

**DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
PERIMETER CENTER
9960 MAYLAND DRIVE
RICHMOND, VIRGINIA 23233**

**VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS
Tentative AGENDA**

**THURSDAY, NOVEMBER 7, 2019, 9:00 A.M.
2nd FLOOR, BOARD ROOM 2**

- I. CALL TO ORDER**
- II. EMERGENCY EVACUATION PROCEDURES**
- III. APPROVAL OF AGENDA**
a. Board Agenda, November 7, 2019
- IV. APPROVAL OF MINUTES**
a. Board Meeting Minutes, August 15, 2019
- V. PUBLIC COMMENT PERIOD – Five minute public comment, per person, on those items not included on the agenda with the exception of any open disciplinary or application files**
- VI. CASE FILES ***
a. File Number 2019-01320, Norval Shawn Gibson (Lead)
Disciplinary—IFF by Cranor, Palmer
b. File Number 2019-03133, Clifton Jennings Carico (HI)
Licensing—IFF by Rushton
c. File Number 2020-00056, Steven Matthew Hurysz (HI)
Licensing—IFF by Eldridge
d. File Number 2019-03095, Jorge Enrique Carrillo (HI)
Licensing—IFF by Eldridge
e. File Number 2020-00421, Raymond William Feliciano (Asbestos)
Licensing—IFF by Eldridge
- VII. REGULATIONS**
a. Regulatory Action Update
b. Consider Exempt Action Regarding Fees
- VIII. OTHER BUSINESS**
a. Other Board Business
i. Board Financial Statements
ii. Outreach Update
a. Board Member Training Conference
iii. Election of Officers
- IX. FUTURE MEETING DATES**
a. February 6, 2020
b. May 14, 2020
c. August 20, 2020
- X. COMPLETE CONFLICT OF INTEREST FORMS AND TRAVEL VOUCHERS**
- XI. ADJOURN**

Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the Department at (804) 367-0362 at least ten days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation. The Department fully complies with the Americans with Disabilities Act.

* Agenda materials made available to the public do not include disciplinary case files or application files pursuant to §54.1-108 of the *Code of Virginia*.

DRAFT AGENDA
Materials contained in this agenda
DRAFT AGENDA

are proposed topics for discussion and are not to be construed as regulation or official Board position.

PERIMETER CENTER CONFERENCE CENTER
EMERGENCY EVACUATION OF BOARD AND TRAINING ROOMS
(Script to be read at the beginning of each meeting.)

PLEASE LISTEN TO THE FOLLOWING INSTRUCTIONS ABOUT EXITING THE PREMISES IN THE EVENT OF AN EMERGENCY.

In the event of a fire or other emergency requiring the evacuation of the building, alarms will sound.

When the alarms sound, leave the room immediately. Follow any instructions given by Security staff

Board Room 1

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Room 2

Exit the room using one of the doors at the back of the room. (Point) Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

You may also exit the room using the side door, turn **Right** out the door and make an immediate **Left**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Rooms 3 and 4

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Training Room 1

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Training Room 2

Exit the room using one of the doors at the back of the room. Upon exiting the doors, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

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

The Virginia Board for Asbestos, Lead, and Home Inspectors met on August 15, 2019, at the offices of the Department of Professional and Occupational Regulation (DPOR), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 3, Richmond, Virginia 23233.

The following members of the Board were present:

Sandra Baynes
John E. Cranor
Joe T. France
Rick Holtz

Galappa Madhusudhan
Gene E. Magruder, Vice-Chair
Peter D. Palmer, Chair
David P. Rushton

Board members Chadwick Bowman, James Haltigan, and Patrick Studley were not present at the meeting.

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

Trisha L. Henshaw, Executive Director
Shannon Webster, Director of Examinations
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. Cranor seconded the motion which was unanimously approved by: Baynes, Cranor, France, Madhusudhan, Magruder, Palmer, and Rushton. Board member Holtz 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.

Approval of Agenda

Mr. Rushton moved to approve the minutes of the May 16, 2019, Board meeting as presented. Mr. Magruder seconded the motion which was unanimously approved by: Baynes, Cranor, France, Madhusudhan, Magruder, Palmer, and Rushton. Board member Holtz was present but did not vote because, by statute, he is

**Approval of
Minutes**

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

Kimberly Oberg of Merit was present to address the Board. Ms. Oberg explained to the Board that Merit will begin offering electronic credentialing to DPOR licensees beginning in early September. Ms. Oberg stated that feedback from surveys gauging the interest in electronic credentialing has been positive, and that DPOR licensees have already received information from Merit on the upcoming availability of electronic credentials. Ms. Oberg stated that paper licenses will continue to be issued and that electronic licenses will be available in addition to the paper licenses.

**Public Comment
Period**

Mr. Magruder and Mr. Palmer recused themselves from the meeting for discussion and deliberation of File Number 2019-00337. Mr. Cranor assumed Chair of the Board.

**Recusal of Board
Members**

In the matter of **File Number 2019-00337, Santos Colon III, t/a D & D Environmental Contractors**, the Board members reviewed the Consent Order which imposes a monetary penalty of \$300.00 for violation of 18 VAC 15-20-450.A.8 as outlined in Count 1, and Board costs of \$150.00. Ms. Baynes moved to accept the Consent Order as presented. Mr. Madhusudhan seconded the motion which was unanimously approved by: Baynes, Cranor, France, Madhusudhan, and Rushton. Board member Holtz 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.

**File Number 2019-
00337, Santos Colon
III, t/a D & D
Environmental
Contractors**

Mr. Magruder and Mr. Palmer returned to the meeting. Mr. Palmer resumed Chair of the Board.

**Return of Board
Members**

Ms. Baynes recused herself from the meeting for discussion and deliberation of File Number 2019-00412.

**Recusal of Board
Members**

Mr. Rushton recused himself from the meeting for discussions and deliberations of File Number 2019-00412, File Number 2019-02336, and File Number 2019-02335.

In the matter of **File Number 2019-00412, Edward Joseph Donofrio**, the Board members reviewed the record which consisted of the Report of Findings, evidence, and the Presiding Officer's Summary and Recommendation.

**File Number 2019-
00412, Edward
Joseph Donofrio**

Mr. Donofrio was present to address the Board. Mr. Donofrio advised the Board that he cooperated fully with DPOR staff throughout the investigation of his home inspector practices. Mr. Donofrio also stated that he has completed over 10,000 home inspections, of which less than one percent have been structural inspections, and that he has never claimed to be a professional engineer or structural engineer.

Zachary Williams, legal counsel to Mr. Donofrio, was also present to address the Board. Mr. Williams stated that his client is willing to accept all violations and recommendations within the record except for the Count 7, which states in part that Mr. Donofrio misled the public and caused irreparable harm. Mr. Williams stated that according to the evidence and information within the record, Mr. Donofrio did not cause harm to or mislead any member of the public, and therefore did not agree with the recommendation of license revocation.

Mr. Magruder moved to find Mr. Donofrio in violation of Board regulations as outlined in the following Counts:

- Count 1: 18 VAC 15-40-120.B
- Count 2: 18 VAC 15-40-130.A
- Count 3: 18 VAC 15-40-130.B
- Count 4: 18 VAC 15-40-120.B
- Count 5: 18 VAC 15-40-130.A
- Count 6: 18 VAC 15-40-130.B
- Count 7: 18 VAC 15-40-155.6

Mr. Cranor seconded the motion which was unanimously approved by: Cranor, France, Madhusudhan, Magruder, and Palmer. Board member Holtz 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.

After discussion, Mr. Cranor moved to accept the following sanctions:

- Count 1: \$250.00 monetary penalty
- Count 2: \$250.00 monetary penalty
- Count 3: \$250.00 monetary penalty
- Count 4: \$250.00 monetary penalty
- Count 5: \$250.00 monetary penalty
- Count 6: \$250.00 monetary penalty
- Count 7: \$2,500.00 monetary penalty and license revocation

Mr. Madhusudhan seconded the motion which was approved by Cranor, France, and Madhusudhan. Magruder and Palmer opposed. Board member Holtz 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. The motion failed.

After further discussion, Mr. Magruder moved to accept all monetary penalties recommended in Counts 1-7. In addition, Mr. Magruder moved to suspend Mr. Donofrio's home inspector license for thirty (30) days from the date of the Final Order. Mr. Madhusudhan seconded the motion which was unanimously approved by: Cranor, France, Madhusudhan, Magruder, and Palmer. Board member Holtz 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. Baynes returned to the meeting.

**Return of Board
Member**

In the matter of **File Number 2019-02336, Stephan Jerrard Baker**, 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-
02336, Stephan
Jerrard Baker**

Mr. Baker was present to address the Board. Mr. Baker stated he opposed the recommended denial of his license as he has over fifteen (15) years of experience as a home inspector and has been a licensed home inspector in good standing in Maryland since 2008. Mr. Baker stated he feels there should be an alternative track to home inspector licensure in Virginia other than the exam requirement. Mr. Baker asked the Board to consider approving his home inspector license application.

After discussion, Mr. Magruder moved to accept the recommendation of the Presiding Officer and deny Mr. Baker's application for a home inspector license. Mr. Cranor seconded the motion which was unanimously approved by: Baynes, Cranor, France, Madhusudhan, Magruder, and Palmer. Board member Holtz 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.

In the matter of **File Number 2019-02335, Walter John Flamish**, 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 2019-02335, Walter John Flamish

Mr. Flamish was present to address the Board. Mr. Flamish stated that he was not involved in his application process and did not see, submit, or sign the application that was submitted to DPOR. Mr. Flamish stated that he has completed all requirements for licensure and that he is a licensed home inspector in Maryland. Mr. Flamish asked the Board to consider approving his application for a home inspector license, or allowing him to reapply in a timely manner.

Zachary Williams, legal counsel to Mr. Flamish, was also present to address the Board. Mr. Williams stated that Mr. Flamish was not responsible for the application submitted to DPOR, and that Mr. Flamish's employer, takes full responsibility for the information contained in, and the submission of, Mr. Flamish's application. Mr. Williams asked the Board to allow Mr. Flamish to resubmit an application for a home inspector license.

After discussion, Mr. Magruder moved to accept the recommendation of the Presiding Officer and deny Mr. Flamish's application for a home inspector license. Mr. Cranor seconded the motion which was unanimously approved by: Baynes, Cranor, France, Madhusudhan, Magruder, and Palmer. Board member Holtz 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. Rushton returned to the meeting.

Return of Board Member

In the matter of **File Number 2019-02937, Kenneth James Parker**, 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. Mr. Magruder moved to accept the recommendation of the Presiding Officer and approve Mr. Parker's application for a home inspector license. Mr. Rushton seconded the motion which was unanimously approved by: Baynes, Cranor, France, Madhusudhan, Magruder, Palmer, and Rushton. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and

File Number 2019-02937, Kenneth James Parker

painting (RRP) until the effective date of the regulations.

In the matter of **File Number 2019-02817, Charles Anthony Huggins**, 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 2019-02817, Charles Anthony Huggins

Mr. Huggins was present to address the Board. Mr. Huggins stated he would like to reiterate his current government security clearances and asked that the Board approve his application for a home inspector license.

Mr. Magruder moved to accept the recommendation of the Presiding Officer and approve Mr. Huggins' application for a home inspector license. Mr. Cranor seconded the motion which was unanimously approved by: Baynes, Cranor, France, Madhusudhan, Magruder, Palmer, and Rushton. Board member Holtz 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.

In the matter of **File Number 2019-02820, Sidney Michael Lucas**, 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 2019-02820, Sidney Michael Lucas

Mr. Lucas was present and thanked the Board for their time and consideration.

Mr. Magruder moved to accept the recommendation of the Presiding Officer and approve Mr. Lucas' application for a home inspector license. Mr. Cranor seconded the motion which was unanimously approved by: Baynes, Cranor, France, Madhusudhan, Magruder, Palmer, and Rushton. Board member Holtz 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.

In the matter of **File Number 2019-02333, Michael Barry Young**, 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 2019-02333, Michael Barry Young

Mr. Young was present to address the Board, and thanked the Board for their time. Mr. Young asked that the Board consider approving his application for a home inspector license.

Mr. Magruder moved to accept the recommendation of the Presiding Officer and approve Mr. Young's application for a home inspector license. Ms. Baynes seconded the motion which was unanimously approved by: Baynes, Cranor, France, Madhusudhan, Magruder, Palmer, and Rushton. Board member Holtz 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.

In the matter of **File Number 2019-02635, Ivanoba Banegas Contrera**, 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. Mr. Magruder moved to accept the recommendation of the Presiding Officer and approve Mr. Contrera's application for an asbestos worker license. Mr. Rushton seconded the motion which was unanimously approved by: Baynes, Cranor, France, Madhusudhan, Magruder, Palmer, and Rushton. Board member Holtz 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.

File Number 2019-02635, Ivanoba Banegas Contrera

In the matter of **File Number 2019-01920, Jamal Lamont Ferguson**, 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. Mr. Magruder moved to accept the recommendation of the Presiding Officer and approve Mr. Ferguson's application for an asbestos worker license. Mr. Madhusudhan seconded the motion which was unanimously approved by: Baynes, Cranor, France, Madhusudhan, Magruder, Palmer, and Rushton. Board member Holtz 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.

File Number 2019-01920, Jamal Lamont Ferguson

In the matter of **File Number 2019-02636, Ines Gomes Roldan**, 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

File Number 2019-02636, Ines Gomes Roldan

Recommendation. Mr. Magruder moved to accept the recommendation of the Presiding Officer and deny Ines Gomes Roldan's application for an asbestos worker license. Ms. Baynes seconded the motion which was unanimously approved by: Baynes, Cranor, France, Madhusudhan, Magruder, Palmer, and Rushton. Board member Holtz 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.

In the matter of **File Number 2019-02332, Edwin Antonio Giron Quintanilla**, 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 2019-02332, Edwin Antonio Giron Quintanilla

Mr. Quintanilla was present to address the Board. Because he does not speak English, Claudia Bonina translated for him. Mr. Quintanilla stated he is currently licensed in Maryland and DC, and is looking to be licensed in Virginia in order to expand his work opportunities and provide for his family. Mr. Quintanilla asked the Board to consider approving his application.

Mr. Magruder moved to accept the recommendation of the Presiding Officer and approve Mr. Quintanilla's application for an asbestos worker license. Mr. Rushton seconded the motion which was unanimously approved by: Baynes, Cranor, France, Madhusudhan, Magruder, Palmer, and Rushton. Board member Holtz 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. Henshaw provided an update on the current status of the regulatory review processes for the Board's regulatory packages.

Regulatory Action Update

Final amendments to Asbestos Analytical Laboratory and Project Monitor regulations were published on May 27, 2019. A 30-day final public comment period was held from May 27, 2019, to June 26, 2019. No public comments were received. Amendments will become effective September 1, 2019.

Ms. Henshaw advised the Board that the periodic review of Board regulations will be discussed later in the meeting.

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.

Ms. Henshaw advised that a periodic review was conducted on all of the Board's regulations in accordance with Executive Order 17, and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia. A public comment period was held and one public comment was received on the Home Inspector Licensing Regulations.

Periodic Review of Regulations

After review of the Public Participation Guidelines, Mr. Magruder moved to retain the current Board regulations as is. Mr. Cranor seconded the motion which was unanimously approved by: Baynes, Cranor, France, Madhusudhan, Magruder, Palmer, and Rushton. Board member Holtz 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.

After review of the Virginia Asbestos Licensing Regulations, Mr. Magruder moved to retain the current Board as is. Mr. Madhusudhan seconded the motion which was unanimously approved by: Baynes, Cranor, France, Madhusudhan, Magruder, Palmer, and Rushton. Board member Holtz 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.

After review of the Virginia Lead based Paint Activities Regulations, Mr. Magruder moved to retain the current Board regulations as is. Ms. Baynes seconded the motion which was unanimously approved by: Baynes, Cranor, France, Madhusudhan, Magruder, Palmer, and Rushton. Board member Holtz 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.

The Board reviewed and discussed the public comment received on the Home Inspector Licensing Regulations. After review of the Home Inspector Licensing Regulations and the public comment received, Mr. Magruder moved to retain the current Board regulations as is. Ms. Baynes seconded the motion which was unanimously approved by: Baynes, Cranor, France, Madhusudhan, Magruder, Palmer, and Rushton. Board member Holtz 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. 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**

Ms. Henshaw advised the Board that due to the time-frame of the transition from certification to licensure for home inspectors, Board staff has not required the NRS CPE hours for license renewal with the NRS designation as the NRS requirement had not been in effect for two years, equivalent to a full license cycle. However, as of July 31, 2019, all licensed home inspectors must complete NRS CPE to renew their licenses with the NRS specialty. Ms. Henshaw asked the Board to consider whether a licensed Home Inspector who has obtained the NRS designation within the current license cycle must complete the required NRS CPE hours in order to renew their license with the NRS designation. After discussion, Mr. Rushton moved to authorize staff to draft a guidance document stating that if a licensed home inspector completed the initial NRS training module within one year before the license renewal date, NRS CPE hours will not be required for renewal. However, NRS CPE hours will be required to be completed within the next license cycle in order to renew the NRS specialty. Mr. Magruder seconded the motion which was unanimously approved by: Baynes, Cranor, France, Madhusudhan, Magruder, Palmer, and Rushton. Board member Holtz 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. Henshaw advised the Board that the guidance document will be made available to the public for a thirty-day public comment period, after which the guidance document will become effective.

**Discussion of CPE
Credits for Home
Inspectors NRS
Licensing
Designation**

Ms. Webster advised the Board that effective January 1, 2020, PSI will become the lead exam vendor.

**Update on Lead
Exam Vendor
Procurement**

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

Ms. Henshaw advised the Board of the upcoming Board Member Training Conference scheduled for October 3-4, 2019.

The following meeting dates have been scheduled:

- November 7, 2019
- February 6, 2020
- May 14, 2020
- August 20, 2020

**Future Meeting
Dates**

Mr. Magruder advised the Board of possible Board for Contractors regulations regarding sprinkler systems that may affect home inspectors.

Other Business

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 10:45 a.m.

Adjourn

Peter D. Palmer, Chair

Mary Broz-Vaughan, Acting Secretary

PUBLIC COMMENT PERIOD

Five minute public comment, per person, with the exception of any open disciplinary or application files.

DRAFT AGENDA
Materials contained
DRAFT AGENDA

this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

REGULATORY ACTION UPDATE

DRAFT AGENDA
Materials contained in this agenda
DRAFT AGENDA

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**Board for Asbestos, Lead, and Home Inspectors
Analysis of Fee Structure and Financial Position**

Callahan Percentage Previous Biennium

67.0%

Fee Structure

<u>Fee Type</u>		<u>Current Fees</u>	<u>Proposed Fees</u>	<u>Regulation Fees</u>
Application	All individuals	80	80	80
Application	Contractors	110	110	110
Application	Labs	120	120	120
Application	Home inspectors	80	80	80
Application	Training courses	Variable	Variable	Variable
Renewal	All individuals	25	40	45
Renewal	Contractors	30	60	70
Renewal	Labs	40	65	75
Renewal	Home inspectors	25	40	45
Renewal	Training courses	40	75	100
Late Renew	All individuals	35	35	35
Late Renew	Contractors	35	35	35
Late Renew	Labs	35	35	35
Late Renew	Training courses	35	35	35
Reinstatement	Home inspectors	80	80	80
Bad Check Fee	Bad Check Fee	50	50	50
Certification	All	35	35	35
Add Specialty (NRS)	Home inspectors	80	80	80

Financial Position

	<u>Actual 2016-18 Biennium</u>	<u>Projected 2018-20 Current Fees</u>	<u>Projected 2020-22 Current Fees</u>	<u>Projected 2018-20 Proposed Fees</u>	<u>Projected 2020-22 Proposed Fees</u>
Cash Carryforward	102,182	357,153	291,483	357,153	318,562
Revenues	787,646	564,668	543,477	591,748	707,548
Expenditures	532,675	630,338	676,100	630,338	676,100
Balance	357,153	291,483	158,860	318,562	350,010
Projected Callahan Percentage Close of Biennium			23.5%	50.5%	51.8%

VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

2019 Asbestos Temporary Fee Reduction

18VAC15-20-53. Renewal and late renewal fees.

A. Renewal and late renewal fees are set out in this section.

Fee Type	Fee Amount	When Due
Renewal for worker, supervisor, inspector, management planner, project designer or project monitor license	\$45	With renewal application
Renewal for asbestos analytical laboratory license	\$75	With renewal application
Renewal for asbestos analytical laboratory branch office	\$55	With renewal application
Renewal for asbestos contractor's license	\$70	With renewal application
Renewal for accredited asbestos training program approval	\$125	With renewal application
Late renewal for worker, supervisor, inspector, management planner, project designer or project monitor license (includes a \$35 late renewal fee in addition to the regular \$45 renewal fee)	\$80	With renewal application
Late renewal for asbestos analytical laboratory license (includes a \$35 late renewal fee in addition to the regular \$75 renewal fee)	\$110	With renewal application
Late renewal for asbestos analytical laboratory branch office (includes \$35 late renewal fee in addition to the regular \$55 renewal fee)	\$90	With renewal application
Late renewal for asbestos contractor's license (includes a \$35 late renewal fee in addition to the regular \$70 renewal fee)	\$105	With renewal application
Late renewal for accredited asbestos training program approval (includes a \$35 late renewal fee in addition to the regular \$125 renewal fee)	\$160	With renewal application

B. For licenses expiring after February 1, 2018, and before February 1, 2020, the renewal fees shall be as follows:

Renewal for worker, supervisor, inspector, management planner, project designer, or project monitor license	\$25
Renewal for asbestos analytical laboratory license	\$40
Renewal for asbestos contractor's license	\$30
Renewal for accredited asbestos training program approval	\$40

For late renewals received after March 1, 2018, and on or before February 28, 2020 ~~February 28, 2020~~ February 29, 2020, the late renewal fees shall be as follows:

Late renewal for worker, supervisor, inspector, management planner, project designer, or project monitor license	\$60
Late renewal for asbestos analytical laboratory license	\$75
Late renewal for asbestos contractor's license	\$65
Late renewal for accredited asbestos training program approval	\$75

C. For licenses expiring after February 1, 2020, and before February 1, 2021, the renewal fees shall be as follows:

<u>Renewal for worker, supervisor, inspector, management planner, project designer, or project monitor license</u>	<u>\$40</u>
<u>Renewal for asbestos analytical laboratory license</u>	<u>\$65</u>
<u>Renewal for asbestos contractor's license</u>	<u>\$60</u>
<u>Renewal for accredited asbestos training program approval</u>	<u>\$75</u>

For late renewals received after March 1, 2020, and on or before February 28, 2021, the late renewal fees shall be as follows:

<u>Late renewal for worker, supervisor, inspector, management planner, project designer, or project monitor license</u>	<u>\$75</u>
<u>Late renewal for asbestos analytical laboratory license</u>	<u>\$100</u>
<u>Late renewal for asbestos contractor's license</u>	<u>\$95</u>
<u>Late renewal for accredited asbestos training program approval</u>	<u>\$110</u>

18VAC15-20-53. Renewal and late renewal fees.

A. Renewal and late renewal fees are set out in this section.

Fee Type	Fee Amount	When Due
Renewal for worker, supervisor, inspector, management planner, project designer or project monitor license	\$45	With renewal application
Renewal for asbestos analytical laboratory license	\$75	With renewal application
Renewal for asbestos analytical laboratory branch office	\$55	With renewal application
Renewal for asbestos contractor's license	\$70	With renewal application
Renewal for accredited asbestos training program approval	\$125	With renewal application
Late renewal for worker, supervisor, inspector, management planner, project designer or project monitor license (includes a \$35 late renewal fee in addition to the regular \$45 renewal fee)	\$80	With renewal application
Late renewal for asbestos analytical laboratory license (includes a \$35 late renewal fee in addition to the regular \$75 renewal fee)	\$110	With renewal application
Late renewal for asbestos analytical laboratory branch office (includes \$35 late renewal fee in addition to the regular \$55 renewal fee)	\$90	With renewal application
Late renewal for asbestos contractor's license (includes a \$35 late renewal fee in addition to the regular \$70 renewal fee)	\$105	With renewal application
Late renewal for accredited asbestos training program approval (includes a \$35 late renewal fee in addition to the regular \$125 renewal fee)	\$160	With renewal application

B. For licenses expiring after February 1, 2018, and before February 1, 2020, the renewal fees shall be as follows:

Renewal for worker, supervisor, inspector, management planner, project designer, or project monitor license	\$25
Renewal for asbestos analytical laboratory license	\$40
Renewal for asbestos contractor's license	\$30
Renewal for accredited asbestos training program approval	\$40

For late renewals received after March 1, 2018, and on or before February 28, 2020, the late renewal fees shall be as follows:

Late renewal for worker, supervisor, inspector, management planner, project designer, or project monitor license	\$60
Late renewal for asbestos analytical laboratory license	\$75
Late renewal for asbestos contractor's license	\$65
Late renewal for accredited asbestos training program approval	\$75

Statutory Authority

§§ [87.14.05.3.4](#) and [87.14.08.3.4](#) of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006; amended, Virginia Register Volume 31, Issue 15, eff. May 1, 2015; Volume 34, Issue 8, eff. February 1, 2018; Volume 35, Issue 20, eff. September 1, 2019.

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VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

2019 Lead Temporary Fee Reduction

18VAC15-30-163. Renewal and late renewal fees.

A. Renewal and late renewal fees are as follows:

Fee Type	Fee Amount	When Due
Renewal for worker, supervisor, inspector, risk assessor or project designer license	\$45	With renewal application
Renewal for lead contractor license	\$70	With renewal application
Renewal for accredited lead training program approval	\$125	With renewal application
Late renewal for worker, supervisor, inspector, risk assessor or project designer license (includes a \$35 late renewal fee in addition to the regular \$45 renewal fee)	\$80	With renewal application
Late renewal for lead contractor license (includes a \$35 late renewal fee in addition to the regular \$70 renewal fee)	\$105	With renewal application
Late renewal for accredited lead training program approval (includes a \$35 late renewal fee in addition to the regular \$125 renewal fee)	\$160	With renewal application

B. For licenses expiring after February 1, 2018, and before February 1, 2020, the renewal fees shall be as follows:

Renewal for worker, supervisor, inspector, risk assessor, or project designer license	\$25
Renewal for lead contractor license	\$30
Renewal for accredited lead training program approval	\$40

For late renewals received after March 1, 2018, and on or before February 28, 2020 ~~February 29, 2020~~, the late renewal fees shall be as follows:

Late renewal for worker, supervisor, inspector, risk assessor, or project designer license	\$60
Late renewal for lead contractor license	\$65

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Late renewal for accredited lead training program approval	\$75
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C. For licenses expiring after February 1, 2020, and before February 1, 2021, the renewal

fees shall be as follows:

<u>Renewal for worker, supervisor, inspector, risk assessor, or project designer license</u>	<u>\$40</u>
<u>Renewal for lead contractor license</u>	<u>\$60</u>
<u>Renewal for accredited lead training program approval</u>	<u>\$75</u>

For late renewals received after March 1, 2020, and on or before February 28, 2021, the late

renewal fees shall be as follows:

<u>Late renewal for worker, supervisor, inspector, risk assessor, or project designer license</u>	<u>\$75</u>
<u>Late renewal for lead contractor license</u>	<u>\$95</u>
<u>Late renewal for accredited lead training program approval</u>	<u>\$110</u>

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18VAC15-30-163. Renewal and late renewal fees.

A. Renewal and late renewal fees are as follows:

Fee Type	Fee Amount	When Due
Renewal for worker, supervisor, inspector, risk assessor or project designer license	\$45	With renewal application
Renewal for lead contractor license	\$70	With renewal application
Renewal for accredited lead training program approval	\$125	With renewal application
Late renewal for worker, supervisor, inspector, risk assessor or project designer license (includes a \$35 late renewal fee in addition to the regular \$45 renewal fee)	\$80	With renewal application
Late renewal for lead contractor license (includes a \$35 late renewal fee in addition to the regular \$70 renewal fee)	\$105	With renewal application
Late renewal for accredited lead training program approval (includes a \$35 late renewal fee in addition to the regular \$125 renewal fee)	\$160	With renewal application

B. For licenses expiring after February 1, 2018, and before February 1, 2020, the renewal fees shall be as follows:

Renewal for worker, supervisor, inspector, risk assessor, or project designer license	\$25
Renewal for lead contractor license	\$30
Renewal for accredited lead training program approval	\$40

For late renewals received after March 1, 2018, and on or before February 28, 2020, the late renewal fees shall be as follows:

Late renewal for worker, supervisor, inspector, risk assessor, or project designer license	\$60
Late renewal for lead contractor license	\$65
Late renewal for accredited lead training program approval	\$75

Statutory Authority

§§ [87.14.0534](#) and [87.14.0834](#) of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006; amended, Virginia Register Volume 31, Issue 20, eff. August 1, 2015; Volume 34, Issue 8, eff. February 1, 2018.

VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

2019 Home Inspector Temporary Fee Reduction

18VAC15-40-50. Fees.

Fee type	Fee amount	When due
Initial home inspector application	\$80	With application for home inspector
Initial NRS specialty application	\$80	With application for NRS specialty designation
Home inspector renewal	\$45	With renewal application
Home inspector with NRS specialty renewal	\$90	With renewal application
Home inspector reinstatement	\$125	With reinstatement application
Home inspector with NRS specialty reinstatement	\$170	With reinstatement application
Prelicense education course approval	\$250	With prelicense education course approval application
NRS training module approval	\$150	With NRS training module approval application
NRS CPE course approval	\$150	With NRS CPE course approval application

For licenses expiring after February 1, 2018, and before February 1, 2020, the renewal fees shall be as follows:

Home inspector renewal	\$25
Home inspector with NRS specialty renewal	\$50

For reinstatement applications received after March 1, 2018, and on or before February 28, 2020 ~~February 29, 2020~~, the reinstatement fees shall be as follows:

Home inspector reinstatement	\$105
Home inspector with NRS specialty reinstatement	\$130

For licenses expiring after February 1, 2020, and before February 1, 2022, the renewal fees shall be as follows:

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<u>Home inspector renewal</u>	<u>\$40</u>
<u>Home inspector with NRS specialty renewal</u>	<u>\$80</u>

For reinstatement applications received after March 1, 2020, and on or before February 28,

2022, the reinstatement fees shall be as follows:

<u>Home inspector reinstatement</u>	<u>\$120</u>
<u>Home inspector with NRS specialty reinstatement</u>	<u>\$160</u>

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18VAC15-40-50. Fees.

Fee type	Fee amount	When due
Initial home inspector application	\$80	With application for home inspector
Initial NRS specialty application	\$80	With application for NRS specialty designation
Home inspector renewal	\$45	With renewal application
Home inspector with NRS specialty renewal	\$90	With renewal application
Home inspector reinstatement	\$125	With reinstatement application
Home inspector with NRS specialty reinstatement	\$170	With reinstatement application
Prelicense education course approval	\$250	With prelicense education course approval application
NRS training module approval	\$150	With NRS training module approval application
NRS CPE course approval	\$150	With NRS CPE course approval application

For licenses expiring after February 1, 2018, and before February 1, 2020, the renewal fees shall be as follows:

Home inspector renewal	\$25
Home inspector with NRS specialty renewal	\$50

For reinstatement applications received after March 1, 2018, and on or before February 28, 2020, the reinstatement fees shall be as follows:

Home inspector reinstatement	\$105
Home inspector with NRS specialty reinstatement	\$130

Statutory Authority

§§ [8714.0534](#) and [8714.0834](#) of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; amended, Virginia Register Volume 27, Issue 11, eff. April 1, 2011; Volume 31, Issue 20, eff. August 1, 2015; Volume 33, Issue 14, eff. April 17, 2017; Volume 34, Issue 8, eff. February 1, 2018.

Department of Professional and Occupational Regulation
Statement of Financial Activity

**Board for Asbestos, Lead, and Home Inspectors
954540**

2018-2020 Biennium

September 2019

	September 2019 Activity	Biennium-to-Date Comparison	
		July 2016 - September 2017	July 2018 - September 2019
Cash/Revenue Balance Brought Forward			357,153
Revenues	21,305	515,534	368,666
Cumulative Revenues			725,819
Cost Categories:			
Board Expenditures	3,108	39,824	46,060
Board Administration	8,045	92,926	124,223
Administration of Exams	319	2,611	3,567
Enforcement	416	3,540	6,105
Legal Services	0	2,016	1,869
Information Systems	5,093	65,855	93,610
Facilities and Support Services	3,547	41,370	58,224
Agency Administration	3,810	59,653	55,393
Other / Transfers	0	7,595	(5)
Total Expenses	24,338	315,389	389,045
Transfer To/(From) Cash Reserves	0	0	335,986
Ending Cash/Revenue Balance			788

Cash Reserve Beginning Balance	335,986	0	0
Change in Cash Reserve	0	0	335,986
Cash Reserve Ending Balance	335,986	0	335,986

Number of Regulants	
Current Month	6,293
Previous Biennium-to-Date	6,106

UPDATE ON OUTREACH OPPORTUNITIES

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ELECTION OF OFFICERS

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FUTURE MEETING DATES

- a. February 6, 2020
- b. May 14, 2020
- c. August 20, 2020

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OTHER BUSINESS

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COMPLETE CONFLICT OF INTEREST
FORMS AND
TRAVEL VOUCHERS

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ADJOURN

Please return your document folders to Tanya Pettus.

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