

MINUTES OF MEETING

BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS INFORMAL FACT-FINDING CONFERENCES SEPTEMBER 11, 2003 (10:00 A.M.)

The Board for Asbestos, Lead, and Home Inspectors convened in Richmond, Virginia, for the purpose of holding Informal Fact-Finding Conferences pursuant to the Administrative Process Act.

Jack A. Geller, Board member, presided. No other Board members were present.

Douglas W. Schroder appeared for the Department of Professional and Occupational Regulation.

The conference was recorded by Inge Snead & Associates, LTD. and the Summaries or Consent Orders are attached unless no decision was made.

Disc=Disciplinary Case
Lic=Licensing Application
RF=Recovery Fund Claim
Trades=Tradesmen Application

C=Complainant/Claimant
A=Applicant
R=Respondent/Regulant
W=Witness
Atty = Attorney

Participants

Joseph ReZel Blackley
File Number 2004-00160 (Lic)

Joseph Blackley – A
Laughton Cockrell – W
Adrienne Mayo - W, License Sect

Jose Roberto Platero
File Number 2004-00166 (Lic)

Jose Platero Delgado – A
Mally Mason – Translator
Adrienne Mayo - W, License Sect

Fredy Rolando Iboy
File Number 2004-00898 (Lic)

Fredy Iboy – A
Mally Mason – Translator
Adrienne Mayo - W, License Sect

Larry Calvin Pinkney
File Number 2004-00899 (Lic)

Larry Pinkney – A
Adrienne Mayo - W, License Sect.

The meeting adjourned at 12:20 p.m.

Virginia Board for Asbestos, Lead, and Home Inspectors


Pamela M. Mentz, Chairman


Louise Fontaine Ware, Secretary

COPY TESTE:

Custodian of Records

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
BOARD FOR ASBESTOS, LEAD AND HOME INSPECTORS**

**IN RE: JOSEPH REZEI BLACKLEY
APPLICATION**

FILE NUMBER: 2004- 00160

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on September 11, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Joseph ReZei Blackley on July 30, 2003. The following individuals participated at the conference: Joseph ReZei Blackley, Applicant; Laughton Cockrell, RPC Industries, Blackley's employer; Adrienne Mayo, Office Manager, License Section;

Douglas W Schroder, Staff Member; and Jack A. Geller, Presiding Board Member.

Summation of Facts

1. Joseph ReZei Blackley (Blackley) applied for a Asbestos Supervisor license on or about March 19, 2003, and disclosed criminal convictions.
2. On or about July 23, 2003, the Board's licensing staff provided the Regulatory Programs Division Application Review Informal Fact Finding Conference Referral Memorandum, which states the reasons the license was not issued.

Prior Criminal Convictions

§ 54.1-204 of the Code of Virginia. Prior convictions not to abridge rights.

B. In determining whether a criminal conviction directly relates to an occupation or profession, the regulatory board shall consider the following criteria:

1. The nature and seriousness of the crime;

Blackley was convicted of felonies involving abduction, robbery and maiming occurring in 1983 Mr. Blackley was 17 years old at this time, and these during school hours.

2. The relationship of the crime to the purpose for requiring a license to engage in the occupation;

The purpose of licensure is to protect the health, safety, and welfare of the public. This one time incident occurred at a young age, and Mr..Blackley has not had any further convictions. Given the 20 years that have passed since the incident occurred, I do not feel he is a danger to society.

3. The extent to which the occupation or profession might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved;

The offense occurred 20 years ago, and there are no signs of him repeating his actions. He has been currently employed by the same company for over 3 years, and when his employer spoke on his behalf, his testimony

was very compelling regarding Mr. Blackley's qualifications and his current value to society.

4. The relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the occupation or profession;

The offense occurred 20 years ago, and there are no signs of him repeating his actions, and these prior actions should have no bearing on his ability to do his job.

5. The extent and nature of the person's past criminal activity;

Blackley was convicted of maiming, robbery and abduction.

6. The age of the person at the time of the commission of the crime;

Blackley was approximately 17 years old at the time of the first crime in 1983.

7. The amount of time that has elapsed since the person's last involvement in the commission of a crime;

Blackley was paroled on or about February 18, 2000, and released from supervision on or about August 18, 2000.

8. The conduct and work activity of the person prior to and following the criminal activity; and

Based on the record and during the IFF, Blackley stated he worked at a Cadillac dealership and landscaping, and he has worked for RPC Industries for the last few years.

9. Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.

Although his record indicated his conviction of maiming, abduction, and robbery, during the IFF his convictions were clearly explained, and were the result of a school ground fight that got out of hand. I strongly feel Mr. Blackley has sufficiently paid his debt to society, and is clearly turned his life around.

Conclusion and Recommendation

Mr. Laughton Cockrell, Blackley's employer, spoke very highly on Mr. Blackley's behalf regarding his current character and work habits. Since Mr. Cockrell has known Mr. Blackley for over 3 years, and has been a model employee throughout this time, I strongly recommend that Mr. Blackley be approved for an asbestos supervisor license.

Based upon the record, including the information obtained from the Central Criminal Records Exchange, and in consideration of the criteria outlined in § 54.1-204.B, I recommend Blackley's application be approved.

By: _____

Jack A. Geller
Presiding IFF Board Member
Board for Asbestos, Lead and
Home Inspectors

Date: September 11, 2003

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

BOARD FOR ASBESTOS, LEAD AND HOME INSPECTORS

**IN RE: JOSE ROBERTO PLATERO DELGADO
APPLICATION**

FILE NUMBER: 2004-00166

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on September 11, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Jose Roberto Platero on July 30, 2003. The following individuals participated at the conference: Jose Roberto Platero Delgado, Applicant; Mally Mason, Translator, Adrienne Mayo, Office Manager, License Section; Douglas W. Schroder, Staff Member; and Jack A. Geller, Presiding Board Member.

Summation of Facts

1. On or about December 16, 1999 the applicant applied for and was issued an Asbestos Worker license (3301-018013) using SSN 674-06-7461.
2. On or about January 2, 2002 the Social Security Administration furnished verification of Mr. Platero Delgado SSN. The correct number is 212-61-9708.
3. On or about May 17, 2003 the applicant applied for an Asbestos Worker License (3301-020001P) using SSN (212-61-9708).
4. During the IFF, Mr. Platero Delgado stated he needed to work when he came to this country, and someone told him they could get him a Social Security number. He did not realize that the Social Security number he obtained was illegal. He later realized the error and obtained a legal Social Security number around the end of 1999. He had been working in this country for approximately 2 years with an illegal Social Security number. Mr. Platero Delgado produced his Drivers license, Social Security card, Immigration and Naturalization card, and his Lead Worker license.
5. It needs to be noted that Mr. Platero's name is actually Jose Roberto Platero Delgado.
6. During the fact finding conference Mr. Platero Delgado was not sufficiently proficient in his understanding of the English language, and actually had a translator assist him during the fact finding process. As a part of the supervisor license requirements Mr. Platero Delgado must prove that he has sufficient command of the English language.

Conclusion and Recommendation

Until such time as Mr. Platero Delgado can demonstrate proficiency in the use of the English language, I cannot recommend approval for a supervisor's license. However, if Mr. Platero Delgado applies for a worker license, I feel that he should be approved for this capacity.

If Mr Platero Delgado can sufficiently document a better command of the English language at a future date, I feel he would make a good candidate for a supervisor's license with the Commonwealth.

By: _____

Jack A. Geller
Presiding IFF Board Member
Board for Asbestos, Lead and

Home Inspectors

Date: September 11, 2003

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

BOARD FOR ASBESTOS, LEAD AND HOME INSPECTORS

**IN RE: FREDY ROLANDO IBOY
APPLICATION**

FILE NUMBER: 2004-00898

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on September 11, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Fredy Rolando Iboy on August 25, 2003. The following individuals participated at the conference: Fredy Rolando Iboy, Applicant; Mally Mason, Translator; Adrienne Mayo, Office Manager, License Section; Douglas W. Schroder, Staff Member; and Jack A. Geller, Presiding Board Member.

Summation of Facts

1. On or about December 11, 1995 the applicant applied for and was issued an Asbestos Worker license (3301-013617) using SSN 232-43-5296.
2. On or about June 12, 2003 the applicant reapplies for an Asbestos Worker License (3301-022069P) using SSN 223-97-5423
3. On or about July 3, 2003 the applicant submits to customer assistance office verification from the Social Security Administration of his SSN. The correct number is 223-97-5423.
4. During the IFF, Mr. Iboy, applicant, stated he originally came here illegally and needed to work. He left in 1996 because he was here illegally and wanted to make everything legal. He later received a workers visa and returned, at which time he took the initial 32 hour training class. Mr. Iboy currently has a correct Social Security number and sufficient training in order to receive a worker's

license. His honesty regarding the particulars of this matter impresses me, and I honestly think he would make an excellent candidate for this license.

Conclusion and Recommendation

Based on the record, including testimony at the IFF, I recommend that Mr. Iboy's application be approved.

By: _____

Jack A. Geller
Presiding IFF Board Member
Board for Asbestos, Lead and
Home Inspectors

Date: September 11, 2003

COMMONWEALTH OF VIRGINIA DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

BOARD FOR ASBESTOS, LEAD AND HOME INSPECTORS

**IN RE: LARRY CALVIN PINKNEY
APPLICATION**

FILE NUMBER: 2004-00899

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on September 11, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Larry Calvin Pinkney on August 25, 2003. The following individuals participated at the conference: Larry Calvin Pinkney, Applicant; Adrienne Mayo, Office Manager, License Section; Douglas Schroder W. Schroder, Staff Member; and Jack A. Gellar, Presiding Board Member.

Summation of Facts

1. Larry Calvin Pinkney (Pinkney) applied for an asbestos worker license on or about May 29, 2003, and disclosed criminal conviction(s).
2. On or about August 20, 2003, the Board's licensing staff provided the Regulatory Programs Division Application Review Informal Fact Finding Conference Referral Memorandum, which states the reasons the license was not issued.

Prior Criminal Convictions

§ 54.1-204 of the Code of Virginia. Prior convictions not to abridge rights.

B. In determining whether a criminal conviction directly relates to an occupation or profession, the regulatory board shall consider the following criteria:

1. The nature and seriousness of the crime;

Pinkney was convicted of a Misdemeanor Assault in 1995, and Dispensing Cocaine, a Felony, in 1996.

2. The relationship of the crime to the purpose for requiring a license to engage in the occupation;

The purpose of licensure is to protect the health, safety, and welfare of the public.

3. The extent to which the occupation or profession might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved;

The offense occurred eight years ago, and there are no signs of his aggression being of repetitive nature.

4. The relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the occupation or profession;

The convictions should not affect Pinkney's ability to be a successful asbestos worker.

5. The extent and nature of the person's past criminal activity;

Pinkney was convicted of Misdemeanor Assault in 1995 and Dispensing Cocaine, a Felony, in 1996.

6. The age of the person at the time of the commission of the crime;

Pinkney was approximately 37 years old at the time of the crime.

7. The amount of time that has elapsed since the person's last involvement in the commission of a crime;

It has been approximately 8 years since the criminal activity concluded. Pinkney was released on probation in January, 2000. His probation will end in 2005. As a part of his probation he has meetings as well as drug screening.

8. The conduct and work activity of the person prior to and following the criminal activity; and

He has worked at Tyson's Food, Church's Chicken, Crown Plaza as a dishwasher and yard work since his release.

9. Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.

Pinkney got interested in the asbestos business while attending rehabilitation classes where Dupont came as a speaker, and he paid to take the asbestos training class.

Conclusion and Recommendation

Based upon the record, including the information obtained from the Central Criminal Records Exchange, and in consideration of the criteria outlined in § 54.1-204.B, I recommend Pinkney's application be approved.

By: _____

Jack A. Geller
Presiding IFF Board Member
Board for Asbestos, Lead and
Home Inspectors

Date: September 11, 2003

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Jack A. Geller
2. Title: Member, Board Asbestos, Lead, and Home Inspectors
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Informal Fact-Finding Conference on September 11, 2003
5. Nature of Personal Interest Affected by Transaction: _____

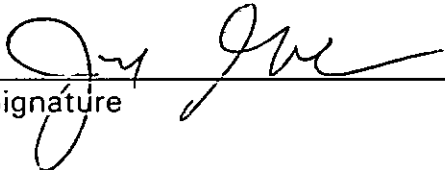
GELLER ENVIRONMENTAL LAB

6. I declare that:

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

INSPECTORS LAB

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


Signature

9/11/03
Date