

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

The Virginia Board for Asbestos, Lead, and Home Inspectors met on February 6, 2020, 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
James E. Haltigan
Peter Palmer, Chair

Galappa Madhusudhan
Gene E. Magruder, Vice-Chair
David P. Rushton
Patrick Studley
Louis Walker

Board members Chadwick Bowman and Rick Holtz 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
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. Palmer, finding a quorum of the Board present, called the **Call to Order** meeting to order at 9:00 a.m.

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

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

Ms. Henshaw introduced to the Board Louis Walker, who was recently appointed to serve as the asbestos contractor on the Board. **Introduction of Board Member**

Ms. Henshaw advised the Board that Joshua Laws from the Office of the Attorney General will now serve as Board counsel.

Ms. Henshaw also advised the Board that Joseph Haughwout will be assisting with Board Administrator functions as Paul Saunders

has left the agency to pursue other opportunities.

Mr. Magruder moved to approve the minutes of the November 7, 2019, Board meeting as presented. Mr. Haltigan seconded the motion which was unanimously approved by: Cranor, France, Haltigan, Palmer, Madhusudhan, Magruder, Rushton, Studley, and Walker.

Approval of Minutes

Scooter Burgess, of Burgess Inspections and representing VAREI, was present to address the Board. Mr. Burgess commended the Board on its work since the home inspector licensing regulations became effective in 2017.

Public Comment Period

Mr. Burgess shared with the Board that VAREI has implemented a mentoring program to assist potential home inspector applicants in finding ride-along opportunities to meet experience requirements for licensure. Mr. Burgess asked the Board to consider implementing a similar program, with the caveat that a licensed home inspector would be required to become an approved trainer for potential licensees. Mr. Burgess stated that in his research he found a neighboring state currently requiring this.

Mr. Burgess also stated he would like to see background checks conducted on home inspector trainees, as well as determining the activities that a trainee may or may not do under the supervision of a licensed home inspector.

Ms. Baynes arrived at 9:09 a.m.

Arrival of Board Member

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 that though home inspector regulations ensure minimum competency for licensure, he fears that meeting regulatory requirements is seen by some within the industry as attaining the highest bar of standards. Mr. Patti feels that the 25 ride-along inspections should be a substantial hands-on component of potential licensee training. Mr. Patti proposed that a home inspector trainee should perform the home inspection and complete the home inspection report under the close supervision of the licensed home inspector during each ride-along.

Public Comment Period Continued

Mr. Cranor recused himself from the meeting for discussion and deliberation of File Number 2020-02302.

Recusal of Board Member

In the matter of **File Number 2019-02302, Peter Tjeerd Anspach**, the Board members reviewed the Consent Order which imposes (i) a monetary penalty of \$350.00 for violation of 18VAC 15-40-120.B as outlined in Count 1, (ii) a monetary penalty of \$100.00 for violation of 18VAC 15-40-130.A as outlined in Count 2, (iii) a monetary penalty of \$175.00 for violation of 18VAC 15-40-130.B.2.a as outlined in Count 3, (iv) a monetary penalty of \$175.00 for the violation of 18VAC 15-40-130.B.2.a as outlined in Count 4, and (v) Board costs of \$150.00. In addition, Mr. Anspach agrees to complete a two (2) hour Board-approved CPE course pertaining to roof inspections. The course may be completed online or in classroom. Mr. Anspach must provide proof of course completion within six (6) months of the effective date of the Consent Order. After discussion, Ms. Baynes moved to reject the Consent Order as presented and offer an alternative Consent Order as outlined below.

File Number 2019-02302, Peter Tjeerd Anspach

Alternative consent order offer:

Count 1:	18VAC15-40-120.B	\$350.00
Count 2:	18VAC 15-40-130.A	\$100.00
Count 3:	18VAC 15-40-130.B.2.a	\$175.00
Count 4:	18VAC 15-40-130.B.2.a	\$175.00
Board Costs:		\$150.00
Total:		\$950.00

In addition, Mr. Anspach agrees to complete a two (2) hour Board-approved CPE course pertaining to roof inspections. The course may be completed online or in classroom. Mr. Anspach must provide proof of course completion within six (6) months of the effective date of the Consent Order. These CPE hours will not count towards any continuing education requirements for renewal or reinstatement of the license.

If Pruitt does not agree to these terms within 30 days, File Number 2019-02302 will be referred for an Informal Fact-Finding Conference.

Mr. Magruder seconded the motion which was unanimously approved by: Baynes, France, Haltigan, Palmer, Madhusudhan, Magruder, Rushton, Studley, and Walker.

Mr. Cranor returned to the meeting.

Return of Board Member

In the matter of **File Number 2020-00616, Elizabeth Mary Tilley**, the Board members reviewed the record which consisted of the

File Number 2020-00616, Elizabeth

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

Mary Tilley

Ms. Tilley was present to address the Board. Ms. Tilley stated that she has spent time training and educating herself to be a home inspector in order to move forward on a new path. Ms. Tilley stated she would appreciate the opportunity to become a licensed home inspector in order to provide for her family.

Joseph Helmsderfer, Ms. Tilley's employer, was also present to address the Board. Mr. Helmsderfer stated that Ms. Tilley was forthcoming with her criminal history when she began training with him to become a licensed home inspector. Mr. Helmsderfer stated that after fifteen months of spending her time and her own money on home inspector education, Ms. Tilley became an official employee of his in January 2020. Mr. Helmsderfer does not doubt Ms. Tilley's commitment to the profession.

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

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 the Asbestos Licensing Regulations, Virginia Lead-Based Paint Regulations, and Home Inspector Regulations regarding temporary fee reductions became effective on February 1, 2020.

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.

Mr. Haughwout advised the Board that effective January 1, 2020, §59.1-69 of the Code of Virginia was amended to require corporations to file a certificate of a trade or fictitious name with the clerk of the State Corporation Commission (SCC). Previously the certificate could be filed with the SCC or clerk of court. Mr. Haughwout asked the Board authorizing an exempt action to amend

Consider Exempt Action to Amend Trade/Fictitious Name Requirements

18VAC 15-30-53 of the Asbestos Regulations, and 18VAC 15-30-53 of the Virginia Lead-Based Paint Activities Regulations in order to conform to the statute.

Mr. Studley moved to accept the recommendation of staff and authorize an exempt action to amend 18VAC 15-30-53 of the Asbestos Regulations, and 18VAC 15-30-53 of the Virginia Lead-Based Paint Activities Regulations in order to conform with §59.1-69 of the Code of Virginia. Mr. Magruder seconded the motion which was unanimously approved by: Baynes, Cranor, France, Haltigan, Palmer, Madhusudhan, Magruder, Rushton, Studley, and Walker.

Ms. Henshaw presented to the Board a draft guidance document defining “direct supervision” as a licensed home inspector being physically present on the premises at all times while an unlicensed individual gaining experience pursuant to 18VAC15-40-32 conducts activities related to a home inspection as defined in §54.1-500 of the Code of Virginia and such licensed home inspector is at all times responsible for the home inspection and its resulting report.

**Discuss Meaning of
“Direct Supervision”
as it Applies to
18VAC 15-40-32,
Qualifications for
Licensure**

Discussion was held on a home inspector trainee’s role in producing a home inspection report while gaining experience under the direct supervision of a home inspector (referred to in the industry as “ride-alongs”), and ways in which a trainee’s hands-on participation in a home inspection may be verified. After discussion, the Board agreed by consensus that staff will amend the experience verification form that accompanies a home inspector license application to include a checklist of activities used to verify an applicant’s hands-on participation in ride-along home inspections.

After further discussion, Mr. Magruder moved to accept the guidance document as presented. Mr. Haltigan seconded the motion which was unanimously approved by: Baynes, Cranor, France, Haltigan, Palmer, Madhusudhan, Magruder, Rushton, Studley, and Walker. The guidance document will be made available for a 30-day public comment period, after which the guidance document will become effective.

Ms. Henshaw advised the Board that staff has received a number of inquiries from home inspectors licensed in other states regarding the experience requirement for those seeking a license in Virginia after July 1, 2017. While the Board will accept home inspections

**Discussion of Home
Inspector Experience
Gained as a Licensee
in Another State**

performed in other states as part of the experience requirement, the regulations as written require a home inspector that is already licensed in another state to perform 25 ride-along home inspections under the direct supervision of a licensed home inspector. After discussion, Mr. Studley moved to initiate a general review of Home Inspector Regulations in order to revisit licensing requirements that were implemented at the beginning of the licensure program in 2017. Mr. Rushton seconded the motion which was unanimously approved by: Baynes, Cranor, France, Haltigan, Palmer, Madhusudhan, Magruder, Rushton, Studley, and Walker.

Ms. Henshaw advised the Board that the filing for the general review will be postponed until the next Board meeting in May, at which time a review committee will be formed. Ms. Henshaw suggested that Mr. Rushton and Mr. Cranor be members of the committee as they serve as home inspectors on the Board. Mr. Studley and Ms. Baynes also expressed interest in serving on the committee.

Mr. Cranor asked the Board to consider the definition of “solid fuel burning appliances” as he feels the current definition defines a fireplace. After discussion on the definitions of “solid fuel burning appliance” and “fireplace”, the Board agreed by consensus to take up the matter as part of the general review of the Home Inspector Regulations.

**Discussion of
Definition of Solid
Fuel Appliance**

Ms. Henshaw advised the Board that staff received an inquiry regarding abatement projects requiring a project monitor pursuant to 18VAC 15-20-455.1 which states:

**Discussion of
Abatement Projects
that Require a
Project Monitor**

A project monitor is required on:

1. Asbestos projects performed in buildings that are occupied or intended to be occupied upon completion of the asbestos project exceeding 260 linear feet or 160 square feet or 35 cubic feet of asbestos containing material; or
2. Whenever the building or property owner deems it necessary to monitor asbestos projects.

After discussion, the Board agreed by consensus that the second line item does not preclude the first, and that a project monitor is required on asbestos projects that are occupied or intended to be occupied upon completion of the asbestos project exceeding 260 linear feet or 160 square feet or 35 cubic feet of asbestos containing material. Mr. Studley moved to authorize staff to draft a guidance

document clarifying 18VAC 15-20-455.1. Mr. Magruder seconded the motion which was unanimously approved by: Baynes, Cranor, France, Haltigan, Palmer, Madhusudhan, Magruder, Rushton, Studley, and Walker. The guidance document will be made available for a 30-day public comment period, after which the guidance document will become effective.

Ms. Henshaw advised the Board of a revision to the EPA's Dust-Lead Hazard Standards. Ms. Henshaw advised that the revision will not affect current Board regulations.

EPA Rule Change of the Dust-Lead Standards

Ms. Henshaw advised the Board that the 2020 General Assembly session began on January 8, 2020, and provided an update of legislative proposals that could affect DPOR and the Board.

2020 Legislative Update

Ms. Webster advised the Board that effective January 1, 2020, PSI is now the proctor for lead exams for licensing applicants. Ms. Webster advised the Board that the cost of exams provided by PSI will be \$190.00 for both portions of the exam. If taken separately, the technical portion of the exam is \$190.00, and the lead law portion is \$125.00.

Lead Exam Update

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

Board Financial Statements

Board members considered the following resolution for former staff member Paul Saunders:

Consideration of Resolution for Service

Paul G. Saunders III

WHEREAS, **Paul Saunders**, did faithfully and diligently serve the Virginia Board for Asbestos, Lead, and Home Inspectors from 2016 to 2020;

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

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

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

NOW THEREFORE BE IT RESOLVED, by the Virginia Board for Asbestos, Lead, and Home Inspectors this sixth day of February 2020, that **Paul Saunders** be given all honors and respect due him

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

Mr. Rushton moved to adopt the resolution as written. Mr.
Magruder seconded the motion which was unanimously approved
by: Baynes, Cranor, France, Haltigan, Palmer, Madhusudhan,
Magruder, Rushton, Studley, and Walker.

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

Outreach Update

The following meeting dates have been scheduled:

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


**Future Meeting
Dates**

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 10:51
a.m.

Adjourn


~~Peter D. Palmer, Chair~~ Gene E. Magruder, vice-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: February 6, 2020

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

2.6.2020
Date

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

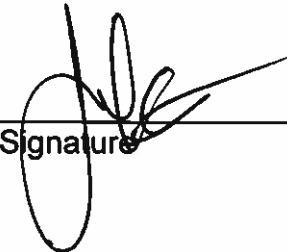
**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: John E. Cranor
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: February 6, 2020
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

2-6-20

Date

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

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

1. Name: Joe T. France
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: February 6, 2020

5. I have a personal interest in the following transaction:

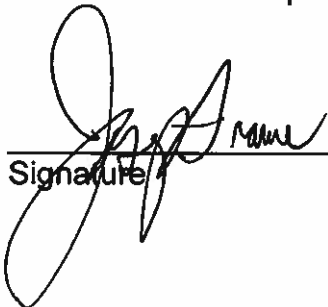
_____ N/A

Nature of Personal Interest Affected by Transaction: _____ N/A

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

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.

6. I do not have a personal interested in any transactions taken at this meeting.



Signature

2-6-2020

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 6, 2020

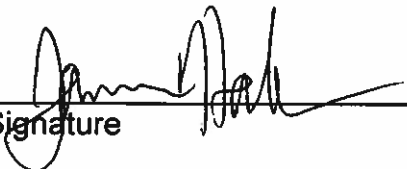
5. I have a personal interest in the following transaction:

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

2/6/2020

Date

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

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

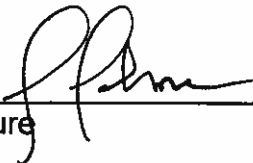
1. Name: Peter D. Palmer
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: February 6, 2020
5. I have a personal interest in the following transaction:

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

2/6/2020

**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: February 6, 2020
5. I have a personal interest in the following transaction:

None

Nature of Personal Interest Affected by Transaction: _____

N/A

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

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interested in any transactions taken at this meeting.

Galappa Madhusudhan
Signature

2/6/20
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 6, 2020
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

2/6/20
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: February 6, 2020
5. I have a personal interest in the following transaction:

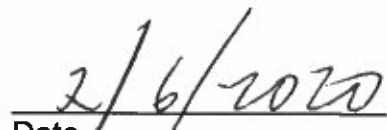
Nature of Personal Interest Affected by Transaction: _____

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: February 6, 2020
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: Louis Walker
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: February 6, 2020

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

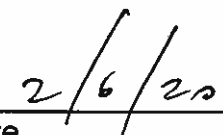
I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.


Signature


Date