

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

The Virginia Board for Asbestos, Lead, and Home Inspectors met on February 9, 2017, at the offices of the Department of Professional and Occupational Regulation (DPOR), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 4, Richmond, Virginia 23233.

The following members of the Board were present:

Sandra Baynes
Colleen Becker, Chair
Phillip Fincher
Erich J. Fritz
James E. Haltigan
Brian Koepf

Gene E. Magruder
Reginald E. Marston, III
Frederick Molter, IV
Kenneth Nash
Peter D. Palmer, Vice Chair

Board members Joe T. France, Rick Holtz, and Walter C. Nixon were not present at the meeting.

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

Jay W. DeBoer, Director
Trisha L. Henshaw, Executive Director
Paul G. Saunders, III, Board Administrator
Joseph Haughwout, Board and Regulatory Administrator
Lisa T. Robinson, Licensing Operations Administrator
Michael Leedom, Intake Supervisor, CAR
Tanya M. Pettus, Administrative Assistant

Elizabeth Peay from the Office of the Attorney General was present.

Ms. Becker, finding a quorum of the Board present, called the meeting to order at 9:02 a.m. **Call to Order**

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

Mr. Magruder moved to approve the agenda as presented. Mr. Koepf seconded the motion which was unanimously approved by: Baynes, Fincher, Fritz, Haltigan, Koepf, Magruder, Marston, Molter, 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 renovation, repair, and painting (RRP) until the effective date of the regulations. **Approval of Agenda**

Mr. Marston moved to approve the minutes of the November 15, 2016, Board meeting as presented. Mr. Magruder seconded the **Approval of Minutes**

motion which was unanimously approved by: Baynes, Fincher, Fritz, Haltigan, Koepf, Magruder, Marston, Molter, 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 renovation, repair, and painting (RRP) until the effective date of the regulations.

Ms. Henshaw introduced to the Board new staff members Joe Haughwout, Board and Regulatory Administrator, and Lisa Robinson, Licensing Operations Administrator.

Introduction of Staff Members

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

Public Comment Period

Ms. Becker and Mr. Molter recused themselves from the meeting for the discussions and deliberations regarding File Number 2016-01000. Mr. Palmer, Vice-Chair, assumed the chair of the Board.

Recusal of Board Members

In the matter of **File Number 2016-01000, Princeton Industrial Training Institute**, the Board members reviewed the record which consisted of the Notice of Prima Facie Case, Report of Findings, evidence, and the Presiding Officer's Summary and Recommendation. Mr. Magruder moved to accept the recommendation of the Presiding Officer and find Princeton Industrial Training Institute in violation of the following Board regulations:

File Number 2016-01000, Princeton Industrial Training Institute

- 18VAC 15-20-470.A,
- 18VAC 15-20-470.I,
- 18VAC 15-20-470.D, and
- 18 VAC 15-20-464.A.1.

Ms. Baynes seconded the motion which was approved by: Baynes, Fincher, Fritz, Haltigan, Koepf, Magruder, Marston, and Palmer. Board member Nash 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. Magruder then moved to accept the recommendation as to the sanctions and impose monetary penalties totaling \$600.00, and withdraw Princeton Industrial Training Institute's Board approval as an accredited training provider. Mr. Fritz seconded the motion which was approved by: Baynes, Fincher, Fritz, Haltigan, Koepf, Magruder, Marston, and Palmer. Board member Nash 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. Becker and Mr. Molter returned to the meeting.

**Return of Board
Members**

In the matter of **File Number 2017-01158, Wilson J. Nunez**, the Board members reviewed the application file, which consisted of the exhibits and the Presiding Officer's summary and recommendation. Mr. Marston moved to accept the summary and recommendation of the Presiding Officer and deny Mr. Nunez's application for an asbestos worker license. Mr. Magruder seconded the motion which was unanimously approved by: Baynes, Fincher, Fritz, Haltigan, Koepf, Magruder, Marston, Molter, 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 renovation, repair, and painting (RRP) until the effective date of the regulations.

**File Number 2017-
01158, Wilson J.
Nunez**

In the matter of **File Number 2017-01196, Jeovanie G. Ventura-Paxtor**, the Board members reviewed the application file, which consisted of the exhibits and the Presiding Officer's summary and recommendation. Mr. Marston moved to accept the summary and recommendation of the Presiding Officer and deny Mr. Ventura-Paxtor's application for an asbestos supervisor license. Mr. Fincher seconded the motion which was unanimously approved by: Baynes, Fincher, Fritz, Haltigan, Koepf, Magruder, Marston, Molter, 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 renovation, repair, and painting (RRP) until the effective date of the regulations.

**File Number 2017-
01196, Jeovanie G.
Ventura-Paxtor**

Mr. Haughwout provided an update on the current status of the regulatory review processes for the Board's regulatory packages.

**Update on
Regulatory Review
Processes**

The public comment period on the Home Inspector Licensing Implementation regulations ended on January 15, 2017. Mr. Haughwout advised the Board that public comments received would be presented to the Board during its consideration of adoption of final regulation text later in the meeting.

The public comment period on the Home Inspector Training Program provisions also ended on January 15, 2017. Mr. Haughwout advised the Board that public comments received would be presented to the Board during its consideration of adoption of final regulation text later in the meeting.

The regulation update for asbestos analytical laboratories and project monitors is currently in the proposed stage. After Board adoption of the proposed regulation text, the proposed text will be submitted for executive branch review.

The public comment period on the fast track action to amend public participation guidelines ended on December 28, 2016. No public comments were received. The amended regulations became effective January 12, 2017.

The proposed Lead-Based Paint Renovation, Repair, and Painting Program Regulations (Initial Promulgation) are currently undergoing review by the Governor's office. If approved, the regulations will be posted to the Virginia Register and a 60-day public comment period will commence, to include a public hearing.

Mr. Haughwout presented the Board with public comments received on the draft text of the Home Inspector Licensing and Training Program regulations, as well as a draft of Board responses to the public comments received.

**Consider Public
Comments on
Home Inspector
Licensing and
Training
Program
Regulations**

Mr. Haughwout advised the Board of amendments to the draft text of the Home Inspector Licensing and Training Program regulations made by staff after consideration of the public comments received.

Discussion was held on the following topics:

- Reciprocity and agreements with neighboring states,
- Reporting requirements regarding yellow corrugated stainless steel tubing (CSST)
- Home Inspectors citing building code, and
- License status during the reinstatement period.

Mr. Leedom addressed the Board regarding DPOR's process for handling complaints received for unlicensed activity during the reinstatement period. Mr. Leedom advised the Board that complaint analysis staff is currently working with DPOR investigators to devise a policy conforming to Virginia statutes for bringing licensees into compliance in instances wherein a license has expired but the license holder continues to perform work requiring a current, valid license.

The Board recessed from 10:20 a.m. to 10:28 a.m.

Recess

After discussion, Mr. Molter moved to adopt responses to the public comments as presented by staff. Mr. Marston seconded the motion which was unanimously approved by: Baynes, Fincher,

**Consider Public
Comments on
Home Inspector**

Fritz, Haltigan, Koepf, Magruder, Marston, Molter, 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 renovation, repair, and painting (RRP) until the effective date of the regulations.

Licensing and Training Program Regulations

Ms. Henshaw asked the Board to consider whether the training course required to obtain the NRS specialty could be counted toward continuing education credit as required to maintain licensure. The Board agreed by consensus that NRS specialty training will count toward CPE credits.

Consider Adoption of Final Home Inspector Licensing and Training Program Regulations

Ms. Henshaw asked the Board to consider a provision requiring all current certified home inspectors whose certifications expire on June 30, 2017, to meet all new license renewal criteria effective July 1, 2017, if the licensees' renewals are not received prior to July 1, 2017. The Board agreed by consensus to require all renewing certified home inspectors to meet the new criteria if their renewals are not received prior to July 1, 2017.

Mr. Fritz moved to adopt the final text of the Home Inspector Licensing regulations, and the Training Program regulations, to include the discussed NRS provision, as presented by staff and amended by the Board. Mr. Koepf seconded the motion which was unanimously approved by: Baynes, Fincher, Fritz, Haltigan, Koepf, Magruder, Marston, Molter, 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 renovation, repair, and painting (RRP) until the effective date of the regulations.

Mr. Haughwout presented the Board with staff suggested changes to the proposed text of the Laboratory Licensing and Project Monitor Reporting regulatory amendments originally reviewed by the Board on November 15, 2016. After review and discussion of the proposed changes, Mr. Magruder moved to adopt the proposed text of the Laboratory Licensing and Project Monitor Reporting regulations, including amendments made by staff, and to allow staff to file for executive branch review. Mr. Magruder further moved to authorize staff to make necessary minor amendments, in consultation with the Chair, as may be needed during the review process. Mr. Marston seconded the motion which was unanimously approved by: Baynes, Fincher, Fritz, Haltigan, Koepf, Magruder, Marston, Molter, and Palmer. Board members Becker and Nash were present but did not vote because, by statute,

Consider Adoption of Proposed Text for Laboratory Licensing and Project Monitor Reporting Regulatory Amendment

they are ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

Mr. Saunders advised the Board that asbestos and lead training course audits will commence upon notification by training providers of upcoming course dates.

Update on Asbestos and Lead Training Course Audits

Mr. Saunders advised the Board that home inspector CPE audits will commence in March 2017.

Update on Home Inspector CPE Audits

Ms. Henshaw updated the Board on recent and upcoming outreach opportunities.

Update on Outreach Opportunities

Ms. Henshaw advised the Board of an amendment to Senate Bill 812, which requires a home inspector to include language regarding yellow CSST in the home inspection report if such CSST is observed by the home inspector. Ms. Henshaw advised that the bill has passed in the Senate and is up for consideration by the House.

2017 Legislative Update

The following meeting dates have been scheduled:

Future Meeting Dates

- May 18, 2017
- August 17, 2017
- November 9, 2017

Ms. Henshaw 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 11:06 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: February 9, 2017
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:

N/A

- 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

2-9-2017
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: February 9, 2017

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:

N/A

- 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.

Colleen Becker
Signature

2/9/17
Date

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

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

1. Name: Phillip Fincher
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: February 9, 2017
5. I have a personal interest in the following transaction:

NA

Nature of Personal Interest Affected by Transaction: NA

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


NA

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

2-9-17
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: February 9, 2017
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

02/09/17

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: February 9, 2017
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

2/9/2017
Date

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

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


1. Name: Brian Koepf
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: February 9, 2017
5. I have a personal interest in the following transaction:

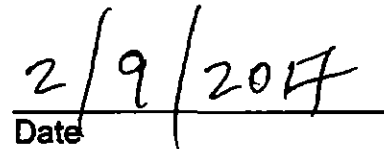
Nature of Personal Interest Affected by Transaction: _____

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: Gene Magruder
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: February 9, 2017
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

2/9/2017
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: February 9, 2017
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

2/9/2017

**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: February 9, 2017
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:

Asbestos

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

2/9/17
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: February 9, 2017
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:

- 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: Peter D. Palmer
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: February 9, 2017
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

2/9/2017

Date