

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

The Virginia Board for Asbestos, Lead and Home Inspectors met on November 2, 2005 in Conference Room 4 West at the offices of the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

The following members of the Board were present:

Frederick Heppner, Chairperson
Howard D. Varner
John C. Bouldin
Dolores C. Daniels
Thomas Joel Loving
David Bowen Hyatt
Dr. Clayton S. Sinyai

Board members Vickie Harlow, Wendy G. Hill and Richard L. Honeycutt were unable to attend the meeting.

The following members of DPOR staff were present during some or all of the meeting:

Louise Fontaine Ware, Director
Brian Hannigan, Chief Deputy Director
Karen O'Neal, Deputy Director for LRD
Carol Mitchell, Director, Alternative Dispute Resolution
Doug Schroder, Director of Adjudication
David Dick, Executive Director
Earlyne Perkins, Legal Assistant
Marilyn Cohn, Administrative Assistant

Eric Gregory of the Office of the Attorney General was present.

Chairperson Heppner, finding a quorum of the Board present, **Call to Order** called the meeting to order at 9:15 am.

Mr. Varner moved that the Board approve the agenda. Mrs. Daniels seconded the motion, which was unanimously approved by the following members: Heppner, Varner, Loving, Bouldin, Daniels, Hyatt and Sinyai. **Adopt Agenda**

Mr. Bouldin moved that the Board approve the minutes of its August 17, 2005 meeting and the amended IFF minutes of October 4, 2005 that indicated no decision in each of the cases. **Approval of Board Minutes**

Mr. Hyatt seconded the motion which was unanimously approved by the following members: Heppner, Varner, Loving, Bouldin, Daniels, Hyatt and Sinyai.

Chairperson Heppner opened the floor for public comment. No members of the public were present.

**Public Comment
Period**

In the matter of **File Number 2006-01233 and 2006-01234, Dwayne Clark, Sr.**, the Board reviewed the record, which consisted of the application file, transcript and exhibits from the IFF and the presiding officer's summary and recommendation. Mr. Bouldin moved that the Board accept the summary and recommendation and approve the application for Dwayne Clark, Sr.'s Asbestos Supervisor license and Lead Worker license. Mr. Varner seconded the motion which was unanimously approved by the following members: Heppner, Varner, Loving, Bouldin, Daniels, Hyatt and Sinyai. Ms. Harlow, Ms. Hill and Mr. Honeycutt were not present for the vote.

**File Numbers
2006-01233 and
2006-01234**

Mr. Bouldin moved that the meeting be recessed and that the Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and briefings by staff pertaining to status of appeal litigation as permitted by § 2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Eric Gregory, Karen O'Neal and David Dick. This motion is made with respect to the matter identified as agenda item VI. Mrs. Daniels seconded the motion, which was carried unanimously by seven "Yes" votes (Mrs. Daniels, Messrs. Varner, Heppner, Loving, Hyatt, Bouldin, and Sinyai).

**Closed Meeting
Status of Appeal
Litigation**

Mr. Bouldin moved that the closed meeting, as authorized by Section 2.2-3711.A.7 of the *Code of Virginia* be adjourned and that the Board immediately reconvene in open public meeting. Mrs. Daniels seconded the motion, which was carried unanimously by seven yes votes (Mrs. Daniels, Messrs. Varner, Heppner, Loving, Hyatt, Bouldin, and Sinyai).

WHEREAS, the Board for Asbestos, Lead and Home Inspectors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

**Certification of
Closed Meeting**

WHEREAS, § 2.2-3712 of the *Code of Virginia* requires a

certification by this Board for Asbestos, Lead and Home Inspectors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Board for Asbestos, Lead and Home Inspectors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board for Asbestos, Lead and Home Inspectors.

ROLL CALL VOTE

YES: Mr. Varner, Ms. Daniels, Mr. Loving, Mr. Hyatt, Dr. Sinyai, Mr. Heppner and Mr. Bouldin.

NAYS: None

ABSENT DURING VOTE: None

ABSENT DURING MEETING: Ms. Harlow, Ms. Hill and Mr. Honeycutt

David Dick advised the Board that DPB approval of their proposed amendments to the Asbestos Licensing Regulations and the Lead-Based Paint Activities Regulations was received on September 21 and Secretary of Commerce and Trade approval was received on October 27, 2005. Mr. Dick is now awaiting the Governor's approval and will advise the board members upon receipt.

Regulatory Action

In the absence of Joseph Kossan, David Dick provided the Board with an update on the training program audit activity.

Other Business

The following meeting dates have been scheduled.

- February 1, 2006
- May 10, 2006
- August 16, 2006
- November 1, 2006

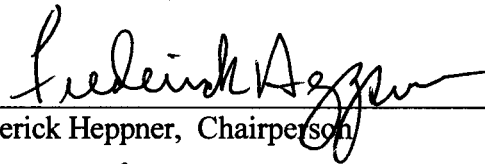
Confirm Meeting Dates

Carol Mitchell, Director, Alternative Dispute Resolution, made a presentation to the Board regarding the operation of the section in the Compliance and Investigations Division. **Board Member Training**

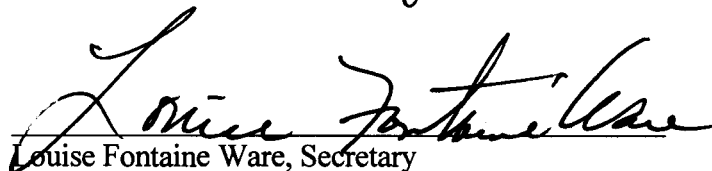
Doug Schroder, Director of Adjudication in the Compliance and Investigations Division, presented board members with an overview of the adjudication process.

Mr. Heppner asked the Board members to complete their conflict of interest forms and travel vouchers. **Conflict of Interest Forms and Travel Vouchers**

Chairperson Heppner, finding no further business to conduct, adjourned the meeting at 12:30 PM. **Adjournment**



Frederick Heppner, Chairperson



Louise Fontaine Ware, Secretary

COPY TESTE:

Custodian of the Records

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

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

- 1. Name: Frederick Heppner
- 2. Title: Board Member - Asbestos, Lead and Home Inspectors
- 3. Agency: Department of Professional and Occupational Regulation
- 4. Transaction: Board Meeting
- 5. Nature of Personal Interest Affected by Transaction: _____

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: Home Inspector

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

Dated: Frederick Heppner

Signature: 11/2/05

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

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

1. Name: Howard D. Varner
2. Title: Board Member - Asbestos, Lead and Home Inspectors
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: NONE

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:

None affected

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

Dated: 11/02/05

Signature: Howard D. Varner

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

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

- 1. Name: John C. Bouldin
- 2. Title: Board Member - Asbestos, Lead and Home Inspectors
- 3. Agency: Department of Professional and Occupational Regulation
- 4. Transaction: Board Meeting
- 5. Nature of Personal Interest Affected by Transaction: General interest

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: ASHI, NAHI, VARI, VALOA, IIA, ProTechs, WOVIA ASHI, VACBI, VAHI

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

Dated: 11/2/05

Signature: John C. Bouldin

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

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

1. Name: Dolores C. Daniels
2. Title: Board Member - Asbestos, Lead and Home Inspectors
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

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: _____

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

Dated: Nov 2, 2005

Signature: Dolores Daniels

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

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

1. Name: Thomas Joel Loving
2. Title: Board Member - Asbestos, Lead and Home Inspectors
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

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: _____

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

Dated: 11/2/05

Signature: 

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

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

1. Name: David Bowen Hyatt
2. Title: Board Member - Asbestos, Lead and Home Inspectors
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

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: _____

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

Dated: 11/2/05

Signature: David Bowen Hyatt

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

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


1. Name: Dr. Clayton S. Sinyai
2. Title: Board Member - Asbestos, Lead and Home Inspectors
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

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: _____

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

Dated: 2 Nov 2005

Signature: 
Clayton Sinyai