

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

The Virginia Board for Asbestos, Lead, and Home Inspectors met on November 5, 2020, at the offices of the Department of Professional and Occupational Regulation (DPOR), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 2, Richmond, Virginia 23233.

The following members of the Board were present:

Sandra Baynes	David P. Rushton
John E. Cranor	Patrick Studley
James E. Haltigan	Paul D. Thomas
Gene E. Magruder, Vice-Chair	

Board members Chadwick Bowman, Rick Holtz, Galappa Madhusudhan, Peter Palmer, and Louis Walker were not present at the meeting.

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

Mary Broz-Vaughan, Director
Trisha L. Henshaw, Executive Director
Joseph C. Haughwout, Jr., Board and Regulatory Administrator
Tanya M. Pettus, Administrative Assistant

Joshua Laws from the Office of the Attorney General was present.

Mr. Magruder, finding a quorum of the Board present, called the meeting to order at 9:03 a.m. **Call to Order**

Ms. Henshaw advised the Board of the emergency evacuation procedures. **Emergency Evacuation Procedures**

Ms. Henshaw advised the Board of safety measures currently in place due to COVID-19. **COVID-19 Safety Reminders**

Ms. Henshaw thanked staff member Brenda Hundley, who was present to assist in implementing safety protocols.

Mr. Rushton moved to approve the agenda as presented. Ms. Baynes seconded the motion which was unanimously approved by: Baynes, Cranor, Haltigan, Magruder, Rushton, Studley, and Thomas. **Approval of Agenda**

Ms. Baynes moved to approve the minutes of the August 20, 2020, Board meeting as presented. Mr. Rushton seconded the motion which was unanimously approved by: Baynes, Cranor, Haltigan, Magruder, Rushton, Studley, and Thomas. **Approval of Minutes**

There were no members of the public present to address the Board on matters other than the case files to be presented.

Public Comment
Period

Mr. Rushton recused himself from the meeting for discussion and deliberation of File Number 2020-00530.

Recusal of Board
Member

In the matter of **File Number 2020-00530, Matthew Joseph Setter**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Setter.

File Number 2020-
00530, Matthew
Joseph Setter

Mr. Setter was present to address the Board and withdrew his agreement to the Consent Order. After discussion, Mr. Setter requested that the matter be referred to an Informal Fact-Finding Conference (IFF).

After further discussion, Mr. Cranor moved to refer File Number 2020-00530 for an IFF. Ms. Baynes seconded the motion which was unanimously approved by: Baynes, Cranor, Haltigan, Magruder, Studley, and Thomas.

Mr. Rushton returned to the meeting.

Return of Board
Member

In the matter of **File Number 2020-02911, Carlton Jonell Brown**, the Board members reviewed the record which consisted of the application file, transcript and exhibits from the IFF, and the Presiding Officer's Summary and Recommendation. Ms. Baynes moved to accept the recommendation of the Presiding Officer and approve Mr. Brown's application for an asbestos worker license. Mr. Studley seconded the motion which was unanimously approved by: Baynes, Cranor, Haltigan, Magruder, Rushton, Studley, and Thomas.

File Number 2020-
02911, Carlton Jonell
Brown

Mr. Haughwout provided an update on the current status of the regulatory review processes for the Board's regulatory packages.

Regulatory Action
Update

A Notice of Intended Regulatory Action (NOIRA) is currently in development for a general review of the Home Inspector Licensing Regulations. The Home Inspector Regulatory Review Committee will meet on November 10, 2020.

The proposed Lead-Based Paint Renovation, Repair, and Painting Program regulations (Initial Promulgation) were approved by the Secretary of Commerce and Trade on October 28, 2019. The regulations are currently with the Governor's office for review.

Ms. Henshaw advised the Board that Alex Aderton, Erin Barton, and James Oliver will serve on the Home Inspector Regulatory Review Committee, along with Board members Sandra Baynes, John Cranor, David Rushton, and Patrick Studley. The first Committee meeting is scheduled for November 10, 2020.

Update on Home Inspector Regulatory Review Committee

Ms. Henshaw advised the Board of temporary waivers of certain regulations pursuant to Executive Order 51 in response to COVID-19. During the current state of emergency, the validity of licenses, certifications, registrations, and other authorizations issued by the Board that would otherwise (i) expire during the state of emergency and (ii) be eligible for renewal or reinstatement during the state of emergency under applicable regulations, will be extended until the 30th day after the date by which the state of emergency is lifted. In addition, regulations that prohibit or limit online, electronic, or distance learning have also been waived until the 30th day after the date by which the state of emergency is lifted. Ms. Henshaw noted that the waivers do not apply to statutory requirements or federal regulations. Ms. Henshaw advised that the EPA lifted all waivers in place due to COVID-19 on August 30, 2020.

DPOR Updates as it Relates to COVID-19 Response

Discussion was held on how the temporary waivers affect licensing expiration dates.

Discussion was held on ways in which trainers and potential licensees can meet the hands-on training requirements for pre-license education in light of COVID-19 safety recommendations.

Ms. Henshaw provided the Board with the most recent financial statements for review.

Board Financial Statements

Discussion was held on whether information that comes to light about an individual or firm during an investigation of a complaint against another individual would initiate further investigation into the individual or firm who was not part of the original complaint.

Outreach Update

Ms. Henshaw updated the Board on recent and upcoming outreach opportunities.

Mr. Magruder opened the floor for annual nominations of the Board Chair. Ms. Baynes moved to nominate Mr. Magruder. Mr. Magruder accepted the nomination. Ms. Baynes moved to close the nominations. Mr. Rushton seconded the motion, which was unanimously approved by: Baynes, Cranor, Haltigan, Magruder,

Election of Officers

Mr. Magruder opened the floor for annual nominations of the Board Chair. Ms. Baynes moved to nominate Mr. Magruder. Mr. Magruder accepted the nomination. Ms. Baynes moved to close the nominations. Mr. Rushton seconded the motion, which was unanimously approved by: Baynes, Cranor, Haltigan, Magruder, Rushton, Studley, and Thomas. By acclamation, Mr. Magruder was named Board Chair.

Election of Officers

Mr. Magruder opened the floor for annual nominations of Board Vice-Chair. Mr. Cranor moved to nominate Ms. Baynes. Ms. Baynes accepted the nomination. Mr. Cranor moved to close the nominations. Mr. Haltigan seconded the motion, which was unanimously approved by: Baynes, Cranor, Haltigan, Magruder, Rushton, Studley, and Thomas. By acclamation, Ms. Baynes was named Board Vice-Chair.

Ms. Henshaw advised that staff may acquire offsite meeting space for future Board meetings in order to have space large enough to continue compliance with social distancing guidelines.

Future Meeting Dates

Discussion was held on meeting start times. After discussion, the Board agreed by consensus that meeting start times would remain 9:00 a.m., and that Ms. Henshaw will confer with the Board Chair on changing the start time of a meeting if needed.

Mr. Magruder reminded Board members to complete their conflict of interest forms and travel vouchers.

Conflict of Interest Forms and Travel Vouchers

There being no further business, the meeting adjourned at 9:50 a.m.

Adjourn

Signature: 
Gene E. Magruder [Feb 4, 2021 14:10 EST]

Email: genemagruder@aol.com

Gene E. Magruder

Gene E. Magruder, Chair


Mary Broz-Vaughan, Secretary

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

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

1. Name: Sandra Baynes
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: November 5, 2020
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction: _____

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

- _____
- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.

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

Sandra Baynes
Signature

11. 5. 2020
Date

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


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

1. Name: John E. Cranor
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: November 5, 2020
5. I have a personal interest in the following transaction:

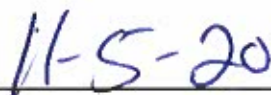
Nature of Personal Interest Affected by Transaction: _____

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

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



Signature



Date

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

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

1. Name: James Haltigan
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: November 5, 2020
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction: _____

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

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.

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


Signature

11/5/20
Date

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

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

1. Name: Gene Magruder
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: November 5, 2020
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction: _____

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

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

Gene G. Magruder
Signature

11/5/2020
Date

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

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

1. Name: David P. Rushton
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: November 5, 2020
5. I have a personal interest in the following transaction:

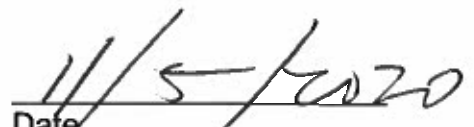
Nature of Personal Interest Affected by Transaction: _____

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

- _____
- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.

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


Signature


Date

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


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

1. Name: Patrick Studley
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: November 5, 2020
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction: _____

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

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



Signature

11/5/2020

Date

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

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

1. Name: Paul D. Thomas
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: November 5, 2020
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction: _____

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

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.

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

Paul D. Thomas
Signature

11/5/2020
Date