

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

The Virginia Board for Asbestos, Lead, and Home Inspectors met on May 16, 2019, 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:

John E. Cranor
James E. Haltigan
Gene E. Magruder, Vice-Chair

Peter D. Palmer, Chair
David P. Rushton
Patrick Studley

Board members Sandra Baynes, Chadwick Bowman, Joe France, Rick Holtz, and Galappa Madhusudhan were not present at the meeting.

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

Mary Broz-Vaughan, Acting Director
Trisha L. Henshaw, Executive Director
Paul G. Saunders, Licensing Administrator
Tanya M. Pettus, Administrative Assistant

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

Mr. Palmer, finding a quorum of the Board present, called the meeting to order at 9:03 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. Haltigan seconded the motion which was unanimously approved by: Cranor, Haltigan, Magruder, Palmer, Rushton, and Studley. **Approval of Agenda**

Mr. Studley moved to approve the minutes of the February 7, 2019, Board meeting as presented. Mr. Magruder seconded the motion which was unanimously approved by: Cranor, Haltigan, Magruder, Palmer, Rushton, and Studley. **Approval of Minutes**

Ms. Henshaw introduced to the Board Kevin Richardson, who is interning with Board staff for the summer. **Introduction of Staff**

Steve Friddle, of Quality Home Inspections was present to address the Board. Mr. Friddle shared with the Board that he recently **Public Comment Period**

received his home inspector license in March, and voiced his concerns over problems he had in obtaining the 25 home inspections under the supervision of a licensed home inspector required for licensure. Mr. Friddle stated that there is pushback among licensed home inspectors who are concerned about training their competition. Mr. Friddle questioned the quality of training that licensed home inspectors who are not fully invested in helping potential licensees may provide. Mr. Friddle stated that he would like to recommend a training method in which potential licensees are able to observe a licensed home inspector inspect a home, and then return to that same home to perform a “hands on” inspection under the supervision of the licensed home inspector.

Mark Bruening was present to address the Board and stated that he too is concerned about the quality of training he is receiving during the 25 “ride along” inspections. Mr. Bruening is concerned about the credentials of the licensed home inspectors who are agreeing to allow potential licensees to ride along and observe them. Mr. Bruening stated that he would prefer hands on training, and someone who is designated by the Board as a trainer, so that potential licensees have more direction in where to find a licensed home inspector who is willing to participate in and verify the 25 home inspections under the supervision of a licensed home inspector required for licensure.

Ms. Henshaw explained to the Board that staff has been in communication with a licensed home inspector who is providing hands on training for a fee, from whom Mr. Friddle and Mr. Bruening have received training. The home inspector has inquired as to whether his training method qualifies for experience under the direct supervision of a home inspector pursuant to the regulations. Ms. Henshaw stated that Board staff is working with home inspector representatives on this issue.

Discussion was held on whether a trainer may be held liable for mistakes made by a licensed home inspector due to improper training.

Joey Donofrio of Donofrio & Associates, LLC was present to address the Board. Mr. Donofrio thanked the Board for their work and stated that he supports the training method described by the previous commenters. Mr. Donofrio stated he would like to see a more communal atmosphere among licensed home inspectors in which there are more professionals in the industry willing to be a resource for others. Mr. Donofrio also stated he would like to see a

list of approved licensed home inspectors willing to provide ride-alongs for potential licensees.

In the matter of **File Number 2019-01383, Iris O. Perez**, the Board members reviewed the record which consisted of the application file, transcript and exhibits from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation.

File Number 2019-01383 Iris O. Perez

Ms. Perez was present to address the Board. Because Ms. Perez does not speak English, she addressed the Board through an interpreter. Ms. Perez discussed her previous disciplinary action and concluded by affirming she agreed with the recommendation of the Presiding Officer.

Mr. Magruder moved to accept the recommendation of the Presiding Officer and approve Ms. Perez's application for an asbestos worker license. Mr. Haltigan seconded the motion which was unanimously approved by: Cranor, Haltigan, Magruder, Palmer, Rushton, and Studley.

In the matter of **File Number 2019-00383, Nicholas Carl Quillen**, the Board members reviewed the record which consisted of the application file, transcript and exhibits from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation.

File Number 2019-01383, Nicholas Carl Quillen

Mr. Quillen was present to address the Board. Mr. Quillen's wife, Jessica Quillen, was also present but did not address the Board. Mr. Quillen apologized for having to meet the Board in this way and asked the Board to please consider approving his application.

Mr. Magruder moved to accept the recommendation of the Presiding Officer and approve Mr. Quillen's application for a home inspector license. Mr. Haltigan seconded the motion which was unanimously approved by: Cranor, Haltigan, Magruder, Palmer, Rushton, and Studley.

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

Update on Regulatory Review Processes

Final amendments to Asbestos Analytical Laboratory and Project Monitor regulations will be published on May 27, 2019. A 30-day final public comment period will be held from May 27, 2019, to June 26, 2019, after which amendments will become effective

September 1, 2019.

The proposed Lead-Based Paint Renovation, Repair, and Painting Program regulations (Initial Promulgation) are currently undergoing review by the office of the Secretary of Commerce and Trade.

Mr. Saunders provided an update of home inspector CPE audits conducted on 25% of eligible certified home inspectors beginning on February 28, 2019.

Update on Home Inspector CPE Audits

Mr. Saunders advised the Board of asbestos and lead training courses audited through April 3, 2019.

Asbestos and Lead Training Course Audits

Ms. Henshaw advised the Board that staff has received inquiries regarding whether an inspection of an individual component of a home, e.g., a roof inspection or HVAC inspection, is considered a home inspection, and would therefore require a home inspector license to perform the inspection. After discussion, the Board agreed by consensus that a home inspector license is not required in order to perform an inspection of an individual component of a home. Mr. Rushton moved to authorize staff to draft a guidance document stating that based on the definition of “home inspection” in § 54.1-500 of the Code of Virginia, an individual who does not hold a license as a home inspector and who is conducting inspections of a component or system in a residential building is not considered to be performing a home inspection. Further, the guidance document will be published in the Virginia Register of Regulations and a 30-day public comment period will begin on June 10, 2019. If no applicable comments are received, the guidance document will be effective immediately after July 11, 2019. Mr. Cranor seconded the motion which was unanimously approved by: Cranor, Haltigan, Magruder, Palmer, Rushton, and Studley.

Discussion of Interpretation of Home Inspection as it Applies to Inspecting Individual Components of a Home

Ms. Henshaw presented the Board with tentative Board meeting dates for 2020. Mr. Magruder moved to accept the following meeting dates:

Consider Future Meeting Dates

- February 6, 2020
- May 14, 2020
- August 20, 2020
- November 5, 2020

Mr. Cranor seconded the motion which was unanimously approved by: Cranor, Haltigan, Magruder, Palmer, Rushton, and Studley.

Ms. Henshaw provided the Board with the most recent financial statements for review.

Board Financial Statements

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

Outreach Update

The following meeting dates have been scheduled:

Future Meeting Dates

- August 15, 2019
- November 7, 2019

Mr. Palmer reminded Board members to complete their conflict of interest forms and travel vouchers.

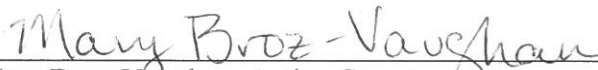
Conflict of Interest Forms and Travel Vouchers

There being no further business, the meeting adjourned at 10:00 a.m.

Adjourn



Peter D. Palmer, Chair



Mary Broz-Vaughan, Acting Secretary

AG

**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: May 16, 2019
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

5-16-19

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: May 16, 2019
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

5/16/19

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: May 16, 2019
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

5/16/2019
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: May 16, 2019
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.

P. Palmer
Signature

5/16/2019
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: May 16, 2019
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: May 16, 2019
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

5/16/19

Date