

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

The Virginia Board for Asbestos, Lead and Home Inspectors met on November 1, 2006 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, Vice Chairperson
Thomas Joel Loving
David Bowen Hyatt
Dr. Clayton S. Sinyai

Board members Dolores Daniels, Vickie Harlow, Wendy 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:

Jay W. DeBoer, Director
David Dick, Executive Director
Earlyne Perkins, Legal Analyst
Marilyn Cohn, Administrative Assistant

Stephen Jack of the Office of the Attorney General was present during some of the meeting.

Others who attended the meeting included:

Joseph W. Crockett, Representative of WACO, Inc.
Charles W. Turner, Respondent
Jeffrey Royal, Respondent
Juan Oscar Goris, Respondent

Chairperson Heppner, finding a quorum of the Board present, **Call to Order** called the meeting to order at 9:05 am.

Mr. Hyatt moved that the Board approve the agenda. Mr. Varner **Adopt Agenda** seconded the motion, which was unanimously approved by the following members: Heppner, Varner, Loving, Bouldin, Hyatt and Sinyai. Ms. Daniels, Ms. Harlow, Ms. Hill and Mr. Honeycutt were not present for the vote.

Mr. Varner moved that the Board approve the minutes of its **Approval of Board**

August 16, 2006 meeting and the IFF minutes of August 16 (11:00am and 1:00 pm), August 17, September 28, and October 12, 2006. Mr. Bouldin seconded the motion which was unanimously approved by the following members: Heppner, Varner, Loving, Bouldin, Hyatt and Sinyai. Ms. Daniels, Ms. Harlow, Ms. Hill and Mr. Honeycutt were not present for the vote.

Minutes

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

Public Comment
Period

In the matter of **File Number 2006-03139, USA Remediation Services, Inc.**, the Board deferred the case to be reviewed at the February 1, 2007 board meeting.

File Number
2006-03139

In the matter of **File Number 2006-04403, ACS Environmental, Inc.**, the Board reviewed the record, which consisted of the investigative file, transcript and exhibits from the IFF and the presiding board member's summary and recommendation. No representative of ACS Environmental, Inc. (Respondent) was present.

File Number
2006-04403

Mr. Loving moved that the Board adopt the summary and conclusion for Count 1 that ACS Environmental, Inc. was in violation of 18 VAC 15-20-450 A 6 and for Count 2 that ACS Environmental, Inc. was in violation of 18 VAC 15-20-450 A 7 of the Board's January 2, 2002 regulations. Mr. Varner seconded the motion which was approved by the following members: Heppner, Varner, Loving, Hyatt and Sinyai. Mr. Bouldin recused himself and did not participate in the discussion or vote. Ms. Daniels, Ms. Harlow, Ms. Hill and Mr. Honeycutt were not present for the vote.

Mr. Loving moved that the Board accept the sanctions recommended by the presiding board member of revocation of asbestos contractor license number 3306000190 for Count 1 and Count 2. Dr. Sinyai seconded the motion which was approved by the following members: Heppner, Varner, Loving, Hyatt and Sinyai. Mr. Bouldin recused himself and did not participate in the discussion or vote. Ms. Daniels, Ms. Harlow, Ms. Hill and Mr. Honeycutt were not present for the vote.

The Board agreed without dissent to review File Numbers 2006-04291 and 2006-04292 together.

File Numbers
2006-04291
2006-04292

In the matter of **File Numbers 2006-04291 and 2006-04292, Air Power Enterprises, Inc.**, the Board reviewed the Consent Orders offered to and signed by Air Power Enterprises, Inc. No representative of Air Power Enterprises, Inc. (Respondent) was present.

Dr. Sinyai moved that the Board accept the Consent Order offered for File Number 2006-04291 which includes revocation of Air Power Enterprises, Inc. asbestos contractor license number 3306000658 for Count 1 plus \$150 in Board costs; that the Board accept the Consent Order offered for File Number 2006-04292 which includes revocation of Air Power Enterprises, Inc. lead abatement contractor license number 3358000088 for Count 1 plus \$150 in Board costs, totaling \$300. Mr. Varner seconded the motion which was approved by the following members: Heppner, Varner, Loving, Hyatt and Sinyai. Mr. Bouldin recused himself and did not participate in the discussion or vote. Ms. Daniels, Ms. Harlow, Ms. Hill and Mr. Honeycutt were not present for the vote.

In the matter of **File Number 2007-00006, Charles William Turner**, the Board reviewed the record which consisted of the application file, transcript and exhibits from the IFF and the presiding board member's summary and recommendation. Charles William Turner (Respondent) was present and addressed the Board. Mr. Hyatt moved that the Board adopt the summary, but reject the recommendation and approve the application for Home Inspector license for Charles William Turner. Mr. Varner seconded the motion which was approved by the following members: "YES" Varner, Loving, Hyatt and Sinyai; "NO" Bouldin. Mr. Heppner recused himself and did not participate in the discussion or vote. Ms. Daniels, Ms. Harlow, Ms. Hill and Mr. Honeycutt were not present for the vote.

File Number
2007-00006

In the matter of **File Number 2006-05328, Juan Oscar Goris**, 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. Juan Oscar Goris (Respondent) was present and addressed the Board.

File Number
2006-05328

Upon a motion by Mr. Bouldin and seconded by Dr. Sinyai, the

Board adopted the summary and recommendation and approved the application for Asbestos Supervisor license for Juan Oscar Goris. The motion was unanimously approved by the following members: Heppner, Varner, Loving, Bouldin, Hyatt and Sinyai. Ms. Daniels, Ms. Harlow, Ms. Hill and Mr. Honeycutt were not present for the vote.

In the matter of **File Number 2006-05513, Erling R. Johnson**, 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.

File Number
2006-05513

Upon a motion by Mr. Bouldin and seconded by Dr. Sinyai, the Board adopted the summary and recommendation and approved the application for Asbestos Inspector license for Erling R. Johnson. The motion was unanimously approved by the following members: Heppner, Varner, Loving, Bouldin, Hyatt and Sinyai. Ms. Daniels, Ms. Harlow, Ms. Hill and Mr. Honeycutt were not present for the vote.

In the matter of **File Number 2007-00742, Jeffrey L. Royal**, 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. Jeffrey L. Royal (Respondent) was present and addressed the Board.

File Number
2007-00742

Upon a motion by Mr. Bouldin and seconded by Dr. Sinyai, the Board adopted the summary and recommendation and approved the application for Asbestos Supervisor license for Jeffrey L. Royal. The motion was unanimously approved by the following members: Heppner, Varner, Loving, Bouldin, Hyatt and Sinyai. Ms. Daniels, Ms. Harlow, Ms. Hill and Mr. Honeycutt were not present for the vote.

In the matter of **File Number 2007-01044, Mynor J. Guerra**, 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.

File Number
2007-01044

Upon a motion by Mr. Bouldin and seconded by Mr. Loving, the Board adopted the summary and recommendation and approved the application for Asbestos Supervisor license for Mynor J. Guerra. The motion was unanimously approved by the following members: Heppner, Varner, Loving, Bouldin, Hyatt and Sinyai.

Ms. Daniels, Ms. Harlow, Ms. Hill and Mr. Honeycutt were not present for the vote.

David Dick reported that the postcard notification of the final amendments to the Asbestos Licensing Regulations and the Lead-Based Paint Activities Regulations had been sent to all licensees and training providers.

Final 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 Board Educational Program Committee Report was deferred to the next meeting.

The following meeting dates have been scheduled.

Future Meeting Dates

- February 1, 2007
- May 9, 2007
- August 15, 2007
- November 7, 2007

Mr. Heppner asked the Board members to complete their conflict of interest forms and travel vouchers.

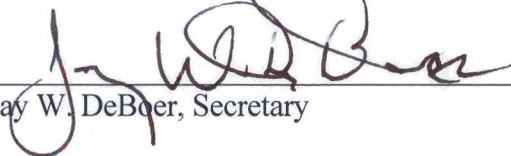
Conflict of Interest Forms and Travel Vouchers

Chairperson Heppner, finding no further business to conduct, adjourned the meeting at 12:10 P.M.

Adjournment



Frederick Heppner, Chairperson



Jay W. DeBoer, 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: 11/1/06

Signature: Frederick Heppner

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

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

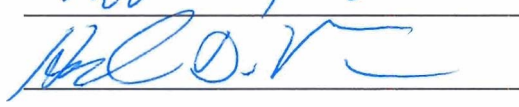
- 1. Name: Howard D. Varner
- 2. Title: Board Member - Asbestos, Lead and Home Inspectors
- 3. Agency: Department of Professional and Occupational Regulation
- 4. Transaction: Board Meeting
- 5. Nature of Personal Interest Affected by Transaction: None

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: _____

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

Dated: Nov 1, 2006

Signature: 

**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: _____

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: NATF, ASBE, VAREI, ITA, NACT, ProTechs, FCC, VSCOA

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

Dated: 11/1/06

Signature: John Bouldin

**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: 11-1-06

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: 11/1/06

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: 1 Nov 2006

Signature: 