32 G and 18VAC15-20-450 A 6

*FACTS:*

On August 17, 2010, <Applicant Name> applied for an Asbestos Supervisor license and has been convicted of the following:

<u>Date of Conviction</u>	<u>Court</u>	<u>Conviction</u>	<u>Type</u>
December 7, 1979	Norfolk Circuit Court	Receive Stolen Goods <b>(two counts)</b>	Felony
February 27, 1980	Portsmouth Circuit Court	Larceny	Felony
August 26, 1981	Norfolk Circuit Court	Larceny	Misdemeanor
March 16, 1982	Norfolk Circuit Court	Burglary	Felony
September 9, 1982	Virginia Beach Circuit Court	Burglary <b>(three counts)</b>	Felony
December 10, 1985	Virginia Beach Circuit Court	Statutory Burglary	Felony
December 10, 1985	Virginia Beach Circuit Court	Larceny	Felony
May 7, 1991	Norfolk Circuit Court	Distribute Cocaine	Felony
May 20, 1996	Norfolk Circuit Court	Worthless Check <b>(four counts)</b>	Misdemeanor
August 14, 2009	Norfolk Circuit Court	Petit Larceny: <\$5 From A Person (Pick Pocket)	Felony

January 26, 2009

Norfolk General  
District Traffic  
Court

Failure To Appear:  
On Misdemeanor  
Offense

Misdemeanor

COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION  
BOARD FOR ASBESTOS, LEAD, MOLD & HOME INSPECTORS

IN RE: INFORMAL FACT-FINDING CONFERENCE  
HEARD BEFORE: Ann-Marie Brigil

FEBRUARY 10, 2011  
SECOND FLOOR CONFERENCE ROOM  
9960 MAYLAND DRIVE  
RICHMOND, VIRGINIA 23233  
2:45 p.m.

IN RE: AHMAD NAJEEULLAH AKRAM  
FILE NUMBER 2011-02977

TAMMIE M. BROWN, CCR  
67 Stoney Point Road  
Cumberland, Virginia 23040  
(804) 492-4954  
brownccr@gmail.com



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BOARD MEMBER:

Ann-Marie Brigil, Presiding

STAFF:

Ilona LaPaglia  
Department of Professional and Occupational Regulation

Also Present:

Ahmad Najeeullah Akram - Applicant

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Page

Board Exhibit Number 1.....	5
Informal Fact-Finding Referral Memorandum	
Board Exhibit Number 1a.....	5
Court Website Information.	
Board Exhibit Number 2.....	6
Notice of IFF	
Board Exhibit Number 3.....	6
Signed Waiver Form	

1 MS. BRIGIL: Thank you for coming in today  
2 and being patient with us. You're Mr. Ahmad Akram?

3 MR. AKRAM: Yes, ma'am.

4 MS. BRIGIL: Good afternoon to you, sir.  
5 My name is Ann-Marie Brigil. I'm a designee of the  
6 Board for Asbestos, Lead, Mold & Home Inspectors. And  
7 I'm going to preside at your conference today and get  
8 some information from you about the application you have  
9 on file with the Board.

10 Now, I see that you received the  
11 information that we sent you. Were you able to open the  
12 disk that came along with that?

13 MR. AKRAM: Yes. I never looked at it  
14 though.

15 MS. BRIGIL: Did you need some time to  
16 review it?

17 MR. AKRAM: No.

18 MS. BRIGIL: Because I don't want to  
19 proceed without you knowing why we're going to have this  
20 hearing today.

21 MR. AKRAM: They basically explained it to  
22 me over the telephone.

23 MS. LAPAGLIA: And I explained to you  
24 about the criminal convictions here.

25 MR. AKRAM: Right.

1 MS. BRIGIL: So you're comfortable  
2 proceeding with the hearing -- is that correct, sir?

3 MR. AKRAM: Yes.

4 MS. BRIGIL: Then we're going to get some  
5 procedural things out of the way and we'll go ahead and  
6 get started.

7 MS. LAPAGLIA: Could I get you to state  
8 your full name and mailing address for the court  
9 reporter, please?

10 MR. AKRAM: Ahmad Akram. 922 Washington  
11 Avenue, Norfolk, Virginia 23504.

12 MS. LAPAGLIA: Thank you. I'd like to  
13 introduce into exhibit, Board Exhibit Number 1, which is  
14 the Informal Fact-Finding Conference Referral Memorandum  
15 prepared by Jill Hrynciw.

16 NOTE: Informal Fact-Finding Referral  
17 Memorandum was marked as Board Exhibit Number 1.

18 MS. LAPAGLIA: Board Exhibit 1A is  
19 additional information obtained from the website from  
20 Norfolk Circuit Court.

21 NOTE: Norfolk Circuit Court Website  
22 Information was marked as Board Exhibit 1A.

23 MS. LAPAGLIA: Board Exhibit Number 2 is a  
24 letter dated January 20, 2011, addressed to Mr. Akram  
25 advising him of today's hearing, February 10, 2011.

1                   NOTE: Notice of Informal Fact-Finding  
2 Conference was marked as Board Exhibit Number 2.

3                   MS. LAPAGLIA: And Board Exhibit Number 3  
4 is a signed waiver form.

5                   NOTE: Signed Waiver Form was marked as  
6 Board Exhibit Number 3.

7                   MS. BRIGIL: All right, Mr. Akram, I'm  
8 going to preside at your hearing. I'm going to ask you  
9 some questions about your application. I'm going to ask  
10 you some questions about your convictions. And I'm  
11 going to get some additional information from you as  
12 well.

13                   Understand, my questions are not designed  
14 to embarrass, offend, or insult you. They're only  
15 designed to get the information I need to make a  
16 recommendation to the Board. If you need additional  
17 time to answer any questions, let me know, we're happy  
18 to accommodate you.

19                   We have a court reporter here who is going  
20 to take your statements. The reason we have a court  
21 reporter is because this is an informal hearing.  
22 There's no swearing in. There's no formal testimony.  
23 It's just statements, you and I talking. The way the  
24 Board participates is by reading the transcript of the  
25 hearing. That will help them make their final decision

1 in addition to reviewing my recommendation. So that's  
2 why we have a court reporter here. So if you would  
3 speak loudly and clearly, that way she can hear  
4 everything that you have to say. It also helps me  
5 because I'll be taking some notes. So if I'm not always  
6 looking at you, I am paying attention. Okay?

7 MR. AKRAM: Yes, ma'am.

8 MS. BRIGIL: And I have a cold, so bear  
9 with me and I'll try to get through this very painlessly  
10 for you. I notice that you applied for your asbestos  
11 supervisor license back in August last year; is that  
12 correct?

13 MR. AKRAM: Yes, ma'am.

14 MS. BRIGIL: You told us about some  
15 convictions that you've had over the years. I'm not  
16 going to get a whole lot of information from you about  
17 some of them, but I will ask you to go into detail on  
18 some of them for me. About three of them I'm going to  
19 ask you to give me additional information from.

20 I also want to make note for the Board  
21 members that are going to read the transcript that some  
22 of these crimes you were convicted of, you were formerly  
23 known as Michael Norman; is that correct? And you've  
24 since changed your name?

25 MR. AKRAM: Yes, ma'am.

1 MS. BRIGIL: So the first two convictions  
2 from 1979 out of Norfolk Circuit Court, two felonies for  
3 receiving stolen goods. The next conviction was in 1980  
4 out of Portsmouth Circuit Court; it was a felony  
5 conviction for larceny.

6 The next conviction in 1981 was out of  
7 Norfolk Circuit Court; that was a misdemeanor conviction  
8 for larceny. And then there was a burglary conviction  
9 that happened in March 1982 in Norfolk Circuit Court; is  
10 that correct, sir?

11 MR. AKRAM: Yes, ma'am.

12 MS. BRIGIL: And then the next convictions  
13 we have, there are three from September 9, 1982. These  
14 were out of Virginia Beach Circuit Court where you were  
15 convicted of three counts of burglary, statutory  
16 burglary and larceny. And these were all felonies; is  
17 that correct?

18 MR. AKRAM: Yes, ma'am.

19 MS. BRIGIL: Did you receive a prison  
20 sentence as a result of these convictions?

21 MR. AKRAM: Yes, ma'am.

22 MS. BRIGIL: How much time did you get?  
23 Or how much time did you serve, if you remember?

24 MR. AKRAM: I served approximately about  
25 12 years for all that.

1 MS. BRIGIL: So you served 12, but you  
2 probably had more in the court. You just suspended some  
3 of that time or you didn't have to serve the entire  
4 sentence?

5 MR. AKRAM: That's what I did on all the  
6 entire.

7 MS. BRIGIL: So you got 12 years for all  
8 that and you served the entire 12 years?

9 MR. AKRAM: No, not the entire 12 years.  
10 You know, like probation and parole.

11 MS. BRIGIL: So actually how much time did  
12 you wind up serving incarcerated?

13 MR. AKRAM: Well, the 1979 to 1980 grand  
14 larceny, I did, like, nine months.

15 MS. BRIGIL: Okay. What about the  
16 September '82 convictions?

17 MR. AKRAM: I did something like two  
18 years.

19 MS. BRIGIL: So you served two years out  
20 of the 12?

21 MR. AKRAM: Yes, ma'am.

22 MS. BRIGIL: And to make sure I said it  
23 right, I think I miscounted. In September '82, you have  
24 three burglary convictions. You don't have a statutory  
25 burglary or larceny?



1 MR. AKRAM: No.

2 MS. BRIGIL: It's just the three  
3 burglaries. Do you remember anything about those  
4 crimes? I know it was awhile ago. And if you don't  
5 remember, that's fine, because I can understand.

6 MR. AKRAM: I mean, such as what?

7 MS. BRIGIL: You know, how the police knew  
8 it was you that was involved in this crime. And where  
9 it occurred.

10 MR. AKRAM: It occurred in Virginia Beach.  
11 I was, like, a drug addict then.

12 MS. BRIGIL: Was this someone's home you  
13 had broken into?

14 MR. AKRAM: Yes, ma'am.

15 MS. BRIGIL: And did they call the police  
16 that you know of, or how did they know you were  
17 involved?

18 MR. AKRAM: Fingerprints.

19 MS. BRIGIL: Okay. And in 1985 in  
20 December, you have a larceny conviction and a statutory  
21 burglary conviction. Is that correct?

22 MR. AKRAM: Yes, ma'am.

23 MS. BRIGIL: And in 1991, you have a  
24 conviction for distributing cocaine. That's a felony,  
25 is that correct?

1 MR. AKRAM: Yes, ma'am.

2 MS. BRIGIL: So from the '79 offenses up  
3 until now in '91, were you on drugs the entire time?

4 MR. AKRAM: I got off, like, in, I'll say  
5 '92.

6 MS. BRIGIL: So for at least ten years you  
7 have been using drugs from that time?

8 MR. AKRAM: Yes.

9 MS. BRIGIL: And was cocaine the drug you  
10 were using or were you using something else?

11 MR. AKRAM: Well, it started off worse  
12 than that -- heroin. Then I went to cocaine.

13 MS. BRIGIL: Now, in 1996, in Norfolk  
14 Circuit Court, you were convicted of four counts of  
15 worthless checks; they were misdemeanors. And you  
16 received a 48 month sentence and the court suspended 30  
17 months of that. And then you were to pay \$1,969 -- this  
18 is a combination -- of court costs. And if I did my  
19 math correctly, there's still some money outstanding.  
20 Have you paid all those court costs or are you still  
21 making payments on that?

22 MR. AKRAM: I paid all my circuit court  
23 costs fines. Every last one of them.

24 MS. BRIGIL: Because the website printout  
25 that I printed in December doesn't show that those costs

1 were paid in full from those worthless checks. So you  
2 may want to get with the court, because if you have a  
3 record that you've paid those, what they're reporting on  
4 the website is inaccurate then. And so you want to make  
5 sure they report everything correctly. Because they  
6 have one of those paid in full, but they didn't have all  
7 of them.

8 MR. AKRAM: That was one of the conditions  
9 of me getting my driver's license back.

10 MS. BRIGIL: Right. They show that you  
11 paid \$1604.50 for one of them. But for the other ones,  
12 where there's like \$121 in costs, they don't show that  
13 as being paid. And this is a print-off, like I said, as  
14 of December of last year. So you'll want to get with  
15 them in Norfolk to make sure that they're reporting this  
16 and that they have everything correct. Because there  
17 are times when they make a mistake, so we want to make  
18 sure that mistake is not against you.

19 So 30 months of that jail sentence was  
20 suspended. So did you have to wind up serving the rest  
21 of that time, or how much time did you wind up serving  
22 for that?

23 MR. AKRAM: Well, I served it. It was  
24 like probation with parole violation.

25 MS. BRIGIL: So this conviction violated

1 your probation from your other convictions?

2 MR. AKRAM: Right.

3 MS. BRIGIL: So how much time did you wind  
4 up serving then?

5 MR. AKRAM: Two years.

6 MS. BRIGIL: And were these your checks or  
7 someone else's checks?

8 MR. AKRAM: No, they was mine. I don't  
9 know how they ended up getting in trouble with it at the  
10 time.

11 MS. BRIGIL: Now, in 2009, in Norfolk  
12 General District Court, you were convicted of failing to  
13 appear in court on the misdemeanor. And you had a ten  
14 day jail sentence and the court suspended that charge.  
15 Do you remember what case it was or what charge you  
16 failed to appear in court for?

17 MR. AKRAM: It was driving on suspended  
18 license.

19 MS. BRIGIL: Now, were you ultimately  
20 convicted of the driving on suspension?

21 MR. AKRAM: No -- Uh, I say yes.

22 MS. BRIGIL: Did you receive a jail  
23 sentence for that?

24 MR. AKRAM: No.

25 MS. BRIGIL: And were you convicted of

1 that the same time in January '09, or a little bit later  
2 do you think?

3 MR. AKRAM: What happened was, I had went  
4 to court earlier and the judge gave me enough time to  
5 get my driver's license. And I had gotten the court  
6 dates mixed up at the time.

7 MS. BRIGIL: So because you didn't go to  
8 court --

9 MR. AKRAM: And I pleaded guilty when I  
10 went in there that day for the failure to appear.

11 MS. BRIGIL: And did they ever convict you  
12 then of the driving under suspension?

13 MR. AKRAM: No.

14 MS. BRIGIL: Okay. So it was just the  
15 failing to appear.

16 Now, the last one on here, August 14,  
17 2009, is a felony conviction. It says petty larceny  
18 less than \$5 from a person. And in parenthesis, it has  
19 "pickpocket." That's a felony. And according to the  
20 paperwork, you were sentenced to one year and six months  
21 and the court suspended six months of that sentence.  
22 Did you have to spend that one year in jail or did you  
23 have to go to prison for that?

24 MR. AKRAM: I just went to jail for nine  
25 months.

1 MS. BRIGIL: In addition, you were ordered  
2 to pay court costs of \$386, and placed on unsupervised  
3 probation or good behavior for two years. Have these  
4 costs been paid too?

5 MR. AKRAM: Yes, ma'am.

6 MS. BRIGIL: Now, I read the letter that  
7 you submitted. And in the letter you explain that you  
8 fell on some hard times, that you and a girlfriend had  
9 gone to a supermarket and taken some groceries from the  
10 store; is that correct?

11 MR. AKRAM: Yes, ma'am.

12 MS. BRIGIL: Why did they charge you with  
13 pickpocketing?

14 MR. AKRAM: I don't know, I ain't never  
15 seen that. If they said pickpocketing, then it --

16 MS. BRIGIL: That's why I was confused  
17 because it doesn't kind of match what you say in your  
18 letter.

19 MR. AKRAM: It could be pickpocket or  
20 petty larceny.

21 MS. BRIGIL: Can you show this to him,  
22 please. I had a question because it didn't match what  
23 you said in your letter. I didn't know why they would  
24 charge you as pickpocketing.

25 MR. AKRAM: I don't know.

1 MS. BRIGIL: And I'll make a note to the  
2 Board members. Because petty larceny is normally  
3 categorized as a misdemeanor. But after three or more  
4 convictions of petty larceny, they change it to a  
5 felony. But you don't know why they have it from a  
6 person pickpocket?

7 MR. AKRAM: No.

8 MS. BRIGIL: So it is because you said you  
9 went into a supermarket and had taken some groceries?

10 MR. AKRAM: Yes, ma'am.

11 MS. BRIGIL: How do they know you had  
12 taken them? Were you on surveillance camera, or what  
13 happened?

14 MR. AKRAM: Well, they were, like,  
15 self-service. We were bagging groceries at the time.  
16 And some of the stuff we slipped over.

17 MS. BRIGIL: Did they see you on camera or  
18 did the people stop you?

19 MR. AKRAM: Well, they seen us on camera,  
20 I think.

21 MS. BRIGIL: So didn't ring everything up?

22 MR. AKRAM: Right. They stopped us at the  
23 door and asked for the receipt.

24 MS. BRIGIL: Other than these crimes, sir,  
25 have you been convicted of any other crime in Virginia

1 or anywhere else that's not on your paperwork?

2 MR. AKRAM: No.

3 MS. BRIGIL: Now, I'm going to ask you to  
4 go back in your memory bank. In 1979, when you got  
5 those two felonies for receiving stolen goods; how old  
6 were you?

7 MR. AKRAM: 19. They was cars.

8 MS. BRIGIL: The stolen goods was the  
9 cars?

10 MR. AKRAM: I remember that.

11 MS. BRIGIL: And then this conviction, or  
12 the offense that occurred in 2009, then that would have  
13 made you --

14 MR. AKRAM: That would have made me 49.

15 MS. BRIGIL: You were born in '59, right?

16 MR. AKRAM: Yes, ma'am.

17 MS. BRIGIL: How old are you now?

18 MR. AKRAM: 51.

19 MS. BRIGIL: And are you licensed in any  
20 other state as an asbestos supervisor?

21 MR. AKRAM: Not now. Over the time, I  
22 left, I been out for, like, two or three years. I was  
23 licensed in Maryland. I was lead licensed in North  
24 Carolina.

25 MS. BRIGIL: So you had a lead license.



1 In Maryland?

2 MR. AKRAM: No. Asbestos license in  
3 Maryland. And lead licensed in North Carolina.

4 MS. BRIGIL: When were you licensed last  
5 in Maryland, how long ago?

6 MR. AKRAM: I'd say 2007. Let me get that  
7 right. 2007.

8 MS. BRIGIL: What about your lead license  
9 in North Carolina?

10 MR. AKRAM: About 2006.

11 MS. BRIGIL: And both of those licenses  
12 have expired?

13 MR. AKRAM: Yes.

14 MS. BRIGIL: Did they expire? Were they  
15 revoked by the boards, those two regulatory boards?

16 MR. AKRAM: No. They had expired.

17 MS. BRIGIL: Do you plan on renewing those  
18 down there, or just trying to get Virginia?

19 MR. AKRAM: I'm trying to get Virginia.  
20 Probably would, it all depends. I'm trying to get into  
21 mold, you know.

22 MS. BRIGIL: And when you were licensed in  
23 Maryland and North Carolina, the boards that licensed  
24 you, had you ever been in any trouble with them? Any  
25 complaints or any disciplinary action taken against you?

1 MR. AKRAM: No, ma'am.

2 MS. BRIGIL: So if these licenses expired  
3 in 2006, and one in 2007, how many total years were you  
4 licensed in Maryland? Is their license good for two  
5 years or four years?

6 MR. AKRAM: I think each one was, like,  
7 one year. That's when I got them in -- the Maryland  
8 license I got in 2007. I believe it was in March or  
9 April 2007.

10 MS. BRIGIL: That's when you received or  
11 that's when it expired?

12 MR. AKRAM: Received.

13 MS. BRIGIL: So if you got it in '07, then  
14 it probably expired in '08?

15 MR. AKRAM: Yes, ma'am.

16 MS. BRIGIL: And then the one in North  
17 Carolina, did you get that in '06, and it expired in  
18 '07; or did you get it in '05, and it expired in '06?

19 MR. AKRAM: They were basically like here  
20 to, like, three years. I'm not really sure. I got them  
21 in '06.

22 MS. BRIGIL: Okay. So you got that  
23 license in '06, and its since expired. And are you  
24 currently working now, sir?

25 MR. AKRAM: Yes, ma'am.

1 MS. BRIGIL: Where do you work?

2 MR. AKRAM: Well, I work at the ship yard,  
3 like a fire watch.

4 MS. BRIGIL: Newport News Ship Yard?

5 MR. AKRAM: No. It's called Marine  
6 Hydraulics.

7 MS. BRIGIL: And what is fire watch?

8 MR. AKRAM: Watching weld -- like, the  
9 guys be doing welding. Making sure of fire safety.

10 MS. BRIGIL: Oh, okay. And they call it a  
11 fire watchman? Fire watch?

12 MS. AKRAM: Yes.

13 MS. BRIGIL: And how long have you been  
14 working there?

15 MR. AKRAM: About a month.

16 MS. BRIGIL: And this Marine Hydraulics --

17 MR. AKRAM: No, I don't work for that. I  
18 might work in the yard. I work for a temporary service.

19 MS. BRIGIL: Okay. So you're working  
20 through a temp agency right now?

21 MR. AKRAM: Yes, ma'am.

22 MS. BRIGIL: So in order -- you're  
23 applying for your asbestos supervisor license, is there  
24 a company that you plan to work with that is requiring  
25 you to have this license?

1 MR. AKRAM: Yes, ma'am.

2 MS. BRIGIL: What's the name of that  
3 company?

4 MR. AKRAM: Macson.

5 MS. BRIGIL: Where is that located?

6 MR. AKRAM: I don't know the exact  
7 address. But I know it's on 25th Street in Norfolk,  
8 Virginia.

9 MS. BRIGIL: So out of Norfolk. Okay. So  
10 they're requiring you to have an asbestos supervisor  
11 license in order to work for them?

12 MR. AKRAM: Yes, ma'am.

13 MS. BRIGIL: Or is that something you're  
14 doing for yourself?

15 MR. AKRAM: Well, I had an asbestos worker  
16 license and I decided when I tried to redo it, I'd just  
17 try to apply for the supervisor's license.

18 MS. BRIGIL: So at most they wanted you to  
19 have a worker, but you're trying to get your supervisor,  
20 it helps you a little bit better.

21 MR. AKRAM: Well, I have another company  
22 that I'm temporary working with called Mold Stopper.

23 MS. BRIGIL: Mold Stopper?

24 MR. AKRAM: Yes.

25 MS. BRIGIL: And you're doing work for

1 them now as well?

2 MR. AKRAM: Part time when he calls me.

3 MS. BRIGIL: And how long have you been  
4 doing part time?

5 MR. AKRAM: I worked for him, like, three  
6 or four times. He's waiting for me to get my license  
7 also.

8 MS. BRIGIL: And if you get this license,  
9 you would go to work full time for Macson?

10 MR. AKRAM: Most likely Mold Stopper  
11 first.

12 MS. BRIGIL: So Mold Stopper is your first  
13 choice?

14 MR. AKRAM: Yes.

15 MS. BRIGIL: And if that doesn't work out,  
16 then Macson?

17 MR. AKRAM: Yes, ma'am.

18 MS. BRIGIL: And do either of these  
19 employers know about your criminal history? Are they  
20 willing to still hire you if you get your license?

21 MR. AKRAM: Mold Stopper do. But not  
22 really Macson.

23 MS. BRIGIL: So if the Board approves the  
24 application, Mold Stopper would have no reservations  
25 about hiring you on as an asbestos supervisor?

1 MR. AKRAM: No, ma'am. Macson said the  
2 same thing also. I talked to them both about the  
3 Fact-Finder. I did talk to them about it.

4 MS. BRIGIL: All right. Mr. Akram, I have  
5 one other question for you today. One of the  
6 requirements for licensure is evidence of someone's  
7 rehabilitation. Evidence that they've tried to make  
8 some improvements upon themselves.

9 The Board wants to see that you've made  
10 some changes in your life so the crimes that you  
11 committed in the past don't happen again in the future  
12 if they should license you. What can you tell me about  
13 how you've changed since the last offense that was  
14 committed in 2009 until now?

15 MR. AKRAM: Well, first of all I'd like to  
16 say that the person that I was dealing with, I cut them  
17 completely out of my life for one thing. During that  
18 time, I was having problems because I had just lost my  
19 wife, my mother, and my grandmother. I'm not blaming  
20 all that on that, basically, but --

21 MS. BRIGIL: These are some factors that  
22 played into what you were going through and what you  
23 were doing, correct?

24 MR. AKRAM: Well, basically. I was  
25 struggling with bills and my check and garnishing, that

1 I had time to think about what I did. I knew I was  
2 messed up. But, I mean, I got into this program called  
3 Second Chance, and we sit around and we talk. You know,  
4 everybody has been incarcerated before. And we sit  
5 around. We network about jobs and how we're doing and  
6 any changes that we get in our life. I'm not -- the  
7 only habit I got is smoking cigarettes. I don't drink.  
8 I don't use drugs. I try to move forward.

9 MS. BRIGIL: How long have you been clean  
10 from drugs and alcohol?

11 MR. AKRAM: I'd say since 1990.

12 MS. BRIGIL: Did you go through a program  
13 while you were incarcerated or did you do something else  
14 on your own?

15 MR. AKRAM: Yes. I went through a  
16 program. And I basically, you know, the alcohol, watch  
17 people being destroyed -- you know, family members is  
18 what I'm saying that got destroyed. I have done a lot  
19 of things to try to better myself. I just can't get  
20 them all mentally, you know. Because that wasn't me.  
21 Only thing I can say, at the time, 2009, when that did  
22 happen, that wasn't even me. I mean, usually when I  
23 seen somebody do something like that, I mean, I had been  
24 locked up in the house scared to go back. But  
25 basically, the person that I was dealing with...

1 MS. BRIGIL: You say you no longer have  
2 contact with that person anymore?

3 MR. AKRAM: Exactly.

4 MS. BRIGIL: All right.

5 MR. AKRAM: I mean, when I lost my  
6 license, I tried to go back to school. I mean, after  
7 all that happened, even before I got incarcerated,  
8 that's like July 2009, I went back to school to try to  
9 get recertified as asbestos supervisor.

10 MS. BRIGIL: Now, I understand people have  
11 a hard time. Believe me, I think we've all had our  
12 share. If a Board member asked you this question, how  
13 would you respond? Because no doubt you may fall on  
14 hard times again. I mean, anybody can have hard times.  
15 What would keep you from committing this type of crime  
16 again in the future if you should fall on hard times?

17 MR. AKRAM: Well, I would never do it  
18 again. I already know that, hard times or not.  
19 Because, I mean, at that time I didn't have to do it  
20 then. That was just a poor judgment. That was just a  
21 poor judgment that I made at that time.

22 MS. BRIGIL: All right. That's what I  
23 needed to know. Mr. Akram, I don't have any other  
24 questions for you. Is there anything else that you want  
25 to share with me that you want the Board to consider?



1 MR. AKRAM: Not that I can think of right  
2 now.

3 MS. BRIGIL: You can take a deep breath.  
4 We're almost done. Well, I want to thank you for  
5 answering my questions and driving up here from Norfolk.  
6 I know it's a long drive because I live in the Hampton  
7 Roads area myself, so I can appreciate the trek up 64  
8 that you had to make.

9 But I'm just going to keep you a couple of  
10 minutes longer so you can know what to expect after  
11 today. We're going to officially conclude this part of  
12 the hearing and we're going to close the record  
13 officially as of today. And what you can expect from me  
14 is this. In the next four to six weeks you're going to  
15 get a copy of my summary and recommendation. It's going  
16 to be sent to you via UPS. You're also going to get a  
17 letter Ms. LaPaglia is going to send to you. It's going  
18 to have the date and time that this Board will next meet  
19 to decide whether to approve your application.

20 We invite you to come back to the Board  
21 meeting when the Board is going to decide your case.  
22 You're not required to, but we always encourage people  
23 to come back to the Board meeting. I don't get to make  
24 the final decision. I do make a recommendation that the  
25 Board members will weigh heavily upon. But they have

1 the ultimate final say. They can either accept or  
2 reject my recommendation. They can amend it. The Board  
3 can make its own decision, or the Board can decide to  
4 have you come back for another hearing if it doesn't  
5 believe it has enough information to make a final  
6 decision. I don't think that will be the case in your  
7 instance but I need to make you aware of that in case  
8 that happens, because that has happened before.

9           At the Board meeting, the Board will give  
10 you an opportunity to respond to anything that we've  
11 discussed today, anything that I write in your  
12 paperwork, or anything that's in your file. You will be  
13 given a five minute opportunity to address the Board.  
14 Now, let's say you can't make it, you have to work or  
15 something happens. You are allowed to send a  
16 representative or legal representative in your place if  
17 you decide to do that.

18           You're not allowed to introduce any new  
19 evidence or documentation and neither is the person that  
20 you send if you can't attend. Now, normally the Board  
21 will take a vote. And before you leave you'll know what  
22 the Board's decision is about whether they're approving  
23 the application. So that's another good reason to come  
24 to the Board meeting. But if you can't come, like I  
25 said, that's okay as well. The Board will still go

1 ahead and make a decision and they'll mail you a copy of  
2 the decision about five days or so after the Board  
3 meeting. So that's what happens from here on out.

4 So just be on the lookout for another  
5 package. It will come UPS, the same as this did, but it  
6 won't be on disk. It will be an actual paper copy of  
7 what my recommendation is going to be. And that's it.

8 MR. AKRAM: Okay.

9 MS. BRIGIL: You can relax now.

10 MR. AKRAM: I wish I could have talked a  
11 little better though.

12 MS. BRIGIL: It's okay. Do you want some  
13 time to maybe put something in writing? I can reopen  
14 the record for you and give you an opportunity to fax us  
15 something or email us something if you want to put your  
16 thoughts together on paper, I'll be happy to do that.  
17 And I can give you about five days to that if you'd  
18 like. Do you want to do that or I can close it and we  
19 can leave it done. Or I can give you that chance to  
20 submit something. That's up to you.

21 MR. AKRAM: I'll leave it like it is.

22 MS. BRIGIL: The record will be closed  
23 then. You did fine. Don't worry. Thank you for coming  
24 in this afternoon.

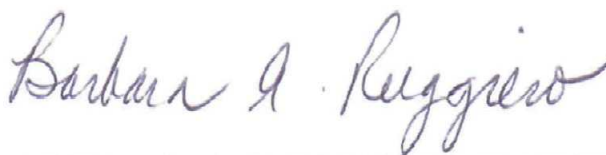
25 NOTE: Off the record at 3:20 p.m.

CERTIFICATE OF COURT REPORTER

I, Barbara A. Ruggiero, a Certified Court Reporter, hereby certify that I was the Court Reporter at the Informal Fact-Finding Conference regarding Ahmad Najeeullah Akram, heard in the County of Henrico, Virginia, on February 10, 2011, at the time of the hearing herein.

I further certify that the foregoing transcript is a true and accurate record of the testimony and other incidents of the hearing, to the best of my ability.

Given under my hand this 28th day of February, 2011.



Barbara A. Ruggiero, CCR

My Commission Expires:

July 31, 2012

Notary Registration Number: 291009

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**Licensing and Regulation Division**

Application Review  
Informal Fact-Finding Conference Referral Memorandum

To: Board Administrative Proceedings Section

From: Jill R. Hrynciw, Board Administrator

Date: December 8, 2010

Re:

Applicant Name: Ahmad N. Akram

Application No. 3302-010077P

Type of License Applied for: Asbestos Supervisor

Application Reviewed by: Christine Rappe

Presiding Officer Requested:  Staff  
 Board Member \_\_\_\_\_

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BAP

A circular stamp containing handwritten initials, possibly "JRH", in black ink.

Basis Upon Which Applicant May Not Meet Statutory/Regulatory Requirements –  
Criminal Conviction(s):

Pursuant to §54.1-204 of the *Code of Virginia*  
and  
Board Regulations 18VAC15-20-32 G and 18VAC15-20-450 A 6

*FACTS:*

On August 17, 2010, Ahmad N. Akram applied for an Asbestos Supervisor license and has been convicted of the following:

<u>Date of Conviction</u>	<u>Court</u>	<u>Conviction</u>	<u>Type</u>
December 7, 1979	Norfolk Circuit Court	Receive Stolen Goods	Felony
December 7, 1979	Norfolk Circuit Court	Receive Stolen Goods	Felony
February 27, 1980	Portsmouth Circuit Court	Larceny	Felony
August 26, 1981	Norfolk Circuit Court	Larceny	Misdemeanor
March 16, 1982	Norfolk Circuit Court	Burglary	Felony
September 9, 1982	Virginia Beach Circuit Court	Burglary	Felony
September 9, 1982	Virginia Beach Circuit Court	Burglary	Felony
September 9, 1982	Virginia Beach Circuit Court	Burglary	Felony
December 10, 1985	Virginia Beach Circuit Court	Statutory Burglary	Felony
December 10, 1985	Virginia Beach Circuit Court	Larceny	Felony
May 7, 1991	Norfolk Circuit Court	Distribute Cocaine	Felony

May 20, 1996	Norfolk Circuit Court	Worthless Check	Misdemeanor
May 20, 1996	Norfolk Circuit Court	Worthless Check	Misdemeanor
May 20, 1996	Norfolk Circuit Court	Worthless Check	Misdemeanor
May 20, 1996	Norfolk Circuit Court	Worthless Check	Misdemeanor
August 14, 2009	Norfolk Circuit Court	Petit Larceny: <\$5 From A Person (Pick Pocket)	Felony
January 26, 2009	Norfolk General District Traffic Court	Failure To Appear: On Misdemeanor Offense	Misdemeanor

Commonwealth of Virginia  
 Department of Professional and Occupational Regulation  
 Post Office Box 29570  
 Richmond, Virginia 23242-0570  
 (804) 367-8595



Deleted: 66

Board for Asbestos, Lead, and Home Inspectors  
 ASBESTOS LICENSE APPLICATION  
 Fee \$25.00

A check or money order payable to the TREASURER OF VIRGINIA, or  
 a completed credit card insert must be mailed with your application package.  
**APPLICATION FEES ARE NOT REFUNDABLE.**

+ To obtain an asbestos license, your application package must include 1) a complete and legible Asbestos License Application and 2) copies of any training certificates proving that you successfully completed an *initial* EPA/AHERA or board-approved training course and all subsequent EPA/AHERA or board-approved *refresher* courses in your discipline. Inspector, Management Planner, Project Designer, and Project Monitor applicants must also include completed *Experience and Education Verification Forms*.

1. Name Ahmad Na-jeeyullah AKRAM  
First Middle Last Generation (SR, JR, III, etc.)

2. Social Security Number 226-96-8681

3. Date of Birth DEC 19, 1959

4. Home Street Address (PO Box not accepted) 922 Washington AVE  
 City State, Zip Code NORFOLK, VA, 23504

5. E-mail Address cashmoneyva@msn.com

6. Telephone & Facsimile Numbers (757) 305-2929 ( ) ( )  
Telephone Facsimile Beeper/Cellular

7. Check the **one** type of license you are requesting.
- Asbestos Worker 3301
  - Asbestos Supervisor 3302
  - Asbestos Inspector ] 3303  ] Completed *Experience and Education Verifications* is also required.
  - Asbestos Management Planner ] 3304
  - Asbestos Project Designer ] 3305
  - Asbestos Project Monitor ] 3309

8 Do you hold a current or expired environmental remediation license issued by the Virginia Board for Asbestos, Lead and Home Inspectors?

No   
 Yes  If yes, please enter the Virginia license number(s) and expiration date(s) below.

Asbestos License Number	Expiration Date	Lead License Number	Expiration Date

OFFICE USE ONLY	DATE	FEF	CLASS OF FEE	LICENSE NUMBER	ISSUE DATE
	8-17-10	25	425	3302-10077	

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Ahmad Akram

9. Have you or any contractor with whom you have had a substantial identity of interest (see 18 VAC 15-20-150 of the board regulations) ever been subject to a disciplinary action imposed by any (including Virginia) local, state or national regulatory body?

No   
Yes

If yes, list the jurisdiction in which the disciplinary action took place, the license number and the name of the business and/or individual(s) involved in the disciplinary action. Provide an explanation of events, including a description of the disciplinary proceeding and the type of sanctions that were imposed (i.e., suspension, revocation, voluntary surrender of license, monetary penalty, fine, reprimand, termination of asbestos abatement or inspection activities prior to project completion, etc.). Attach copies of any correspondence or documentation (including a copy of the final order, decree or case decision) related to this matter. If necessary, you may attach a separate sheet of paper.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. A. Have you ever been convicted in any jurisdiction of any felony? Any guilty plea or plea of nolo contendere must be disclosed on this application. Do not disclose any violations that were adjudicated as a minor in the juvenile court system.

No  Yes  If yes, please provide the information requested in #10.C.

B. Have you ever been convicted in any jurisdiction of any misdemeanor? Any guilty plea or plea of nolo contendere must be disclosed on this application. Do not disclose any violations that were adjudicated as a minor in the juvenile court system.

No  Yes  If yes, please provide the information requested in #10.C.

C. If you answered "yes" to either question #10.A. or #10.B., list the felony and/or misdemeanor conviction(s). Attach a copy of all applicable criminal conviction, state police and court records; information on the current status of incarceration, parole, probation, etc.; and any other information you wish to have considered with this application (i.e., reference letters, documentation of rehabilitation, etc.). If necessary, you may attach a separate sheet of paper.

SEE ATTACH

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. I, the undersigned, certify that the foregoing statements and answers are true, and I have not suppressed any information that might affect the Board's decision to approve this application. I verify that during the past three years, there were no suspensions or revocations of any authorizations I hold to perform asbestos-related work, nor are there any pending enforcement actions involving any of my asbestos licenses. I will notify the Department if I am subject to any disciplinary action or convicted of any felony or misdemeanor charges (in any jurisdiction) prior to receiving the requested license. I also certify that I understand, and have complied with, all the laws of Virginia related to licensure and environmental remediation under the provisions of Title 54.1, Chapters 1, 2, 3, and 5 of the Code of Virginia and the Virginia Asbestos Licensing Regulations.

Signature Ahmad M. Akram

Date 10/15/2010

Σ State law requires every applicant for a license, certificate, registration or other authorization to engage in a business, trade, profession or occupation issued by the Commonwealth to provide a social security number or a control number issued by the Virginia Department of Motor Vehicles

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VA 465099

CRIMINAL HISTORY RECORD NAME SEARCH REQUEST 3759204133

PURPOSE OF THIS REQUEST (Check only one):

ADOPTION-DOMESTIC  ADOPTION-INTERNATIONAL COUNTRY: \_\_\_\_\_

VISA (INTERNATIONAL TRAVEL)  OTHER (please specify): Job

RECEIVED

NAME INFORMATION TO BE SEARCHED:

LAST NAME: Akram FIRST NAME: Ahmad MIDDLE NAME: Na-jeullah MAIDEN NAME: Michael C. Norman

RACE: Bik SEX: M DATE OF BIRTH: 12/19/1959 (MM/DD/YYYY) SOCIAL SECURITY NUMBER: 226-96-8681

AFFIDAVIT FOR RELEASE OF INFORMATION:

I hereby give consent and authorize the Virginia State Police to search the files of the Central Criminal Records Exchange for a criminal history record and report the results of such search to the agent or individual authorized in this document to receive same.

Signature of Person: Ahmad N. Akram

State of Virginia County/City of Norfolk to wit: Subscribed and sworn to before me this 10th day of November, 2010.

My Commission expires March 31, 2011.

Signature of Notary Public: Katrina S. Poesseant

Certificate # 7096320

SIGNATURE OF PERSON MAKING REQUEST:

As provided in Section 19.2-389, Code of Virginia, I hereby request the criminal history record of the individual named in Section I and swear or affirm I have the consent of the individual to obtain their record and will not further disseminate the information received, except as provided by law.

Signature of Person Making Request \_\_\_\_\_

State of \_\_\_\_\_; County/City of \_\_\_\_\_, to wit: Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My Commission expires \_\_\_\_\_, 20\_\_\_\_.

Signature of Notary Public \_\_\_\_\_

NAME AND MAILING ADDRESS OF AGENCY, INDIVIDUAL OR AUTHORIZED AGENT MAKING REQUEST:

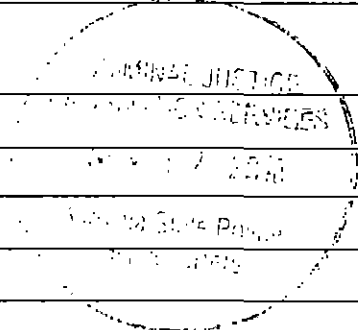
Mail Reply To:

NAME: Ahmad N. Akram

ATTENTION: \_\_\_\_\_

ADDRESS: 922 Washington AVE

CITY: Norfolk STATE: VA ZIP CODE: 23504



FEES FOR SERVICE:

FEES:

\$15.00 CRIMINAL HISTORY SEARCH  \$8.00 CRIMINAL HISTORY SEARCH

\$20.00 COMBINATION CRIMINAL HISTORY & SEX OFFENDER SEARCH  \$16.00 COMBINATION CRIMINAL HISTORY & SEX OFFENDER SEARCH

\* FEES For Volunteers with Non-Profit Organizations:

\* To be entitled to reduced price, services must be on volunteer basis for a non-profit organization with a tax exempt number. Attach documentation to form which supports volunteering status and include organization's name, address, and your tax exempt identification number.

METHOD OF PAYMENT: (Note: Personal Checks Not Accepted)

Business or Certified Check or Money Order (payable to Virginia State Police)

Charge Card  MasterCard  OR  Visa  VISA

Account Number: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

Signature of Cardholder: \_\_\_\_\_

Virginia State Police Charge Account Number: \_\_\_\_\_

Mail Request To:

Virginia State Police  
Central Criminal Records Exchange - NF  
P.O. Box 85076  
Richmond, Virginia 23261-5076

ATTN: NEW FORM

FOR STATE POLICE USE ONLY - DO NOT WRITE BELOW THIS LINE

Response based on comparison of name information submitted in request against a master name index maintained in the Central Criminal Records Exchange only.

No Conviction Data - Does Not Preclude the Existence of an Arrest Record

No Criminal Record - Name Search Only  No Criminal Record - Fingerprint Search

No Sex Offender Registration Record  Criminal Record Attached

Purpose code:  C  N  O

SID: VA465079 FBI: 551059V2

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NAMES RECORDED IN VIRGINIA FILES:			SEX	RACE	DATE OF BIRTH
ADRAM	N	AHMAD	M	B	12/19/1959
AKRAM	N	AHMED	M	B	12/19/1959
HUTCHSON	AHMAD	ALBERT	M	B	12/19/1959
AKRAM	NAJEEULLAH	AHMAD	M	B	12/19/1959
AHMAD	RASHAG	TARIQ	M	B	12/19/1959
ADRAM	AHMAD	N	M	B	12/19/1959
AKRAM	AHMED	N	M	B	12/19/1959
AKRAM	AHMAD	NA-JEEULLAH	M	B	12/19/1959
AKRAM	AHMAD	N	M	B	12/19/1959
NORMAN	MICHAEL	C	M	B	12/19/1959
HUTCHSON	ALBERT		M	B	12/19/1959
NORMAN	MICHAEL	CARNELL	M	B	12/19/1959
AKRAM	AHMAD	NAJEEULLAH	M	B	12/19/1959
AHMAD	TARIQ	RASHAG	M	B	12/19/1959

HEIGHT WEIGHT EYES HAIR SCARS/MARKS/TATTOOS  
5'09" 180 BRO BLK TAT R FORE RABBIT

LAST REPORTED ADDRESS: 7028 UNIVERSITY DR  
NORFOLK, VA 23502

PLACE OF BIRTH: NORFOLK

SOCIAL SECURITY NO(S): 226-96-8681

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*****
* =>CONVICTED FELON<= *
* FELONY CONVICTIONS: 11 *
*****

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CONTRIBUTOR/CASE	DATE	CHARGE/DISPOSITION
PD NORFOLK VA ORI:VA1170000	10/03/1979	FINGERPRINTED OCA:213285 CHARGED WITH #001 FELONY LARCENY NORFOLK
NORFOLK CIRCUIT CT ORI:VA117015J CCN:NOT RECORDED DCN:103420Z	12/07/1979	GUILTY ==> FELONY RECEIVE STOLEN GOODS

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SID: VA465079 FBI: 551059V2

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CONTRIBUTOR/CASE	DATE	CHARGE/DISPOSITION
PD NORFOLK VA ORI:VA1170000	10/03/1979	FINGERPRINTED OCA:213285 CHARGED WITH #002 FELONY LARCENY NORFOLK
		08/06/1979
NORFOLK CIRCUIT CT ORI:VA117015J CCN:NOT RECORDED DCN:103423Z	12/07/1979 ==>	GUILTY FELONY RECEIVE STOLEN GOODS
PD PORTSMOUTH VA ORI:VA1200000	11/02/1979	FINGERPRINTED OCA:63570 CHARGED WITH #001 FELONY LARCENY PORTSMOUTH
		07/30/1979
PORTSMOUTH CIRCUIT ORI:VA120015J CCN:NOT RECORDED DCN:019657X	02/27/1980 ==>	GUILTY FELONY LARCENY
PD NORFOLK VA ORI:VA1170000	05/29/1981	FINGERPRINTED OCA:213285 CHARGED WITH #001 MSDMNR LARCENY NORFOLK
		05/29/1981
NORFOLK CIRCUIT CT ORI:VA117015J CCN:NOT RECORDED DCN:168725Z	08/26/1981	GUILTY MSDMNR LARCENY
PD NORFOLK VA ORI:VA1170000	11/14/1981	FINGERPRINTED OCA:213285 CHARGED WITH #001 FELONY ARMED BURGLARY NORFOLK
		11/13/1981
NORFOLK CIRCUIT CT ORI:VA117015J CCN:NOT RECORDED DCN:185004Z	03/16/1982 ==>	GUILTY FELONY BURGLARY

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CONTRIBUTOR/CASE	DATE	CHARGE/DISPOSITION
PD VA BEACH VA ORI:VA1280000	01/20/1982	FINGERPRINTED OCA:VB31251 CHARGED WITH #001 FELONY BREAK AND ENTER INTENT TO COMMIT FELONY VIRGINIA BEACH 11/04/1981
VA BEACH CIRCUIT CT ORI:VA128015J CCN:NOT RECORDED DCN:035744W	09/09/1982	GUILTY ==> FELONY BURGLARY
PD VA BEACH VA ORI:VA1280000	01/20/1982	FINGERPRINTED OCA:VB31251 CHARGED WITH #002 FELONY BREAK AND ENTER INTENT TO COMMIT FELONY VIRGINIA BEACH 11/26/1981
VA BEACH CIRCUIT CT ORI:VA128015J CCN:NOT RECORDED DCN:035746W	09/09/1982	GUILTY ==> FELONY BURGLARY
PD VA BEACH VA ORI:VA1280000	02/27/1982	FINGERPRINTED OCA:VB31251 CHARGED WITH #001 FELONY BURGLARY VIRGINIA BEACH 07/28/1981
VA BEACH CIRCUIT CT ORI:VA128015J CCN:NOT RECORDED DCN:034720W	09/09/1982	GUILTY ==> FELONY BURGLARY
DEPT CORRECTIONS VA ORI:VA122045C INM:131307 EVN:1131307	11/16/1982	RECEIVED ==> FELONY
FCN:SP850000121254	11/16/1982	FELONY 2 CTS BURGLARY 1698/0022 SENT: 4 YRS 8 MOS
FCN:SP850000121255	03/06/1986	FELONY GRAND LARCENY/STATUTORY BURGLARY/BURGLARY 0006/0089 SENT: 12 YRS
FCN:SP850000121256	06/27/1991	FELONY SELL COCAINE 1705/1835 SENT: 7 YRS

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CONTRIBUTOR/CASE	DATE	CHARGE/DISPOSITION
PD VA BEACH VA ORI:VA1280000	02/05/1985	FINGERPRINTED OCA:VB31251 CHARGED WITH #001 FELONY BREAK AND ENTER INTENT TO COMMIT FELONY VIRGINIA BEACH 10/22/1984
VA BEACH CIRCUIT CT ORI:VA128015J CCN:NOT RECORDED DCN:012002W	12/10/1985	GUILTY ==> FELONY STATUTORY BURGLARY
PD VA BEACH VA ORI:VA1280000	02/05/1985	FINGERPRINTED OCA:VB31251 CHARGED WITH #002 FELONY LARCENY VIRGINIA BEACH 10/22/1984
VA BEACH CIRCUIT CT ORI:VA128015J CCN:NOT RECORDED DCN:012003W	12/10/1985	GUILTY ==> FELONY LARCENY
PD NORFOLK VA ORI:VA1170000	09/13/1990	FINGERPRINTED OCA:213285 CHARGED WITH #001 FELONY POSSESSION OF COCAINE INTENT TO DISTRIBUTE NORFOLK OFF DT N/R
NORFOLK CIRCUIT CT ORI:VA117015J CCN:NOT RECORDED DCN:485039Z	05/07/1991	GUILTY ==> FELONY DISTRIBUTE COCAINE 0488/0470 0634/5183
PD NORFOLK VA ORI:VA1170000	02/10/1996	FINGERPRINTED OCA:213285 CHARGED WITH #001 FELONY INSUFFICIENT FUNDS NORFOLK 05/31/1995
NORFOLK CIRCUIT CT ORI:VA117015J CCN:NOT RECORDED DCN:G444547	05/20/1996	GUILTY MSDMNR WORTHLESS CHECK 1420/0212 1501/0576

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VIRGINIA CRIMINAL RECORD

11/17/2010 PAGE 5  
PID

SID: VA465079 FBI: 551059V2

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CONTRIBUTOR/CASE	DATE	CHARGE/DISPOSITION
PD NORFOLK VA ORI:VA1170000	02/10/1996	FINGERPRINTED OCA:213285 CHARGED WITH #002 FELONY INSUFFICIENT FUNDS NORFOLK 05/27/1995
NORFOLK CIRCUIT CT ORI:VA117015J CCN:NOT RECORDED DCN:G444548	05/20/1996	GUILTY MSDMNR WORTHLESS CHECK 1420/0211 1501/0575
PD NORFOLK VA ORI:VA1170000	02/10/1996	FINGERPRINTED OCA:213285 CHARGED WITH #003 FELONY INSUFFICIENT FUNDS NORFOLK 05/31/1995
NORFOLK CIRCUIT CT ORI:VA117015J CCN:NOT RECORDED DCN:G444549	05/20/1996	GUILTY MSDMNR WORTHLESS CHECK 1420/0214 1501/0566
PD NORFOLK VA ORI:VA1170000	02/10/1996	FINGERPRINTED OCA:213285 CHARGED WITH #004 FELONY BAD CHECK NORFOLK 05/24/1995
NORFOLK CIRCUIT CT ORI:VA117015J CCN:NOT RECORDED DCN:G444550	05/20/1996	GUILTY MSDMNR WORTHLESS CHECK 1420/0215 1501/0567
PD NORFOLK VA ORI:VA1170000	01/24/2009	FINGERPRINTED PHOTO:Y OCA:213285 CHARGED WITH #001 FELONY 18.2-96 LAR-2369-F6 LARCENY OR THEFT -3RD OR SUBSQ OFFENSE NORFOLK 01/24/2009
OTN:711GM5520900197		
NORFOLK CIRCUIT CT ORI:VA117015J CCN:710CR0900089600*	08/14/2009	GUILTY ==> FELONY 18.2-96 LAR-2369-F6 PETIT LARCENY: <\$5 FROM A PERSON (PICK POCKET) 1 YRS 6 MOS IMPOSED 6 MOS SUSPENDED PENITENTIARY JUDGE PUBLIC DEFENDER UNSUPERVISED PROBATION

DCN:J059516

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SID: VA465079 FBI: 551059V2

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CONTRIBUTOR/CASE	DATE	CHARGE/DISPOSITION
PD NORFOLK VA ORI:VA1170000	01/24/2009	FINGERPRINTED PHOTO:Y OCA:213285
	01/08/2009	CHARGED WITH
OTN:712GT0900149800	#002	MSDMNR 19.2-128 FTA-5020-M1
		FAIL TO APPEAR ON MISDEMEANOR CHARGE
		NORFOLK 01/08/2009
NORFOLK GD TRAFFIC ORI:VA117171J CCN:712GT0900149800*	01/26/2009	GUILTY MSDMNR 19.2-128 FTA-5020-M1
		FAILURE TO APPEAR: ON MISDEMEANOR OFFENSE
		10 DAYS IMPOSED
		10 DAYS SUSPENDED
		COURT APPOINTED
		UNSUPERVISED PROBATION

DCN:J059517

\*DISPOSITION ELECTRONICALLY TRANSFERRED BY COURT OF JURISDICTION

RECORD AUTOMATED: 09/24/1984 LAST RECORD UPDATE: 05/05/2010

ALL ARREST ENTRIES CONTAINED IN THIS RECORD ARE BASED ON FINGERPRINT COMPARISON AND PERTAIN TO THE SAME INDIVIDUAL.

\*\*\* CAUTION \*\*\*

THIS RESPONSE IS BASED ON COMPARISON OF REQUESTOR FURNISHED INFORMATION AGAINST DATA CONTAINED IN THE FILES OF THE VIRGINIA STATE POLICE CRIMINAL RECORDS EXCHANGE ONLY AND DOES NOT PRECLUDE THE EXISTENCE OF OTHER CRIMINAL HISTORY INFORMATION WHICH MAY BE CONTAINED IN THE REPOSITORY OF OTHER LOCAL, STATE OR FEDERAL CRIMINAL JUSTICE AGENCIES.

CHANGES TO THIS RECORD MAY BE IN PROCESS. A NEW INQUIRY SHOULD BE MADE FOR SUBSEQUENT USE. THE CRIMINAL HISTORY RECORD INFORMATION CONTAINED IN THIS RESPONSE IS DISSEMINATED FOR EMPLOYMENT PURPOSES ONLY. THE INQUIRER IS RESPONSIBLE FOR MAINTAINING AN AUDIT TRAIL ON ALL SECONDARY DISSEMINATION OF ANY OF THIS INFORMATION.

\*\*\* UNAUTHORIZED DISSEMINATION WILL SUBJECT THE DISSEMINATOR TO CRIMINAL AND CIVIL PENALTIES. \*\*\*

RESPONSE BASED ON A COMPARISON OF REQUESTOR FURNISHED INFORMATION AGAINST A MASTER ADULT NAME INDEX CONTAINED IN THE FILES OF THE VIRGINIA STATE POLICE CENTRAL CRIMINAL RECORDS EXCHANGE ONLY. THE RESULTS OF THIS FILE SEARCH IS BASED ON A NAME SEARCH ONLY AND HAS NOT BEEN SUBSTANTIATED BY FINGERPRINT COMPARISON.

\*\*\*\*\*

THIS IS A MULTI-STATE RECORD. ADDITIONAL CRIMINAL HISTORY INFORMATION IS INDEXED IN NCIC-III FOR OTHER STATE OR FEDERAL OFFENSES.

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Dear Department of Professional and Occupational Regulation:

*Convictions Circumstances Statement*

Over a year and a half ago now, myself and my former girlfriend got in a tough financial spot. I was working at the time but my girlfriend got laid off from her job. Together we made the very poor choice to take some groceries from the store that we did not pay for. In hindsight, there was other options, other resources we could have pursued. As a result of my poor judgment I was convicted of petty larceny in Norfolk, VA in 2009. This was a very low-point in my life to say the least. Before 2009, it had been almost 13 years since I had been in any trouble. In the 80s and 90s I was addicted to drugs and convicted of several related offenses of larceny and burglary; the last being in 1996. You see, back then, I would do anything to get high, even if it meant stealing from someone else.

I am both very remorseful and extremely embarrassed of my past actions. I went down the wrong path for many years of my life. I have worked for the last several years to now move in the right direction.

I am proud to say that today I am both drug and alcohol free. I have served all my time and paid off the majority of my fines. I used the time I was given to find ways to turn my life around and become a truly productive man. I was also fortunate to have an opportunity to work a number of work-release jobs where I gained some very valuable experience doing landscaping, janitorial, and maintenance. After returning home, I went back to school and have become certified to be an Asbestos Supervisor; but I am open to a variety of employment opportunities that utilize any combination of my previous experience. Recently, I voluntarily joined the Second Chances program in Norfolk, Virginia so I could connect with other positive people in my community that are trying to the right thing with their lives as well.

I take full responsibility for my past actions and for the positive direction my life has been headed. I would be happy to answer any questions regarding the details of any of my convictions. Thank you again for your time and consideration.

Sincerely,

*Ahmad W. Akram*

Ahmad Akram

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Ahmad N. Akram  
922 Washington Ave.  
Norfolk, VA. 23504  
December 1, 2010

Ms. Jill Richardson Hrynciw  
Board Administrator  
Board for Asbestos, Lead, Mold and Home Inspectors  
9960 Mayland Dr. Suite 400  
Richmond, VA. 23233-1485

Dear Ms Hrynciw:

I am writing to request for an informal fact-finding conference to further consider my application for Asbestos Supervisor.

Thank you.

Sincerely,

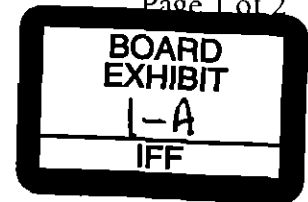


Ahmad N. Akram

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**Norfolk Circuit - Criminal Division**  
**Case Details**

<b>Case Number:</b> CR09000896-00	<b>Filed:</b> 03/18/2009	<b>Commenced by:</b> Indictment	<b>Locality:</b> COMMONWEALTH OF VA
<b>Defendant:</b> AKRAM, AHMAD N	<b>Sex:</b> Male	<b>Race:</b> Black	<b>DOB:</b> 12/19/****
<b>AKA:</b> NORMAN, MICHAEL		<b>AKA2:</b> AHMAD, TARIQ R	
<b>Address:</b> NORFOLK, VA 23502			
<b>Charge:</b> PETIT LARCENY-3RD OFF	<b>Code Section:</b> 18.2-96	<b>Charge Type:</b> Felony	<b>Class:</b>
<b>Offense Date:</b> 01/24/2009	<b>Arrest Date:</b> 01/24/2009		

**Hearings**

#	Date	Time	Type	Room	Plea	Duration	Jury	Result
1	03/18/2009	9:30AM	Grand Jury					True Bill/Case Set
2	04/29/2009	9:30AM	Plea	CR3	Guilty			Pre-sentence Ordered
3	08/14/2009	9:00AM	Pre-sentence Report	CR3				Sentenced

**Final Disposition**

<b>Disposition Code:</b> Guilty	<b>Disposition Date:</b> 08/14/2009	<b>Concluded By:</b> Guilty Plea
<b>Amended Charge:</b>	<b>Amended Code Section:</b>	<b>Amended Charge Type:</b>

<b>Jail/Penitentiary:</b> Penitentiary	<b>Concurrent/Consecutive:</b>	<b>Life/Death:</b>
<b>Sentence Time:</b> 1 Year(s)6 Month(s)	<b>Sentence Suspended:</b> 6 Month(s)	<b>Operator License Suspension Time:</b>
<b>Fine Amount:</b> \$0.00	<b>Costs:</b> \$386.00	<b>Fines/Cost Paid:</b>
<b>Program Type:</b>	<b>Probation Type:</b>	<b>Probation Time:</b>

	Unsupervised	2 Year(s)
<b>Probation Starts:</b> Upon Sentencing	<b>Court/DMV Surrender:</b>	<b>Driver Improvement Clinic:</b>
<b>Driving Restrictions:</b>	<b>Restriction Start Date:</b>	<b>Restriction End Date:</b>
<b>VA Alcohol Safety Action:</b>	<b>Restitution Paid:</b>	<b>Restitution Amount:</b> \$0.00
<b>Military:</b>	<b>Traffic Fatality:</b>	

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**Norfolk Circuit - Criminal Division**  
**Case Details**

<b>Case Number:</b> CR96001178-00	<b>Filed:</b> 04/03/1996	<b>Commenced by:</b> Indictment	<b>Locality:</b> COMMONWEALTH OF VA
<b>Defendant:</b> NORMAN, MICHAEL CARNELL	<b>Sex:</b> Male	<b>Race:</b> Black	<b>DOB:</b> 12/19/****
<b>AKA:</b> AKRAM, AHMAD NAJEEULLAH			
<b>Address:</b> NORFOLK, VA 23505			
<b>Charge:</b> WORTHLESS CHECK MISDEMEANOR	<b>Code Section:</b> 18.2-181.1	<b>Charge Type:</b> M	<b>Class:</b>
<b>Offense Date:</b> 05/31/1995	<b>Arrest Date:</b> 02/10/1996		

**Hearings**

#	Date	Time	Type	Room	Plea	Duration	Jury	Result
1	04/03/1996	9:30AM	Grand Jury					True Bill
2	05/20/1996	10:00AM	Plea	5	Guilty			Sentenced

**Final Disposition**

<b>Disposition Code:</b> Guilty	<b>Disposition Date:</b> 05/20/1996	<b>Concluded By:</b> Guilty Plea
<b>Amended Charge:</b>	<b>Amended Code Section:</b>	<b>Amended Charge Type:</b>

<b>Jail/Penitentiary:</b> Jail	<b>Concurrent/Consecutive:</b>	<b>Life/Death:</b>
<b>Sentence Time:</b> 0 Year(s)12 Month(s)0 Day(s)	<b>Sentence Suspended:</b> 0 Year(s)0 Month(s)0 Day(s)	<b>Operator License Suspension Time:</b>
<b>Fine Amount:</b>	<b>Costs:</b> \$1604.50	<b>Fines/Cost Paid:</b> Yes
<b>Program Type:</b>	<b>Probation Type:</b> Unsupervised	<b>Probation Time:</b> 3 Year(s)

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**Norfolk Circuit - Criminal Division**  
**Case Details**

<b>Case Number:</b> CR96001178-01	<b>Filed:</b> 04/03/1996	<b>Commenced by:</b> Indictment	<b>Locality:</b> COMMONWEALTH OF VA
<b>Defendant:</b> NORMAN, MICHAEL CARNELL	<b>Sex:</b> Male	<b>Race:</b> Black	<b>DOB:</b> 12/19/****
<b>AKA:</b> AKRAM, AHMAD NAJEEULLAH			
<b>Address:</b> NORFOLK, VA 23505			
<b>Charge:</b> WORTHLESS CHECK MISDEMEANOR	<b>Code Section:</b> 18.2-181.1	<b>Charge Type:</b> M	<b>Class:</b>
<b>Offense Date:</b> 05/31/1995	<b>Arrest Date:</b> 02/10/1996		

**Hearings**

#	Date	Time	Type	Room	Plea	Duration	Jury	Result
1	04/03/1996	9:30AM	Grand Jury					True Bill
2	05/20/1996	10:00AM	Plea	5	Guilty			Sentenced

**Final Disposition**

<b>Disposition Code:</b> Guilty	<b>Disposition Date:</b> 05/20/1996	<b>Concluded By:</b> Guilty Plea
<b>Amended Charge:</b>	<b>Amended Code Section:</b>	<b>Amended Charge Type:</b>

<b>Jail/Penitentiary:</b> Jail	<b>Concurrent/Consecutive:</b>	<b>Life/Death:</b>
<b>Sentence Time:</b> 0 Year(s)12 Month(s)0 Day(s)	<b>Sentence Suspended:</b> 0 Year(s)6 Month(s)0 Day(s)	<b>Operator License Suspension Time:</b>
<b>Fine Amount:</b>	<b>Costs:</b> \$121.50	<b>Fines/Cost Paid:</b>
<b>Program Type:</b>	<b>Probation Type:</b> Unsupervised	<b>Probation Time:</b> 3 Year(s)

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**Norfolk Circuit - Criminal Division**  
Case Details

<b>Case Number:</b> CR96001178-02	<b>Filed:</b> 04/03/1996	<b>Commenced by:</b> Indictment	<b>Locality:</b> COMMONWEALTH OF VA
<b>Defendant:</b> NORMAN, MICHAEL CARNELL	<b>Sex:</b> Male	<b>Race:</b> Black	<b>DOB:</b> 12/19/****
<b>AKA:</b> AKRAM, AHMAD NAJEEULLAH			
<b>Address:</b> NORFOLK, VA 23505			
<b>Charge:</b> WORTHLESS CHECK MISDEMEANOR	<b>Code Section:</b> 18.2-181.1	<b>Charge Type:</b> M	<b>Class:</b>
<b>Offense Date:</b> 05/27/1995	<b>Arrest Date:</b> 02/10/1996		

**Hearings**

#	Date	Time	Type	Room	Plea	Duration	Jury	Result
1	04/03/1996	9:30AM	Grand Jury					True Bill
2	05/20/1996	10:00AM	Plea	5	Guilty			Sentenced

**Final Disposition**

<b>Disposition Code:</b> Guilty	<b>Disposition Date:</b> 05/20/1996	<b>Concluded By:</b> Guilty Plea
<b>Amended Charge:</b>	<b>Amended Code Section:</b>	<b>Amended Charge Type:</b>

<b>Jail/Penitentiary:</b> Jail	<b>Concurrent/Consecutive:</b>	<b>Life/Death:</b>
<b>Sentence Time:</b> 0 Year(s)12 Month(s)0 Day(s)	<b>Sentence Suspended:</b> 0 Year(s)12 Month(s)0 Day(s)	<b>Operator License Suspension Time:</b>
<b>Fine Amount:</b>	<b>Costs:</b> \$121.50	<b>Fines/Cost Paid:</b>
<b>Program Type:</b>	<b>Probation Type:</b> Unsupervised	<b>Probation Time:</b> 3 Year(s)

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**Norfolk Circuit - Criminal Division**  
**Case Details**

<b>Case Number:</b> CR96001178-03	<b>Filed:</b> 04/03/1996	<b>Commenced by:</b> Indictment	<b>Locality:</b> COMMONWEALTH OF VA
<b>Defendant:</b> NORMAN, MICHAEL CARNELL	<b>Sex:</b> Male	<b>Race:</b> Black	<b>DOB:</b> 12/19/****
<b>AKA:</b> AKRAM, AHMAD NAJEEULLAH			
<b>Address:</b> NORFOLK, VA 23505			
<b>Charge:</b> WORTHLESS CHECK MISDEMEANOR	<b>Code Section:</b> 18.2-181.1	<b>Charge Type:</b> M	<b>Class:</b>
<b>Offense Date:</b> 05/31/1995	<b>Arrest Date:</b> 02/10/1996		

**Hearings**

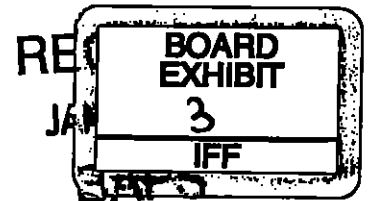
#	Date	Time	Type	Room	Plea	Duration	Jury	Result
1	04/03/1996	9:30AM	Grand Jury					True Bill
2	05/20/1996	10:00AM	Plea	5	Guilty			Sentenced

**Final Disposition**

<b>Disposition Code:</b> Guilty	<b>Disposition Date:</b> 05/20/1996	<b>Concluded By:</b> Guilty Plea
<b>Amended Charge:</b>	<b>Amended Code Section:</b>	<b>Amended Charge Type:</b>

<b>Jail/Penitentiary:</b> Jail	<b>Concurrent/Consecutive:</b>	<b>Life/Death:</b>
<b>Sentence Time:</b> 0 Year(s)12 Month(s)0 Day(s)	<b>Sentence Suspended:</b> 0 Year(s)12 Month(s)0 Day(s)	<b>Operator License Suspension Time:</b>
<b>Fine Amount:</b>	<b>Costs:</b> \$121.50	<b>Fines/Cost Paid:</b>
<b>Program Type:</b>	<b>Probation Type:</b> Unsupervised	<b>Probation Time:</b> 3 Year(s)





**COMMONWEALTH of VIRGINIA**  
**DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

GORDON N. DIXON  
DIRECTOR

DEPUTY DIRECTORS:

NICK A. CHRISTNER  
Compliance & Investigation

MARK N. COURTNEY  
Licensing & Regulation

STEVEN L. ARTHUR  
Administration & Finance

**INFORMAL FACT-FINDING CONFERENCE  
SCHEDULING WAIVER NOTICE**

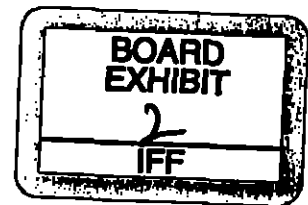
I, Ahmad Na-jeullah Akram, have a license application pending with the Board for Asbestos, Lead, and Home Inspectors at the Department of Professional and Occupational Regulation ("The Department"). I have requested an Informal Fact-Finding Conference and my hearing is scheduled on February 10, 2011, at 1:00 p.m. at The Department, located at 9960 Mayland Drive, Suite 201, Richmond, Virginia 23223.

I understand I am entitled to appear before a presiding officer for the informal presentation of factual data, argument, or proof in connection with my case, and that I have the right to have reasonable notice of my hearing pursuant to § 2.2-4019 of the *Code of Virginia*. By signing this document, I understand and consent to the scheduling of my hearing on February 10, 2011, at 1:00 p.m.

Signed: Ahmad W. Akram

Date: 1/27/2010

**Please return this form prior to your hearing. You may mail it to the Department's letterhead address to the attention of Ilona LaPaglia, Legal Analyst, or you may bring it with you to your hearing.**



**COMMONWEALTH of VIRGINIA**  
**DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

GORDON N. DIXON  
DIRECTOR

January 20, 2011

**NOTICE OF  
INFORMAL FACT-FINDING CONFERENCE**

**MAILED VIA UPS**

DEPUTY DIRECTORS:

NICK A. CHRISTNER  
Compliance & Investigation

MARK N. COURTNEY  
Licensing & Regulation

STEVEN L. ARTHUR  
Administration & Finance

Mr. Ahmad Na-jeeullah Akram  
922 Washington Avenue  
Norfolk, VA 23504

**Re: File No. 2011-02977  
Ahmad Na-jeeullah Akram**

Dear Mr. Akram:

You have requested the Board for Asbestos, Lead, Mold and Home Inspectors ("the Board") conduct an Informal Fact-Finding Conference ("IFF Conference") regarding your application. The proceeding will take place on **February 10, 2011 at 1:00 p.m.** at the Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Richmond, VA. I have enclosed directions. Please call me at (804) 367-2194 upon receipt of this Notice to confirm that you will attend the IFF Conference.

Also enclosed is a waiver form for you to sign. This form is advising us that you are waiving the 30 day notice of this conference and are willing to go forward with the IFF Conference. Please sign the waiver form and mail it back to me before the conference or bring it with you to the conference.

Pursuant to Code § 2.2-4019.B, agencies may, in their case decisions, rely upon public data, documents or information only when the agencies have provided all parties with advance notice of an intent to consider such public data, documents or information. This requirement shall not apply to an agency's reliance on case law and administrative precedent.

IFF Conferences are provided for under the Administrative Process Act, §§ 2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended. Venue for conferences is established pursuant to Virginia Code § 2.2-4003. The IFF Conference is designed to provide you an opportunity to come before a Presiding Officer designated by the Board and provide any documentation and/or testimony in support of your application. This IFF

Conference extends to you an opportunity to be heard in person, by counsel, or other qualified representative of your choice.

The information in the Board's file indicates that your application may not meet the regulatory or statutory requirements of the Board. The enclosed Regulatory Programs Division Application Review Informal Fact-Finding Conference Referral Memorandum ("Referral Memorandum") states the reasons that the licensing staff has not issued your license. The Referral Memorandum will be made part of the Agency Record during the IFF Conference.

Pursuant to §§ 54.1-204 (A), (B), and (D) of the Code of Virginia, the Board shall consider the following:

- A. A person shall not be refused a license, certificate or registration to practice, pursue, or engage in any regulated occupation or profession solely because of a prior criminal conviction, unless the criminal conviction directly relates to the occupation or profession for which the license, certificate or registration is sought. However, the regulatory board shall have the authority to refuse a license, certificate or registration if, based upon all the information available, including the applicant's record of prior convictions, it finds that the applicant is unfit or unsuited to engage in such occupation or profession.
- B. In determining whether a criminal conviction directly relates to an occupation or profession, the regulatory board shall consider the following criteria:
  - 1. The nature and seriousness of the crime;
  - 2. The relationship of the crime to the purpose for requiring a license to engage in the occupation;
  - 3. The extent to which the occupation or profession might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved;
  - 4. The relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the occupation or profession;
  - 5. The extent and nature of the person's past criminal activity;
  - 6. The age of the person at the time of the commission of the crime;
  - 7. The amount of time that has elapsed since the person's last involvement in the commission of a crime;
  - 8. The conduct and work activity of the person prior to and following the criminal activity; and
  - 9. Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.

- D. A regulatory board or department shall consider the criminal information as contained in the applicant's state or national criminal history in lieu of the applicant providing certified copies of such court records in determining whether a criminal conviction directly relates to an occupation or profession or if an applicant is unfit or unsuited to engage in an occupation or profession. The regulatory board or department may request additional information from the applicant in making such determination.

You should be prepared to present information related to these issues.

It is not the policy of the Board to reschedule these matters. Accordingly, you should plan to present your case on the scheduled date.

You are requested to bring a copy of this Notice, the Referral Memorandum and any other documentation and/or individuals that can provide information relevant to your application. You and any witnesses will have an opportunity to present facts related to your application. The IFF Conference is not an adversarial proceeding and there will not be any cross-examination; however, clarifying questions may be asked. A court reporter will be present at the IFF Conference and will prepare a transcript of the testimony given during the IFF Conference. All of the information and testimony presented during the IFF Conference will form the Agency Record.

Notify me in writing, at the address listed above, if you desire to have any witnesses subpoenaed on your behalf. Please provide the witnesses' name(s), physical address(es) and telephone number(s). Subpoenas cannot be issued without a written request.

Following the conclusion of the IFF Conference, the Presiding Officer will prepare a Summary of Informal Fact-Finding Conference ("the Summary") that will include a recommendation regarding this case. The Summary will be submitted to the Board for consideration at the next available Board meeting. The Board may accept, reject, or modify the Summary.

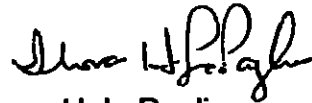
Prior to the Board meeting, a copy of the Summary will be provided to you and the participants of the IFF Conference. In addition, each member of the Board will be sent a complete copy of the Agency Record, which will include all of the exhibits, a copy of the IFF Conference transcript, and the Summary.

You and any participants of the IFF Conference will be invited to attend the Board meeting at which the Board will consider this case. Prior to the Board's final decision, you and the participants will be given the opportunity to make a limited presentation to the Board. At that time, you may not introduce new evidence but may state the reasons why you agree or disagree with the Summary. The Board will make a final decision regarding your application based upon the Agency Record. You will be notified of the Board's final decision within five days of the Board meeting.

**Persons desiring to participate in the conference, and requiring special accommodations or interpretive services, should contact the Department at (804) 367-8500. The Department fully complies with the Americans with Disabilities Act. Please notify the Department of your request for accommodation at least two weeks in advance for consideration of your request.**

If you have any questions, please contact me at (804) 367-2194.

Sincerely,



Ilona H. LaPaglia  
Legal Analyst  
Board Administrative Proceedings

IHL  
Enclosures

**LaPaglia, Ilona (DPOR)**

**From:** UPS Quantum View [auto-notify@ups.com]  
**Sent:** Tuesday, January 25, 2011 6:16 PM  
**To:** LaPaglia, Ilona (DPOR)  
**Subject:** UPS Delivery Notification, Tracking Number 1Z6877890390946601



\*\*\*Do not reply to this e-mail. UPS and DPOR will not receive your reply.

**At the request of DPOR, this notice is to confirm that the following shipment has been delivered.**

**Important Delivery Information**

**Tracking Number:** 1Z6877890390946601  
**Delivery Date / Time:** 25-January-2011 / 5:37 PM

**Delivery Location:** FRONT DESK  
**Signed by:** CORA SAUNDERS

**Shipment Detail**

**Ship To:**  
Mr. Ahmad Na-jeeullah Akram  
922 E WASHINGTON AVE  
NORFOLK  
VA  
23504  
US

**Number of Packages:** 1  
**UPS Service:** GROUND  
**Weight:** 1.0 LBS  
**Reference Number 1:** 426 / LaPaglia  
**Reference Number 2:** 11-02977\_Akram ASB IFF Not 2/10/11

\_\_\_\_2RR2RR2HoRzr\_o\_\_\_\_

**LaPaglia, Ilona (DPOR)**

**From:** UPS Quantum View [auto-notify@ups.com]  
**Sent:** Monday, January 24, 2011 11:39 PM  
**To:** LaPaglia, Ilona (DPOR)  
**Subject:** UPS Exception Notification, Tracking Number 1Z8877890390946601



**At the request of DPOR, this notice alerts you delivery of the following shipment has been rescheduled.**

**Important Delivery Information**

**Tracking Number:** 1Z6877890390946601  
**Exception Reason:** THE DELIVERY CHANGE REQUEST FOR THIS PACKAGE HAS BEEN COMPLETED  
**Exception Resolution:** AS REQUESTED, THE RECEIVER WILL PICKUP AT A UPS FACILITY AT THEIR CONVENIENCE. THIS MUST BE WITHIN 5 BUSINESS DAYS (STATUS)

**Shipment Detail**

**Ship To:**  
Mr. Ahmad Na-jeeullah Akram  
922 Washington Avenue  
NORFOLK  
VA  
235042536  
US

**UPS Service:** GROUND  
**Weight:** 1.0 LBS

**Reference Number 1:** 426 / LaPaglia  
**Reference Number 2:** 11-02977\_Akram ASB IFF Not 2/10/11

This e-mail contains proprietary information and may be confidential. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this message is strictly prohibited. If you received this message in error, please delete it immediately.

This e-mail was automatically generated by UPS e-mail services at the shipper's request.

**Shipment Receipt**

Transaction Date: 11 Jan 2011  
 Tracking Number: 1Z8877890390848801

<b>1 Address Information</b>		
<b>Ship To:</b> Mr. Ahmed Na-Jaeullah Akram 922 Washington Avenue NORFOLK VA 235042538	<b>Ship From:</b> DPOR Ilona LaPaglia 9960 Mayland Drive Suite 400 RICHMOND VA 23233 Telephone:8043878500	<b>Return Address:</b> DPOR Ilona LaPaglia 9960 Mayland Drive Suite 400 RICHMOND VA 23233 Telephone:8043878500

<b>2 Package Information</b>			
Weight	Dimensions / Packaging	Declared Value	Reference Numbers
1. 1.0 lbs	Other Packaging		Reference#1 - 426 / LaPaglia Reference#2 - 11-02977_Akram ASB IFF Not 2/10/11

<b>3 UPS Shipping Service and Shipping Options</b>			
<b>Service:</b> UPS Ground Service			
<b>Guaranteed By: 1</b> End of Day Wednesday, 1/12/2011			
<b>Shipping Fee Subtotal:</b>	5.45 USD	<b>Additional Shipping Options:</b>	
<b>Transportation</b>	5.17 USD	<b>Quantum View Notify E-mail Notifications:</b> No Charge	
<b>Fuel Surcharge</b>	0.28 USD	1 ilona.lapaglia@dpor.virginia.gov: Exception ,Delivery	

<b>4 Payment Information</b>	
<b>Bill Shipping Charges to:</b>	Shipper's Account 887789
Daily rates were applied to this shipment	
<b>Total Charged:</b>	5.45 USD

**Note:** Your invoice may vary from the displayed reference rates.

\* For delivery and guarantee information, see the UPS Service Guide. To speak to a customer service representative, call 1-800-PICK-UPS for domestic services and 1-800-782-7892 for international services.

**Responsibility for Loss or Damage**

Unless a greater value is recorded in the declared value field as appropriate for the UPS shipping system used, the shipper agrees that the released value of each package covered by this receipt is no greater than \$100, which is a reasonable value under the circumstances surrounding the transportation. If additional protection is desired, a shipper may increase UPS's limit of liability by declaring a higher value and paying an additional charge. UPS does not accept for transportation and shipper's requesting service through the internet are prohibited from shipping packages with a value of more than \$50,000. The maximum liability per package assumed by UPS shall not exceed \$50,000, regardless of value in excess of the maximum. Claims not made within nine months after delivery of the package (sixty days for international shipments), or in the case of failure to make delivery, nine months after a reasonable time for delivery has elapsed (sixty days for international shipments), shall be deemed waived. The entry of a C.O.D. amount is not a declaration of value for carriage purposes. All checks or other negotiable instruments tendered in payment of C.O.D. will be accepted by UPS at shipper's risk. UPS shall not be liable for any special, incidental, or consequential damages. All shipments are subject to the terms and conditions contained in the UPS Tariff and the UPS Terms and Conditions of Service, which can be found at www.ups.com.

Close Window



April 12, 2011

MAILED VIA UPS

Mr. Ahmad Na-jeeullah Akram  
922 Washington Avenue  
Norfolk, VA 23504

**Re: File No. 2011-02977  
Ahmad Na-jeeullah Akram**

Dear Mr. Akram:

Enclosed is a copy of the Summary of Informal Fact-Finding Conference (“the Summary”) prepared on behalf of the Board for Asbestos, Lead, Mold and Home Inspectors (“the Board”) regarding the Informal Fact Finding Conference (“IFF”) held on February 10, 2011, regarding the above-referenced file.

The Summary, which includes the recommendation, will be presented to the Board at its next scheduled meeting on **May 3, 2011**. The meeting will be held at **9:00 a.m.** at the Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Richmond, VA. Directions are enclosed.

The Board has the authority to *accept* or *reject* the Summary. The Board may also, upon consideration of the Summary, testimony, and deliberations, amend the Summary and/or render its own decision. This includes denying a license application or renewal. The Board may consider any prior disciplinary actions before making its final decision.

At the Board meeting, participants may respond to the Summary *only*. Participants may not present any new information or bring any new witnesses. Participants will be permitted to speak for five minutes. This is your final opportunity to make a presentation to the Board before a final decision is made. If you would like to schedule an appointment for the Board meeting or have any questions, please contact the Board section at (804) 367-2648.

**Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the Department at (804) 367-8500. The Department fully complies with the American with Disabilities Act. Please notify the Department of your request for accommodation as soon as possible for consideration of your request.**

Sincerely,

Ilona LaPaglia  
Legal Analyst  
Board Administrative Proceedings

IHL  
Enclosure

**IN THE**  
**COMMONWEALTH OF VIRGINIA**  
**BOARD FOR ASBESTOS, LEAD, MOLD, AND HOME INSPECTORS**

Re: Terrance D. Small  
Application

File Number: 2011-03105

**SUMMARY OF THE INFORMAL FACT-FINDING CONFERENCE**

On January 20, 2011, the Notice of Informal Fact-Finding Conference (“Notice”) was mailed, via United Parcel Services (“UPS”), to Terrance D. Small (Small). The Notice included the Informal Fact-Finding Conference Referral Memorandum, which contained the facts regarding the application.

On February 10, 2011, an Informal Fact-Finding Conference (“IFF”) was convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the IFF: Small, Applicant (by telephone); Ilona LaPaglia, Staff Member; and Ann-Marie Brigil, Presiding Officer.

**PRIOR CRIMINAL CONVICTIONS**

§ 54.1-204 of the Code of Virginia. Prior convictions not to abridge rights.

B. In determining whether a criminal conviction directly relates to an occupation or profession, the regulatory board shall consider the following criteria:

1. The nature and seriousness of the crime;

On June 16, 2004, in the 13<sup>th</sup> Circuit Court of Tampa, Florida, Small was convicted of a nonmoving traffic violation while his license was revoked due to him having been adjudicated an habitual offender, a felony. According to his criminal history report, his probation was revoked.

Small said he was caught driving after his license was suspended. According to him, his license was suspended because he was in arrears for his child support payment obligations but he said he did not know it was suspended until he was stopped by police officers.

On March 21, 2007, in the 13<sup>th</sup> Circuit Court of Tampa, Florida, Small was convicted of larceny – grand theft, 3<sup>rd</sup> degree and burglary of a structure, both felonies. He was sentenced to two years of probation.

Small said he was driving to work with his father who owned a construction company, when they saw a man running from behind a home they were performing constructing work to another home. According to Small, he got out of the truck and ran behind the house which is when he saw the thief loading a lawn mower and Small's tools into a truck. Small said he tried to stop the man and jumped in the truck at which time the police arrived at the scene. A police pursuit ensued and eventually, the men were stopped. Small said he testified against the thief but said he was later charged with the same crime. He further stated he did not have money to hire an attorney so at the advice of his court-appointed counsel he accepted a plea bargain in return for not having to serve time in jail.<sup>1</sup>

2. The relationship of the crime to the purpose for requiring a license to engage in the occupation;

The purpose of licensure is to protect the health, safety, and welfare of the public. I believe there is a relationship between a crime such as Small's and the purpose for requiring a license. The Board safeguards the public welfare by ensuring only those individuals with sufficient character and integrity engage in the profession. Small's convictions could indicate that he does not have the character or integrity to possess the credentials of a license.

3. The extent to which the occupation or profession might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved;

Based on the fact that more than five years have elapsed without incident since Small's last offense and on the fact that according to Small, his potential employer knows about his criminal convictions and is still willing to hire him to perform asbestos abatement work, it does not appear that granting Small a license will offer him an opportunity to engage in further criminal activity of the same type.

4. The relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the occupation or profession;

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<sup>1</sup> At the IFF Conference, Small said there was a "withheld finding" in relation to the above crimes and that they are not convictions. According to him, if he satisfactorily completed the term of his probation, the charges against him would be dismissed. The record was left open for five days to give Small an opportunity to submit documentation from the court, his probation officer, or his court-appointed lawyer that confirmed his statements. On February 11, 2011, Small contacted us and advised he was unable to obtain the requested information.

Small is in the process of being hired at WMS where he will perform asbestos work. He stated his potential employer knows about his criminal convictions and is still willing to employ him if the Board approves his application. In addition, Small worked for David Kotchner and Associates for approximately one year where he performed asbestos abatement work. In light of this information, there does not appear to be a relationship between Small's crimes and his current ability to perform the duties of a licensed asbestos worker.

5. The extent and nature of the person's past criminal activity;

Small was previously convicted of driving with a suspended license, a misdemeanor.

6. The age of the person at the time of the commission of the crime;

Small was between the ages of 34 and 36 at the time of the crimes.

7. The amount of time that has elapsed since the person's last involvement in the commission of a crime;

Approximately five years have elapsed since Small's last involvement in a crime.

8. The conduct and work activity of the person prior to and following the criminal activity; and

Small was employed at Small's Construction Service, a family-owned business in Tampa, Florida for 10 years. Small also worked for David Kotchner and Associates for approximately one year where he performed asbestos abatement work before he was laid off.

9. Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.

Small said he makes sure his child support payments are made timely in order to avoid falling behind in his payments. In addition, he stated he more wise and chooses who he works for more carefully. Small said he has a full-fledged operator's license and that he has refrained from committing any crimes in over five years.

### **RECOMMENDATION**

Based on the evidence and the IFF, including the information obtained from the Central Criminal Records Exchange, and in consideration of the criteria outlined in § 54.1-204(B), the following is recommended regarding the application as outlined in the IFF Conference Referral Memorandum:

Terrance Small does not have an extensive criminal history. His last offense occurred more than five years ago and based on the information in the record, it appears he has refrained from engaging in further criminal activity.

Terrance Small is currently licensed in the State of Florida as an asbestos supervisor. Therefore, it appears he possesses the requisite skills necessary to perform the duties of the occupation. According to Small, his potential employer knows about his criminal convictions and is still willing to assume the responsibility of having Small in their employ. Based on this, it seems Small's knowledge and expertise in this field outweighs his criminal past. Therefore, it is my opinion his criminal convictions are not directly related to the occupation or profession of an asbestos worker.

In consideration of the amount of time that has elapsed since Small's last offense, the fact there does not appear to be a relationship between Small's crimes and his ability to perform the duties of the occupation or profession, and that he lacks an extensive criminal history, I believe he has met the criteria for licensure. Therefore, I recommend the Board approve Terrance D. Small's application.

By: \_\_\_\_\_  
Ann-Marie Brigil  
Presiding Officer

Date: \_\_\_\_\_

BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS



**Licensing and Regulation Division**

Application Review  
Informal Fact-Finding Conference Referral Memorandum

To: Board Administrative Proceedings Section

From: Jill Richardson Hrynciw, Board Administrator

Date: December 20, 2010

Re:

Applicant Name: Terrance D. Small

Application No. 3301-028700P

Type of License Applied for: Asbestos Worker

Application Reviewed by: Whitney Fulcher

Presiding Officer Requested:  Staff  
 Board Member \_\_\_\_\_

Comments:

Basis Upon Which Applicant May Not Meet Statutory/Regulatory Requirements –  
Criminal Conviction(s):

Pursuant to §54.1-204 of the *Code of Virginia*  
and  
Board Regulations 18VAC15-20-32 G and 18VAC15-20-450 A 6

*FACTS:*

On November 12, 2010, Terrance D. Small applied for an Asbestos Worker license and has been convicted of the following:

<u>Date of Conviction</u>	<u>Court</u>	<u>Conviction</u>	<u>Type</u>
June 16, 2004	13th Circuit Court - Tampa	Nonmoving Traffic Violation - Driving While License Revoked Habitual Offender	Felony
March 21, 2007	13th Circuit Court - Tampa	Burglary - Burglary Of A Structure	Felony
March 21, 2007	13th Circuit Court - Tampa	Larceny - Grand Theft Third Degree	Felony



COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION  
BOARD FOR ASBESTOS, LEAD, MOLD & HOME INSPECTORS

IN RE: INFORMAL FACT-FINDING TELEPHONE CONFERENCE  
HEARD BEFORE: Ann-Marie Brigil

FEBRUARY 10, 2011  
SECOND FLOOR CONFERENCE ROOM  
9960 MAYLAND DRIVE  
RICHMOND, VIRGINIA 23233  
1:05 p.m.

IN RE: TERRANCE D. SMALL  
FILE NUMBER 2011-03105

TAMMIE M. BROWN, CCR  
67 Stoney Point Road  
Cumberland, Virginia 23040  
(804) 492-4954  
brownccr@gmail.com

1 BOARD MEMBER:

2 Ann-Marie Brigil, Presiding

3

4 STAFF:

5 Ilona LaPaglia  
6 Department of Professional and Occupational Regulation

7

8

9

10 Also Present:

11 Terrance D. Small - Applicant (by telephone)

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Page

Board Exhibit Number 1.....	5
Informal Fact-Finding Referral Memorandum	
Board Exhibit Number 2.....	6
Notice of IFF Hearing	
Board Exhibit Number 3.....	6
Signed Waiver Form	

1 MS. LAPAGLIA: Are you ready to proceed  
2 with your hearing today?

3 MR. SMALL: Yes, ma'am.

4 MS. LAPAGLIA: Do you have the information  
5 in front of you?

6 MR. SMALL: No, I don't.

7 MS. LAPAGLIA: Can you get it?

8 MR. SMALL: Yes, ma'am, I can get it.

9 Hold on one second. All right.

10 MS. LAPAGLIA: Did you get it?

11 MR. SMALL: Yes, ma'am.

12 MS. LAPAGLIA: Just to let you know, in  
13 the room is myself. We do have a court reporter and the  
14 presiding officer, Anne-Marie Brigil. Okay?

15 MR. SMALL: Okay.

16 MS. BRIGIL: Hi, Mr. Small, how are you?

17 MR. SMALL: I'm all right. And yourself?

18 MS. BRIGIL: I'm fine, thank you. My name  
19 is Anne-Marie Brigil. I'm a designee of the Board for  
20 Asbestos, Lead, Mold & Home Inspectors. And I'm going  
21 to be the presiding officer at your conference this  
22 afternoon to get some information from you about the  
23 application you have on file with the Board.

24 Ms. LaPaglia sent you some information.  
25 And I believe you indicated that you have been able to

1 read and go over that; is that correct?

2 MR. SMALL: Yes, ma'am.

3 MS. BRIGIL: Are you ready to go forward  
4 with your hearing then?

5 MR. SMALL: Yes, ma'am.

6 MS. BRIGIL: Ms. LaPaglia is going to get  
7 some information from you and we're going to go ahead  
8 and get started.

9 MR. SMALL: Okay.

10 MS. LAPAGLIA: Mr. Small, could I get you  
11 to state your full name and mailing address for the  
12 court reporter, please?

13 MR. SMALL: That's Terrance D. Small. The  
14 address is 3811 River Grove Court, Tampa, Florida 32610.

15 MS. LAPAGLIA: Thank you.

16 I'd like to introduce into exhibit, Board  
17 Exhibit Number 1, which is the Informal Fact-Finding  
18 Conference Referral Memorandum prepared by Jill  
19 Richardson Hrynciw.

20 NOTE: Informal Fact-Finding Referral  
21 Memorandum was marked as Board Exhibit Number 1.

22 MS. LAPAGLIA: Board Exhibit Number 2 is a  
23 letter dated January 20, 2011, addressed to Mr. Small  
24 advising him of today's hearing, February 10, 2011,  
25 being conducted by telephone conference call.

1                   NOTE: Notice of Informal Fact-Finding  
2 Conference was marked as Board Exhibit Number 2.

3                   MS. LAPAGLIA: And Board Exhibit Number 3  
4 is a signed waiver form.

5                   NOTE: Signed Waiver Form was marked as  
6 Board Exhibit Number 3.

7                   MS. BRIGIL: Mr. Small, this is Ms. Brigil  
8 again. And I'm going to let you know what we're going  
9 to do this afternoon. I'm going to ask you some  
10 questions about your criminal convictions and I'm also  
11 going to get some other information from you.

12                   MR. SMALL: Okay.

13                   MS. BRIGIL: Please understand that my  
14 questions are not designed to be offensive, embarrassing  
15 or insulting. They're only designed to get the  
16 information that I need to make a recommendation to the  
17 Board.

18                   MR. SMALL: Right.

19                   MS. BRIGIL: During the conference, if you  
20 need additional time to answer any questions, let me  
21 know, we'll be happy to accommodate you. We have you on  
22 speaker phone, and we also have a court reporter here,  
23 so I'm going to ask you to speak as loudly and clearly  
24 as possible so she can hear everything you have to share  
25 with me this afternoon.

1 MR. SMALL: Okay.

2 MS. BRIGIL: And lastly, before we get  
3 started, I want you to know that I will be taking some  
4 notes during the conference, so if you hear any silence  
5 on my end, I want you to be assured, I am paying  
6 attention.

7 MR. SMALL: Okay.

8 MS. BRIGIL: Before I ask you questions  
9 about your convictions, I notice that you are living in  
10 Florida. Why are you applying for licensure in  
11 Virginia?

12 MR. SMALL: Actually, the company out of  
13 Maryland, WMS, that I'm working for, they have some work  
14 up in Virginia. I think it's in Norfolk. And they said  
15 I had to have the Virginia license in order to work  
16 there.

17 MS. BRIGIL: Okay. Are you currently  
18 licensed in Maryland and in Florida as an asbestos  
19 worker or a supervisor?

20 MR. SMALL: Just in Florida.

21 MS. BRIGIL: So you are licensed in  
22 Florida. How long have you been licensed in Florida as  
23 an asbestos worker?

24 MR. SMALL: A little over a year now.  
25 Maybe a year and a half.

1 MS. BRIGIL: And have you been subject to  
2 any disciplinary action or complaints by the regulatory  
3 board that licenses you there?

4 MR. SMALL: No, ma'am.

5 MS. BRIGIL: When you applied for  
6 licensure in Florida, did you have to reveal your  
7 criminal convictions?

8 MR. SMALL: No, ma'am.

9 MS. BRIGIL: But the company that you work  
10 for is out of Maryland, but you are not licensed in  
11 Maryland. I just want to make sure that's correct.

12 MR. SMALL: Yes, that's correct.

13 MS. BRIGIL: Okay. And if Virginia  
14 approves your app, then you'll be licensed in Virginia  
15 and Florida. Are you applying for licensure in any  
16 other state?

17 MR. SMALL: No, ma'am.

18 MS. BRIGIL: Okay. Thank you for  
19 answering those questions for me.

20 I'm going to ask you about the convictions  
21 you listed on your application. The first one is from  
22 2004, out of the 13th Circuit Court in Tampa, Florida.  
23 You were convicted of a non-moving traffic violation  
24 while driving after having been adjudicated a habitual  
25 offender; that's a felony.



1 MR. SMALL: Right.

2 MS. BRIGIL: According to your criminal  
3 history report, the court revoked your probation. Were  
4 you sentenced to any jail time or prison time for that,  
5 sir?

6 MR. SMALL: No, ma'am.

7 MS. BRIGIL: What were you on probation  
8 for?

9 MR. SMALL: I was on the probation for the  
10 habitual driving with suspended license.

11 MS. BRIGIL: So you had previously been  
12 convicted of driving on a suspended license?

13 MR. SMALL: Yes.

14 MS. BRIGIL: And how long were you placed  
15 on probation when you were convicted of that crime?

16 MR. SMALL: I had, I think, two years with  
17 early termination after a year.

18 MS. BRIGIL: What was the reason you were  
19 driving if your license had been suspended or revoked by  
20 the motor vehicle department?

21 MR. SMALL: Well, at the time I didn't  
22 know my license was suspended. It was a matter with  
23 child support and they didn't send me a notice stating  
24 that my license was suspended. That's how I got that.

25 MS. BRIGIL: In Virginia the same thing

1 kind of happens here. If you are delinquent or in  
2 arrears in your child support, the Child Support  
3 Enforcement office does have the authority to notify  
4 motor vehicles and they can suspend any professional  
5 license that you have.

6 MR. SMALL: Oh, okay.

7 MS. BRIGIL: Do you have a valid driver's  
8 license now?

9 MR. SMALL: Yes.

10 MS. BRIGIL: Are you still in arrears in  
11 your child support?

12 MR. SMALL: Actually, yes, on one case I  
13 am. On the other case, I did a DNA test and found out  
14 the child wasn't mine. So I signed release of parental  
15 rights on that. So one of the cases should actually be  
16 over.

17 MS. BRIGIL: Okay. So the answer is no,  
18 you're not in arrears? I just want to make sure that if  
19 there's a current child support order in place that  
20 child enforcement is involved with, you don't get a  
21 license and then they have to suspend it because you're  
22 not current on your child support.

23 MR. SMALL: No, actually, my child support  
24 is paid every week.

25 MS. BRIGIL: Okay. And that comes out of

1 your paycheck?

2 MR. SMALL: Yes.

3 MS. BRIGIL: All right. Very good. So  
4 your license was suspended because of child support?

5 MR. SMALL: Yes, ma'am.

6 MS. BRIGIL: How many times have you been  
7 previously convicted of driving while suspended or  
8 revoked?

9 MR. SMALL: Only that one conviction. But  
10 I guess what happened was after your third time once you  
11 get a driving with suspended license, I always went to  
12 court and got my license reinstated. But I guess that  
13 brought that all back after that time there. And they  
14 told me just to plead guilty on it.

15 MS. BRIGIL: So do you only have one  
16 conviction for driving under suspension or do you have  
17 more than one?

18 MR. SMALL: I should have only one. To my  
19 knowledge, it's only one.

20 MS. BRIGIL: Do you know why Florida  
21 characterized you as an habitual offender with only one?

22 MR. SMALL: I have no idea. I know it's  
23 supposed to be three, but like I said, I had several  
24 driving with suspended license but only one conviction.  
25 Because I always come in and have my license reinstated

1 by the time I went to court.

2 MS. BRIGIL: So you mean you've been  
3 pulled over before for driving while suspended --

4 MR. SMALL: Yes, ma'am.

5 MS. BRIGIL: -- but when you got to court,  
6 they never found you guilty because you always took care  
7 of your fines or whatever it was?

8 MR. SMALL: Exactly.

9 MS. BRIGIL: Okay. Interesting. Thank  
10 you, sir.

11 The next convictions are from March 2007,  
12 also out of Tampa Circuit Court. Two felony  
13 convictions. One's for a burglary of a structure. The  
14 other one is for larceny or grand theft in the third  
15 degree.

16 What was your jail or prison sentence for  
17 these crimes, sir?

18 MR. SMALL: I didn't have any prison  
19 sentence on that or jail time.

20 MS. BRIGIL: Did they sentence you and  
21 they just suspended it?

22 MR. SMALL: i did probation on that.

23 MS. BRIGIL: Okay. How long was your  
24 probation for?

25 MR. SMALL: Here again, that was two years

1 with early termination after a year. Now, on these  
2 three charges, they did send from the probation office  
3 that all three of these charges had a withhold  
4 adjudication on them.

5 MS. BRIGIL: So they withheld finding on  
6 these?

7 MR. SMALL: On all three of them, yes,  
8 ma'am.

9 MS. BRIGIL: So you're telling me that the  
10 courts down there found that if you were compliant with  
11 your probation, these three felonies would have been  
12 dismissed?

13 MR. SMALL: Yes, ma'am. They would have  
14 withheld adjudication on that. And, like I said, that  
15 should be in that file there with that paperwork. Yeah,  
16 actually, I have it here in my packet that was sent to  
17 me on those three. And that came from my probation  
18 office.

19 MS. BRIGIL: Is it on the letter from your  
20 probation office?

21 MR. SMALL: I guess it's dismissed  
22 because on other jobs, I needed that, which I got from  
23 her and it's saying withheld adjudication. It's towards  
24 the end of that packet. It's two sheets.

25 MS. LAPAGLIA: Is it a handwritten or

1 typed letter?

2 MR. SMALL: Typed letter.

3 MS. BRIGIL: I don't have a typed letter  
4 from a probation department. It's possible that the  
5 Board section still has that. I'll have to check with  
6 them. But it was not submitted to my section. Because  
7 Ms. LaPaglia and I are looking through our files now and  
8 we don't see that. So I'll have to check with the Board  
9 administrator.

10 MR. SMALL: Actually, it's right after the  
11 FLRE paperwork that I sent. Like I said, that's in the  
12 packet that you all sent me.

13 MS. BRIGIL: I see your criminal history  
14 report.

15 MR. SMALL: It's right after that, if your  
16 packet is the same as mine.

17 MS. BRIGIL: After your criminal history  
18 report -- and I'm on page 9. And then page 10 is the  
19 last page, that's the certification page. The next page  
20 looks like a printout from a court screen.

21 MR. SMALL: Exactly. That's it. It says  
22 probation and parole. And right there it has the charge  
23 driving while license suspended, canceled or revoked.  
24 And under that it has, "adjudication withheld" And on  
25 the second page are the other two charges.

1 MS. BRIGIL: On my copy it's not  
2 highlighted and I didn't know what that was.

3 MR. SMALL: Okay. Yes. That's from my  
4 probation office.

5 MS. BRIGIL: So the adjudication -- so you  
6 were sentenced according to this, to a year and six  
7 months. But they suspended that if you were compliant  
8 with your probation. And then if you were, they were  
9 going to dismiss that?

10 MR. SMALL: Yes, ma'am.

11 MS. BRIGIL: So are you saying you don't  
12 have any criminal convictions then?

13 MR. SMALL: Right. Those were my only  
14 criminal convictions, and those were withheld.

15 MS. BRIGIL: Is it possible that you can  
16 get me a letter from your probation officer or from the  
17 court or from the attorney, if you had one that  
18 represented you, indicating that you have no felony  
19 convictions on your record -- that these charges were  
20 dismissed?

21 MR. SMALL: I didn't have an attorney at  
22 that time. But I can get one from the probation officer  
23 if she's still working there.

24 MS. BRIGIL: Well, somebody should still  
25 be able to have access to your case file. Your files

1 aren't really that old. They're only a couple of years  
2 old -- about four years. But I would like to see that  
3 because I don't know, since you already told us that you  
4 violated your probation on one account, I don't know if  
5 any of these things have been violated and if these are  
6 still convictions and they suspended the time. So I  
7 would like to see something from the court or a letter  
8 from your probation officer that indicates that these  
9 three felonies that we've listed here are actually  
10 dismissed, that you do not have these convictions.

11 MR. SMALL: Okay.

12 MS. BRIGIL: How long do you think you'll  
13 need to get that together?

14 MR. SMALL: Honestly, I can call and see  
15 if I can speak with her today and get that.

16 MS. BRIGIL: I can give you five days. I  
17 can give you ten days, just in case you can't reach her  
18 today. How much time?

19 MR. SMALL: Yeah, you can give me five  
20 days. I think that should be fine.

21 MS. BRIGIL: All right. So at the end of  
22 the fifth day -- we count calendar days -- so, Tuesday  
23 by 5:00, I'll be expecting to get some information  
24 either faxed from you or from your probation officer or  
25 from a court that indicates that these three felonies do



1 not exist, that these charges were dismissed against  
2 you.

3 MR. SMALL: Okay.

4 MS. BRIGIL: Let me give you our fax  
5 number. And let me know when you have a pen and I'll  
6 give it to you.

7 MR. SMALL: Okay. Now, if we find that  
8 those weren't dismissed, will that count against me as  
9 far as still getting a license in the State of Virginia?

10 MS. BRIGIL: It won't count against you,  
11 but if you don't have any convictions, then we wouldn't  
12 even have to have this hearing.

13 MR. SMALL: Exactly.

14 MS. BRIGIL: And so that's why I need to  
15 know whether these are convictions that are still on  
16 your record or whether these charges were dismissed by  
17 the court.

18 MR. SMALL: Okay. And your fax number is?

19 MS. BRIGIL: Area code 804 527-4402.

20 MR. SMALL: And is there a number I could  
21 reach you at?

22 MS. BRIGIL: I will give you Ms.  
23 LaPaglia's extension. Area code 804 367-2194.

24 MR. SMALL: And her name again is?

25 MS. BRIGIL: Her first name is Ilona,

1 I-L-O-N-A. And she will be able to get a message to me,  
2 or if you send the fax to her attention, she'll make  
3 sure that I get it.

4 MR. SMALL: Okay.

5 MS. BRIGIL: In the meantime, I want to  
6 get some information from you just in the event that  
7 these charges were not dismissed. That way the Board  
8 can have this information to review.

9 MR. SMALL: Okay. Exactly. That's fine.

10 MS. BRIGIL: The grand larceny theft and  
11 the burglary of a structure, what was that? What did  
12 that involve?

13 MR. SMALL: What that was is my father  
14 owns a general contractor service. And we were doing  
15 some work for an individual. What I usually do, I will  
16 go get some of the people that were homeless to help do  
17 some general labor. And at that time, my license was  
18 suspended so I had him driving me in the work truck.  
19 And I was in the process of moving. So what happened,  
20 we passed by there, and on the way passing, I seen an  
21 individual running across to the house that we were  
22 working on from another house. We went around the back  
23 and I seen that the garage door was open. Well, by the  
24 time we got in there and I got to the front where my  
25 tools were, I seen the police coming around the back.

1 Well, after that, the next thing I seen once I got back  
2 to the back, the individual had loaded a lawn mower on  
3 the truck with the rest of my tools and he was driving  
4 off.

5 Well, my thing was not to let my tools and  
6 stuff get away. So I end up jumping into the truck.  
7 And he ended up going on a high speed chase with the  
8 police. I was very cooperative with them. But I didn't  
9 have no money for a lawyer at that time. And they  
10 scared me up real bad. I testified against him on those  
11 charges. They ended up giving him 45 years. And to the  
12 point where I did, like I said, I didn't have an  
13 attorney. I just pleaded on the case and I took what  
14 they offered me, the probation, to be done with it.

15 MS. BRIGIL: Okay. Thank you, sir.

16 MR. SMALL: And then what they told me, I  
17 was like a witness for them, but then charged me with it  
18 as well. But, like I said, I only got probation out of  
19 it and it was over with. And I didn't have no money to  
20 afford an attorney, so I just went with that.

21 MS. BRIGIL: Did the court give you a  
22 court appointed attorney or a public defender?

23 MR. SMALL: Yes. They gave me a public  
24 defender.

25 MS. BRIGIL: So you did have

1 representation?

2 MR. SMALL: Yes, ma'am.

3 MS. BRIGIL: Then when you send me that  
4 paperwork, your attorney should still have something in  
5 his file or her file that indicates these charges were  
6 dismissed. So I'll accept a letter from your probation  
7 officer or a letter from your court appointed attorney  
8 at that time, or something from the court.

9 MR. SMALL: Okay.

10 MS. BRIGIL: Mr. Small, do you have any  
11 other convictions either in Florida, Virginia, or  
12 anywhere else in the country that are not included in  
13 your paperwork?

14 MR. SMALL: No, ma'am.

15 MS. BRIGIL: How old were you when this  
16 happened, this last offense? How old were you when that  
17 happened?

18 MR. SMALL: I believe that was in '05.  
19 I'm 41 now, so I'll say I was -- what would that have  
20 made me? 38. No.

21 MS. BRIGIL: About 36 or so, maybe.

22 MR. SMALL: Yeah, 36. Because that was in  
23 '05.

24 MS. BRIGIL: And the first one, the  
25 non-moving violation, you were about 34?

1 MR. SMALL: Yeah. That's been over 12/13  
2 years ago.

3 MS. BRIGIL: Well, you were convicted in  
4 2004.

5 MR. SMALL: I did a five year revocation  
6 on that. Yeah, I guess around '04.

7 MS. BRIGIL: You said you did a five year  
8 revocation. Did you ever have to go to prison then?

9 MR. SMALL: No. They just suspended my  
10 license for five years.

11 MS. BRIGIL: Oh, they suspended your  
12 license for five years. Okay.

13 MR. SMALL: Yes. That's the five year  
14 revocation I'm speaking of.

15 MS. BRIGIL: And you said you have a  
16 full-fledged operator's license now?

17 MR. SMALL: Yes, ma'am.

18 MS. BRIGIL: And your company is called,  
19 you said, WMS?

20 MR. SMALL: Yes, ma'am. WMS Solutions.

21 MS. BRIGIL: How long -- go ahead.

22 MR. SMALL: Actually, I'm not in fully  
23 right now. We're in the process. I've done all my  
24 paperwork and we're just waiting for my license to come  
25 back from Virginia so I can start work. So I haven't

1 actually went out and worked for them, but I'm on --  
2 they have my W-2, my application and everything. My  
3 certifications from Tampa as for the vested. And we're  
4 just waiting for my license from Virginia to come so I  
5 can go to work.

6 MS. BRIGIL: So are you currently working  
7 in Florida?

8 MR. SMALL: Actually, no. I've been  
9 unemployed.

10 MS. BRIGIL: Where were you last employed?

11 MR. SMALL: David Kotchner & Associates.  
12 And I wrote a letter that -- I was up in Georgia. I  
13 worked up there for about eight months doing asbestos  
14 abatement.

15 MS. BRIGIL: Did you have to be licensed  
16 in Georgia to do asbestos abatement work?

17 MR. SMALL: I did not have to have a  
18 Georgia license. Mine was good enough. My Florida  
19 license was good enough to work there.

20 MS. BRIGIL: Okay.

21 You said you worked for David Kotchner &  
22 Associates for about eight months?

23 MR. SMALL: Yes. I've been with them over  
24 a year now. But I was up in Georgia for about eight  
25 months.

1 MS. BRIGIL: And you were laid off from  
2 this company and now you're waiting to become employed  
3 with WMS Solutions?

4 MR. SMALL: Yes, ma'am.

5 MS. BRIGIL: And you'll be performing  
6 asbestos abatement work?

7 MR. SMALL: Yes, ma'am.

8 MS. BRIGIL: And does your potential  
9 employer know about your criminal convictions or your  
10 alleged convictions at this point?

11 MR. SMALL: Yes, ma'am.

12 MS. BRIGIL: Okay.

13 Mr. Small, I just have a couple of other  
14 questions for you. One of the requirements for  
15 licensure is evidence of a person's rehabilitation or  
16 their efforts to be rehabilitated. Considering that you  
17 have a driving related conviction, and I understand a  
18 little bit more about these burglary convictions, what  
19 would you say to the Board if they asked you, How have  
20 you changed; how are you rehabilitated? What would your  
21 answer be?

22 MR. SMALL: Actually, with the driving  
23 with suspended license, I make sure my child support is  
24 paid, that way I don't have to worry if they do send a  
25 notice or not if my license was going to be suspended

1 again. On the other two charges, I learned to pick  
2 better people to work for me or to be around certain  
3 people. I pretty much stay to myself now, that way I  
4 don't have to worry about if somebody is going to go  
5 steal something or if I'm going to be involved in it or  
6 not. So I work, come home, and spend time with my  
7 family is my extent of too much of just about anything.

8 MS. BRIGIL: You mentioned your father  
9 owns a general contracting business.

10 MR. SMALL: Yes.

11 MS. BRIGIL: Did you ever work for him at  
12 any time?

13 MR. SMALL: Yes.

14 MS. BRIGIL: What's the name of his  
15 business?

16 MR. SMALL: It's Small's Construction  
17 Service.

18 MS. BRIGIL: And where is that located?

19 MR. SMALL: Tampa, Florida.

20 MS. BRIGIL: And how long did you work for  
21 him about?

22 MR. SMALL: Maybe ten years or longer.

23 MS. BRIGIL: So the last time you were  
24 involved in any crime was this last one, the grand theft  
25 one, correct?



1 MR. SMALL: Right.

2 MS. BRIGIL: So it's going on almost four  
3 years.

4 MR. SMALL: Like I said, the charge  
5 originated in '85. This is just --

6 MS. BRIGIL: '85 or '95?

7 MR. SMALL: I mean, '05, I'm sorry. It  
8 originated in '05. Now, this '07 thing, I guess it was  
9 the last time that it went back before court.

10 MS. BRIGIL: So it's over five years?

11 MR. SMALL: Yes, ma'am.

12 MS. BRIGIL: Mr. Small, I have no other  
13 questions for you. Is there anything else you'd like to  
14 say to me that you want the Board to consider?

15 MR. SMALL: Well, back to what we were  
16 saying, on that information from the probation officer,  
17 if it isn't listed as a conviction, everything would go  
18 ahead as planned as far as the hearing on the 4th of May  
19 with the Board?

20 MS. BRIGIL: Yes. Yes. You still have to  
21 have a Board meeting. But I do want to see something  
22 whether it was a conviction or not.

23 MR. SMALL: I'll give her a call today.

24 MS. BRIGIL: And if you can't reach them,  
25 then I suggest maybe contacting your former attorney

1 because they would have something on record that shows  
2 that those charges were dismissed or the court withheld  
3 finding, but for whatever reason you didn't have  
4 probation they imposed the sentence.

5 MR. SMALL: Okay. One other question I  
6 would have for you at this time is what would your -- I  
7 guess, what decision would you suggest to the Board as  
8 far as me being able to be licensed as far as the  
9 information that you have now?

10 MS. BRIGIL: Well, I don't --

11 MR. SMALL: What would your recommendation  
12 be?

13 MS. BRIGIL: I don't know what my  
14 recommendation is going to be yet because I don't have  
15 all the information. So in approximately four to six  
16 weeks, you will have a copy of my recommendation and  
17 you'll know exactly what I'm going to submit to the  
18 Board members.

19 MR. SMALL: Okay.

20 MS. BRIGIL: And I'm going to explain that  
21 to you in a couple of minutes. Did we say five days or  
22 ten days that you need?

23 MR. SMALL: We said five.

24 MS. BRIGIL: Okay. So by close of  
25 business Tuesday afternoon 5:00, I'll be expecting

1 either a letter from your probation officer, a letter  
2 from the court, or a letter from your former attorney  
3 that will tell me whether these charges were dismissed,  
4 or if they're still considered criminal convictions.

5 MR. SMALL: Okay.

6 MS. BRIGIL: And by 5:01 Tuesday  
7 afternoon, the record will officially be closed. If I  
8 receive that information after Tuesday, I will not  
9 consider that and I will not include that in my report  
10 to the Board.

11 MR. SMALL: Okay.

12 MS. BRIGIL: And I want to let you know  
13 what else is going to happen. You're going to get a  
14 copy of my summary and recommendation in the next four  
15 to six weeks. You're also going to get a letter that  
16 Ms. Lapaglia will send you. And it will give you the  
17 date and time the Board will next meet to decide whether  
18 to approve your application.

19 Now, I know you're in Florida, but we  
20 always encourage applicants to come to the Board  
21 meetings. You may not be able to come up, and I can  
22 certainly understand why. But the reason that we ask  
23 people to come to the Board meeting is because I don't  
24 make the final decision.

25 MR. SMALL: Right.

1 MS. BRIGIL: I make a recommendation, and  
2 the Board makes the final decision. They'll vote  
3 whether to accept or reject my recommendation. The  
4 Board can also make its own decision. The Board can  
5 amend my recommendation, or the Board can vote to have  
6 you come back for another hearing.

7 Now, they don't allow people to  
8 participate by phone at the Board meetings. So if you  
9 wanted to be actively involved, you would have to make  
10 an appearance here or send a representative or a legal  
11 representative in your place. Now, at the Board  
12 meeting, the Board will give you or your representative  
13 an opportunity to respond to anything we've talked about  
14 today, anything that's in your file, or anything that I  
15 write in your summary. No one is allowed to introduce  
16 any new evidence or documentations. You're now allowed  
17 to discuss things we have not discussed. That's  
18 considered new information.

19 Before the Board makes its decision, they  
20 will already have reviewed your file, reviewed my  
21 summary and recommendation, and read the transcript from  
22 the hearing today. And normally they will take a vote.  
23 And you would know before you leave the Board meeting if  
24 the application is approved.

25 MR. SMALL: Okay. That's if you're

1 present, right?

2 MS. BRIGIL: Well, no. They're still  
3 going to take a vote whether you're there or not.

4 MR. SMALL: Exactly. But the only way I  
5 would know what they voted on is to be there?

6 MS. BRIGIL: At that moment, yes. If not,  
7 the Board will send a letter to you along with a copy of  
8 its recommendation or their decision about five days or  
9 so after the Board meeting.

10 MR. SMALL: Okay.

11 MS. BRIGIL: So I look forward to seeing  
12 that information. And I appreciate you speaking with us  
13 this afternoon.

14 NOTE: Off the record at 1:34 p.m.

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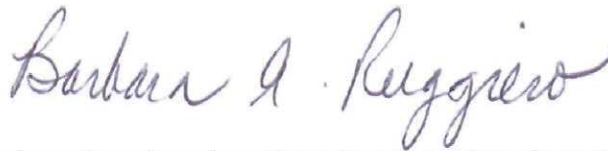
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CERTIFICATE OF COURT REPORTER

I, Barbara A. Ruggiero, a Certified Court Reporter, hereby certify that I was the Court Reporter at the Informal Fact-Finding Conference regarding Terrance D. Small, heard in the County of Henrico, Virginia, on February 10, 2011, at the time of the hearing herein.

I further certify that the foregoing transcript is a true and accurate record of the testimony and other incidents of the hearing, to the best of my ability.

Given under my hand this 26th day of February, 2011.

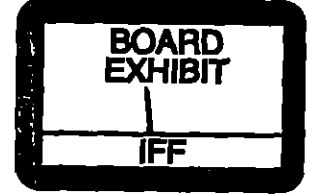


Barbara A. Ruggiero, CCR

My Commission Expires:

July 31, 2012

Notary Registration Number: 291009



**Licensing and Regulation Division**

**Application Review  
Informal Fact-Finding Conference Referral Memorandum**

**To:** Board Administrative Proceedings Section

**From:** Jill Richardson Hrynciw, Board Administrator

**Date:** December 20, 2010

**Re:**

**Applicant Name:** Terrance D. Small

**Application No.** 3301-028700P

**Type of License Applied for:** Asbestos Worker

**Application Reviewed by:** Whitney Fulcher

**Presiding Officer Requested:**  Staff  
 Board Member \_\_\_\_\_

**Comments:**

**RECEIVED**   
**DEC 20 2010**  
**BAP**

**Basis Upon Which Applicant May Not Meet Statutory/Regulatory Requirements –  
Criminal Conviction(s):**

Pursuant to §54.1-204 of the *Code of Virginia*  
and  
Board Regulations 18VAC15-20-32 G and 18VAC15-20-450 A 6

**FACTS:**

On November 12, 2010, Terrance D. Small applied for an Asbestos Worker license and has been convicted of the following:

<u>Date of Conviction</u>	<u>Court</u>	<u>Conviction</u>	<u>Type</u>
June 16, 2004	13th Circuit Court - Tampa	Nonmoving Traffic Violation - Driving While License Revoked Habitual Offender	Felony
March 21, 2007	13th Circuit Court - Tampa	Burglary - Burglary Of A Structure	Felony
March 21, 2007	13th Circuit Court - Tampa	Larceny - Grand Theft Third Degree	Felony



Commonwealth of Virginia  
 Department of Professional and Occupational Regulation  
 Post Office Box 29570  
 Richmond, Virginia 23242-0570  
 (804) 367-8595



**Board for Asbestos, Lead, and Home Inspectors**  
**ASBESTOS LICENSE APPLICATION**  
**Fee \$25.00**

**A check or money order payable to the TREASURER OF VIRGINIA, or a completed credit card insert must be mailed with your application package. APPLICATION FEES ARE NOT REFUNDABLE.**

To obtain an asbestos license, your application package must include 1) a complete and legible Asbestos License Application and 2) copies of any training certificates proving that you successfully completed an *initial* EPA/AHERA or board-approved training course and all subsequent EPA/AHERA or board-approved *refresher* courses in your discipline. Inspector, Management Planner, Project Designer, and Project Monitor applicants must also include completed *Experience and Education Verification Forms*.

1. Name TERRANCE D Small  
First Middle Last Generation (SR, JR, III, etc.)

2. Social Security Number \* 593-09-7266 ✓

3. Date of Birth 6/17/69 ✓

4. Home Street Address (PO Box not accepted) 3811 Rivergrove Ct  
 City, State, Zip Code Tampa, Fla 33610 ✓

5. E-mail Address TerranceTD@yahoo.com

6. Telephone & Facsimile Numbers (813) 231-5035 (Telephone) - (813) 484-7687 (Facsimile) (813) 484-7687 (Beeper/Cellular)

7. Check the **one** type of license you are requesting.

- Asbestos Worker 3301
- Asbestos Supervisor 3302
- Asbestos Inspector \* 3303  \* Completed Experience and Education Verifications is also required.
- Asbestos Management Planner \* 3304
- Asbestos Project Designer \* 3305
- Asbestos Project Monitor \* 3309

8. Do you hold a current or expired environmental remediation license issued by the Virginia Board for Asbestos, Lead and Home Inspectors?

- No  Yes  If yes, please enter the Virginia license number(s) and expiration date(s) below.

Asbestos License Number	Expiration Date	Lead License Number	Expiration Date

OFFICE USE ONLY	DATE	FEES	COUNTY OF FEES	LICENSE NUMBER	ISSUE DATE
	11-2-10	25	425	3301-028700	

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9. Have you or any contractor with whom you have had a substantial identity of interest (see 18 VAC 15-20-150 of the board regulations) ever been subject to a disciplinary action imposed by any (including Virginia) local, state or national regulatory body?

No   
Yes

If yes, list the jurisdiction in which the disciplinary action took place, the license number and the name of the business and/or individual(s) involved in the disciplinary action. Provide an explanation of events, including a description of the disciplinary proceeding and the type of sanctions that were imposed (i.e., suspension, revocation, voluntary surrender of license, monetary penalty, fine, reprimand, termination of asbestos abatement or inspection activities prior to project completion, etc.). Attach copies of any correspondence or documentation (including a copy of the final order, decree or case decision) related to this matter. If necessary, you may attach a separate sheet of paper.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. A. Have you ever been convicted in any jurisdiction of any felony? Any guilty plea or plea of nolo contendere must be disclosed on this application. Do not disclose any violations that were adjudicated as a minor in the juvenile court system.

No  Yes  If yes, please provide the information requested in #10.C.

B. Have you ever been convicted in any jurisdiction of any misdemeanor? Any guilty plea or plea of nolo contendere must be disclosed on this application. Do not disclose any violations that were adjudicated as a minor in the juvenile court system.

No  Yes  If yes, please provide the information requested in #10.C.

C. If you answered "yes" to either question #10.A. or #10.B., list the felony and/or misdemeanor conviction(s). Attach a copy of all applicable criminal conviction, state police and court records; information on the current status of incarceration, parole, probation, etc.; and any other information you wish to have considered with this application (i.e., reference letters, documentation of rehabilitation, etc.). If necessary, you may attach a separate sheet of paper.

*See Attachment 2*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. I, the undersigned, certify that the foregoing statements and answers are true, and I have not suppressed any information that might affect the Board's decision to approve this application. I verify that during the past three years, there were no suspensions or revocations of any authorizations I hold to perform asbestos-related work, nor are there any pending enforcement actions involving any of my asbestos licenses. I will notify the Department if I am subject to any disciplinary action or convicted of any felony or misdemeanor charges (in any jurisdiction) prior to receiving the requested licenses. I also certify that I understand, and have complied with, all the laws of Virginia related to licensure and environmental remediation under the provisions of Title 54.1, Chapters 1, 2, 3, and 5 of the Code of Virginia and the Virginia Asbestos Licensing Regulations.

Signature *Tenance Small* Date *11/2/10*

\* State law requires every applicant for a license, certificate, registration or other authorization to engage in a business, trade, profession or occupation issued by the Commonwealth to provide a social security number or a control number issued by the Virginia Department of Motor Vehicles.

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CRIMINAL HISTORY RECORD NAME SEARCH REQUEST

PURPOSE OF THIS REQUEST (Check only one):

- ADOPTION-DOMESTIC
- ADOPTION-INTERNATIONAL COUNTRY: \_\_\_\_\_
- VISA (INTERNATIONAL TRAVEL)
- OTHER (please specify): JOB



NAME INFORMATION TO BE SEARCHED:

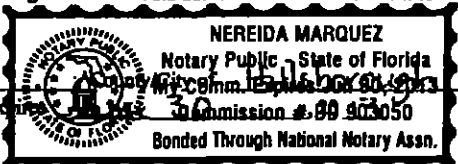
LAST NAME: **TERRANCE**      FIRST NAME: **SMALL**      MIDDLE NAME: \_\_\_\_\_      MAIDEN NAME: \_\_\_\_\_

RACE: **B**      SEX: **M**      DATE OF BIRTH: **06 / 17 / 1969** (MM/DD/YYYY)      SOCIAL SECURITY NUMBER: **593-09-7266**

AFFIDAVIT FOR RELEASE OF INFORMATION:

I hereby give consent and authorize the Virginia State Police to search the files of the Central Criminal Records Exchange for a criminal history record and report the results of such search to the agent or individual authorized in this document to receive same.

State of FL My Commission expires 06/30/2013  
 My Commission expires 06/30/2013 Commission # 00903050  
 Bonded Through National Notary Assn.



Terrance Small  
Signature of Person

17 day of November, 20 10

Nereida Marquez  
Signature of Notary Public

SIGNATURE OF PERSON MAKING REQUEST:

As provided in Section 19.2-389, Code of Virginia, I hereby request the criminal history record of the individual named in Section 1 and swear or affirm I have the consent of the individual to obtain their record and will not further disseminate the information received, except as provided by law.

State of FL My Commission expires Jun 30, 2013  
 My Commission expires Jun 30, 2013 Commission # 00903050  
 Bonded Through National Notary Assn.



Terrance Small  
Signature of Person Making Request

17 day of November, 20 10

Nereida Marquez  
Signature of Notary Public

NAME AND MAILING ADDRESS OF AGENCY, INDIVIDUAL OR AUTHORIZED AGENT MAKING REQUEST:

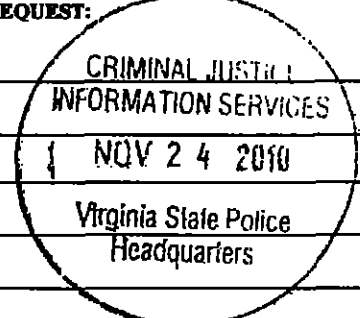
Mail Reply To:

NAME: **TERRANCE SMALL**

ATTENTION: \_\_\_\_\_

ADDRESS: **3811 RIVERGROVE CT**

CITY: **TAMPA**      STATE: **FL**      ZIP CODE: **33610**



FEES FOR SERVICE:

- FEES:
- \$15.00 CRIMINAL HISTORY SEARCH
  - \$20.00 COMBINATION CRIMINAL HISTORY & SEX OFFENDER SEARCH
  - \* FEES For Volunteers with Non-Profit Organizations:
  - \$8.00 CRIMINAL HISTORY SEARCH
  - \$16.00 COMBINATION CRIMINAL HISTORY & SEX OFFENDER SEARCH

\* To be entitled to reduced price, services must be on volunteer basis for a non-profit organization with a tax exempt number. Attach documentation to form which supports volunteering status and include organization's name, address, and your tax exempt identification number.

METHOD OF PAYMENT: (Note: Personal Checks Not Accepted)

- Business or Certified Check or Money Order (payable to Virginia State Police)
- Charge Card     MasterCard     OR     Visa
- Account Number: \_\_\_\_\_
- Expiration Date: \_\_\_\_\_
- Signature of Cardholder: \_\_\_\_\_
- Virginia State Police Charge Account Number: \_\_\_\_\_

Mail Request To:

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Virginia State Police  
 Central Criminal Records Exchange - NF  
 P.O. Box 85076  
 Richmond, Virginia 23261-5076

ATTN: NEW FORM

FOR STATE POLICE USE ONLY - DO NOT WRITE BELOW THIS LINE

Response based on comparison of name information submitted in request against a master name index maintained in the Central Criminal Records Exchange only.

- No Conviction Data - Does Not Preclude the Existence of an Arrest Record
- No Criminal Record - Name Search Only
- No Sex Offender Registration Record
- No Criminal Record - Fingerprint Search
- Criminal Record Attached

Purpose code:  C  
 N  
 O

Date 11-24-10 By CCRE/ 7523

FLORIDA DEPARTMENT OF LAW ENFORCEMENT  
Pursuant to federal regulation (28 CFR 20) this record may be used only for  
stated purpose for which it was requested. Charges and dispositions as coded  
herein reflect standardized uniform offense and disposition classifications  
for computerized criminal history records. More detailed and specific informa-  
tion may be available from contributors. The department does not warrant that  
these records are comprehensive or accurate, only that this record contains  
all information on the subject that the department has received and is pre-  
sently authorized by law to disseminate.

REPORT FOR FDLE, CIB, NAMESSEARCH SECTION BATCH 20101123104

THE FOLLOWING RECORD IS ASSOCIATED WITH TRANSACTION: 000002  
CONTROL NBR: NAME: SMALL, TERRANCE DEMETRICK

SID NBR: 2596507 PURPOSE CODE:P PAGE NBR: 1

BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME,  
A NEW COPY SHOULD BE REQUESTED WHEN NEEDED FOR FUTURE USE

- FLORIDA CRIMINAL HISTORY -

NAME	STATE ID NO.	FBI NO.	DATE REQUESTED
SMALL, TERRANCE DEMETRICK	FL-02596507		11/24/2010

SEX	RACE	BIRTH DATE	HEIGHT	WEIGHT	EYES	HAIR	BIRTH PLACE	SKIN
M	B	06/17/1969	6'01''	233	BRO	GRY	FL	

FINGERPRINT CLASS	SOCIAL SECURITY NO.	MISCELLANEOUS NO.	SCR/MRK/TAT
24 12 11 PO 15 DI 14 PO CI 18	XXX-XX-7266		TAT CHEST

IN AFIS - 3

OCCUPATION	ADDRESS	CITY/STATE
SUPERVISOR	3811 RIVER GROVE CT	TAMPA, FL
DNA: Y		

AKA	DOB	SOC	SCR/MRK/TAT
SMALL, TERRANCE DEMITRI			
SMALL, TERENCE			
SMALL, TERRANCE DEMETRIC			
SMALL, TERENCE			
SMALL, TERENCE DEMETRICK			
SMALL, TERRANCE			
SMALL, TERRANCE D			

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ARREST- 1 07/13/1988 OBTS NO.-0000610687  
 ARREST AGENCY-TAMPA POLICE DEPARTMENT (FL0290200)  
 AGENCY CASE-320515 OFFENSE DATE-  
 CHARGE 001-VEHICLE THEFT-  
 3 DEG  
 STATUTE/ORDINANCE- LEVEL-FELONY  
 BOOKING STATUS-TURNED OVER TO ANOTHER AGENCY  
 FL0290000 NO 245923

JUDICIAL-  
 AGENCY-STATE ATTORNEY OFFICE - TAMPA (FL029015A)  
 CHARGE 001 -COURT SEQ COURT NO.-8810200  
 SUPPLEMENTAL ARREST DATA-  
 STATUS- LEVEL-FELONY  
 PROSC DATA-SAME AS ABOVE,VEHICLE THEFT-  
 STATUTE/ORDINANCE- LEVEL-FELONY  
 DISP DATE-03/06/1989 DISP-NOLLE PROCESSED

-----  
 ARREST- 2 11/09/1988 OBTS NO.-0000628889  
 ARREST AGENCY-TAMPA POLICE DEPARTMENT (FL0290200)  
 AGENCY CASE-320515 OFFENSE DATE-  
 CHARGE 001-VEHICLE THEFT-  
 3 DEG  
 STATUTE/ORDINANCE- LEVEL-FELONY  
 BOOKING STATUS-TURNED OVER TO ANOTHER AGENCY  
 FL0290000 NO 245923

JUDICIAL-  
 AGENCY-STATE ATTORNEY OFFICE - TAMPA (FL029015A)  
 CHARGE 001 -COURT SEQ COURT NO.-8810200  
 SUPPLEMENTAL ARREST DATA-  
 STATUS- LEVEL-FELONY  
 PROSC DATA-SAME AS ABOVE,VEHICLE THEFT-  
 STATUTE/ORDINANCE- LEVEL-FELONY  
 DISP DATE-03/06/1989 DISP-NOLLE PROCESSED

-----  
 ARREST- 3 05/05/1990 OBTS NO.-0000994080  
 ARREST AGENCY-TAMPA POLICE DEPARTMENT (FL0290200)  
 AGENCY CASE-320515 OFFENSE DATE-  
 CHARGE 001-FIRING WEAPON-  
 INTO OCC DWELL  
 STATUTE/ORDINANCE-FL790.19 LEVEL-FELONY

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BOOKING STATUS-TURNED OVER TO ANOTHER AGENCY  
FL0290000

JUDICIAL-

AGENCY-STATE ATTORNEY OFFICE - TAMPA (FL029015A)  
 CHARGE 001 -COURT SEQ COURT NO.-291990CF007228D001TA  
 SUPPLEMENTAL ARREST DATA-  
 STATUS- LEVEL-FELONY ,2ND DEG  
 PROSC DATA-SAME AS ABOVE, FIRING WEAPON-  
 SHOOT INTO OCCUPIED DWELLING  
 STATUTE/ORDINANCE-FL790.19 LEVEL-FELONY ,2ND DEG  
 STATUTE DESCRIPTN-MISSILE INTO DWELLING VEH BUILDING OR AIRCRAFT  
 DISP DATE-06/06/1990 DISP-DROPPED/ABANDONED  
 COUNSEL-PRIVATE TRIAL-NONE PLEA-  
 SPECIAL SENTENCE PROVISIONS-NOT APPLICABLE

-----  
 ARREST- 4 05/31/1990 OBTS NO.-0000632501  
 ARREST AGENCY-TAMPA POLICE DEPARTMENT (FL0290200)  
 AGENCY CASE-320515 OFFENSE DATE-  
 CHARGE 001-AGGRAV ASSLT-WEAPON-  
 FIREARM  
 STATUTE/ORDINANCE-FL784.021 LEVEL-FELONY  
 BOOKING STATUS-TURNED OVER TO ANOTHER AGENCY  
 FL0290000

JUDICIAL-

AGENCY-STATE ATTORNEY OFFICE - TAMPA (FL029015A)  
 CHARGE 001 -COURT SEQ COURT NO.-291990CF008686D001TA  
 SUPPLEMENTAL ARREST DATA-  
 STATUS- LEVEL-FELONY ,3RD DEG  
 PROSC DATA-SAME AS ABOVE, AGGRAV ASSLT-WEAPON-  
 AGGRAVATED ASSAULT W FIREARM  
 STATUTE/ORDINANCE-FL784.021(A) LEVEL-FELONY ,3RD DEG  
 DISP DATE-07/11/1990 DISP-DROPPED/ABANDONED  
 COUNSEL-OTHER TRIAL-NONE PLEA-  
 SPECIAL SENTENCE PROVISIONS-NOT APPLICABLE

-----  
 ARREST- 5 10/16/1993 OBTS NO.-0005087499  
 ARREST AGENCY-TAMPA POLICE DEPARTMENT (FL0290200)  
 AGENCY CASE-320515 OFFENSE DATE-  
 CHARGE 001-VEHICLE THEFT-  
 STATUTE/ORDINANCE-FL812.014 LEVEL-FELONY

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JUDICIAL-

AGENCY-STATE ATTORNEY OFFICE - TAMPA

(FL029015A)

CHARGE 001 -COURT SEQ

COURT NO.-291993CF013386D001TA

SUPPLEMENTAL ARREST DATA-

STATUS-

LEVEL-FELONY ,3RD DEG

PROSC DATA-SAME AS ABOVE,VEHICLE THEFT-  
GRAND THEFT AUTO

STATUTE/ORDINANCE-FL812.014(2C4)

LEVEL-FELONY ,3RD DEG

STATUTE DESCRIPTN-GRAND THEFT OF TESTAMENTARY INSTRUMENT

DISP DATE-12/22/1993

DISP-DROPPED/ABANDONED

COUNSEL-PUBLIC TRIAL-NONE

PLEA-

SPECIAL SENTENCE PROVISIONS-NOT APPLICABLE

-----  
ARREST- 6 11/27/1995 OBTS NO.-0008013285

ARREST AGENCY-TAMPA POLICE DEPARTMENT

(FL0290200)

AGENCY CASE-320515

OFFENSE DATE-

CHARGE 001-COCAINE-POSSESS-

STATUTE/ORDINANCE-FL893.13

LEVEL-FELONY

CHARGE 002-DRUGS - EQUIP - POSSESS-

STATUTE/ORDINANCE-FL893.13

LEVEL-

CHARGE 003-CARRYING CONCEALED WEAPON-  
FA

STATUTE/ORDINANCE-FL790.01

LEVEL-

JUDICIAL-

AGENCY-13TH CIRCUIT COURT- TAMPA

(FL029015J)

CHARGE 002 -COURT SEQ

COURT NO.-291995CF016041D001TA

SUPPLEMENTAL ARREST DATA-

STATUS-

LEVEL-FELONY ,3RD DEG

PROSC DATA-AMENDED ,DRUGS - EQUIP - POSSESS-

STATUTE/ORDINANCE-FL893.147

LEVEL-MISDEMEANOR,1ST DEG

STATUTE DESCRIPTN-POSSESS USE ETC DRUG PARAPHERNALIA

DISP DATE-12/19/1995

DISP-N/A

COURT DATA-SAME AS ABOVE,DRUGS - EQUIP - POSSESS-

STATUTE/ORDINANCE-FL893.147

LEVEL-MISDEMEANOR,1ST DEG

STATUTE DESCRIPTN-POSSESS USE ETC DRUG PARAPHERNALIA

DISP DATE-03/06/1996

DISP-DISMISSED

COUNSEL-PRIVATE TRIAL-NONE

PLEA-NOT GUILTY

AGENCY-STATE ATTORNEY OFFICE - TAMPA

(FL029015A)

CHARGE 002 -COURT SEQ

COURT NO.-291995CF016041D001TA

SUPPLEMENTAL ARREST DATA-

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STATUS- LEVEL-MISDEMEANOR, 1ST DEG  
 PROSC DATA-SAME AS ABOVE, DRUGS - EQUIP - POSSESS-  
 POSSESSION OF DRUG PARAPHERNALIA  
 STATUTE/ORDINANCE-FL893.147 LEVEL-MISDEMEANOR, 1ST DEG  
 STATUTE DESCRIPTN-POSSESS USE ETC DRUG PARAPHERNALIA  
 DISP DATE-12/19/1995 DISP-DROPPED/ABANDONED  
 COUNSEL-PRIVATE TRIAL-NONE PLEA-  
 SPECIAL SENTENCE PROVISIONS-NOT APPLICABLE  
 AGENCY-13TH CIRCUIT COURT- TAMPA (FL029015J)  
 CHARGE 003 -COURT SEQ COURT NO.-291995CF016041D001TA  
 SUPPLEMENTAL ARREST DATA-  
 STATUS- LEVEL-FELONY , 3RD DEG  
 PROSC DATA-AMENDED , COCAINE-POSSESS-  
 POSSESSION OF COCAINE  
 STATUTE/ORDINANCE-FL893.13 (6A) LEVEL-FELONY , 3RD DEG  
 STATUTE DESCRIPTN-CNTRL SUB WO PRESCRIPTION  
 DISP DATE-12/19/1995 DISP-N/A  
 COURT DATA-SAME AS ABOVE, COCAINE-POSSESS-  
 POSSESSION OF COCAINE  
 STATUTE/ORDINANCE- LEVEL-FELONY , 3RD DEG  
 DISP DATE-03/06/1996 DISP-DISMISSED  
 COUNSEL-PRIVATE TRIAL-NONE PLEA-NOT GUILTY  
 SPECIAL SENTENCE PROVISIONS-NOT APPLICABLE

-----  
 ARREST- 7 10/04/1998 OBTS NO.-0011069719  
 ARREST AGENCY-TAMPA POLICE DEPARTMENT (FL0290200)  
 AGENCY CASE-320515 OFFENSE DATE-  
 CHARGE 001-NONMOVING TRAFFIC VIOL-  
 DWLSR  
 STATUTE/ORDINANCE-FL322.34 LEVEL-MISDEMEANOR  
 -----

ARREST- 8 07/31/2000 OBTS NO.-0012571512  
 ARREST AGENCY-TAMPA POLICE DEPARTMENT (FL0290200)  
 CHARGE 001-BATTERY-  
 DOM VIOL  
 STATUTE/ORDINANCE- LEVEL-MISDEMEANOR  
 CHARGE 002-MARIJUANA-POSSESS-  
 STATUTE/ORDINANCE- LEVEL-MISDEMEANOR  
 CHARGE 003-LARCENY-  
 GRAND

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STATUTE/ORDINANCE- LEVEL-FELONY , 3RD DEG  
CHARGE 004-NONMOVING TRAFFIC VIOL-  
DWLSR  
STATUTE/ORDINANCE- LEVEL-MISDEMEANOR

-----  
ARREST- 9 02/05/2001 OBTS NO.-0012741521  
ARREST AGENCY-TAMPA POLICE DEPARTMENT (FL0290200)  
AGENCY CASE-320515 OFFENSE DATE-  
CHARGE 001-VEHICLE THEFT-  
STATUTE/ORDINANCE- LEVEL-FELONY  
CHARGE 002-NONMOVING TRAFFIC VIOL-  
DWLSR  
STATUTE/ORDINANCE- LEVEL-MISDEMEANOR  
-----

ARREST- 10 04/06/2001 OBTS NO.-0012753728  
ARREST AGENCY-TAMPA POLICE DEPARTMENT (FL0290200)  
AGENCY CASE-320515 OFFENSE DATE-  
CHARGE 001-BATTERY-  
DOM VIOL  
STATUTE/ORDINANCE- LEVEL-FELONY  
-----

ARREST- 11 07/24/2001 OBTS NO.-0013001432  
ARREST AGENCY-HILLSBOROUGH COUNTY SHERIFF'S OFFICE (FL0290000)  
AGENCY CASE-245923 OFFENSE DATE-  
CHARGE 001-FAILURE TO APPEAR-  
BATT DOM VIOL  
CHARGE 002-MOVING TRAFFIC VIOL-  
DWLSR  
STATUTE/ORDINANCE- LEVEL-MISDEMEANOR  
-----

ARREST- 12 09/19/2003 OBTS NO.-2901041218  
ARREST AGENCY-HILLSBOROUGH COUNTY SHERIFF'S OFFICE (FL0290000)  
AGENCY CASE-00245923 OFFENSE DATE-  
CHARGE 001-CONTEMPT OF COURT-  
CONTEMPT OF COURT  
002 CNTS,  
STATUTE/ORDINANCE- LEVEL-MISDEMEANOR, 3RD DEG  
BOOKING STATUS-HELD  
CHARGE 002-NONMOVING TRAFFIC VIOL-  
DWLS R-HABITUAL OF

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SID NBR: 2596507 PURPOSE CODE:P

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STATUTE/ORDINANCE-FL322.34(5)  
BOOKING STATUS-HELD

LEVEL-FELONY ,3RD DEG

JUDICIAL-

AGENCY-13TH CIRCUIT COURT- TAMPA

(FL029015J)

CHARGE 002 -COURT SEQ

COURT NO.-292003CF016456D001TA

SUPPLEMENTAL ARREST DATA-

STATUS-

LEVEL-FELONY ,3RD DEG

PROSC DATA-

NONMOVING TRAFFIC VIOL-

DRIVING WHILE LICENSE REVOKED HABITUAL OFFENDR

STATUTE/ORDINANCE-FL322.34(5)

LEVEL-FELONY ,3RD DEG

STATUTE DESCRIPTN-DRIVE WHILE LIC SUSP HABITUAL OFFENDER

DISP DATE-10/24/2003

DISP-N/A

COURT DATA-NONMOVING TRAFFIC VIOL-

DRIVING WHILE LICENSE REVOKED HABITUAL OFFENDR

STATUTE/ORDINANCE-FL322.34(5)

LEVEL-FELONY ,3RD DEG

STATUTE DESCRIPTN-DRIVE WHILE LIC SUSP HABITUAL OFFENDER

DISP DATE-11/17/2003

DISP-GUILTY/CONVICTED

COUNSEL-

TRIAL-NONE

PLEA-GUILTY

SENT DATE-06/16/2004

CONFINEMENT-

9M ,COUNTY

FINE-

COURT COST- \$1256

CRT PROVISION- PROBATION REVOKED

SPECIAL SENTENCE PROVISIONS-NOT APPLICABLE

-----  
\*\*\*\* THE FOLLOWING IS A STATUS RECORD -- NOT AN ARREST \*\*\*\*

ARREST- 13 12/05/2003 OBTS NO.-0013170425

ARREST AGENCY-HILLSBOROUGH COUNTY SHERIFF'S OFFICE

(FL0290000)

AGENCY CASE-245923

OFFENSE DATE-

CHARGE 001-CRIMINAL REGISTRATION (NOT AN ARREST) -

DWLS

BOOKING STATUS-NOT PROSECUTED RELEASED

-----  
ARREST- 14 06/01/2004 OBTS NO.-2901089220

ARREST AGENCY-HILLSBOROUGH COUNTY SHERIFF'S OFFICE

(FL0290000)

AGENCY CASE-0000245923

OFFENSE DATE-

CHARGE 001-PROB VIOLATION-

VIOLATION OF PROBATION

STATUTE/ORDINANCE-FL948.06

LEVEL-MISDEMEANOR,2ND DEG

BOOKING STATUS-HELD

CHARGE 002-CONTEMPT OF COURT-

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FTA NBR  
CHARGE 003-CONTEMPT OF COURT-  
FTA BOND 500 DOLS

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ARREST- 15 06/25/2005 OBTS NO.-2901118500  
 ARREST AGENCY-TAMPA POLICE DEPARTMENT (FL0290200)  
 AGENCY CASE-0000245923 OFFENSE DATE-  
 CHARGE 001-BURGLARY-  
 BURGLARY OF A DWELLING  
 STATUTE/ORDINANCE-FL810.02(3) LEVEL-FELONY ,2ND DEG  
 BOOKING STATUS-HELD  
 CHARGE 002-LARCENY-  
 GRAND THEFT THIRD DEGREE 300 - 5,000  
 STATUTE/ORDINANCE-FL812.014(2C1) LEVEL-FELONY ,3RD DEG  
 BOOKING STATUS-HELD

JUDICIAL-  
 AGENCY-13TH CIRCUIT COURT- TAMPA (FL029015J)  
 CHARGE 001 -COURT SEQ COURT NO.-292005CF012442D001TA  
 SUPPLEMENTAL ARREST DATA-  
 STATUS- LEVEL-FELONY ,2ND DEG  
 PROSC DATA-SAME AS ABOVE,BURGLARY-  
 BURGLARY OF A DWELLING  
 STATUTE/ORDINANCE-FL810.02(3) LEVEL-FELONY ,2ND DEG  
 STATUTE DESCRIPTN-BURGLARY TO STRUCTURE CONVEYANCE UNARMED  
 DISP DATE-07/14/2005 DISP-N/A  
 COURT DATA-REDUCED ,BURGLARY-  
 BURGLARY OF A STRUCTURE  
 STATUTE/ORDINANCE-FL810.02(3) LEVEL-FELONY ,3RD DEG  
 STATUTE DESCRIPTN-BURGLARY TO STRUCTURE CONVEYANCE UNARMED  
 DISP DATE-01/17/2006 DISP-GUILTY/CONVICTED ;  
 COUNSEL-SELF TRIAL- PLEA-GUILTY  
 SENT DATE-03/21/2007  
 CONCURRENT ,05CF012442

FINE- COURT COST- \$800  
 CRT PROVISION- ABIDE BY COURT RESTRICTIONS  
 SPECIAL SENTENCE PROVISIONS-NOT APPLICABLE  
 CHARGE 002 -COURT SEQ COURT NO.-292005CF012442D001TA  
 SUPPLEMENTAL ARREST DATA-  
 STATUS- LEVEL-FELONY ,3RD DEG  
 PROSC DATA- LARCENY-

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GRAND THEFT THIRD DEGREE 300 5000  
 STATUTE/ORDINANCE-FL812.014(2C1) LEVEL-FELONY ,3RD DEG  
 STATUTE DESCRIPTN-GRAND THEFT 300 LESS THAN 5K DOLS  
 DISP DATE-07/14/2005 DISP-N/A

COURT DATA-LARCENY-

GRAND THEFT THIRD DEGREE 300 5000  
 STATUTE/ORDINANCE-FL812.014(2C1) LEVEL-FELONY ,3RD DEG  
 STATUTE DESCRIPTN-GRAND THEFT 300 LESS THAN 5K DOLS  
 DISP DATE-01/17/2006 DISP-GUILTY/CONVICTED  
 COUNSEL-PRIVATE TRIAL-NONE PLEA-GUILTY  
 SENT DATE-03/21/2007

CONCURRENT ,05CF012442

CRT PROVISION- ABIDE BY COURT RESTRICTIONS

SPECIAL SENTENCE PROVISIONS-NOT APPLICABLE

-----  
 ARREST- 16 12/21/2005 OBTS NO.-2901133111  
 ARREST AGENCY-TAMPA POLICE DEPARTMENT (FL0290200)  
 AGENCY CASE-0000245923 OFFENSE DATE-  
 CHARGE 001-FAILURE TO APPEAR-  
 FAILURE TO APPEAR  
 STATUTE/ORDINANCE-FL843.15(1B) LEVEL-MISDEMEANOR,3RD DEG  
 BOOKING STATUS-HELD

-----  
 ARREST- 17 08/03/2008 OBTS NO.-2901206040  
 ARREST AGENCY-HILLSBOROUGH COUNTY SHERIFF'S OFFICE (FL0290000)  
 AGENCY CASE-0000245923 OFFENSE DATE-  
 CHARGE 001-BATTERY-  
 BATTERY DOMESTIC VIOLENCE  
 STATUTE/ORDINANCE- LEVEL-MISDEMEANOR,1ST DEG  
 BOOKING STATUS-HELD

JUDICIAL-

AGENCY-STATE ATTORNEY OFFICE - TAMPA (FL029015A)  
 CHARGE 001 -COURT SEQ COURT NO.-292008MM016313D001TA  
 SUPPLEMENTAL ARREST DATA-  
 STATUS- LEVEL-MISDEMEANOR,1ST DEG  
 PROSC DATA-SAME AS ABOVE,BATTERY-  
 BATTERY DOMESTIC VIOLENCE  
 STATUTE/ORDINANCE-FL784.03(1AB) LEVEL-MISDEMEANOR,1ST DEG  
 DISP DATE-09/03/2008 DISP-DROPPED/ABANDONED  
 COUNSEL-SELF TRIAL- PLEA-

=== 66648 ===

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 DEC 13 2010  
 LRD

SPECIAL SENTENCE PROVISIONS-NOT APPLICABLE

-----  
THIS RECORD CONTAINS FLORIDA INFORMATION ONLY. WHEN EXPLANATION OF A CHARGE OR DISPOSITION IS NEEDED, COMMUNICATE DIRECTLY WITH THE AGENCY THAT CONTRIBUTED THE RECORD INFORMATION. IF YOU DID NOT SUBMIT FINGERPRINTS, THIS RECORD IS PROVIDED AS A RESULT OF A NAME INQUIRY ONLY. POSITIVE IDENTIFICATION CAN ONLY BE VERIFIED BY SUBMISSION OF A FINGERPRINT CARD AND COMPARISON BY FDLE. THIS RECORD WAS REQUESTED PURSUANT TO 943.053(3), F.S. UNKNOWN AS TO NATIONAL RECORD STATUS.

AS MANDATED BY FLORIDA STATUTE 119.071(5), FULL SOCIAL SECURITY NUMBERS ARE NOW EXEMPT FROM PUBLIC DISCLOSURE AND MAY BE DISCLOSED ONLY TO GOVERNMENTAL ENTITIES AND CERTAIN COMMERCIAL ENTITIES (UPON A SHOWING OF BUSINESS NECESSITY AS DEFINED BY THE LAW). FDLE WILL, HOWEVER, RELEASE THE LAST FOUR DIGITS OF THE SOCIAL SECURITY NUMBER.  
EXAMPLE: XXX XX 1234.

END OF RECORD

=== 66648 ===



*Janell Blackwood*  
Administrator, User Services Bureau

Florida Dept. of Law Enforcement  
Sworn and Subscribed before me this  
27th day of *November*, 2010  
by *Janell Blackwood* who is  
personally known to me.

*John J. Prchal*

JOHN J. PRCHAL  
MY COMMISSION # EE 036675  
EXPIRES: October 24, 2014  
Bonded Thru Notary Public Underwriters

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PP01 0 T01902

P130AN1 02/22/2008 16:36:11

PROBATION/PAROLE RECORD

PAGE 3

DOC.NO: T01902 NAME: SMALL, TERRENCE D.

STATUS: ACTIVE

11/17/03 PROBATION FELONY MIN 1Y 6M 0D 05/16/05 06/16/04  
 PFX 02 PROB: 1Y 6M 0D FLA. PAROLE COMM.: 0Y 0M 0D  
 STATUS: IMPOSED FPC SCHED. TERM : 00/00/00

COMP: 001 DRIV W/LIC S/R/C/D FELONY

OFFENSE CODE: 8808

ADJUD. W/H

CASE #: 0316456

IMPOSED DATE: 11/17/03

BEGIN SENTENCE: 11/17/03

COMP LENGTH: 1Y 6M 0D

UNIFORM CASENO:

COUNTY: HILLSBOROUGH COUNT : 001

SCHED. TERM: 05/16/05

SUPV. TYPE: PROBATION

RVKD-TEC 06/16/04

JUDGE: THARPE

COUNTY JAIL: 0Y 0M 0D

OBTS:

CNTS : 001 CC

BEGIN SUPV.	TYPE OF SUPERVISION	SUPV LEVEL	OVERALL LENGTH	OVERALL SCH. TERM	OVERALL ACTUAL TERM
01/17/06	PROBATION FELONY	MED	2Y 7M 6D	08/22/08	
PFX 03	PROB: 2Y 7M 6D			FLA. PAROLE COMM.: 0Y 0M 0D	
	STATUS: IMPOSED			FPC SCHED. TERM : 00/00/00	
	P/N				

10.B yes Driving w/LIC Suspendant misdemeanor

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NOV 15 2008  
403410

DOC.NO: T01902 NAME: SMALL, TERRENCE D.

STATUS: ACTIVE

COMP: 001 BURGOCSTRUC/CV OR ATT.

OFFENSE CODE: 2200

ADJUD. W/H

CASE #: 0512442

UNIFORM CASENO:

COUNTY: HILLSBOROUGH COUNT : 001

SUPV. TYPE: PROBATION

JUDGE: F/THARPE

OBTs:

CNTS : 001 CC

IMPOSED DATE: 01/17/06

BEGIN SENTENCE: 01/17/06

COMP LENGTH: 2Y 7M 6D

SCHED. TERM: 08/22/08

ACTUAL TERM: 00/00/00

COUNTY JAIL: 0Y 0M 0D

002 GRAND THEFT, 300 L/5,000

OFFENSE CODE: 8530 CC 03-001

ADJUD. W/H

CASE #: 0512442

UNIFORM CASENO:

COUNTY: HILLSBOROUGH COUNT : 002

SUPV. TYPE: PROBATION

JUDGE: F/THARPE

OBTs:

CNTS : 001 CC

IMPOSED DATE: 01/17/06

BEGIN SENTENCE: 01/17/06

COMP LENGTH: 2Y 7M 6D

SCHED. TERM: 08/22/08

ACTUAL TERM: 00/00/00

COUNTY JAIL: 0Y 0M 0D

P/N

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NOV 15 2006

400-111

Terrance D. Small

SS# 593-09-7266

Dec 20<sup>th</sup>, 2010

ATTN: Mrs JILL

I Mr. Terrance D. Small  
on this Date of December 20<sup>th</sup>, 2010.

To the Asbestos Board of Virginia DPC  
would like to request a IEE Hearing  
on my behalf.

To the Board, work is very slow here  
in Fla, I would very much like to  
be granted this license to work in Virginia

I have just left GA working for  
about 8 months, and I have been home  
for about 4 months and there is just no  
work. I have 3 kids a wife, and a home  
to take care of. It would be greatly  
appreciated if you all would grant  
me this license.

Terrance D. Small

Mary Annas

& a Happy New Years

If need be you can call me at  
(813) 484-7687



To Whom it may Concern

I have been offered a job in the State of Virginia for about 6 to 8 months. At this time I would like to ask, would you please grant me this license to work there in Virginia. I have just left the state of GA and I have been working here for about 8 months. I think have gotten a little slow. I have a wife, 3 kids, & a home that I am trying to maintain, so at this time I hope & pray this is not asking too much.

Lenance Small

Merry James

Happy New Years  
to you all

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Thank you very much.

12-6-10

Dr. Thom St. May Concern,

I, Anita Starks have known Terrance Small for approximately thirty-two years. He is a very intelligent and well educated young man. Terrance is also a very hard worker, and takes pride in his work.

Terrance is mannerable, dependable, honest, trustworthy and shows respect for himself and others.

In closing, I'm asking you to please grant Terrance Small license for the State of Virginia  
Thanking you in advance for your consideration.

address: 3809 River Grove Ct.  
Tampa, Florida

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LRD

Yours Truly,  
Mrs. Anita Starks



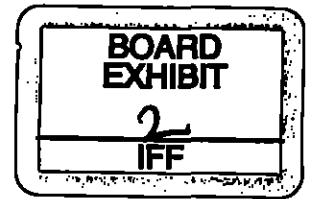
**INFORMAL FACT-FINDING CONFERENCE  
SCHEDULING WAIVER NOTICE**

I, Terrance D. Small, have a license application pending with the at the Department of Professional and Occupational Regulation ("The Department"). I have requested an Informal Fact-Finding Conference and my hearing is scheduled on February 10, 2011, at 1:00 p.m. at The Department, located at 9960 Mayland Drive, Suite 201, Richmond, Virginia 23223.

I understand I am entitled to appear before a presiding officer for the informal presentation of factual data, argument, or proof in connection with my case, and that I have the right to have reasonable notice of my hearing pursuant to § 2.2-4019 of the *Code of Virginia*. By signing this document, I understand and consent to the scheduling of my hearing on February 10, 2011, at 1:00 p.m.

Signed: Terrance D. Small Date: 1/26/11

**Please return this form prior to your hearing. You may mail it to the Department's letterhead address to the attention of Ilona LaPaglia, Legal Analyst, or you may bring it with you to your hearing.**



**COMMONWEALTH of VIRGINIA**  
**DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

GORDON N. DIXON  
DIRECTOR

January 20, 2011

**NOTICE OF  
INFORMAL FACT-FINDING CONFERENCE**

**MAILED VIA UPS**

DEPUTY DIRECTORS:

NICK A. CHRISTNER  
Compliance & Investigation

MARK N. COURTNEY  
Licensing & Regulation

STEVEN L. ARTHUR  
Administration & Finance

Mr. Terrance D. Small  
3811 River Grove Court  
Tampa, FL 33610

**Re: File No. 2011-03105  
Terrance D. Small**

Dear Mr. Small:

You have requested the Board for Asbestos, Lead, Mold and Home Inspectors ("the Board") conduct an Informal Fact-Finding Conference ("IFF Conference") regarding your application. The proceeding will take place on **February 10, 2011 at 1:00 p.m.** at the Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Richmond, VA. I have enclosed directions. Please call me at (804) 367-2194 upon receipt of this Notice to confirm that you will attend the IFF Conference.

Also enclosed is a waiver form for you to sign. This form is advising us that you are waiving the 30 day notice of this conference and are willing to go forward with the IFF Conference. Please sign the waiver form and mail it back to me before the conference or bring it with you to the conference.

Pursuant to Code § 2.2-4019.B, agencies may, in their case decisions, rely upon public data, documents or information only when the agencies have provided all parties with advance notice of an intent to consider such public data, documents or information. This requirement shall not apply to an agency's reliance on case law and administrative precedent.

IFF Conferences are provided for under the Administrative Process Act, §§ 2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended. Venue for conferences is established pursuant to Virginia Code § 2.2-4003. The IFF Conference is designed to provide you an opportunity to come before a Presiding Officer designated by the Board and provide any documentation and/or testimony in support of your application. This IFF

Conference extends to you an opportunity to be heard in person, by counsel, or other qualified representative of your choice.

The information in the Board's file indicates that your application may not meet the regulatory or statutory requirements of the Board. The enclosed Regulatory Programs Division Application Review Informal Fact-Finding Conference Referral Memorandum ("Referral Memorandum") states the reasons that the licensing staff has not issued your license. The Referral Memorandum will be made part of the Agency Record during the IFF Conference.

Pursuant to §§ 54.1-204 (A), (B), and (D) of the Code of Virginia, the Board shall consider the following:

- A. A person shall not be refused a license, certificate or registration to practice, pursue, or engage in any regulated occupation or profession solely because of a prior criminal conviction, unless the criminal conviction directly relates to the occupation or profession for which the license, certificate or registration is sought. However, the regulatory board shall have the authority to refuse a license, certificate or registration if, based upon all the information available, including the applicant's record of prior convictions, it finds that the applicant is unfit or unsuited to engage in such occupation or profession.
  
- B. In determining whether a criminal conviction directly relates to an occupation or profession, the regulatory board shall consider the following criteria:
  - 1. The nature and seriousness of the crime;
  - 2. The relationship of the crime to the purpose for requiring a license to engage in the occupation;
  - 3. The extent to which the occupation or profession might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved;
  - 4. The relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the occupation or profession;
  - 5. The extent and nature of the person's past criminal activity;
  - 6. The age of the person at the time of the commission of the crime;
  - 7. The amount of time that has elapsed since the person's last involvement in the commission of a crime;
  - 8. The conduct and work activity of the person prior to and following the criminal activity; and
  - 9. Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.

- D. A regulatory board or department shall consider the criminal information as contained in the applicant's state or national criminal history in lieu of the applicant providing certified copies of such court records in determining whether a criminal conviction directly relates to an occupation or profession or if an applicant is unfit or unsuited to engage in an occupation or profession. The regulatory board or department may request additional information from the applicant in making such determination.

You should be prepared to present information related to these issues.

It is not the policy of the Board to reschedule these matters. Accordingly, you should plan to present your case on the scheduled date.

You are requested to bring a copy of this Notice, the Referral Memorandum and any other documentation and/or individuals that can provide information relevant to your application. You and any witnesses will have an opportunity to present facts related to your application. The IFF Conference is not an adversarial proceeding and there will not be any cross-examination; however, clarifying questions may be asked. A court reporter will be present at the IFF Conference and will prepare a transcript of the testimony given during the IFF Conference. All of the information and testimony presented during the IFF Conference will form the Agency Record.

Notify me in writing, at the address listed above, if you desire to have any witnesses subpoenaed on your behalf. Please provide the witnesses' name(s), physical address(es) and telephone number(s). Subpoenas cannot be issued without a written request.

Following the conclusion of the IFF Conference, the Presiding Officer will prepare a Summary of Informal Fact-Finding Conference ("the Summary") that will include a recommendation regarding this case. The Summary will be submitted to the Board for consideration at the next available Board meeting. The Board may accept, reject, or modify the Summary.

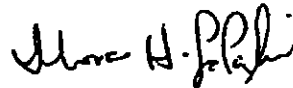
Prior to the Board meeting, a copy of the Summary will be provided to you and the participants of the IFF Conference. In addition, each member of the Board will be sent a complete copy of the Agency Record, which will include all of the exhibits, a copy of the IFF Conference transcript, and the Summary.

You and any participants of the IFF Conference will be invited to attend the Board meeting at which the Board will consider this case. Prior to the Board's final decision, you and the participants will be given the opportunity to make a limited presentation to the Board. At that time, you may not introduce new evidence but may state the reasons why you agree or disagree with the Summary. The Board will make a final decision regarding your application based upon the Agency Record. You will be notified of the Board's final decision within five days of the Board meeting.

**Persons desiring to participate in the conference, and requiring special accommodations or interpretive services, should contact the Department at (804) 367-8500. The Department fully complies with the Americans with Disabilities Act. Please notify the Department of your request for accommodation at least two weeks in advance for consideration of your request.**

If you have any questions, please contact me at (804) 367-2194.

Sincerely,



Ilona H. LaPaglia  
Legal Analyst  
Board Administrative Proceedings

IHL  
Enclosures

**LaPaglia, Ilona (DPOR)**

**From:** UPS Quantum View [auto-notify@ups.com]  
**Sent:** Tuesday, January 25, 2011 3:02 PM  
**To:** LaPaglia, Ilona (DPOR)  
**Subject:** UPS Delivery Notification, Tracking Number 1Z6877890390608217



**\*\*\*Do not reply to this e-mail. UPS and DPOR will not receive your reply.**

**At the request of DPOR, this notice is to confirm that the following shipment has been delivered.**

**Important Delivery Information**

**Tracking Number:** 1Z6877890390608217  
**Delivery Date / Time:** 25-January-2011 / 2:21 PM

**Driver Release Location:** MET CUSTOMER MAN

**Shipment Detail**

**Ship To:**  
Mr. Terrance D. Small  
3811 RIVER GROVE CT  
TAMPA  
FL  
33610  
US

**Number of Packages:** 1  
**UPS Service:** GROUND  
**Weight:** 1.0 LBS  
**Reference Number 1:** 426 / LaPaglia  
**Reference Number 2:** 11-03105\_Small ASB IFF Not 2/10/11

\_\_\_\_2RR2RR2vo7gt.u\_\_\_\_

Discover more about UPS:



### Shipment Receipt

Transaction Date: 11 Jan 2011  
 Tracking Number: 1Z887789039008217

<b>1 Address Information</b>		
<b>Ship To:</b> Mr. Terrance D. Small 3811 River Grove Court TAMPA FL 336101649  Residential	<b>Ship From:</b> DPOR Iona LaPaglia 9980 Mayland Drive Suite 400 RICHMOND VA 23233 Telephone:8043678500	<b>Return Address:</b> DPOR Iona LaPaglia 9980 Mayland Drive Suite 400 RICHMOND VA 23233 Telephone:8043678500

<b>2 Package Information</b>			
Weight	Dimensions / Packaging	Declared Value	Reference Numbers
1. 1.0 lbs	Other Packaging		Reference#1 - 428 / LaPaglia Reference#2 - 11-03105_Small ASB IFF Not 2/10/11

<b>3 UPS Shipping Service and Shipping Options</b>			
Service: UPS Ground Service  Guaranteed By: 1 End of Day Thursday, 1/13/2011			
Shipping Fee Subtotal:	8.65 USD	Additional Shipping Options:	
Transportation	5.75 USD	Quantum View Notify E-mail Notifications: No Charge	
Fuel Surcharge	0.45 USD	1 Iona.lapaglia@dpor.virginia.gov: Exception ,Delivery	
Residential Surcharge	2.45 USD		

<b>4 Payment Information</b>	
Bill Shipping Charges to:	Shipper's Account 687789
Daily rates were applied to this shipment	
Total Charged:	8.65 USD

Note: Your invoice may vary from the displayed reference rates.

\* For delivery and guarantee information, see the UPS Service Guide. To speak to a customer service representative, call 1-800-PICK-UPS for domestic services and 1-800-762-7892 for international services.

#### Responsibility for Loss or Damage

Unless a greater value is recorded in the declared value field as appropriate for the UPS shipping system used, the shipper agrees that the released value of each package covered by this receipt is no greater than \$100, which is a reasonable value under the circumstances surrounding the transportation. If additional protection is desired, a shipper may increase UPS's limit of liability by declaring a higher value and paying an additional charge. UPS does not accept for transportation and shipper's requesting service through the Internet are prohibited from shipping packages with a value of more than \$50,000. The maximum liability per package assumed by UPS shall not exceed \$50,000, regardless of value in excess of the maximum. Claims not made within nine months after delivery of the package (sixty days for international shipments), or in the case of failure to make delivery, nine months after a reasonable time for delivery has elapsed (sixty days for international shipments), shall be deemed waived. The entry of a C.O.D. amount is not a declaration of value for carriage purposes. All checks or other negotiable instruments tendered in payment of C.O.D. will be accepted by UPS at shipper's risk. UPS shall not be liable for any special, incidental, or consequential damages. All shipments are subject to the terms and conditions contained in the UPS Tariff and the UPS Terms and Conditions of Service, which can be found at [www.ups.com](http://www.ups.com).

Close Window

April 12, 2011

MAILED VIA UPS

Mr. Terrance D. Small  
3811 River Grove Court  
Tampa, FL 33610

**Re: File No. 2011-03105  
Terrance D. Small**

Dear Mr. Small:

Enclosed is a copy of the Summary of Informal Fact-Finding Conference (“the Summary”) prepared on behalf of the Asbestos Board (“the Board”) regarding the Informal Fact Finding Conference (“IFF”) held on February 10, 2011, regarding the above-referenced file.

The Summary, which includes the recommendation, will be presented to the Board at its next scheduled meeting on **May 3, 2011**. The meeting will be held at **9:00 a.m.** at the Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Richmond, VA. Directions are enclosed.

The Board has the authority to *accept* or *reject* the Summary. The Board may also, upon consideration of the Summary, testimony, and deliberations, amend the Summary and/or render its own decision. This includes denying a license application or renewal. The Board may consider any prior disciplinary actions before making its final decision.

At the Board meeting, participants may respond to the Summary *only*. Participants may not present any new information or bring any new witnesses. Participants will be permitted to speak for five minutes. This is your final opportunity to make a presentation to the Board before a final decision is made. If you would like to schedule an appointment for the Board meeting or have any questions, please contact the Board section at (804) 367-2648.

**Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the Department at (804) 367-8500. The Department fully complies with the American with Disabilities Act. Please notify the Department of your request for accommodation as soon as possible for consideration of your request.**

Sincerely,

Ilona LaPaglia  
Legal Analyst  
Board Administrative Proceedings

IHL  
Enclosure

1 VIRGINIA BOARD FOR ASBESTOS, LEAD, MOLD, AND HOME INSPECTORS

2 Lead Renewal vs Lead Training Date

3

4 18VAC15-30-52. Qualifications for licensure—individuals.

5 A. General. Applicants shall meet all applicable entry requirements at the time  
6 application is made.

7 B. Name. The applicant shall disclose his full legal name.

8 C. Age. The applicant shall be at least 18 years old.

9 D. Address. The applicant shall disclose a physical address. A post office box is only  
10 acceptable when a physical address is also provided.

11 E. Training. The applicant shall provide documentation of having satisfactorily  
12 completed the board-approved initial training program and all subsequent board-  
13 approved refresher training programs. Board-approved initial training programs shall be  
14 valid for 36 months after the last day of the month wherein completed. Board-approved  
15 refresher training programs shall be satisfactorily completed no later than 36 months  
16 after the last day of the month wherein the board-approved initial training program was  
17 completed and once each 36 months thereafter. Satisfactory completion of a board-  
18 approved initial training program shall be required of applicants that fail to timely  
19 complete the board-approved refresher program. The training documentation submitted  
20 by the applicant must be discipline specific.

21 ~~E. F.~~ Specific entry requirements.

22 1. Worker. Each applicant for a lead abatement worker ~~licensure~~ license shall  
23 provide evidence of successful completion of a board-approved ~~initial~~ lead  
24 abatement worker ~~course.~~ training as required in subsection E of this section.

1        The training must be valid for at least 12 months after the last day of the month  
2        wherein the initial lead abatement worker license is issued.

3        2. Project designer.

4        a. Each applicant for a lead project designer licensure license shall provide  
5        evidence of successful completion of a board-approved initial lead project  
6        designer course and successful completion of a board-approved initial lead  
7        abatement supervisor and one of the following: training and board-approved  
8        lead abatement supervisor training as required in subsection E of this  
9        section. The training must be valid for at least 12 months after the last day of  
10       the month wherein the initial lead project designer license is issued.

11       b. Each applicant for lead project designer licensure shall also provide  
12       evidence of one of the following:

13       a. (1) A bachelor's degree in engineering, architecture, or a related  
14       profession, and one year experience in building construction and design or a  
15       related field; or

16       b. (2) Four years of experience in building construction and design or a  
17       related field.

18       3. Supervisor.

19       a. Each applicant for a lead abatement supervisor licensure license shall  
20       provide evidence of:

21       (1) Successful completion of a board-approved initial lead abatement  
22       supervisor course training as required by subsection E of this section. The  
23       training must be valid for at least 12 months after the last day of the month  
24       wherein the initial lead abatement supervisor license is issued; and

1 (2) One year experience as a licensed lead abatement worker or two years  
2 experience in a related field (e.g., lead, asbestos or environmental  
3 remediation) or in the building trades.

4 b. Each applicant shall pass a board-approved licensing examination for  
5 supervisors within 36 months after completion of the board-approved lead  
6 abatement supervisor initial training course or the board-approved lead  
7 supervisor refresher course. Applicants who fail the examination three times  
8 must provide to the board evidence, after the date of their third examination  
9 failure, of having retaken and satisfactorily completed the initial training  
10 requirements and make new application to the board. The applicant is then  
11 eligible to sit for the examination an additional three times.

12 c. A licensed lead abatement supervisor may perform the duties of a licensed  
13 lead abatement worker.

14 4. Inspector.

15 a. Each applicant for ~~a~~ lead inspector ~~licensure license~~ shall provide evidence  
16 of successful completion of ~~a~~ board-approved ~~initial~~ lead inspector ~~course~~  
17 training as required by subsection E of this section. The training must be  
18 valid for at least 12 months after the last day of the month wherein the initial  
19 lead inspector license is issued.

20 b. Each applicant shall pass a board-approved licensing examination for lead  
21 inspector within 36 months after completion of the board-approved lead  
22 inspector initial training course or the board-approved lead inspector  
23 refresher course. Applicants who fail the examination three times must  
24 provide to the board evidence, after the date of their third examination failure,

1 of having retaken and satisfactorily completed the initial training requirements  
2 and make new application to the board. The applicant is then eligible to sit for  
3 the examination an additional three times.

4 5. Risk assessor.

5 a. Each applicant for ~~a~~ lead risk assessor ~~licensure~~ license shall provide  
6 evidence of successful completion of ~~a~~ board-approved ~~initial~~ lead risk  
7 assessor training ~~course~~ and ~~a~~ board-approved ~~initial~~ lead inspector training  
8 ~~course that was at least three days in length as required by subsection E of~~  
9 ~~this section. The training must be valid for at least 12 months after the last~~  
10 ~~day of the month wherein the initial lead risk assessor license is issued.~~

11 ~~b. Each applicant for lead risk assessor licensure shall also provide evidence~~  
12 ~~of successful completion and~~ one of the following:

13 (1) Certification or licensure as an industrial hygienist, a professional  
14 engineer, a registered architect or licensure in a related  
15 engineering/health/environmental field;

16 (2) A bachelor's degree and one year of experience in a related field (e.g.,  
17 lead, asbestos, environmental remediation work, or construction);

18 (3) An associate's degree and two years experience in a related field (e.g.,  
19 lead, asbestos, environmental remediation work, or construction); or

20 (4) A high school diploma or its equivalent, and at least three years  
21 experience in a related field (e.g., lead, asbestos, environmental remediation  
22 work, or construction).

23 ~~b. c.~~ Each applicant shall pass a board-approved licensure examination for  
24 risk assessor within 36 months after completion of the board-approved lead

1 risk assessor initial training course or the board-approved lead risk assessor  
2 refresher course. Applicants who fail the examination three times must  
3 provide to the board evidence, after the date of their third examination failure,  
4 of having retaken and satisfactorily completed the initial training requirements  
5 and make new application to the board. The applicant is then eligible to sit for  
6 the examination an additional three times.

7 F. Training verification. Training requirements shall be verified by submittal to the  
8 board of the training certificate issued by the accredited lead training provider for that  
9 course.

10 G. Education verification. Education requirements shall be verified by submittal to the  
11 board on the Education Verification Form sent directly from the school.

12 H. Experience verification. Experience requirements shall be verified by resumes,  
13 letters of reference, or documentation of work experience.

14 I. Conviction or guilt. The applicant shall disclose the following information:

15 1. A conviction in any jurisdiction of any felony.

16 2. A conviction in any jurisdiction of any misdemeanor.

17 3. Any disciplinary action taken in another jurisdiction in connection with the  
18 applicant's environmental remediation practice including, but not limited to,  
19 monetary penalties, fines, suspension, revocation, or surrender of a license in  
20 connection with a disciplinary action.

21 4. Any current or previously held environmental remediation certifications,  
22 accreditations or licenses issued by Virginia or any other jurisdiction.



1 Subject to the provisions of § 54.1-204 of the Code of Virginia, the board may deny  
2 any application for licensure or accreditation as a lead training provider when any of the  
3 parties listed in this subsection have been convicted of any offense listed in this  
4 subsection or has been the subject of any disciplinary action listed in subdivision 3 of  
5 this subsection. Any plea of nolo contendere shall be considered a conviction for the  
6 purposes of this subsection. A certified copy of a final order, decree or case decision by  
7 a court or regulatory agency with the lawful authority to issue such order shall be  
8 admissible as prima facie evidence of such conviction or discipline.

9 J. Standards of conduct and practice. Applicants shall be in compliance with the  
10 standards of conduct and practice set forth in Part VIII (18VAC15-30-510 et seq.) of this  
11 chapter at the time of application to the board, while the application is under review by  
12 the board, and at all times when the license is in effect.

13 K. Standing. The applicant shall be in good standing in every jurisdiction where  
14 licensed and the applicant shall not have had a license that was suspended, revoked or  
15 surrendered in connection with any disciplinary action in any jurisdiction prior to applying  
16 for licensure in Virginia. The board, at its discretion, may deny licensure or approval to  
17 any applicant based on disciplinary action by any jurisdiction.

18 Part V

19 Renewal

20 **18VAC15-30-164. Renewal required.**

21 A. Interim licenses shall expire six months from the last day of the month during  
22 which the individual completed the board-approved initial or refresher accredited lead  
23 training program required by 18VAC15-30-52 regardless of the date on which the board  
24 received the application for initial licensure or the date the board issued the license.

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1 B. Interim licenses shall not be renewed or extended.

2 C. Individual licenses shall expire 12 months from the last day of the month wherein  
3 ~~the individual completed the initial training program or refresher training program~~  
4 ~~required by 18VAC15-30-52 regardless of the date on which the board received the~~  
5 ~~application for individual licensure or the date the board issued the license. In no case~~  
6 ~~shall an individual license expire later than the last day of the month which is 36 months~~  
7 ~~after the date the individual completed the initial training program or most recent~~  
8 ~~refresher training program.~~

9 D. Contractor licenses shall expire 12 months from the last day of the month wherein  
10 issued.

11 E. Accredited lead training programs approval shall expire 24 months from the last  
12 day of the month in which the board granted approval.

13 **18VAC15-30-166. Qualifications for renewal.**

14 A. Individuals.

15 1. ~~Licenseses desiring to maintain an individual license shall satisfactorily~~  
16 ~~complete the refresher training program established by this chapter and assure~~  
17 ~~that the board receives documentation of satisfactory completion no later than~~  
18 ~~the last day of the month that is 36 months after the date of completion of the~~  
19 ~~initial training program or refresher training program and not less often than once~~  
20 ~~each 36 months thereafter. Licenseses desiring to maintain an individual license~~  
21 ~~shall satisfactorily complete the required board-approved refresher training~~  
22 ~~course within 36 months after the date that the initial or most recent refresher~~  
23 ~~training course was completed and at least once every 36 months thereafter. If~~  
24 ~~the licensee fails to successfully complete the required refresher training within~~

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1        36 months after the date of the initial or most recent refresher training, the  
2        individual's license shall not be renewed. To regain licensure, the individual shall  
3        re-take and successfully complete the board-approved initial training course,  
4        apply as a new applicant, submit the appropriate fee as specified in 18 VAC 15-  
5        30-162, and meet all entry requirements established by this chapter. In the case  
6        of a proficiency-based course completion, refresher training is required every 60  
7        months instead of 36 months.

8        2. Licensees are responsible for ensuring that the board receives proof of  
9        completion of the required board-approved training. Prior to the expiration date  
10       shown on the individual's current license, the individual desiring to renew that  
11       license shall provide evidence of meeting the board-approved refresher training  
12       requirement for license renewal.

13       3. Refresher training shall be specific to the discipline of the license being  
14       renewed.

15       ~~2. 4.~~ The board shall renew an individual license for an additional 12 months  
16       upon receipt of a renewal application and fee in compliance with 18VAC15-30-  
17       163 and 18VAC15-30-165, provided that the licensee has complied with  
18       subdivision 1 of this subsection. ~~In no case shall an individual license expire later~~  
19       ~~than the last day of the month that is 36 months, or in the case of proficiency-~~  
20       ~~based course 60 months, after the initial training program or most recent~~  
21       ~~refresher training program was completed.~~

22       B. Contractors. The board shall renew a contractor license for an additional 12  
23       months upon receipt of a renewal application and the renewal fee in compliance with  
24       18VAC15-30-163 and 18VAC15-30-165. Return of the renewal application and renewal

1 fee to the board shall constitute a certification that the licensee is in full compliance with  
2 the board's regulations.

3 C. Accredited training programs.

4 1. Accredited lead training providers desiring to maintain approval of their  
5 accredited lead training program shall cause the board to receive the following no  
6 later than ~~48~~ 24 months after the date of initial approval and not less often than  
7 once each ~~48~~ 24 months thereafter:

8 a. The training provider's name, address, and telephone number.

9 b. A statement signed by the training program manager that certifies that:

10 (1) The course materials for each course meet the requirements of Part VII  
11 (18VAC15-30-440 et seq.) of this chapter.

12 (2) The training manager and principal instructors meet the qualifications  
13 listed in 18VAC15-30-340.

14 (3) The training program manager complies at all times with all requirements  
15 of this chapter.

16 (4) The quality control program meets the requirements noted in 18VAC15-  
17 30-410.

18 (5) The recordkeeping requirements of this chapter will be followed.

19 2. Return of the renewal application and renewal fee to the board shall constitute  
20 a certification that the accredited lead training provider is in full compliance with  
21 the board's regulations.

22 3. An audit by a board representative may be performed to verify the certified  
23 statements and the contents of the application before relicensure is granted.

1           4. Accredited lead training programs determined by the board to have met the  
2           renewal requirements shall be issued an approval for an additional 24 months.

3   **18VAC15-30-790. Professional responsibility.**

4           A. The licensee or accredited lead training provider shall, upon request or demand,  
5           produce to the board, or any of its representatives, any plan, document, book, record or  
6           copy thereof in his possession concerning a transaction covered by this chapter, and  
7           shall cooperate in the investigation of a complaint filed with the board against a licensee  
8           or accredited lead training provider.

9           B. A licensee shall not use the design, plans, or work of another licensee with the  
10          same type of license without the original's knowledge and consent, and after consent, a  
11          thorough review to the extent that full responsibility shall be assumed by the user.

12          C. Accredited lead training providers shall admit board representatives for the  
13          purpose of conducting an on-site audit, or any other purpose necessary to evaluate  
14          compliance with this chapter and other applicable laws and regulations.

15          D. Each licensee shall keep his board-approved training and license current.

16   **18VAC15-30-810. Grounds for denial of application, denial of renewal, or**  
17   **discipline.**

18          A. The board shall have the authority to fine any licensee or accredited lead training  
19          provider, training manager or principal instructor, and to deny renewal, to suspend, to  
20          revoke or to deny application for any license or approval as an accredited lead training  
21          program, accredited lead training provider, training manager or principal instructor  
22          provided for under Chapter 5 of Title 54.1 of the Code of Virginia for:

- 1           1. Violating or inducing another person to violate any of the provisions of Chapter  
2           1, 2, 3, or 5 of Title 54.1 of the Code of Virginia, or any of the provisions of this  
3           chapter.
- 4           2. Obtaining a license, approval as an accredited lead training program, approval  
5           as an accredited lead training provider or approval as a training manager or  
6           principal instructor through fraudulent means.
- 7           3. Altering, falsifying or issuing a fraudulent Virginia lead license or a training  
8           certificate issued by an accredited lead training provider.
- 9           4. Violating any provision of any federal or state regulation pertinent to lead-  
10          based paint activities.
- 11          5. Having been found guilty by the board, another regulatory authority, or by a  
12          court, of any misrepresentation in the course of performing his operating duties.
- 13          6. Subject to the provisions of § 54.1-204 of the Code of Virginia, having been  
14          convicted or found guilty, regardless of adjudication in any jurisdiction of the  
15          United States, of any felony or of any misdemeanor involving lying, cheating, or  
16          stealing, or of any violation while engaged in environmental remediation activity  
17          that resulted in the significant harm or the imminent and substantial threat of  
18          significant harm to human health or the environment, there being no appeal  
19          pending therefrom or the time for appeal having elapsed. Any plea of nolo  
20          contendere shall be considered a conviction for the purposes of this chapter. A  
21          certified copy of the final order, decree or case decision by a court or regulatory  
22          agency with lawful authority to issue such order, decree or case decision shall be  
23          admissible as prima facie evidence of such conviction or discipline.

- 1           7. Failing to notify the board in writing within 30 days of pleading guilty or nolo  
2           contendere or being convicted or found guilty of any felony or of any  
3           misdemeanor involving lying, cheating, or stealing or of any violation while  
4           engaged in environmental remediation activity that resulted in the significant  
5           harm or the imminent threat of significant harm to human health or the  
6           environment.
- 7           8. Negligence, or a continued pattern of incompetence, in the practice of the  
8           discipline in which a lead license is held.
- 9           9. Failing or neglecting to send any information or documentation that was  
10          requested by the board or its representatives.
- 11          10. Refusing to allow state or federal representatives access to any area of an  
12          abatement site for the purpose of lawful compliance inspections.
- 13          11. Any unlawful act or violation of any provision of Chapter 5 of Title 54.1 of the  
14          Code of Virginia or of the regulations of the board by any lead abatement  
15          supervisor or lead abatement worker may be cause for disciplinary action against  
16          the lead abatement contractor for whom he works if it appears to the satisfaction  
17          of the board that the lead abatement contractor knew or should have known of  
18          the unlawful act or violation.
- 19          12. Failing to notify the board in writing within 30 days after any change in  
20          address or name.
- 21          13. Acting as or being an ostensible licensee for undisclosed persons who do or  
22          will control or direct, directly or indirectly, the operations of the licensee's  
23          business.
- 24          14. Failing to keep board-approved training and license current.

1 B. Any individual or firm whose license, approval as an accredited lead training  
2 program, approval as an accredited lead training provider or approval as a training  
3 manager or principal instructor is revoked under this section shall not be eligible to  
4 reapply for a period of one year from the effective date of the final order of revocation.  
5 The individual or firm shall meet all education, experience, and training requirements,  
6 complete the application, and submit the required fee for consideration as a new  
7 applicant.

8 C. The board shall conduct disciplinary procedures in accordance with §§ 2.2-4019  
9 and 2.2-4021 of the Administrative Process Act.

10 Certification Statement:

11 I certify that this regulation is full, true, and correctly dated.

12 \_\_\_\_\_ (Signature of certifying official)

13 Name and title of certifying official: \_\_\_\_\_

14 Name of agency: \_\_\_\_\_

15 Date: \_\_\_\_\_



**ALMHI Board  
Home Inspector  
Training Entry  
Requirement**

# Memo

**To:** ALMHI Board Members  
**From:** Jill R. Hrynciw, Board Administrator  
**Date:** April 1, 2011  
**Re:** Home Inspector Entry Training Requirement

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## Regulations

The entry requirement found under Qualifications for Certification at 18 VAC 15-40-30 states that applicants complete specified hours of “classroom” instruction. Distance learning courses such as correspondence courses (home study courses) and on-line courses (internet courses) are not currently accepted by Board staff as “classroom” instruction because they do not typically take place in a classroom.

As of April 1, 2011, Certified Home Inspectors are required to complete 16 hours of Continuing Professional Education (CPE). Per 18 VAC 15-40-72.F, distance learning courses shall comply with the CPE requirement.

Both 18 VAC 15-40-30 and 18 VAC 15-40-72.B state that the subject matter addressed during pre-certification instruction courses and CPE instruction courses shall be limited to the content areas covered by the Board’s examination.

## Staff Question

At its last regulatory review, did the Board intend to maintain a limit of “classroom” instruction on pre-certification training completed to meet the entry requirement?

### **Staff Concern**

The fact that distance learning is not acceptable as an entry requirement but is acceptable as a renewal requirement may create confusion among the regulant population. In addition, the desire to complete distance learning courses, on-line courses specifically, has grown in popularity. With the advancement in technology, the number of Home Inspector on-line courses has increased and are readily available. At the same time, classroom courses are becoming rare and this creates a barrier to certification.

### **Recommendation**

Board staff recommends that the Board adopt a policy stating that distance learning courses, which cover the content areas of the board-approved examination, meet the entry requirement.

If such policy is adopted, the above-mentioned barrier will be lowered without adversely affecting public protection. In addition, the confusion over when distance learning is or is not allowed should be eliminated. Finally, Board staff and the Board will work together at the next regulatory review to ensure that the Certified Home Inspector Regulations are amended as such.

# MEMORANDUM

**TO:** Accredited Asbestos Training Providers  
Accredited Lead Training Providers

**FROM:** David E. Dick, Executive Director  
Virginia Board for Asbestos, Lead, and Home Inspectors

**PHONE:** (804) 367-8595

**DATE:** November 19, 2004

**SUBJECT:** Discipline-Specific Refresher Training for Workers and Supervisors

**Supervisor Refresher Training Programs completed after December 31, 2004 cannot be used to renew Worker licenses in the Commonwealth of Virginia.**

Presently, an Asbestos Worker License may be renewed by submitting evidence of having completed either an Asbestos Worker Refresher Training Program or an Asbestos Supervisor Refresher Training program. Likewise, a Lead Worker License may be renewed by submitting evidence of having completed either a Lead Worker Refresher Training Program or a Lead Supervisor Refresher Training Program.

On November 3, 2004, the Board for Asbestos, Lead, and Home Inspectors (Board) determined that their regulations did not allow the above-mentioned practice. Therefore, Supervisor refresher training completed after December 31, 2004 will be accepted to renew only Supervisor licenses.

As an Accredited Training Provider approved by the Board, please pass this information along to your course instructors. If you conduct any Supervisor Refresher Training Program, please ensure that your course participants are informed that they cannot renew a Worker license in Virginia by completing a Supervisor Refresher Training Program.

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**ALMHI Board  
Asbestos Refresher  
Courses for Workers  
and Supervisors**

# Memo

**To:** ALMHI Board Members  
**From:** Michele L. Atkinson, Board Administrator  
**Date:** November 17, 2010  
**Re:** Asbestos Refresher Courses for Workers and Supervisors

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Mr. Keith Cronan, Chairman of the ALMHI Board, requested that staff conduct research regarding the requirements for renewing asbestos worker and asbestos supervisor licenses.

## Background

During the public comment period of the Board's November 10, 2010, meeting, Mr. Joe Crockett of Waco, Inc. questioned the reason an individual is able to receive an initial asbestos worker license with initial asbestos worker or initial asbestos supervisor training, but can only renew the asbestos worker license with an asbestos worker refresher course.

In 2009, the Board addressed a similar question regarding renewal requirements for lead licensees. In a memorandum dated May 13 2009, staff requested that the Board provide an interpretation of the Lead-based Paint Activities Regulations regarding renewal requirements for the various lead licenses. In the memorandum, staff offered the opinion that the Board's intention in 18VAC15-30-164 was to require licensees to complete refresher courses specific to the discipline of the license and that substitutions not be allowed.

On August 12, 2009, the Board adopted staff's recommendation that licensees complete refresher courses specific to the discipline of the license and that no substitutions be allowed. Further, the Board decided that though the entry requirements for lead project designers and risk assessors require completion of initial courses for two distinct lead disciplines, the licensees must complete only one refresher course to renew the license and the refresher course must be specific to the discipline of the license being renewed. For an example, for initial licensure, lead project designers must complete both the initial lead project designer and initial lead

abatement supervisor courses. For renewal, lead project designers are required to complete only a lead project designer refresher course, the course specific to the discipline of the license being renewed. A lead abatement supervisor refresher course will not satisfy the lead project designer renewal requirement.

### Regulations

Appendix C to Subpart E of 40 CFR 763, the Asbestos Model Accreditation Plan (MAP), provides initial and continuing education requirements for each asbestos discipline.

Section B.1 of Appendix C to Subpart E of 40 CFR 763 states, “. . . A person who is otherwise accredited as a contractor/supervisor may perform in the role of a worker without possessing separate accreditation as a worker.”

Section D of Appendix C to Subpart E of 40 CFR 763 states, “. . . The refresher courses shall be *specific to each discipline* (emphasis added). Refresher courses shall be conducted as separate and distinct courses and not combined with any other training during the period of the refresher course.”

The Board's regulations at 18VAC15-20-32 provide *entry requirements* for initial licensure of the various asbestos disciplines. Specifically, regulations at 18VAC15-20-32.E.1 and 2 provide:

“1. Worker. Each individual applying for an initial asbestos worker license shall provide proof of successful completion of (i) an EPA/AHERA or board-approved initial accredited asbestos worker training program and all subsequent EPA/AHERA or board-approved accredited asbestos worker refresher training programs or (ii) an EPA/AHERA or board-approved initial accredited supervisor training program and all subsequent EPA/AHERA or board-approved accredited asbestos supervisor refresher training programs. The training certificate must indicate that the training was taken within 12 months preceding the date the department receives the application.

2. Supervisor. Each individual applying for an initial asbestos supervisor license shall provide proof of successful completion of an EPA/AHERA or board-approved initial accredited supervisor training program and all subsequent EPA/AHERA or board-approved accredited asbestos supervisor refresher training programs. The training certificate must indicate that the training was taken within 12 months preceding the date the department receives the application.”

The Board's regulations at 18VAC15-20-70 provide *procedures for renewing* licenses of the various asbestos disciplines. Specifically, regulations at 18VAC15-20-70.C provide:

“C. Prior to the expiration date shown on the individual's current license, the individual desiring to renew that license shall provide evidence of meeting the annual refresher training requirement for license renewal and the appropriate fee specified in 18VAC15-20-53. The board will accept any asbestos training programs that are approved by EPA/AHERA or the board. A copy of the training certificate documenting the *successful completion of the refresher training for the license discipline being renewed* and meeting the requirements outlined in this chapter shall accompany the renewal notice and fee” (emphasis added).

### **Asbestos Worker and Supervisor Refresher Training Programs**

The Board's regulations at 18VAC15-20-730 and 18VAC15-20-760 provide refresher training program requirements for asbestos workers and supervisors.

A comparison of the worker and supervisor refresher training programs reveals: (1) both are eight-hour courses; (2) four of the five required topics for the worker refresher program are required topics for the supervisor refresher program; (3) personal hygiene, a required topic for worker refresher training, is not a required topic for supervisor refresher training; and (4) in addition to the four required topics for the worker refresher program, the supervisor refresher training program addresses medical monitoring, respiratory protection, and certain federal and state regulations.

### **Summary**

1. Pursuant to the Board's regulations, an individual applying for an asbestos worker license may meet initial entry requirements by submitting documentary evidence of successful completion of an approved initial accredited asbestos *worker* training program and all subsequent worker refresher courses or an approved initial accredited asbestos *supervisor* training program and all subsequent supervisor refresher courses.
2. The Asbestos MAP allows an accredited asbestos supervisor to act in the role of a worker without possessing separate accreditation as a worker. However, the MAP requires refresher courses to be specific to the discipline. Note: Project monitor is not a federally mandated discipline and the Asbestos MAP does not specifically address continuing education for project monitors.
3. Pursuant to the Board's regulations at 18VAC15-20-70.C, individuals renewing their license must submit documentary evidence of successful completion of the refresher training for the license discipline being renewed.
4. The primary differences in the worker and supervisor refresher training are:
  - a. Personal hygiene is a required topic for worker fresher training, but is not required for supervisor refresher training; and

b. Medical monitoring, respiratory protection, and certain federal and state regulations are required topics for supervisor refresher training, but are not required for worker refresher training.

### **Recommendation**

The Asbestos MAP and current Board regulations require refresher courses to be specific to each discipline. While the supervisor refresher training program addresses more topics than the worker refresher training program, the supervisor training program does not address personal hygiene, as required for the worker refresher program.

I believe the intent of the regulation is to ensure that refresher training is discipline-specific. Therefore, I recommend that individuals renewing their asbestos worker licenses continue to be required to complete the asbestos worker refresher training. The current practice of requiring refresher courses to be discipline-specific is consistent with the Asbestos MAP, current asbestos regulations, and the Board's 2009 interpretation of renewing lead licenses. Additionally, continuing the practice of discipline-specific refresher training will lessen the possibility of incorrect eligibility determinations made by licensing staff.

At its next regulatory review, the Board may want to consider limiting the entry requirements for asbestos workers to the successful completion of an EPA/AHERA or board-approved initial accredited asbestos worker training program only. While the MAP clearly allows an individual licensed as an asbestos supervisor to perform the role of an asbestos worker without holding a separate license, it does not indicate that an asbestos supervisor initial training program may be used to satisfy the asbestos worker initial training requirement. Additionally, limiting the entry training requirement to worker initial training only will have no impact on licensed asbestos supervisors. A licensed asbestos supervisor will still be allowed to perform the role of an asbestos worker.