

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

The Virginia Board for Asbestos, Lead, and Home Inspectors met on August 26, 2021, 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, Vice-Chair
John E. Cranor
James E. Haltigan
Galappa Madhusudhan
Gene E. Magruder, Chair

Rick Holtz
David P. Rushton
Patrick Studley
Paul D. Thomas

Board members Chadwick Bowman, 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. Lindsey, Executive Director
Joseph C. Haughwout, Jr., Board and Regulatory Administrator
Tanya M. Pettus, Board Administrator
Lisa Robinson, Licensing Administrator

Elizabeth Myers 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 9:07 a.m.

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

Ms. Lindsey introduced to the Board Elizabeth Myers from the Office of the Attorney General. Ms. Lindsey also advised the Board that Ms. Pettus was promoted to the role of Board Administrator. **Announcements**

Ms. Baynes moved to approve the agenda as presented. Mr. Studley **Approval of Agenda** seconded the motion which was unanimously approved by: Baynes, Cranor, Haltigan, Magruder, Rushton, Studley, and Thomas. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

Ms. Baynes moved to approve the minutes of the February 3, 2021, Home Inspector Regulatory Review Committee meeting as presented. Mr. Studley seconded the motion which was unanimously approved by: Baynes, Cranor, Haltigan, Magruder, Rushton, Studley, and Thomas. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations. Ms. Baynes then moved to approve the minutes of the May 13, 2021, Board meeting as presented. Mr. Thomas seconded the motion which was unanimously approved by: Baynes, Cranor, Haltigan, Magruder, Rushton, Studley, and Thomas. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

Approval of Minutes

Shane McClung, licensed home inspector, was present to address the Board. Mr. McClung voiced his concern that the volatility of the current housing market does not allow consumers to practice due diligence during a real estate transaction. Mr. McClung stated he has a responsibility to protect the public as a licensed home inspector, and made the suggestion that regulations should allow for a period of time during a real estate transaction specifically intended to allow would-be purchasers to obtain a proper home inspection. Mr. McClung also asked that the contact information for the appropriate parties to which unlicensed activity should be reported be made readily available to the public.

Public Comment Period

Mr. Madhusudhan arrived to the meeting at 9:12 a.m.

Arrival of Board Member

Lou Scerbo, licensed home inspector, was present to address the Board. Mr. Scerbo stated he feels that consumers are foregoing pre-offer inspections due to the hot housing market in addition to changes in procedures due to COVID-19. Mr. Scerbo feels the current state of the housing industry isn't allowing consumers their due diligence. He stated that while home inspectors are offering "walk and talks" and "limited consultations" that include multiple disclaimers, they would rather be performing full inspections, and he believes a report should only be given as part of a home inspection.

Public Comment Period Continued

Licensed home inspector Michael Donitzen was present to address the Board. Mr. Donitzen feels that the "walk and talks" and "property consultations" that are taking place during this volatile housing market are not home inspections, but feels they should be

permitted by law so long as the limited scope of these consultations are specified in a report. He stated that with today's technology it is possible to have a report completed by the end of a walk and talk or inspection.

Tillman Simms, licensed home inspector, was present to address the Board. Mr. Simms stated he feels that "walk and talks" should be allowed, but only if they are performed by licensed home inspectors and include a written report.

Mr. Rushton recused himself from the meeting for discussion and deliberation of File Numbers 2021-01084 and 2021-00545.

Recusal of Board Member

In the matter of **File Number 2021-01084, David Charles Gardner**, the Board members reviewed the Consent Order. Mr. Gardner admits to a violation of 18VAC 15-40-130.A.2 and 18VAC15-40-130.A.4 as outlined in Count 1, and 18VAC 15-40-155.3 as outlined in Count 2, and consents to the imposition of (i) monetary penalties totaling \$350.00, and (ii) Board costs of \$150.00. Mr. Cranor moved to approve the Consent Order as presented. Ms. Baynes seconded the motion which was unanimously approved by: Baynes, Cranor, Haltigan, Madhusudhan, Magruder, Studley, and Thomas. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

File Number 2021-01084, David Charles Gardner

In the matter of **File Number 2021-00545, David Charles Johnson**, the Board members reviewed the Consent Order. Mr. Johnson admits to a violation of 18VAC 15-40-120.B as outlined in Count 1, 18VAC 15-40-130.A as outlined in Count 2, and 18VAC 15-40-130.B.1.e as outlined in Count 3, and consents to the imposition of (i) monetary penalties totaling \$375.00, and (ii) Board costs of \$150.00. Mr. Studley moved to approve the Consent Order as presented. Ms. Baynes seconded the motion which was unanimously approved by: Baynes, Cranor, Haltigan, Madhusudhan, Magruder, Studley, and Thomas. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

File Number 2021-00545, David Charles Johnson

Mr. Rushton returned to the meeting.

Return of Board Member

Mr. Cranor recused himself from the meeting for discussion and deliberation of File Number 2021-00708.

Recusal of Board Member

In the matter of **File Number 2021-00708, Mark Lewis Stewart**, the Board members reviewed the Consent Order. Mr. Stewart admits to a violation of 18VAC 15-40-120.A as outlined in Count 1, 18VAC 15-40-120.B as outlined in Count 2, 18VAC 15-40-130.A as outlined in Count 3, 18VAC 15-40-145.B as outlined in Count 4, and 18VAC 15-40-130.B as outlined in Count 5, and consents to the imposition of (i) monetary penalties totaling \$2,000.00, and (ii) Board costs of \$150.00. Ms. Baynes moved to approve the Consent Order as presented. Mr. Rushton seconded the motion which was unanimously approved by: Baynes, Haltigan, Madhusudhan, Magruder, Rushton, Studley, and Thomas. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

File Number 2021-00708, Mark Lewis Stewart

Mr. Cranor returned to the meeting.

Return of Board Member

Mr. Thomas left the meeting at 9:30 a.m.

Departure of Board Member

In the matter of **File Number 2021-01206, Dennis Bruce White**, the Board members reviewed the Consent Order. Mr. White 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 as outlined in Count 3, and consents to the imposition of (i) monetary penalties totaling \$350.00, and (ii) Board costs of \$150.00. Ms. Studley moved to approve the Consent Order as presented. Ms. Baynes seconded the motion which was unanimously approved by: Baynes, Cranor, Haltigan, Madhusudhan, Magruder, Rushton, and Studley. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

File Number 2021-01206, Dennis Bruce White

Mr. Thomas returned to the meeting at 9:38 a.m.

Return of Board Member

In the matter of **File Number 2020-02832, Wendy E. Granados Granados**, the Board members reviewed the record which consisted of the Notice of Prima Facie Case, Report of Findings, evidence, and the Recommendation. Mr. Studley moved to accept the recommendation and find Ms. Granados in violation of 18VAC 15-20-410.C as outlined in Count 1. Mr. Cranor seconded the motion which was unanimously approved by Baynes, Cranor, Haltigan, Madhusudhan, Magruder, Rushton, Studley, and Thomas. Board

File Number 2020-02832, Wendy E. Granados Granados

member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations. Ms. Baynes then moved to impose a monetary penalty of \$150.00, and revoke Ms. Granados' asbestos worker license as outlined in the Recommendation. Mr. Thomas seconded the motion which was unanimously approved by: Baynes, Cranor, Haltigan, Madhusudhan, Magruder, Rushton, Studley, and Thomas. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

In the matter of **File Number 2021-00120, Victor Manual Suazo**, 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. Mr. Haltigan moved to accept the recommendation of the Presiding Officer and deny Mr. Suazo's application for an asbestos worker license. Mr. Madhusudhan seconded the motion Baynes, Cranor, Haltigan, Madhusudhan, Magruder, Rushton, Studley, and Thomas. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

File Number 2021-00120, Victor Manual Suazo

In the matter of **File Number 2021-00313, Juan Sorto Baires**, 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. Mr. Studley moved to accept the recommendation of the Presiding Officer and deny Mr. Baires' application for an asbestos worker license. Mr. Haltigan seconded the motion which was unanimously approved by: Baynes, Cranor, Haltigan, Madhusudhan, Magruder, Rushton, Studley, and Thomas. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

File Number 2021-00313, Juan Sorto Baires

In the matter of **File Number 2021-01686, Eric Froliia, Jr.**, 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. Froliia's application for a home inspector license. Mr. Madhusudhan seconded the motion

File Number 2021-01686, Eric Froliia, Jr.

which was approved by: Baynes, Cranor, Haltigan, Madhusudhan, Magruder, Studley, and Thomas. Mr. Rushton opposed. The motion passed by majority vote. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

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 published in the Virginia Register on July 19, 2021, for a 30-day public comment period which ended on August 18, 2021. Public comments and proposed regulatory amendments will be considered by the Board at its November meeting.

The revised proposed Lead-Based Paint Renovation, Repair, and Painting Program (RRP) Regulations (Initial Promulgation) were published on May 24, 2021. A sixty-day public comment period concluded on July 23, 2021. Mr. Haughwout advised the Board that public comments received during the public comment period, as well as proposed amendments to the regulations would be presented to the Board later in the meeting.

Ms. Lindsey asked the Board to consider moving the review and discussion of the RRP regulations to later in the meeting in order to address agenda items in which members of public in attendance may have an interest. The Board agreed by consensus to review and consider RRP related agenda items later in the meeting.

Ms. Lindsey presented to the Board a guidance document addressing inspections without a written evaluation, or types of evaluations that are considered consultations or "walk and talk" inspections, which states in part, that because a "walk and talk" inspection does not include a written evaluation, it is not considered a home inspection, and home inspectors should not describe or refer to this service as a "home inspection" as it does not comply with the definition of a home inspection in §54.1-500 of the Code of Virginia. Further, a home inspector who represents a "walk and talk" inspection as a home inspection may be subject to disciplinary action by the Board. After discussion, Mr. Rushton moved to adopt the guidance document as written. Mr. Thomas seconded the motion which was unanimously approved by: Baynes, Cranor, Haltigan, Madhusudhan, Magruder, Rushton, Studley, and Thomas. Board

Consider Guidance Document on Home Inspections without a Written Report

member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

Ms. Lindsey advised that the guidance document will be published for a 30-day public comment period, after which the guidance document will become effective.

Ms. Lindsey advised the Board that staff received a request to continue virtual pre-licensing education for home inspectors beyond the expiration of the waivers of in-person training requirements that were previously in place due to COVID-19. Per the Board's regulations, no more than half of the required pre-licensing training hours may be completed using distance or online education technology. After discussion, Ms. Lindsey advised the Board that Home Inspector Licensing Regulations are currently under general review. The Board agreed by consensus to take no action at this time; however, the matter may be considered at its November meeting as part of the general review of the Home Inspector Licensing Regulations.

**Discuss Virtual
Format for Home
Inspector Pre-
Licensing Education**

Ms. Lindsey provided the Board with the most recent financial statements for review. Ms. Lindsey advised it is likely that the temporary reduction in fees set to expire in 2022 will come before the Board for consideration of extending the expiration date to 2024 in order to remain in compliance with the Callahan Act.

**Board Financial
Statements**

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

Outreach Update

The Board recessed from 10:08 a.m. to 10:18 a.m.

Recess

The Board members reviewed public comments on the revised proposed Lead-Based Paint Renovation, Repair, and Painting Program Regulations received during the 60-day public comment that ended on July 23, 2021, as well as proposed Board responses to each of the comments. After review and discussion, Mr. Studley moved to adopt the proposed responses as written. Mr. Haltigan seconded the motion which was unanimously approved by: Baynes, Cranor, Haltigan, Madhusudhan, Magruder, Rushton, Studley, and Thomas. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

**Revised Proposed
RRP Regulations**

The Board members reviewed the revised proposed RRP Regulations. After review and discussion of revisions to the proposed RRP regulations, Ms. Baynes moved to adopt the revised proposed RRP regulations as amended, and authorize staff to make non-substantive changes as needed in order to file the regulations for executive branch review. Mr. Haltigan seconded the motion. After discussion, the motion was unanimously approved by: Baynes, Cranor, Haltigan, Madhusudhan, Magruder, Rushton, Studley, and Thomas. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

Ms. Lindsey advised the Board that a newly hired Deputy Director of Licensing and Compliance will join DPOR in September and will be attending Board meetings in the future.

Other Business

The Board recessed from 11:46 a.m. to 11:53 a.m.

Recess

Mr. Rushton departed the meeting at 11:46 a.m.

Departure of Board Member

Board members completed biennial Board member conflict of interest training as required by the Virginia Conflict of Interest and Ethics Advisory Council.

Biennial Board Member Conflict of Interest Training

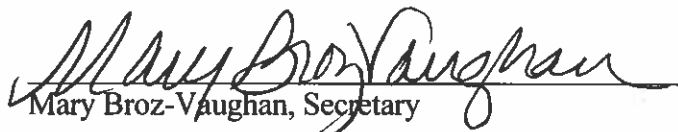
Mr. Magruder reminded Board members to complete their conflict of interest forms.

Conflict of Interest Forms and Travel Vouchers

There being no further business, the meeting adjourned at 12:11 p.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: 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 interest in any transactions taken at this meeting.



Signature

8.26.2021
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: 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.



Signature



Date

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

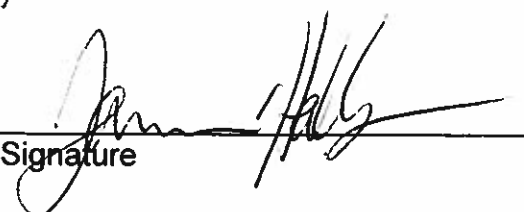
**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: James Haltigan
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: 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

8/26/2021
Date

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

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


1. Name: Rick Holtz
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

8/26/21
Date

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

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

1. Name: Galappa Madhusudhan
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:

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:

None

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

or

I did not participate in the transaction.

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

G. P. Madhusudhan
Signature

8/26/21
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: 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.

Gene E. Magruder
Signature

8/26/2021
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: 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

**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: 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

8/26/2021

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: 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.

Paul D. Thomas
Signature

08/26/2021
Date

