

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

The Virginia Board for Asbestos, Lead, and Home Inspectors met on November 4, 2021, at the offices of the Department of Professional and Occupational Regulation (DPOR), Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> 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  
Gene E. Magruder, Chair

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

Board members Chadwick Bowman, Rick Holtz, Galappa Madhusudhan, 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  
R. Thomas Payne, Deputy Director  
Trisha L. Lindsey, Executive Director  
Shannon Webster, Director of Examinations  
Joseph C. Haughwout, Jr., Board and Regulatory Administrator  
Tanya M. Pettus, Board Administrator

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 9:29 a.m. **Call to Order**

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

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

Mr. Rushton moved to approve the minutes of the August 26, 2021, Board meeting as presented. Ms. Baynes seconded the motion which was unanimously approved by: Baynes, Cranor, Haltigan, Magruder, Palmer, Rushton, Studley, and Thomas. **Approval of Minutes**

Ms. Lindsey introduced to the Board DPOR Deputy Director, Tom Payne. **Introduction of New DPOR Deputy**

There were no members of the public present to address the Board.

The Board members reviewed a written comment submitted by P. Wesley Hambrick, Jr., requesting that the Board continue the allowance for conducting training courses via electronic means for asbestos courses that do not require a hands-on component.

Mr. Cranor and Mr. Rushton recused themselves from the meeting for discussion and deliberations on File Number 2020-00507.

In the matter of **File Number 2020-00507, Theodore Riddick, Jr.**, 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.

The Board considered each of the charged Violations under Counts 1 through 4. Mr. Palmer moved to accept the recommendation of the Presiding Officer and find Mr. Riddick in violation of 18 VAC 15-40-130.A. as outlined in Count 1, 18 VAC 15-40-130.B. as outlined in Count 2, 18 VAC15-40-160.C. as outlined in Count 4, and accept the finding of no violation in Count 3 as outlined in the Summary. Mr. Haltigan seconded the motion which was unanimously approved by: Baynes, Haltigan, Magruder, Palmer, Studley, and Thomas.

Ms. Baynes then moved to accept the recommended sanctions as presented in the Summary for the purpose of discussion. Mr. Studley seconded the motion. After discussion, Ms. Baynes moved to amend her previous motion, and moved to accept the recommended sanctions as amended, which imposed a monetary penalty of \$200.00 for violation of Count 1, and a monetary penalty of \$100.00 for violation of Count 4. For violation of Count 2, Mr. Riddick's home inspector license will be suspended until the Board receives satisfactory proof of completion of a Board-approved 35-hour pre-license education home inspector course. The above-referenced education hours will not count towards any education requirements, if applicable, for renewal, reinstatement, or activation of a license. Mr. Thomas seconded the amended motion which was approved by: Baynes, Haltigan, Magruder, Palmer, Studley, and Thomas.

Mr. Cranor returned to the meeting.

Mr. Rushton remained recused for discussions and deliberations on

**Director**

**Public Comment  
Period**

**Recusal of Board  
Members**

**File Number 2020-  
00507, Theodore  
Riddick, Jr.**

**Return of Board  
Member**

File Numbers 2020-02516 and 2021-01008.

In the matter of **File Number 2020-02516, Donald Lindsay Smith**, the Board members reviewed the record which consisted of the Notice of Prima Facie Case, Report of Findings, evidence, and the Recommendation. Mr. Palmer moved to accept the recommendation and find Mr. Smith in violation of 18VAC 15-40-155.3. as outlined in Count 1. Mr. Cranor seconded the motion which was unanimously approved by: Baynes, Cranor, Haltigan, Magruder, Palmer, Studley, and Thomas. Mr. Palmer then moved to impose a monetary penalty of \$50.00 as outlined in the Recommendation. Mr. Studley seconded the motion which was unanimously approved by: Baynes, Cranor Haltigan, Magruder, Palmer, Studley, and Thomas.

**File Number 2020-02516, Donald Lindsay Smith**

In the matter of **File Number 2021-01008, Marc C. Leon**, the Board members reviewed the Consent Order. Mr. Leon admits to a violation of 18VAC 15-40-155.6 as outlined in Count 1, and consents to the imposition of a monetary penalty of \$750.00, and Board costs of \$150.00. Mr. Cranor moved to approve the Consent Order as presented. Mr. Thomas seconded the motion which was unanimously approved by: Baynes, Cranor, Haltigan, Magruder, Palmer, Studley, and Thomas.

**File Number 2021-01008, Marc C. Leon**

Mr. Rushton returned to the meeting.

**Return of Board Member**

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. Mr. Haughwout advised that public comments and proposed regulatory amendments will be considered by the Board later in the meeting.

Final Lead-Based Paint Renovation, Repair, and Painting Program (RRP) Regulations (Initial Promulgation), as amended, were adopted by the Board on August 26, 2021. Final regulations are to be submitted for Executive Branch review.

Mr. Haughwout advised the Board that the temporary reduction in renewal and reinstatement fees for home inspector licenses will be expiring in 2022. As currently projected, the Board can better

**Consider Exempt Action to Continue Temporary Fee**

maintain compliance with the Callahan Act if reduced fees are extended through 2024.

**Reduction for Home Inspectors**

Mr. Rushton moved to authorize staff to file an exempt action to continue the temporary fee reductions for home inspector licenses expiring after February 1, 2022, and before February 1, 2024, and for reinstatement applications received on or after March 1, 2022, on or before February 29, 2024. Mr. Thomas seconded the motion which was unanimously approved by: Baynes, Cranor, Haltigan, Magruder, Palmer, Rushton, Studley, and Thomas.

The Board reviewed public comments received on draft proposed amendments to the Home Inspector Licensing Regulations, as well as draft proposed responses to the comments. After review and discussion, Mr. Studley moved to adopt the draft proposed responses as written. Mr. Cranor seconded the motion. After discussion, the motion was unanimously approved by: Baynes, Cranor, Haltigan, Magruder, Palmer, Rushton, Studley, and Thomas.

**Home Inspector Licensing Regulations**

The Board considered draft proposed amendments to the Home Inspector Licensing Regulations. Mr. Palmer moved to adopt the draft proposed amendments to the regulations as presented for the purpose of discussion. Mr. Thomas seconded the motion which was unanimously approved by: Baynes, Cranor, Haltigan, Magruder, Palmer, Rushton, Studley, and Thomas. Discussion was held on entry requirements, continuing professional education subject matter, licensee responsibility, and prohibited acts. After discussion, Mr. Rushton moved to approve the Committee's recommended draft Home Inspector Licensing Regulations as amended, and authorize staff to file the amended regulations as proposed in order to proceed through the regulatory review process. Mr. Palmer seconded the motion which was unanimously approved by: Baynes, Cranor, Haltigan, Magruder, Palmer, Rushton, Studley, and Thomas.

Ms. Lindsey asked the Board to consider authorizing staff to file an exempt action to amend the Board's regulations to comport with recent legislation legalizing marijuana. The amendment would exclude marijuana-related misdemeanor convictions from the disclosure and reporting requirements in the regulations. Mr. Rushton moved to authorize staff to file an exempt action to amend the Board's regulations. Mr. Cranor seconded the motion which was unanimously approved by: Baynes, Cranor, Haltigan, Magruder, Palmer, Rushton, Studley, and Thomas.

**Consider Exempt Action to Amend Home Inspector Licensing Regulations and Lead-Based Activities Regulations to Incorporate Changes Resulting from Recent Marijuana**

Ms. Pettus provided an update of home inspector CPE audits conducted on twenty-five percent of eligible certified home inspectors beginning on September 23, 2021.

**Legislation**

**September 2021  
Home Inspector  
Audit Report**

Ms. Lindsey and Ms. Pettus advised the Board that staff has received multiple inquiries as to whether virtual or online platforms are acceptable methods of delivery for asbestos and lead courses in light of the expiration of waivers instituted during the height of the pandemic. As Executive Order 51 expired on June 30, 2021, but recommendations remain in place to help mitigate the spread of COVID-19, training providers are requesting clarification to ensure they remain in compliance with statutes and regulations.

**Discuss Virtual  
Format for Asbestos  
and Lead Education**

Ms. Lindsey asked the Board to consider guidance adopted by the Board as authorized by the Order, allowing for hybrid delivery of asbestos initial courses wherein theoretical instruction was permitted to be conducted by electronic means, while any required hands-on instruction was to be performed in person. After lengthy discussion, Ms. Baynes moved to rescind the guidance on the hybrid delivery of asbestos initial courses, and further moved to table the topic until the February 2022 Board meeting. Mr. Thomas seconded the motion which was unanimously approved by: Baynes, Cranor, Haltigan, Magruder, Palmer, Rushton, Studley, and Thomas.

Ms. Webster advised the Board of the Virginia Federal Bonding Program, a program that essentially insures an employer against any loss due to larceny, theft, embezzling, or forgery for \$5,000.00 and six months at no cost to the employer when that employer chooses to hire an individual with a criminal history. The program aims to ensure reentry into the job market for individuals who have prior criminal convictions.

**Discussion of  
Virginia Federal  
Bonding Program**

After discussion, Mr. Rushton moved to endorse the Virginia Federal Bonding Program. Mr. Palmer seconded the motion which was unanimously approved by: Baynes, Cranor, Haltigan, Magruder, Palmer, Rushton, Studley, and Thomas.

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

**Board Financial  
Statements**

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

**Outreach Update**

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

### **Election of Officers**

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

Ms. Lindsey advised the Board that a Board Member Training Conference is being tentatively planned for October 2022.

### **Other Business**


Ms. Lindsey advised that the Secretary of the Commonwealth is looking to fill vacant seats on the Board, as well as to fill the seats of those whose terms have expired but who continue to serve on the Board. The Board members were invited to provide Ms. Lindsey with the names and contact information for any eligible individuals who may be interested in serving on the Board.


Staff has received certificates of completion for asbestos and lead refresher courses wherein the student, the training manager, and principal instructor are the same person. As the Board's regulations are silent on the matter, Ms. Pettus asked the Board to consider whether an instructor of an asbestos or lead course may sign his own certificate of completion signifying completion of required refresher training. After lengthy discussion, Mr. Palmer authorized staff to draft a guidance document requiring additional verification of an instructor's successful completion of asbestos and lead refresher training. Mr. Haltigan seconded the motion which was unanimously approved by: Baynes, Cranor, Haltigan, Magruder, Palmer, Rushton, Studley, and Thomas.

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 11:51 a.m. **Adjourn**

  
\_\_\_\_\_  
Gene E. Magruder, Chair

  
\_\_\_\_\_  
Demetrios J. Melis, 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 4, 2021
5. I have a personal interest in the following transaction:

\_\_\_\_\_

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

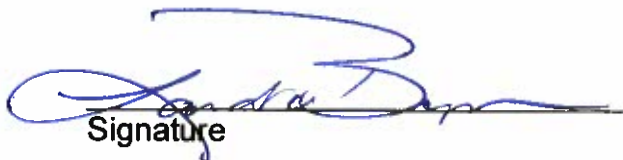
\_\_\_\_\_

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

11-4-2021  
Date

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

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

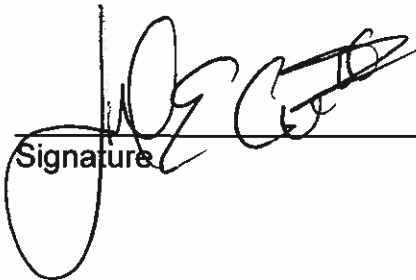
1. Name: John E. Cranor
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: November 4, 2021
5. I have a personal interest in the following transaction:

\_\_\_\_\_  
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

11-4-21  
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 4, 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

11/4/2021  
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 4, 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

11/4/21  
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: November 4, 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

11/4/2021  
\_\_\_\_\_  
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: November 4, 2021
5. I have a personal interest in the following transaction:

\_\_\_\_\_

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

\_\_\_\_\_

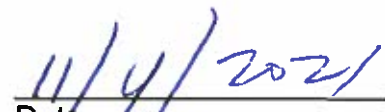
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

\_\_\_\_\_

- 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

  
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 4, 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

11/4/2021  
\_\_\_\_\_  
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: November 4, 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.

Paul D. Thomas  
Signature

11/4/2021  
Date