

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

The Virginia Board for Asbestos, Lead, and Home Inspectors met on November 7, 2019, at the offices of the Department of Professional and Occupational Regulation (DPOR), Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room 2, Richmond, Virginia 23233.

The following members of the Board were present:

Sandra Baynes	Gene E. Magruder, Vice-Chair
John E. Cranor	David P. Rushton
James E. Haltigan	Patrick Studley
Galappa Madhusudhan	

Board members Chadwick Bowman, Joe France, Peter Palmer, and Rick Holtz were not present at the meeting.

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

Mary Broz-Vaughan, Director  
Trisha L. Henshaw, Executive Director  
Shannon Webster, Director of Examinations  
Paul G. Saunders III, Board Administrator  
Joseph C. Haughwout, Jr., Board and Regulatory Administrator  
Tanya M. Pettus, Administrative Assistant

Joshua Laws from the Office of the Attorney General was present.

Mr. Magruder, 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**

Ms. Baynes moved to approve the agenda as presented. Mr. Rushton seconded the motion which was unanimously approved by: Baynes, Cranor, Haltigan, Madhusudhan, Magruder, Rushton, and Studley. **Approval of Agenda**

Mr. Cranor moved to approve the minutes of the August 15, 2019, Board meeting as presented. Ms. Baynes seconded the motion which was unanimously approved by: Baynes, Cranor, Haltigan, Madhusudhan, Magruder, Rushton, and Studley. **Approval of Minutes**

There were no members of the public present to address the Board on matters other than the case files to be presented. **Public Comment Period**

Mr. Cranor recused himself from the meeting for discussion and deliberation of File Number 2019-01320.

In the matter of **File Number 2019-01320, Norval Shawn Gibson**, the Board members reviewed the record which consisted of the Report of Findings, evidence, and the Presiding Officer's Summary and Recommendation. Mr. Studley moved to find Mr. Gibson in violation of 18 VAC 15-30-810 as outlined in Count 1. Ms. Baynes seconded the motion which was unanimously approved by: Baynes, Haltigan, Madhusudhan, Magruder, Rushton, and Studley. Ms. Baynes then moved to accept the sanction as presented, which imposed a monetary penalty of \$1,000.00, and revocation of Mr. Gibson's lead abatement worker license. Mr. Madhusudhan seconded the motion which was unanimously approved by: Baynes, Haltigan, Madhusudhan, Magruder, Rushton, and Studley.

**Recusal of Board Member**  
**File Number 2019-01320, Norval Shawn Gibson**

Mr. Cranor returned to the meeting.

**Return of Board Member**

Mr. Rushton recused himself from the meeting for discussion and deliberation of File Number 2019-03133.

In the matter of **File Number 2019-03133, Clifton Jennings Carico**, 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.

**Recusal of Board Member**  
**File Number 2019-03133, Clifton Jennings Carico**

The Board reviewed a comment submitted in writing by Mr. Carico stating his experience and training as a home inspector. Mr. Carico thanked the Board for their time and asked that they consider approving his application based on the home inspections and training he completed prior to July 1, 2017.

After discussion, Mr. Cranor moved to accept the recommendation of the Presiding Officer and deny Mr. Carico's application for a home inspector license. Mr. Madhusudhan seconded the motion. After further discussion, the motion was unanimously approved by: Baynes, Cranor, Haltigan, Madhusudhan, Magruder, and Studley.

Mr. Rushton returned to the meeting.

**Return of Board Member**

In the matter of **File Number 2020-00056, Steven Matthew Hurysz**, the Board members reviewed the record which consisted

**File Number 2020-00056, Steven**

of the application file, transcript and exhibits from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation.

**Matthew Hurysz**

Mr. Hurysz was present to address the Board. Mr. Hurysz thanked the Board for their time and stated he was present to answer any questions the Board may have.

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

In the matter of **File Number 2019-03095, Jorge Enrique Carillo**, 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 2019-03095, Jorge Enrique Carillo**

Mr. Carillo was present to address the Board. Mr. Carillo thanked the Board for their time and stated he was present to answer any questions the Board may have.

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

In the matter of **File Number 2020-00421, Raymond William Feliciano**, 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 2020-00421, Raymond William Feliciano**

Mr. Feliciano was present to address the Board. Mr. Feliciano thanked the Board for their time and consideration, and asked that they approve his application so that he may continue to better himself and have the credentials to train other employees.

Joe Vieni, Mr. Feliciano's employer, was also present to address the Board. Mr. Vieni stated he has known Mr. Feliciano for five years and that Mr. Feliciano truly cares about the work he does and the work of other employees on a job site.

Mr. Haltigan moved to accept the recommendation of the Presiding Officer and approve Mr. Feliciano's application for an asbestos supervisor license. Mr. Studley seconded the motion. Ms. Baynes disclosed that she has a client with the last name Feliciano, but does not know the applicant, and believes she can render a fair decision on his application file. The motion was unanimously approved by: Baynes, Cranor, Haltigan, Madhusudhan, Magruder, Rushton, and Studley.

Mr. Magruder re-opened the public comment period at the request of Mr. Rushton.

**Public Comment  
Period**

Greg Patti of All-Pro Services was present to address the Board regarding his concerns about the required 25 ride-along inspections for home inspector license applicants. Mr. Patti stated he believes that some training providers are not requiring potential home inspector licensees to perform hands on tasks or inspections during ride-alongs. Mr. Patti expressed his concern that not all training providers and organizations have the same standards for training, and he feels there should be some accountability for licensed home inspectors and training providers offering ride-alongs.

Discussion was held on minimum competency for home inspector licensees.

Ms. Henshaw advised the Board and Mr. Patti that the subject would be discussed in greater detail under an agenda item later in the meeting.

Mr. Haughwout 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 became effective on September 1, 2019.

A periodic review of Board regulations began on May 17, 2019. The Board voted to retain as is the Public Participation Guidelines Regulations, Asbestos Licensing Regulations, Virginia Lead-Based Paint Activities Regulations, and Home Inspector Regulations at the August 15, 2019, Board meeting.

The proposed Lead-Based Paint Renovation, Repair, and Painting Program regulations (Initial Promulgation) were approved by the Secretary of Commerce and Trade on October 28, 2019. The regulations are currently with the Governor's office for review.

Ms. Henshaw and Mr. Haughwout advised the Board that the temporary reduction in renewal fees for asbestos, lead, and home inspector licenses expiring before February 1, 2020, and for late renewals received on or before February 28, 2020, respectively, are expiring in 2020. Ms. Henshaw advised that due to legislation passed during the 2019 General Assembly session requiring the cash balance of the Board's funds to be placed in a reserve fund, there is a need to amend the current fee reduction after the expiration date. In addition, legislation was passed requiring DPOR to issue refunds to licensees beginning in July 2022, if the excess cash balance of the Board's funds exceeds \$100,000.00 or 20% of the Board's revenue. As currently projected, the Board can better maintain compliance with the Callahan Act (§ 54.1-113 of the Code of Virginia) if the current reduced fees are increased, but remain reduced from the amounts listed in the Board's regulations.

**Consider Exempt  
Action Regarding  
Fees**

Ms. Henshaw asked the Board to consider authorizing three exempt actions to amend the temporary fee reductions for asbestos, lead, and home inspector licenses expiring before February 1, 2020, and for late renewals received on or before February 28, 2020, on their respective scheduled expiration dates, allowing fees to increase from the current reduced amount, but remaining lower than the amounts listed in the Board's regulations. The proposed amended temporary fee reduction would remain in effect for one year for asbestos and lead licenses, and two years for home inspector licenses.

Ms. Baynes moved to accept the recommendation of staff and authorize an exempt action to allow the asbestos license renewal and late renewal temporary fee reductions to be amended on the scheduled expiration date. Ms. Baynes also moved to authorize an exempt action to allow the lead license renewal and late renewal temporary fee reductions to be amended on the scheduled expiration date. Amended asbestos and lead license fees will be effective for one year. In addition, Ms. Baynes moved to authorize an exempt action to allow the home inspector license renewal and late renewal temporary fee reductions to be amended on the scheduled expiration date. Amended home inspector license fees will be effective for two years. Mr. Rushton seconded the motion which was unanimously approved by: Baynes, Cranor, Haltigan, Madhusudhan, Magruder, Rushton, and Studley.

Ms. Henshaw and Ms. Webster updated the Board on changes to the lead exam. Effective January 1, 2020, PSI will be proctoring

**Lead Exam Update**

lead exams for licensing applicants. Ms. Webster advised the Board that the cost of exams provided by PSI will be \$190.00 for the technical portion of the exam, and \$125.00 for the lead law portion of the exam, for a total of \$315.00 to sit for both portions.

Discussion was held on the cost breakdown of the current exam as compared to PSI's costs, the cost to employers who have employees sitting for the exam, and geographic locations of PSI testing sites.

Ms. Webster advised the Board that she is working with PSI to determine a process and cost structure for applicants who do not pass the exam and choose to retake it.

Ms. Henshaw asked the Board to consider the verification of ride-along inspections as a requirement for home inspector license applicants. Subsection 18VAC 15-40-32.C. currently states that home inspections completed under the direct supervision of a licensed home inspector (ride-alongs) must be verified by that individual who is properly licensed by the Board; however, there is currently no way to determine whether applicants actively participated in the ride-along inspection, or were given hands-on experience during the inspection. In addition, there is currently no requirement to provide a report or other written verification, other than a signature from the licensed home inspector verifying the applicant's experience of each home inspection in which the applicant participated. After discussion, the Board agreed by consensus to take up at its next meeting the following topics:

- the definition of direct supervision as it applies to potential applicants gaining experience; and
- minimum requirements for completing home inspections under the direct supervision of a home inspector pursuant to 18VAC 15-40-32.

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

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

Mr. Rushton gave a brief overview of the Board Member Training Conference held October 3-4, 2019. Ms. Henshaw thanked Ms. Baynes for her participation on the Experienced Board Member Panel presented at the conference.

**Discussion of Ride-  
Alongs to Satisfy  
Experience  
Requirements**

**Board Financial  
Statements**

**Update on Outreach  
Opportunities**

Mr. Magruder opened the floor for annual nominations of the Board Chair. Ms. Baynes moved to nominate Mr. Palmer. Mr. Haltigan seconded the motion, which was unanimously approved by: Baynes, Cranor, Haltigan, Madhusudhan, Magruder, Rushton, and Studley. By acclamation, Mr. Palmer was named Board Chair.

**Election of Officers**

Ms. Henshaw opened the floor for annual nominations of Board Vice-Chair. Mr. Rushton moved to nominate Mr. Magruder. Mr. Magruder accepted the nomination. Mr. Madhusudhan seconded the motion, which was unanimously approved by: Baynes, Cranor, Haltigan, Madhusudhan, Magruder, Rushton, and Studley. By acclamation, Mr. Magruder was named Board Vice-Chair.

The following meeting dates have been scheduled:

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

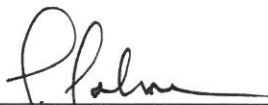
**Future Meeting Dates**

Mr. Magruder 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 10:26 a.m.

**Adjourn**



Peter D. Palmer, Chair



Mary Broz-Vaughan, 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 7, 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.

Sandra Baynes  
Signature

11.7.2020  
Date



**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: November 7, 2019
5. I have a personal interest in the following transaction:

\_\_\_\_\_

Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

\_\_\_\_\_

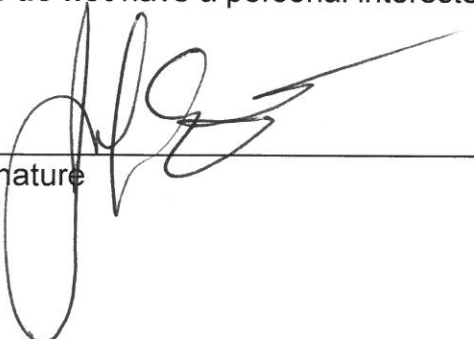
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

\_\_\_\_\_

- 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



Date

11-7-19

**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 7, 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 \_\_\_\_\_

11/7/19  
Date \_\_\_\_\_

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

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government

1. Name: Galappa Madhusudhan
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: November 7, 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.

G. J. Madhusudhan  
Signature

11/7/19  
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: November 7, 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 S. Magruder  
Signature

11/7/2019  
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: November 7, 2019
5. I have a personal interest in the following transaction:

\_\_\_\_\_

Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

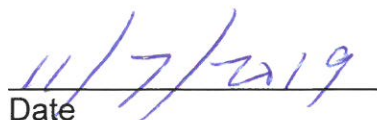
\_\_\_\_\_

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

  
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: November 7, 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

11/7/2019  
\_\_\_\_\_  
Date