

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

The Virginia Board for Asbestos, Lead, and Home Inspectors met on February 16, 2005 in Conference Room 4 West at the offices of the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

The following members of the Board were present:

Frederick Heppner, Chairperson  
Joseph W. Crockett  
P. Bradley Nott, Jr.  
Howard D. Varner  
Richard L. Honeycutt  
John C. Bouldin  
Dolores C. Daniels

Board members Thomas Joel Loving, Wendy G. Hill and Vickie Harlow were unable to attend the meeting.

The following members of DPOR staff were present during some or all of the meeting:

Louise Fontaine Ware, Director  
Nick Christner, Deputy Director for CID  
Karen O'Neal, Deputy Director for LRD  
David Dick, Executive Director  
Joseph Kossan, Regulatory Boards Administrator  
Thomas K. Perry, Regulatory Boards Administrator  
Marilyn Mandel, Administrative Assistant

Others who attended the meeting included:

Douglas Lasure, Representing Potomac Abatement, Inc.,  
Respondent  
Anthony Farnella, Sr., Potomac Abatement, Inc., Respondent  
Paul Schmidt, Counsel for Potomac Abatement, Inc.  
Cdr. Don Hagen, U.S. Navy  
Kerby Latham, U.S. Navy  
Thomas Fleming, U.S. Navy  
Ron Graham, DOLI Representative  
John Crisanti, DOLI Representative  
George Olin Hardy, IV, Applicant  
Angela Mulleano, Marine Chemist  
Coleen Becker, Marine Chemist

Eric Gregory of the Office of the Attorney General was not present.

Chairperson Heppner, finding a quorum of the Board present, **Call to Order**  
called the meeting to order at 9:05AM.

Mr. Crockett moved that the Board approve the agenda as **Adopt Agenda**  
prepared by staff. Mr. Honeycutt seconded the motion, which  
was unanimously approved by the following members: Heppner,  
Crockett, Nott, Varner, Honeycutt, Bouldin and Daniels.

Ms. Daniels moved that the Board approve the minutes of its **Approval of Board**  
November 3, 2004 meeting and the IFF minutes of December 2, **Minutes**  
2004 and January 4, 2005. Mr. Crockett seconded the motion  
which was unanimously approved by the following members:  
Heppner, Crockett, Nott, Varner, Honeycutt, Bouldin and  
Daniels.

Chairperson Heppner opened the floor for public comment. **Public Comment**  
Angelia Mulleano, employed by Marine Chemist Services, Inc. **Period**  
and Coleen Becker, General Manager of Marine Chemist  
Services, Inc., addressed the Board regarding Ms. Mulleano, who  
is the subject of File Number 2002-01362, which was closed with  
a "no disciplinary action" disposition. The Board requested that  
staff review Ms. Mulleano's record, attempt to determine if other  
regulants have similar records and report to the Board during its  
May 18 meeting.

The Board agreed without dissent to review File Numbers 2004- **File Numbers**  
04189 and 2004-04190 together. **2004-04189**  
**2004-04190**

In the matter of **File Numbers 2004-04189 and 2004-04190, Potomac Abatement, Inc.**, the Board reviewed the record, which consisted of the investigative file, transcript and exhibits from the IFF, and the presiding Board member's summary and recommendation. Mr. Schmidt, Counsel for Potomac Abatement, Inc., was present and addressed the Board. Anthony Farnella, Sr. and Douglas Lasure, President and Vice President, respectively, of Potomac Abatement, Inc. (Respondent) were present and also addressed the Board.

Mr. Bouldin moved that the Board adopt the summary and conclusion in File Number 2004-04189 for Count 1 that Potomac Abatement, Inc. was in violation of 18 VAC 15-20-450.A.6.of

the Board's January 2, 2002 regulations and for Count 2 that Potomac Abatement, Inc. was in violation of 18 VAC 15-20-450.A.7. of the Board's January 2, 2002 regulations; and in File Number 2004-04190 for Count 1 that Potomac Abatement, Inc. was in violation of 18 VAC 15-30-810.A.6. of the Board's October 1, 1995 regulations and for Count 2 that Potomac Abatement, Inc. was in violation of 18 VAC 15-30-810.A.7. of the Board's October 1, 1995 regulations. Mr. Nott seconded the motion which was passed by the following votes: "YES" Heppner, Nott, Varner, Bouldin and Daniels. Mr. Crockett abstained from the vote because he represents an abatement contractor. Mr. Honeycutt recused himself and did not participate in the discussion or vote.

Mr. Bouldin moved that the Board reject the sanctions recommended by the presiding board member of revocation of asbestos contractor license number 3306-000281 for Count 1 and a monetary penalty of \$500 for Count 2 in File Number 2004-04189; and of revocation of lead abatement contractor license number 3358-000132 for Count 1 and a monetary penalty of \$500 for Count 2 in File Number 2004-04190. Mr. Varner seconded the motion which was passed by the following votes: "YES" Heppner, Nott, Varner, Bouldin and Daniels. Mr. Crockett abstained from the vote because he represents an abatement contractor. Mr. Honeycutt recused himself and did not participate in the discussion or vote.

The Board tabled this matter until later in the meeting.

In the matter of **File Number 2005-02557**, **Board v. George Olin Hardy, IV**, the Board reviewed the record, which consisted of the application file, transcript and exhibits from the IFF, and the presiding officer's summary, conclusion, and recommendation. George Olin Hardy, IV (Respondent) was present and addressed the Board. Mr. Crockett moved that the Board amend the recommendation to state "Due to unique circumstances of Mr. Hardy's qualifications," the Board accepts the presiding officer's recommendation, and grants the waiver of the Board's examination and experience requirements and approve the application for certified home inspector for George Olin Hardy, IV. Mr. Varner seconded the motion which was passed by the following votes: "YES" Bouldin, Nott, Varner, Crockett, Honeycutt and Daniels. Mr. Heppner recused himself and did not participate in the discussion or vote.

**File Number**  
**2005-02557**

In response to the Board's request, Commander Don Hagen from the Naval Occupational Safety and Health and Environmental Training Center, reviewed their proposal to conduct one-day Asbestos Supervisor refresher training using Video-Tele Training (VTT) technology and to have no instructor present at the facilities connected by VTT to the instructor's facility. Mr. Crockett moved that the Board accept the Navy proposal. Mr. Bouldin seconded the motion which was which was unanimously approved by the following members:

Heppner, Crockett, Nott, Varner, Honeycutt, Bouldin and Daniels.

Tom Perry informed the Board that by action of the Board for Contractors on January 18, 2005, the Lead Safe Work Practices Training Program for Remodeling, Repair and Painting developed jointly by EPA and HUD would be approved for remedial education in those instances where a Home Improvement Contractor had been less than prudent in the preparation of the home for renovation.

Mr. Crockett provided the Board with EPA correspondence on removal of asbestos-containing floor mastic using mechanical buffer. After explanation and discussion, the Board agreed without dissent that staff make the information available to Virginia's licensed asbestos contractors, project monitors, project designers and accredited asbestos trainer providers.

David Dick presented background information to the Board regarding the requirement of a Project Monitor for all asbestos abatement projects. Mr. Ronald Graham and Mr. John Crisanti from the Virginia Department of Labor and Industry discussed this issue and possible options available to DOLI and DPOR. No action was taken by the Board.

**In the matter of File Numbers 2004-04189 and 2004-04190, Potomac Abatement, Inc.,** the Board reviewed the Consent Orders as proposed by Respondent counsel. Mr. Varner moved that the Board accept the Consent Order offered for File Number 2004-04189, which imposes a monetary penalty of \$2,500 for Count 1 and a monetary penalty of \$2,500 for Count 2, plus \$300 in Board costs, and that the Board accept the consent Order offered for File Number 2004-04190, which imposes a monetary penalty of \$2,500 for Count 1 and a monetary penalty of \$2,500

**Other Business**

**Project Monitor  
Information from  
DOLI**

**File Numbers  
2004-04189  
2004-04190**

for Count 2, plus \$300 in Board costs, totaling \$10,600 and Potomac Abatement, Inc. further agrees to remain in good standing with the EPA and comply with all Board statutes and regulations. Potomac Abatement, Inc. further acknowledges that it cannot engage in Asbestos or Lead Abatement activities until it obtains a valid contractors license issued by the Virginia Board for Contractors. Disciplinary action taken by another jurisdiction based upon the guilty plea mentioned in the Report of Findings shall not be considered a violation of this Consent Order. It is further agreed that disciplinary action taken by another jurisdiction arising out of the guilty plea in the Report of Findings shall not be considered a violation of the Board's regulations. Mr. Nott seconded the motion which was passed by the following votes: "YES" Bouldin, Nott, Varner, Heppner and Daniels. Mr. Crockett abstained from the vote because he represents an abatement contractor. Mr. Honeycutt recused himself and did not participate in the discussion or vote.

Tom Perry presented a draft of proposed amendments to the Board's Asbestos Regulations. Mr. Boldin moved that the Board approve the proposed amendments to its Asbestos Regulations prepared by staff and the additions agreed upon by the Board and directed staff to do those things necessary to mature the proposed amendments for public comment in compliance with the Administrative Process Act. Mr. Crockett seconded this motion, which was unanimously approved by the following members: Heppner, Crockett, Nott, Varner, Honeycutt, Bouldin and Daniels.

#### **Regulatory Action**

Mr. Perry presented a draft of proposed amendments to the Board's Lead-Based Paint Activities Regulations. Mr. Varner moved that the Board approve the proposed amendments to its Lead-Based Paint Activities Regulations prepared by staff and directed staff to do those things necessary to mature the proposed amendments for public comment in compliance with the Administrative Process Act. Ms. Daniels seconded this motion, which was unanimously approved by the following members: Heppner, Crockett, Nott, Varner, Honeycutt, Bouldin and Daniels.

The following meeting dates have been scheduled.

#### **Next Meeting Date**

- May 18, 2005
- August 17, 2005

- November 2, 2005

The new board member training by Karen O'Neal was postponed until the next meeting. **New Board Member Training**

Mr. Heppner asked the Board members to complete their conflict of interest forms and travel vouchers. **Conflict of Interest Forms and Travel Vouchers**

Mr. Heppner, finding no further business to conduct, adjourned the meeting at 2:45 PM. **Adjournment**

  
\_\_\_\_\_  
Frederick Heppner, Chairperson

  
\_\_\_\_\_  
Louise Fontaine Ware, Secretary

COPY TESTE:

\_\_\_\_\_  
Custodian of the Records

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

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

1. Name: Frederick Heppner
2. Title: Board Member - Asbestos, Lead and Home Inspectors
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_  
\_\_\_\_\_

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: \_\_\_\_\_

Home Inspector

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

Dated: 2/16/05

Signature: Frederick Heppner

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

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of  
State Government

1. Name: Joseph W. Crockett
2. Title: Board Member - Asbestos, Lead and Home Inspectors
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: ASBESTOS AND  
LEAD APARTMENT CONTRACTING

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: CONTRACTOR -  
WACO, INC. VICE PRESIDENT

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

Dated: 2-16-05

Signature: Joseph W. Crockett



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

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of  
State Government

1. Name: P. Bradley Nott, Jr.
2. Title: Board Member - Asbestos, Lead and Home Inspectors
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_  
\_\_\_\_\_

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: \_\_\_\_\_  
\_\_\_\_\_

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

Dated: 2/16/05

Signature: 

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

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of  
State Government

**RECEIVED**  
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1. Name: Howard D. Varner
2. Title: Board Member - Asbestos, Lead and Home Inspectors
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_  
\_\_\_\_\_

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: \_\_\_\_\_

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

Dated:

Feb. 16, 2005

Signature:

Howard D. Varner

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

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

1. Name: Richard L. Honeycutt
2. Title: Board Member - Asbestos, Lead and Home Inspectors
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_  
\_\_\_\_\_

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: \_\_\_\_\_

Project Mga - Lead Corporation

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

Dated:

Signature:

27-16-057  
Richard Honeycutt

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

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of  
State Government

1. Name: John C. Bouldin
2. Title: Board Member - Asbestos, Lead and Home Inspectors
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: None

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: VAREI, NAHI, ASHI, ITA, Proctus HI, VBCOA

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

Dated: 2/16/05

Signature: John Bouldin

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

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of  
State Government

1. Name: Dolores C. Daniels
2. Title: Board Member - Asbestos, Lead and Home Inspectors
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_  
\_\_\_\_\_

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: \_\_\_\_\_  
\_\_\_\_\_

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

Dated: Feb 16, 2005  
Signature: Dolores C. Daniels