

**BOARD FOR CONTRACTORS COMMITTEE
MEETING MINUTES**

The Board for Contractors Committee met on Tuesday, June 8, 2021 at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia.

Donald Groh
E.G. Rudy Middleton
Jeffrey Hux
John O'Dell

Board member(s) absent from the meeting:

Shawn Mitchell
Deborah Tomlin

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

Eric Olson, Executive Director
Marjorie King, Board Administrator
Adrienne Mayo, Board Administrator
Mary Charity, Licensing Supervisor
Stephanie Keuther, Administrative Assistant

Vice Chairman, Groh called the June 8, 2021 Board for Contractors Committee Meeting to order at 8:15A.M.

Call To Order

Mr. Middleton made a motion seconded by Mr. Hux to adopt the Agenda of June 8, 2021.

Approval of Agenda

The motion was approved with a vote of 4-0-0. Ayes: Hux, O'Dell, Groh, and Middleton. Nays: None Abstain: None Absent: Mitchell, and Tomlin

Mr. Hux made a motion seconded by Mr. O'Dell to approve the Minutes of April 20, 2021 Board for Contractors Committee Meeting as presented.

Minutes

The motion was approved with a vote of 4-0-0. Ayes: Hux, O'Dell, Groh, and Middleton. Nays: None Abstain: None Absent: Mitchell, and Tomlin

Vice Chairman, Groh opened the Public Comment section of the meeting.

Public Comment

With no one wishing to come forward Vice Chairman, Groh closed the Public Comment section of the meeting.

Education Provider Applications

Education Provider Applications

Adrienne Mayo, Regulatory Board Administrator addressed the Board:

Applications for proposed education providers and courses were reviewed and the Committee's recommendations are as follows:

Ms. Mayo shared that staff recommends approval for:

South Atlantic Jubilee – 1 Continuing Education and 1 Vocational Education classroom course for Certified Water Well Systems Provider

South Atlantic Jubilee

A motion was made by Mr. O'Dell seconded by Mr. Middleton for approval.

The motion was approved with a vote of 4-0-0. Ayes: Hux, O'Dell, Groh, and Middleton. Nays: None Abstain: None Absent: Mitchell, and Tomlin

Ms. Mayo shared that staff recommends approval for:

West Virginia Water Well Drillers Association - 1 Continuing Education and 1 Vocational Education online (ZOOM TYPE) course for Certified Water Well Systems Provider

West Virginia Water Well Drillers Association

A motion was made by Mr. O'Dell seconded by Mr. Middleton for approval.

The motion was approved with a vote of 4-0-0. Ayes: Hux, O'Dell, Groh, and Middleton. Nays: None Abstain: None Absent: Mitchell, and Tomlin

Ms. Mayo shared that staff recommends approval for:

Worldwide Drilling Resource Inc. – 1 Continuing Education classroom course for Certified Water Well Systems Provider

Worldwide Drilling Resource Inc.

A motion was made by Mr. O'Dell seconded by Mr. Middleton for approval.

The motion was approved with a vote of 4-0-0. Ayes: Hux, O'Dell, Groh, and Middleton. **Nays:** None **Abstain:** None **Absent:** Mitchell, and Tomlin

Adrienne Mayo, Board Administrator informed the Committee staff will be resuming audits of the education provider's continuing education courses once Executive Order 51 is lifted on June 30, 2021.

Ms. Mayo updated the Committee regarding the expiration of Amended Executive Order 51 and the impact on education providers. Under the Amended Executive Order, all education providers approved by the Board for Contractors were permitted to offer courses in an online format, even if the courses were not originally approved for online presentation. Effective July 31, 2021 (30 days after the expiration of the Amended Executive Order) all courses must be presented in the format in which they were approved or they will not be accepted by the Board.

Old Business

None

Old Business

None

New Business

New Business

Trade Exploration Work Group

Eric Olson, Executive Director informed the Committee during the 2021 General Assembly Session, the House Committee on Rules heard and considered HJ 561, introduced by Delegate Guzman, which would have established a joint legislative subcommittee to study certain matters related to licensed programs under the authority of the Board for Contractors. In lieu of formal passage of this bill, it was agreed that the matter would be referred to the Department of Professional and Occupational Regulation (DPOR), requesting that it investigate the concerns outlined in the proposed legislation and identify what, if any, changes can be made to address this matter most appropriately.

Trade Exploration Work Group

On April 28, 2021, the Speaker of the House of Delegates, Eileen Filler-Corn, sent a letter to the Director of DPOR instructing the agency to review and address these concerns. In response, the Board for Contractors is forming a Trade Exploration Work Group to look at the current regulatory programs and explore possible legislative solutions that could be suggested. Included in the discussion will be items such as the necessity for licensure, training and education requirements, and workplace safety issues.

The Board for Contractors has selected the dates for the Trade Exploration Work Group to be held in Board Room 4 of the Perimeter Center, located at 9960 Mayland Drive, in Henrico County. The first meeting will be held on June 23rd and the second on June 28th. An additional meeting, if necessary, will be held on July 26th. The following individuals will be part of the work group panel:

Jeffrey Hux - Board for Contractors
Rudy Middleton - Board for Contractors
Shannon Webster - DPOR (Director of Workforce Development)
Craig Toalson - HBAV
Jason Wheeler - Regional Council of Carpenters
Destine LeVere - AFL-CIO
Patricia Morrison - DOLI (apprenticeship)
Marta Fernandes - DOLI (enforcement)
Jason Parker - Virginia State Building and Construction Trades Council
Brandon Robinson - AGC
Jason Ascher - Mid-Atlantic Pipe Trades Association
TBD - Chesterfield County Public Schools
TBD - Community College Workforce Development

Latino Advisory Council update

Eric Olson, Executive Director updated the Board for Contractors with regards to his working with the Latino Advisory Council in providing it information on the licensing requirements, exams, and applications for its programs. It was noted that the Council is exploring the possibility of having exams and applications be given in Spanish now that the ICC has published Spanish editions of the International Building Codes. Mr. Olson stated that he will continue to work with the Council to assist them and will keep the Board and the Committee informed of any legislative recommendations that may be presented.

Latino Advisory Council update

Expiration of COVID Waivers

Eric Olson, Executive Director reminded the Committee Executive Order 51 ends on June 30, 2021. The Board for Contractors Committee and Regular Meetings will resume as they did prior Executive Order 51 starting at the July 20, 2021 meetings. Mr. Olson reminded the Committee that currently the agency has not suspended any licenses due to late renewal payments or Continuing Education. This waiver will remain valid until August 2, 2021, which is 31 days after the expiration of Amended Executive Order 51. After that date, if the renewal fees or continuing education classes have not been completed, the license will go into reinstatement from the original date of expiration. The Agency has sent notifications to all licensees that have passed their renewal date or need to complete Continuing Education. The Board for Contractors staff will also send out a follow-up notice to the same licensees.

Expiration of COVID Waivers

Remedial Education COVID Extensions

Eric Olson, Executive Director informed the Committee as of April 2021, an EAGLES report shows 155 licensees that are still needing Remedial Education in order to be in compliance after Executive Order 51. Contractor staff has notified the 155 licensees that this waiver will remain valid until August 31, 2021, which is 60 days after the expiration of Amended Executive Order 51, at which time licensees must be registered for a Remedial Education class to remain in compliance with Board Regulations.

Remedial Education COVID Extensions

Remedial Education

Remedial Education Report – Michael and Son update

Marjorie King, Board Administrator informed the Committee Michael and Sons last Remedial Education class is this Friday, June 11, 2021. Ms. King also informed the Committee that Michael and Sons is requesting to post pone the last class until after Labor Day in order to keep up with the busy season.

The Committee did not vote but recommended denying this request.

Alternative Contracts

Eric Olson, Executive Director informed the Committee at its Remedial Education classes there has been a large increase of violations for contracts, specifically cost plus and time and material contracts. The Committee reviewed the filing of charges prohibit act 18VAC 50-22-260.

9.b. "A statement of the total cost of the contract and the amounts and schedule for progress payments including a specific statement on the amount of the down payment"

After much discussion the Committee recommended to start the Regulatory Review process to include cost plus and time and material to the Prohibit Act. The Committee also instructed staff to adopt a policy for Investigations and CAR to not site for this violation while in progress.

Election of Officers

Mr. Groh turned the chair to Eric Olson, Executive Director, for the purposes of conducting the Election of Officers.

Mr. Olson called for nominations from the floor for Chairman of the Committee.

Mr. Hux made a motion, seconded by Mr. Middleton, to nominate Mr. Groh as Chairman.

Mr. Olson called for other nominations, hearing none, the nominations for chairman were closed.

The motion was approved with a vote of 4-0-0. Ayes: Hux, O'Dell, Groh, and Middleton. **Nays:** None **Abstain:** None **Absent:** Mitchell, and Tomlin

Mr. Olson called for nominations from the floor for Vice-Chairman of the Board.

Mr. Hux made a motion, seconded by Mr. Groh, to nominate Ms. Tomlin as Vice Chairman.

Mr. Olson called for other nominations, hearing none, the nominations for vice chairman were closed.

The motion was approved with a vote of 4-0-0. Ayes: Hux, O'Dell, Groh, and Middleton. **Nays:** None **Abstain:** None **Absent:** Mitchell, and Tomlin

Mr. Olson returned the chair to Mr. Groh.

**Report – Michael
and Son update**

**Alternative
Contracts**

Election of Officers

Apprenticeship Programs

Chairman, Groh asked the Committee for clarification regarding the tradesman and elevator apprenticeship initial examination waivers. Staff informed the Committee the Apprenticeship programs are good for the initial application, and allows for a one time lap in licensure, after which an examination would be required.

Apprenticeship Programs



Adjournment

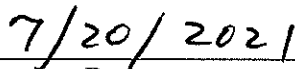
Adjournment

Chairman, Groh thanked the Committee and Staff and adjourned the Committee Meeting at 9:35 A.M.

The next Committee Meeting will be **July 20, 2021**



Donald Groh, Chairman



Date