

MINUTES OF MEETING

BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS INFORMAL FACT-FINDING CONFERENCES MAY 6, 2004 (9:30 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

- | | | |
|----|---|--|
| 1. | John R. Hart (asbestos)
File Number 2004-03078
No decision was made. | John R. Hart – R
Joe Kossan – W
David Dick - W |
| 2. | John R. Hart (asbestos)
File Number 2004-03107
No decision was made. | John R. Hart – R
Joe Kossan – W
David Dick - W |
| 3. | John R. Hart (asbestos)
File Number 2004-03101
No decision was made. | John R. Hart – R
Joe Kossan – W
David Dick - W |

4.	John R. Hart (asbestos) File Number 2004-03103 No decision was made.	John R. Hart – R Joe Kossan – W David Dick - W
5.	John R. Hart (lead) File Number 2004-03108 No decision was made.	John R. Hart – R Joe Kossan – W David Dick - W
6.	John R. Hart (lead) File Number 2004-03109 No decision was made.	John R. Hart – R Joe Kossan – W David Dick - W
7.	John R. Hart (lead) File Number 2004-03110 No decision was made.	John R. Hart – R Joe Kossan – W David Dick - W
8.	Industrial Training Company, Inc. (lead) File Number 2004-3132 No decision was made.	None
9.	Industrial Training Company, Inc. (lead) File Number 2004-3133 No decision was made.	None
10.	Industrial Training Company, Inc. (lead) File Number 2004-3134 No decision was made.	None
11.	Industrial Training Company, Inc. (lead) File Number 2004-3135 No decision was made.	None
12.	Industrial Training Company, Inc. (lead) File Number 2004-3136 No decision was made.	None
13.	Industrial Training Company, Inc. (lead) File Number 2004-3137 No decision was made.	None
14.	Industrial Training Company, Inc. (lead) File Number 2004-3138 No decision was made.	None
15.	Industrial Training Company, Inc. (lead) File Number 2004-3139	None

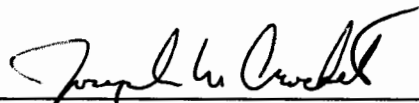
No decision was made.

16.	Industrial Training Company, Inc. (lead) File Number 2004-3140 No decision was made.	None
17.	Industrial Training Company, Inc. (lead) File Number 2004-3142 No decision was made.	None
18.	Industrial Training Company, Inc. (asbestos) File Number 2004-03119 No decision was made.	None
19.	Industrial Training Company, Inc. (asbestos) File Number 2004-03120 No decision was made.	None
20.	Industrial Training Company, Inc. (asbestos) File Number 2004-03121 No decision was made.	None
21.	Industrial Training Company, Inc. (asbestos) File Number 2004-03122 No decision was made.	None
22.	Industrial Training Company, Inc. (asbestos) File Number 2004-03123 No decision was made.	None
23.	Industrial Training Company, Inc. (asbestos) File Number 2004-03124 No decision was made.	None
24.	Industrial Training Company, Inc. (asbestos) File Number 2004-03125 No decision was made.	None
25.	Industrial Training Company, Inc. (asbestos) File Number 2004-03126 No decision was made.	None
26.	Industrial Training Company, Inc. (asbestos) File Number 2004-03127 No decision was made.	None

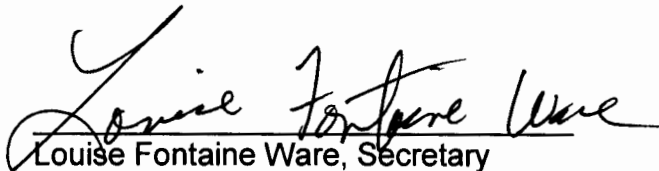
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| 27. | Industrial Training Company, Inc. (asbestos)
File Number 2004-03128
No decision was made. | None |
| 28. | Industrial Training Company, Inc. (asbestos)
File Number 2004-03129
No decision was made. | None |
| 29. | Industrial Training Company, Inc. (asbestos)
File Number 2004-03130
No decision was made. | None |
| 30. | Industrial Training Company, Inc. (asbestos)
File Number 2004-03131
No decision was made. | None |
| 31. | Paint City Contractors, Inc.
File Number 2003-00915 (Disc)
No IFF held. | N/A |
| 32. | Manganas Painting Co., Inc.
File Number 2003-00914 (Disc) | John Manganas – R
Rita Geary – W
Noelle Phillips – Invest. |

The meeting adjourned at 12:45 p.m.

BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS



Joseph W. Crockett, Acting Chairperson



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: MANGANAS PAINTING CO., INC.
LICENSE NUMBER: 3358 000212**

FILE NUMBER: 2003-00914

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on May, 6, 2004, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to John Manganas, President of Manganas Painting Company, Inc., on March 26, 2004. The following individuals participated at the conference: John Manganas, Respondent; Rita Geary, Witness; Noelle B. Phillips, Investigator; Douglas W. Schroder, Staff Member; and Jack A. Geller, Presiding Board Member.

Summation of Facts

1. On September 24, 2002, Kevin Hoeft, Investigations Administrator for the Enforcement Division for the Department of Professional and Occupation Regulation, received information that Manganas Painting Co. Inc. (Manganas) was convicted of a felony in the United States District Court.
2. On or about August 27, 2002, in the United States District Court, Western District of Pennsylvania, violating Title 42, United States Code Section 6928(d)(2)(A). Manganas pled guilty to one felony count of Treatment, Storage, or Disposal of Hazardous Waste at a Facility That Does Not Have a Permit. (Title 42) No appeal is pending and Manganas' right to appeal has expired.
3. On or about October 28, 2002, Manganas told the Board's agent that he did not report the felony conviction.
4. During the IFF, Manganas testified that he did perform appropriate site clean-up after learning that an employee of Manganas Painting Co., Inc. improperly disposed of a regulated substance (lead) without Manganas' knowledge.

Conclusion and Recommendation

Count 1: 18 VAC 15-30-810(A)(6) (Effective October 1995)

Manganas' guilty plea, in United States District Court, Western District of Pennsylvania, violating Title 42, United States Code Section 6928(d)(2)(A), to one felony count of Treatment, Storage, or Disposal of Hazardous Waste at a Facility That Does Not Have a Permit. (Title 42), is in violation of Board Regulation 18 VAC 15-30-810(A)(6). No appeal is pending and Manganas' right to appeal has expired. Manganas made an honest error, without malicious intent and has paid more than his fair share in order to right the wrong doings performed by his former employee. Therefore, I recommend that no sanction be imposed.

Count 2: 18 VAC 15-30-810(A)(7) (Effective October 1995)

Manganas' failure to report the felony within thirty days of conviction to the Board for Asbestos, Lead, and Home Inspectors is in violation of Board Regulation 18 VAC 15-30-810(A)(7). Therefore, I recommend that no sanction be imposed.

By: _____

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

Date: _____

FINAL ORDER RECOMMENDATION

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE (LICENSE NO. 3358 000212) UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

**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: Board Member
3. Agency: Board for Asbestos, Lead and Home Inspectors
4. Transaction: Informal Fact-Finding Conferences on May 6, 2004
5. Nature of Personal Interest Affected by Transaction: _____

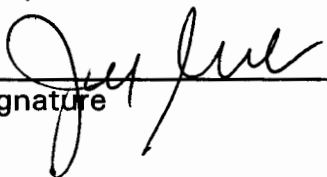
GELLER ENV. LABS, INC.

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:

LABORATORY ANALYSIS, GELLER, INC.

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


Signature

5/6/04
Date