

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

The Virginia Board for Asbestos, Lead, and Home Inspectors (Board) met virtually via Google Meet on May 13, 2021, at 9:00 a.m. Board staff was present at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia 23233. The meeting was held virtually due to the current public health emergency related to COVID-19 declared by the Governor, which made it impracticable or unsafe for the Board to assemble in a single location. The purpose of meeting was to discuss or transact business statutorily required or necessary to continue operations of the Board.

The following members of the Board were present:

Sandra Baynes, Vice-Chair  
Chadwick R. Bowman  
John E. Cranor  
Gene E. Magruder, Chair

Peter Palmer  
David P. Rushton  
Patrick Studley  
Paul D. Thomas  
Louis Walker

Board members James Haltigan, Rick Holtz, and Galappa Madhusudhan 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. Lindsey, 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 **Call to Order** meeting to order at 9:02 a.m.

Ms. Lindsey took roll of Board members and advised those in attendance at the meeting of staff present. Connor O'Donnell from the Post-Adjudication and Licensing section, and Caroline Pruet from Adjudication were present to observe the meeting. **Announcements**

Ms. Lindsey advised the Board of procedures in place for conducting the meeting virtually. Members of the public attending the meeting identified themselves for the record.

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

Thomas. Due to technical difficulties Mr. Walker was not present at the meeting at the time of the vote.

Mr. Rushton moved to approve the minutes of the February 4, 2021, Board meeting as presented. Mr. Palmer seconded the motion which was unanimously approved by: Baynes, Bowman, Magruder, Palmer, Rushton, Studley, and Thomas. Due to technical difficulties Mr. Walker was not present at the meeting at the time of the vote. Mr. Studley moved to approve the minutes of the March 24, 2021, Home Inspector Regulatory Review Committee meeting as presented. Mr. Palmer seconded the motion which was unanimously approved by: Baynes, Bowman, Magruder, Palmer, Rushton, Studley, and Thomas. Due to technical difficulties Mr. Walker was not present at the meeting at the time of the vote.

**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. Walker was not present at the meeting during discussion and deliberation of File Number 2020-02568.

**Recusal of Board Member**

In the matter of **File Number 2020-02568, Josue Felipe Ochoa Landero**, the Board members reviewed the record which consisted of the Notice of Prima Facie Case, Report of Findings, evidence, and the Recommendation. Mr. Rushton moved to accept the recommendation and find Mr. Ochoa Landero in violation of the following Board regulations and impose sanctions as outlined in the Recommendation:

**File Number 2020-02568, Josue Felipe Ochoa Landero**

18 VAC 15-20-410.C as outlined in Count 1; and  
18 VAC 15-20-410.C as outlined in Count 2.

Revocation of Mr. Ochoa Landero's asbestos worker license for violations of Counts 1 and 2 as outlined in the Recommendation.

Mr. Palmer seconded the motion. After discussion, the motion was unanimously approved by: Baynes, Bowman, Magruder, Palmer, Rushton, Studley, and Thomas.

Mr. Cranor joined the meeting at 9:21 a.m.

**Arrival of Board Member**

Mr. Cranor recused himself from the meeting for discussion and deliberations on File Number 2020-00064. Mr. Rushton recused himself from the meeting for discussion and deliberations on File

**Recusal of Board Members**

Numbers 2020-00064 and 2020-0087.

In the matter of **File Number 2020-00064, Tillman Simms**, the Board members reviewed the record which consisted of the investigative file, the transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference. Mr. Palmer moved to accept the recommendation of the Summary and find Mr. Simms in violation of the following Board regulations as outlined in the Summary:

**File Number 2020-00064, Tillman Simms**

18 VAC 15-40-120.B as outlined in Count 1,  
18 VAC 15-40-130.A as outlined in Count 2; and  
18 VAC 15-40-130.B as outlined in Count 3.

Mr. Thomas seconded the motion which was unanimously approved by: Baynes, Bowman, Magruder, Palmer, Studley, and Thomas. Due to technical difficulties Mr. Walker was not present at the meeting at the time of the vote. Mr. Thomas then moved to accept the recommended sanctions as presented in the Summary, which imposed a monetary penalty of \$125.00 for violation of Count 1, a monetary penalty of \$125.00 for violation of Count 2, and \$125.00 for violation of Count 3, for a total monetary penalty of \$375.00 imposed. Mr. Palmer seconded the motion which was unanimously approved by: Baynes, Bowman, Magruder, Palmer, Studley, and Thomas. Due to technical difficulties Mr. Walker was not present at the meeting at the time of the vote.

Mr. Cranor returned to the meeting.

**Return of Board Member**

In the matter of **File Number 2020-00807, Bradley Alan Gamlin**, the Board members reviewed the Consent Order. Mr. Gamlin admits to a violation of 18VAC 15-40-120.A as outlined in Count 1, 18VAC 15-40-130.A as outlined in Count 2, 18VAC 15-40-180.B as outlined in Count 3, and 18VAC 15-40-155.6 as outlined in Count 4, and consents to the imposition of (i) monetary penalties totaling \$,1400.00, and (ii) Board costs of \$150.00. In addition, for violation of Count 1, Mr. Gamlin agrees to complete a minimum of two (2) contact hours of continuing education pertaining to home inspection contracts. Further, for violation of Count 2, Mr. Gamlin agrees to complete a minimum of two (2) contact hours of continuing education pertaining to home inspection report writing. For violation of Count 3, Mr. Gamlin agrees to a sixty (60) day suspension of his license. Ms. Baynes moved to approve the Consent Order as presented. Mr. Cranor seconded the motion which was unanimously

**File Number 2020-00807, Bradley Alan Gamlin**

approved by: Baynes, Bowman, Cranor, Magruder, Palmer, Studley, and Thomas. Due to technical difficulties Mr. Walker was not present at the meeting at the time of the vote.

Mr. Rushton returned to the meeting.

**Return of Board Member**

Mr. Cranor recused himself from the meeting for discussion and deliberations on File Numbers 2020-01518 and 2020-02517.

**Recusal of Board Member**

In the matter of **File Number 2020-01518, Andrew Bryan Renaux**, the Board members reviewed the Consent Order. Mr. Renaux admits to a violation of 18VAC 15-40-120.A as outlined in Count 1, 18VAC 15-40-130.A as outlined in Count 2, and 18VAC 15-40-130.B.2 as outlined in Count 3, and consents to the imposition of (i) monetary penalties totaling \$850.00, and (ii) Board costs of \$150.00. Ms. Rushton moved to approve the Consent Order as presented. Mr. Palmer seconded the motion which was unanimously approved by: Baynes, Bowman, Magruder, Palmer, Rushton, Studley, and Thomas. Due to technical difficulties Mr. Walker was not present at the meeting at the time of the vote.

**File Number 2020-01518, Andrew Bryan Renaux**

In the matter of **File Number 2020-02517, Christopher John Nelson**, the Board members reviewed the Consent Order. Mr. Nelson admits to a violation of 18VAC 15-40-155.3 as outlined in Count 1, and consents to the imposition of (i) a monetary penalty of \$1,000.00, and (ii) Board costs of \$150.00. In addition, Mr. Nelson agrees to complete twelve (12) contact hours of continuing professional education (CPE) wherein the subject matter covers content areas of the Board-approved exam, and shall provide acceptable proof of attendance and successful completion of the CPE within ninety (90) calendar days of the effective date of the Order. Ms. Rushton moved to approve the Consent Order as presented. Ms. Baynes seconded the motion which was unanimously approved by: Baynes, Bowman, Magruder, Palmer, Rushton, Studley, and Thomas. Due to technical difficulties Mr. Walker was not present at the meeting at the time of the vote.

**File Number 2020-02517, Christopher John Nelson**

Mr. Cranor returned to the meeting.

**Return of Board Member**

In the matter of **File Number 2021-00780, Mark Alden Adams**, the Board members reviewed the record which consisted of the application file, transcript and exhibits from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and

**File Number 2021-00780, Mark Alden Adams**

Recommendation.

Mr. Adams was present to address the Board and stated he has dedicated one and a half years of his life to obtaining a home inspector license in hopes to continue the business of his current employer. Mr. Adams stated his criminal activity occurred when he was a teenager and since then he has worked his way up from a laborer to a supervisor who is serious about making a positive difference.

Mr. Palmer moved to accept the recommendation of the Presiding Officer and approve Mr. Adams' application for a home inspector license. Mr. Rushton seconded the motion. After discussion, the motion was unanimously approved by: Baynes, Bowman, Cranor, Magruder, Palmer, Rushton, Studley, and Thomas. Due to technical difficulties Mr. Walker was not present at the meeting at the time of the vote.

In the matter of **File Number 2021-00782, Aaron Salem Ellis**, the Board members reviewed the record which consisted of the application file, transcript and exhibits from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation. Ms. Baynes moved to accept the recommendation of the Presiding Officer and approve Mr. Ellis' application for a home inspector license. Mr. Rushton seconded the motion which was unanimously approved by: Baynes, Bowman, Cranor, Magruder, Palmer, Rushton, Studley, and Thomas. Due to technical difficulties Mr. Walker was not present at the meeting at the time of the vote.

**File Number 2021-00782, Aaron Salem Ellis**

In the matter of **File Number 2021-01131, Christopher Taber dePolo**, the Board members reviewed the record which consisted of the application file, transcript and exhibits from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation.

**File Number 2021-01131, Christopher Taber dePolo**

Mr. dePolo was present to address the Board and stated he has dedicated one and a half years of his life to obtaining a home inspector license and expressed his appreciation for the Board's time and consideration. Mr. dePolo stated he hopes to use home inspection as a way to provide for his family.

Ms. Baynes moved to accept the recommendation of the Presiding Officer and approve Mr. dePolo's application for a home inspector license. Mr. Palmer seconded the motion which was unanimously approved by: Baynes, Bowman, Cranor, Magruder, Palmer,

Rushton, Studley, and Thomas. Due to technical difficulties Mr. Walker was not present at the meeting at the time of the vote.

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) for a general review of the Home Inspector Licensing Regulations was filed on November 13, 2020, and is currently in executive branch review. The Home Inspector Regulatory Review Committee finalized recommendations at its March 24, 2021, meeting. Following completion of executive branch review, the NOIRA will be submitted for publication in the Virginia Register and open for public comment.

The revised proposed Lead-Based Paint Renovation, Repair, and Painting Program Regulations (Initial Promulgation) will be published on May 24, 2021. A sixty-day public comment period will begin May 24, 2021, to include a public hearing scheduled for July 14, 2021.

Ms. Lindsey reminded the Board that the Lead-Based Paint Renovation, Repair and Painting Program (RRP) regulations are a result of amendments made to EPA law in 2009, which requires the renovation and repair of homes built prior to 1978 to be completed by those with an RRP certification from the EPA. Ms. Lindsey advised the Board that after final review of the proposed regulations at the next Board meeting, the regulations would again undergo executive branch review.

Discussion was held on outreach and education, and the potential impacts on the regulant population of the Board, as well as the Board for Contractors.

Ms. Lindsey and Mr. Haughwout presented the Board with several recommendations and items for discussion from the Home Inspector Regulatory Review Committee. The Board reviewed the Committee's recommendations for amendments to entry requirements, CPE topics, licensee responsibility, and prohibited acts. After lengthy discussion, the Board agreed by consensus to further discuss licensee responsibility and prohibited acts at its next meeting.

**Discuss HI Regulatory Review Committee Recommendations for HI Licensing Regulations**

Ms. Pettus provided an update of home inspector CPE audits conducted on five percent of eligible certified home inspectors

**Update on Home Inspector CPE Audit**

beginning on February 17, 2021.

Ms. Pettus advised the Board of lead courses audited for approval from February 4, 2021 to present.

**Update on Lead  
Training Course  
Audits**

Ms. Lindsey asked the Board for guidance on types of evaluations that are considered consultations or “walk and talk inspections.” Ms. Lindsey advised the Board that it was brought to her attention that licensed home inspectors are conducting evaluations on homes, with potential buyers present, which do not appear to meet the requirements of a home inspection as they do not include a written report. After lengthy discussion, the Board agreed by consensus that staff will work with Board counsel to draft a guidance document to be considered by the Board at its next meeting.

**Discussion of Home  
Inspections without a  
Written Report**

Ms. Lindsey reminded the Board that temporary waivers of certain regulations pursuant to Executive Order 51 in response to COVID-19 remain in place, and advised that the temporary waivers will be extended until the 30th day after the date by which the state of emergency is lifted. Board staff is working to get notice to licensees that the 30 day extension will have a hard deadline for those who have not renewed their license during the state of emergency.

**DPOR Updates as it  
Relates to COVID-19  
Response**

Ms. Lindsey advised that the waiver extending exam eligibility expiration dates will expire on June 30, 2021.

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

**Board Financial  
Statements**

Ms. Lindsey updated the Board on recent and upcoming virtual and in-person outreach opportunities.

**Outreach Update**

Ms. Lindsey also advised that outreach will likely increase due to proposed RRP regulations.

Ms. Lindsey presented the Board with tentative Board meeting dates for 2022 for consideration. Mr. Cranor moved to accept the following meeting dates:

**Consider 2022  
Meeting Dates**

- February 10, 2022
- May 12, 2022
- August 19, 2022
- November 10, 2022

Ms. Baynes seconded the motion which was unanimously approved by: Baynes, Bowman, Cranor, Magruder, Palmer, Rushton, Studley, Thomas, and Walker.

Ms. Broz-Vaughan advised the Board that the Governor's emergency declaration order (Executive Order 51) in response to COVID-19 will expire on June 30, 2021. Accordingly, all waivers authorized by the Director will also be expiring. The Department is working to communicate these updates to those who may be impacted.

**Other Business**

Mr. Laws brought a typographical error in the tentative 2022 Board meeting dates to the attention of staff.

The following meeting dates have been scheduled:

**Future Meeting Dates**

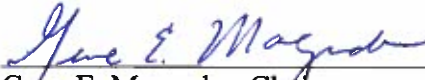
- August 26, 2021
- November 4, 2021

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

**Conflict of Interest Forms and Travel Vouchers**

There being no further business, the meeting adjourned at 11:06 a.m.

**Adjourn**

  
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: May 13, 2021
5. I have a personal interest in the following transaction:

\_\_\_\_\_

Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

\_\_\_\_\_

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

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

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

Sandra Baynes  
Signature

5.13.2021  
5.13.2021  
Date

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

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

1. Name: Chadwick R. Bowman
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: ~~February 4, 2020~~ *May 13, 2021* *ajh*
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. **X** I do not have a personal interested in any transactions taken at this meeting.

  
Signature

5-13-2021  
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: August 26, 2021
5. I have a personal interest in the following transaction:

\_\_\_\_\_

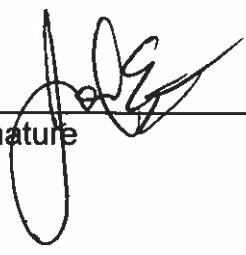
Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

\_\_\_\_\_

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 8-26-21

**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: May 13, 2021
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. X I do not have a personal interested in any transactions taken at this meeting.

\_\_\_\_\_  
Gene E Magruder  
Signature

\_\_\_\_\_  
5/13/2021  
Date

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

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

1. Name: Peter D. Palmer
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: May 13, 2021
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.

Peter D Palmer  
Signature

5/13/2021  
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: May 13, 2021
5. I have a personal interest in the following transaction:

\_\_\_\_\_

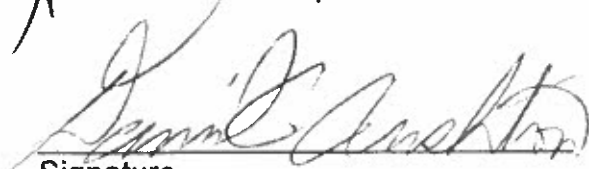
Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

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

  
Signature

5/13/2021  
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: May 13, 2021
5. I have a personal interest in the following transaction:

\_\_\_\_\_

Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

\_\_\_\_\_

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

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

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

  
Signature

5/17/2021  
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: May 13, 2021
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

05/13/2021  
Date



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

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

1. Name: Louis Walker
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: May 13, 2021

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

none

Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

N/A

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

N/A

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

or

I did not participate in the transaction.

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

  
Signature

5/13/21  
Date