

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

The Virginia Board for Asbestos, Lead, and Home Inspectors met on November 6, 2014, at the offices of the Department of Professional and Occupational Regulation (DPOR), Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room 3, Richmond, Virginia 23233.

The following members of the Board were present:

Sandra Baynes (arrived at 9:23 a.m.)  
Colleen Becker, Chair  
Erich Fritz  
James Haltigan  
Gene Magruder

Reginald Marston, III  
Frederick Molter, IV  
Kenneth Nash  
Walter Nixon  
Peter Palmer, Vice Chair

Board members Suzanne Blevins, Phillip Fincher, Rick Holtz, and Brian Koepf were not present at the meeting.

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

Jay W. DeBoer, Director  
Nick Christner, Deputy Director for Licensing, Investigations and Compliance  
Mark N. Courtney, Senior Director for Regulatory and Public Affairs  
Trisha L. Henshaw, Executive Director  
Thomas K. Perry, Board Administrator  
Betty C. Jones, Administrative Assistant

Ms. Henshaw introduced and welcomed Heather Lockerman, Assistant Attorney General, from the Office of the Attorney General. Ms. Lockerman was in attendance as Board counsel.

Ms. Becker, finding a quorum of the Board present, called the **Call to Order** meeting to order at 9:08 a.m.

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

Mr. Magruder moved to approve the agenda. Mr. Nixon seconded the motion which was unanimously approved by: Fritz, Haltigan, Magruder, Marston, Molter, Nixon, and Palmer. Board members Becker and Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to lead-based paint renovation, repair, and painting (RRP) until the effective date of the regulations. **Approval of Agenda**

Ms. Becker asked everyone to introduce themselves to the Board. The Board welcomed the newest Board members: Erich Fritz, who was appointed to serve as a citizen member; James Haltigan, who was appointed to serve as a lead contractor member; and Gene Magruder, who was appointed to serve as a Board for Contractors member.

**Introduction of New Members**

Mr. Palmer moved that the Board approve the minutes of the August 7, 2014, Board meeting. Mr. Nixon seconded the motion which was unanimously approved by: Fritz, Haltigan, Magruder, Marston, Molter, Nixon, and Palmer. Board members Becker and Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

**Approval of Minutes**

Ms. Becker opened the floor for public comment. No members of the public present requested to speak.

**Public Comment Period**

Ms. Henshaw gave an update on the current status of the regulatory review processes for the Board's regulatory packages.

**Update on Regulatory Review Processes**

The proposed fee amendments to the Asbestos Licensing Regulations, Lead-Based Paint Activities Regulations, and Certified Home Inspector Regulations are each in the final stage currently undergoing review by the Governor's office.

The proposed amendments to the Asbestos Licensing Regulations, Lead-Based Paint Activities Regulations, and the Certified Home Inspector Regulations made pursuant to the Governor's Regulatory Reform Initiative are each in the final stage currently undergoing review by the Governor's office.

The proposed amendment to the Lead-Based Paint Activities Regulations to correct language for renewal of accredited lead training programs are in the fast-track stage currently undergoing review by the Governor's office.

The Lead-Based Paint Activities Regulations (Lead Renewal Change) are in the final stage currently undergoing review by the Governor's office.

The proposed amendment to the Lead-Based Paint Activities Regulations removing the exam fee cap is in the proposed stage currently undergoing review by the Governor's office.

The proposed amendment to the Certified Home Inspector Regulations removing the requirement that initial training courses have to be taken in a classroom setting are in the final stage currently undergoing review by the Governor's office.

The proposed Lead-Based Paint Renovation, Repair, and Painting Program Regulations (Initial Promulgation) have been re-filed and are in the proposed stage currently undergoing review by the Governor's office.

Ms. Baynes arrived at 9:23 a.m. Ms. Becker introduced Ms. Baynes to the Board, who was appointed to serve as a citizen member.

**Arrival of Board Member**

At the August 7, 2014, Board meeting, the Board was provided with a memorandum from Mr. Perry requesting clarification of whether the minimum dollar amount of general liability insurance required for certified home inspectors is "per occurrence" or an "aggregate limit."

**Memorandum on Minimum Insurance Coverage Clarification for Home Inspectors**

Home Inspectors are required to obtain general liability insurance as an entry requirement for certification. Subsection 9 of Regulation 18 VAC 15-40-30 states that "Applicants shall show evidence of having obtained general liability insurance with minimum limits of \$250,000." Regulation 18 VAC 15-40-80.C requires the regulant at renewal to affirm that the insurance required by 18 VAC 15-40-30 continues to be in effect.

Upon review of recently received Certificates of Insurance from applicants for Certified Home Inspectors, clarification was required to specify whether the \$250,000 minimum was a "per occurrence" or an "aggregate limit" amount. The regulations do not specify.

Upon further research provided by Mr. Perry and after discussion, Mr. Marston made a motion that the Board adopt a guidance document to indicate that the \$250,000 minimum coverage of general liability insurance required for applicants and regulants is a "per occurrence" minimum. Mr. Magruder seconded the motion which was unanimously approved by: Baynes, Fritz, Haltigan, Magruder, Marston, Molter, Nixon, and Palmer. Board members Becker and Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

Mr. Perry provided a revised handout summarizing the asbestos and lead training course audits that have been conducted since the Board's last meeting. Three course approval audits have been conducted, which include one asbestos inspector initial, one asbestos management planner initial, and one asbestos management planner refresher. Four additional audits have been scheduled for new training course approval. Five additional training course applications are still pending.

**Asbestos and Lead  
Training Course  
Audits**

Mr. Perry provided an update concerning the certified home inspectors continuing professional education (CPE) audit. Based on previous guidance from the Board, an audit was conducted on April 1, 2014 of 21 randomly selected Certified Home Inspectors whose certificates expired between October 31, 2013 and March 31, 2014. This number equates to 25 percent of the certificates expiring during this six-month period. Of the 20 responses received, 19 have passed and one needs to supply additional information. No response has been received from the remaining regulant; however, this certificate expired on March 31, 2014 and has not been renewed.

**Update on Certified  
Home Inspector  
CPE Audits**

A new audit was conducted on October 1, 2014 of 14 randomly selected Certified Home Inspectors whose certificates expired between April 30, 2014 and September 30, 2014. This number equates to 25 percent of the certificates expiring during this six-month period. Of the 12 responses received, eight have passed and four need to supply additional information.

At the February 6, 2014, Board meeting, Mr. Christner discussed recent conversations between DPOR staff and the Environmental Protection Agency (EPA) regarding concerns that DPOR is not conducting sufficient lead abatement enforcement activities. Mr. Christner stated that DPOR, along with Virginia Department of Health (VDH) and Department of Labor and Industry (DOLI), provides an annual state authorization report to EPA to maintain the state's authorization to operate the lead-based paint activities program. DPOR's enforcement activities are complaint-driven. EPA has expressed its frustration that recent reports have included very few disciplinary actions and abatement notifications.

**Discuss Lead  
Contractor Audits**

As a preliminary step in addressing some of EPA's concerns, Mr. Christner has agreed to explore and develop a process whereby staff conducts a cursory audit of the records of lead abatement contractors, in part to determine if such contractor's work would be

considered abatement. While Mr. Christner indicated there are still several obstacles that must be overcome to implement this audit process, he would need a resolution of authorization from the Board that delegates the staff with the authority to conduct inspections (audits).

Mr. Palmer made a motion to adopt a resolution of authorization that delegates the staff with the authority to conduct inspections (audits). Mr. Magruder seconded the motion which was unanimously approved by: Baynes, Fritz, Haltigan, Magruder, Marston, Molter, Nixon, and Palmer. Board members Becker and Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

The following resolution was presented for consideration by the Board.

**Consideration of  
Resolutions for  
Service**

**Resolution for**

**Keith Cronan**

WHEREAS, **Keith Cronan** did faithfully and diligently serve as a member of the Virginia Board for Asbestos, Lead, and Home Inspectors from 2006 to 2014;

WHEREAS, **Keith Cronan** did devote generously of his time, talent and leadership to the Board;

WHEREAS, **Keith Cronan** did endeavor at all times to render decisions with fairness and good judgment in the best interest of the citizens of the Commonwealth and these professions; and

WHEREAS, the Virginia Board for Asbestos, Lead, and Home Inspectors wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Virginia Board for Asbestos, Lead, and Home Inspectors this sixth day of November 2014, that **Keith Cronan** be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held by this Board.

Mr. Nixon made a motion to adopt the resolution. Mr. Haltigan seconded the motion which was unanimously approved by: Baynes, Fritz, Haltigan, Magruder, Marston, Molter, Nixon, and Palmer. Board members Becker and Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

The following resolution was presented for consideration by the Board.

**Resolution for**

**Delores C. Daniels**

WHEREAS, **Delores C. Daniels** did faithfully and diligently serve as a member of the Virginia Board for Asbestos, Lead, and Home Inspectors from 2004 to 2014;

WHEREAS, **Delores C. Daniels** did devote generously of her time, talent and leadership to the Board;

WHEREAS, **Delores C. Daniels** did endeavor at all times to render decisions with fairness and good judgment in the best interest of the citizens of the Commonwealth and these professions; and

WHEREAS, the Virginia Board for Asbestos, Lead, and Home Inspectors wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Virginia Board for Asbestos, Lead, and Home Inspectors this sixth day of November 2014, that **Delores C. Daniels** be given all honors and respect due her for her outstanding service to the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to her and be made a part of the official minutes of

the Board so that all may know of the high regard in which she is held by this Board.

Mr. Palmer made a motion to adopt the resolution. Mr. Marston seconded the motion which was unanimously approved by: Baynes, Fritz, Haltigan, Magruder, Marston, Molter, Nixon, and Palmer. Board members Becker and Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

The following resolution was presented for consideration by the Board.

#### **Resolution for**

#### **D. Todd Vander Pol**

WHEREAS, **D. Todd Vander Pol** did faithfully and diligently serve as a member of the Virginia Board for Asbestos, Lead, and Home Inspectors from 2010 to 2014;

WHEREAS, **D. Todd Vander Pol** did devote generously of his time, talent and leadership to the Board;

WHEREAS, **D. Todd Vander Pol** did endeavor at all times to render decisions with fairness and good judgment in the best interest of the citizens of the Commonwealth and these professions; and

WHEREAS, the Virginia Board for Asbestos, Lead, and Home Inspectors wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Virginia Board for Asbestos, Lead, and Home Inspectors this sixth day of November 2014, that **D. Todd Vander Pol** be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held by this Board.

Mr. Nixon made a motion to adopt the resolution. Mr. Magruder seconded the motion which was unanimously approved by: Baynes, Fritz, Haltigan, Magruder, Marston, Molter, Nixon, and Palmer. Board members Becker and Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

Ms. Henshaw provided the Board with a few updates. Ms. Henshaw will be attending an EPA Region 3, Mid-Atlantic Regional Environmental Consortium (MAREC), and Mid-Atlantic Regional Air Management Association (MARAMA) 2014 Asbestos Coordination meeting in December which will be held in Delaware.

**Other Board  
Business**

Ms. Henshaw and Mr. Perry will be attending the annual EPA Lead Inspector Workshop in December which will be held in Philadelphia.

In October, Ms. Henshaw attended the Virginia Association of Real Estate Inspectors Annual meeting to provide a regulatory update on home inspector certification.

At the August 7, 2014, Board meeting, the Board discussed the Virginia Housing Commission's Asbestos Sub Work Group, specifically the request from the Chair of the Asbestos Sub Work Group that the Board consider a regulatory amendment to incorporate provisions related to substantial identity of interest for asbestos and lead contractors.

On September 17, 2014, Ms. Henshaw provided a report to Delegate Chris Peace, Chair of the Asbestos Sub Work Group, and the Virginia Housing Commission's Affordable Housing, Real Estate Law and Mortgages Work Group, of the Board's decision to not pursue a regulatory amendment as it would be duplicative and an unnecessary delay in licensure, as the Board for Contractors already has substantial identity provisions.

Ms. Henshaw explained that all Board and industry-related legislation during the upcoming General Assembly Session is monitored by Board and Department staff. While staff may provide technical information, data, and statistics regarding legislative proposals, Ms. Henshaw reminded the Board members that neither staff nor the Board has a position on a particular bill



until such time as the Governor issues a position.

The following meeting dates have been scheduled:

**Future Meeting  
Dates**

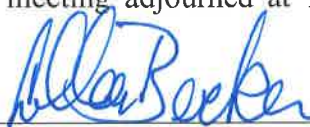
- February 5, 2015
- May 14, 2015
- August 6, 2015
- November 19, 2015

Ms. Becker requested that the Board members complete their conflict of interest forms and travel vouchers.

**Conflict of Interest  
Forms and Travel  
Vouchers**

There being no further business, the meeting adjourned at 10:18 a.m.

**Adjourn**

  
\_\_\_\_\_  
Colleen Becker, Chair

  
\_\_\_\_\_  
Jay W. DeBoer, 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 6, 2014
5. I have a personal interest in the following transaction:

NONE

Nature of Personal Interest Affected by Transaction: NONE

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.

Sandra Baynes  
Signature

11.6.2014  
Date

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

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

1. Name: Colleen Becker
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: November 6, 2014
5. I have a personal interest in the following transaction:

N/A

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:

\_\_\_\_\_

- 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

11/6/14  
\_\_\_\_\_  
Date

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

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government

1. Name: Erich Fritz
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: November 6, 2014
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

11/6/14  
\_\_\_\_\_  
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 6, 2014
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 \_\_\_\_\_

11/6/2014  
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 6, 2014
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 F. Magruder  
Signature

11/6/2014  
Date

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

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

1. Name: Reginald E. Marston, III
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: November 6, 2014
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: Frederick Molter IV
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: November 6, 2014
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: Kenneth Nash
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: November 6, 2014
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.

Kenneth C. Nash  
Signature

11-6-14  
Date

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

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

1. Name: Walter C. Nixon
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: November 6, 2014
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.

Walter C. Nixon  
Signature

11/06/14  
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 6, 2014
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

11/6/2014  
\_\_\_\_\_  
Date