

**BOARD FOR CONTRACTORS COMMITTEE
MEETING **Draft** MINUTES**

The Board for Contractors Committee (“the Committee”) met on **Monday, November 9, 2015**, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia. The following Committee members were present:

Bailey Dowdy
Jeffery Hux
Jeffrey Mitchell
E. G. Middleton, III
Michael Redifer

Herbert J. Dyer, Jr., and John O’Dell were absent.

The following DPOR staff members were present for all or part of the meeting:

Eric Olson, Executive Director
Jay DeBoer, Director
Mark Courtney, Sr. Director for Regulatory & Public Affairs
Mindy Garofalo, Regulatory Boards Administrator
Adrienne Mayo, Regulatory Boards Administrator
Jacqueline Harris, Admin. Asst./ Compliance/Education Specialist
Sheila Watkins, Administrative Assistant, Compliance Specialist

Vice Chairman Dowdy called the meeting to order at 2:02 P.M.

Call To Order

The Meeting Agenda was approved unanimously. Motion made by **Mr. Redifer**, seconded by **Mr. Mitchell**. Members voting “yes” were: **Mitchell, Dowdy, Hux, Middleton, and Redifer**. **Dyer and O’Dell** were absent.

Approval of Agenda

Mr. Hux offered a motion seconded by Mr. Redifer to approve the October 19, 2015 draft minutes as Final. The motion was adopted unanimously. Members voting “yes” were: **Mitchell, Dowdy, Hux, Middleton, and Redifer**. **Dyer and O’Dell** were absent.

Meeting Minutes

There was no public comment.

Public Comment

Adrienne Mayo Regulatory Boards Administrator addressed the Board.

Education Provider Applications

Education Provider Applications*

Applications for proposed education providers and courses were reviewed and the Committee’s recommendations are as follows:

Education Provider Applications

Mrs. Mayo shared that staff recommends Pre-License Course on-line approval for **1 +1 Education**. After discussion, and a motion by **Mr. Mitchell**, seconded by **Mr. Hux**, to unanimously approve 1 + 1 Education, Pre-License Education on-line course. Motion approved by unanimous vote. Members voting “yes” were: **Mitchell, Dowdy, Hux, Middleton, and Redifer**. **Dyer and O’Dell** were absent

1 + 1 Education

Mrs. Mayo shared that staff recommends approval for **-1 AA Cheapest**

1 AA Cheapest

Course.com- Contractor Pre-License - on-line course. After discussion and a motion by **Mr. Mitchell**, seconded by **Mr. Redifer**, to unanimously approve 1 AA Cheapest Course.com Contractor Pre-License-on-line courses. Motion approved by unanimous vote. Members voting “yes” were: **Mitchell, Dowdy, Hux, Middleton, and Redifer**. **Dyer and O’Dell** were absent.

Mrs. Mayo shared that staff recommends approval for **Virginia Water Well Association – CE Certified Water Well Systems Provider**, 8 hour Continuing Education. After discussion and a motion by **Mr. Middleton**, seconded by **Mr. Redifer** to unanimously approve Virginia Water Well Association as an Education Provider for an 8 hour Continuing Education Course for Certified Water Well Systems Providers. Motion approved by unanimous vote. Members voting “yes” were: **Mitchell, Dowdy, Hux, Middleton, and Redifer**. **Dyer and O’Dell** were absent.

Mindy Garofalo Regulatory Board Administrator shared a Regulatory Update with the Committee. Effective January 2016 our building specialty classification will split into two specialties: commercial and residential. New applicants will be able to choose either Residential or Commercial. This has been approved and we are now in the 30 day public comment period. No vote was needed. She also reminded the Committee that effective January 1, 2016 the reinstatement period for licenses will go from one year to two years.

Adrienne Mayo discussed the proposed Louisiana Licensing Agreement with the Committee. Committee members were given a copy of the Louisiana and Virginia preliminary comparison for establishing exemption of examination for eligible licensees for review and discussion. There was discussion and the Committee voted to recommend tabling this matter in order to provide additional time for staff to provide the Committee and the Board with information needed to make a decision. Mr. Redifer offered a motion seconded by Mr. Middleton to recommend to the Board that Staff be allotted additional time to research this matter. The motion passed by unanimous vote. Members voting “yes” were: **Mitchell, Redifer, Dowdy, Middleton and Hux**. **Mr. Dyer and Mr. O’Dell** were absent.

Definition of Routine Maintenance

The Committee reviewed a handout in memo form. Mr. Olson shared that at the Committee and Board’s request staff has researched the matter and

Course.com Education

Virginia Water Well Association

Old Business Regulatory Update

New Business

Licensing Requirements-Request for Louisiana and Virginia Exam Exemption

Definition of Routine Maintenance

recommends that the Board adopt the following definition of routine maintenance as a policy, to be incorporated into the regulations at a later date:

Routine maintenance – recurring, preventative and on-going activity necessary to delay or prevent the failure of a building, equipment, machinery, plant, or system, against normal wear and tear and generally set by the manufacturer, the USBC, or by generally accepted practices within the industry.

After discussion **Mr. Redifer** offered a motion seconded by **Mr. Middleton** to recommend to the Board to adopt the definition as proposed by staff and have it incorporated into the regulations in the future. The motion passed with a unanimous “yes” vote. Members voting “yes” were: Mitchell, Dowdy, Hux, Middleton and Redifer. O’Dell and Dyer were absent.

Pre-authorization required for QI examinations

Mr. Olson presented a proposal that would require Qualified Individual applicants be pre-approved to sit for the applicable technical examination. This would reduce the risk of examination compromise, eliminate the current issue of individuals taking an examination that they are not qualified for, and increase the efficiency of application processing. After discussion Mr. Redifer offered a motion seconded by Mr. Hux to recommend to the Board to adopt the recommendation of Staff to require pre-authorization for QI examinations (for technical exams). The motion passed by unanimous vote: Members voting “yes” were: Mitchell, Dowdy, Hux, Middleton and Redifer. O’Dell and Dyer were absent.

Pre-authorization required for QI examinations

Framing

Mr. Olson gave an update on staff’s recommendation of Board Policy Review for Framing. He provided Committee members with a memorandum that shared information on this subject matter. After discussion Mr. Redifer offered a motion seconded by Mr. Hux recommending the Board review the current policy that places Framing under the Building classification and move Framing to the improvement specialties. This motion passed with a unanimous vote. Members voting “yes” were: Mitchell, Dowdy, Hux, Middleton and Redifer. O’Dell and Dyer were absent.

Policy Review-Framing

Integrity Regulations

Integrity Regulations

Mindy Garofalo shared with the Committee that the Individual Regulations, project 4415 is ready for review. The Committee reviewed the amendments in their handout to improve application integrity as prepared by staff. Mr. Hux offered a motion recommending that the Board adopt as presented. The motion passed with a unanimous vote. Members voting “yes” were: Redifer, Hux, Dowdy, Mitchell and Middleton. Dyer and O’Dell were absent.

Rimel – Public Comment

Mindy Garofalo shared with the Committee that Paul Rimel, Staunton’s Code Inspector posted a public comment. The title was Thank You – Board For Contractors. On behalf of Virginia’s code enforcement community he took the opportunity to commend the Board for its decision not to eliminate the continuing education requirement for Virginia tradesmen. The Committee thanked her for sharing the comment with them and she assured them she would also share this with the Board.

Continuing Education Regulation packet

The Governor has signed the regulation packet and the 30 day comment period ended on 11/4/2015.

Contractor Regulations

Mindy Garofalo gave a copy of the Contractor Regulations, project 4414 – NOIRA handout to the Committee. The Committee reviewed the handout and discussed Amendments to Improve Application Integrity for the Board for Contractors. Mr. Middleton offered a motion seconded by Mr. Hux to recommend that the Board adopt the amendments as presented by staff. The motion was adopted with a unanimous vote. Members voting “yes” were: Middleton, Redifer, Mitchell, Dowdy, and Hux. Dyer and O’Dell were absent.

Amendments to classifications and specialties

Mindy Garofalo gave a copy of the Board for Contractors Amendments to classifications and specialties, Project 4047 – Proposed to the Committee. The members reviewed the information and agreed to recommend to the Board to add nine specialties. Mr. Redifer offered a motion seconded by Mr. Mitchell to recommend the Board add: Drywall contracting (Abbr: DRY); Finish carpentry

**Public Comment-
Rimel**

**Continuing Education
Regulation packet**

**Contractor
Regulations**

**Proposed
Amendments to
classifications and
specialties
Next Meeting**

contracting (Abbr: FIN); Flooring and floor covering contracting (Abbr: FLR); Framing (Abbr: FRM); Glass and glazing contracting (Abbr: GLZ); Insulation and weather stripping contracting (Abbr: INS); Steel erection contracting (Abbr: STL); Tile, marble, ceramic, and terrazzo contracting (Abbr: TMC); and Underground utility and excavating contracting (Abbr: UUC) specialties to 18 VAC 50-22-30. The motion was adopted by a unanimous vote. Members voting “yes” were: Redifer, Mitchell, Middleton, Dowdy and Hux. Members absent and not voting were: Dyer and O’Dell.

Mrs. Garofalo shared with the Committee that **Fred Coddling** and Charles Oakley each submitted comments for consideration. Mr. Coddling, representing the National Association of Reinforcing Steel Contractors (NARSC) shared they strongly support the establishment of steel erection being a separate specialty. He also shared the definition should specifically include the “placement and tying” of reinforcing steel and post-tensioning. After discussion, Mr. Redifer offered a motion that was seconded by Mr. Mitchell to recommend to the Board that staff draft its reply. The motion was adopted by a unanimous vote. Members voting “yes” were: Middleton, Mitchell, Redifer, Dowdy and Hux. O’Dell and Dyer were absent and did not vote.

**Proposed public
comments received for
Specialty Amendments**

Mrs. Garofalo also shared with the Committee that Charles Oakley commented. He is self-employed and installs blinds and draperies. He applied for a Class C license and has completed a pre-license course. Mr. Oakley has taken the Home Improvement Exam and was not successful in passing it. His concern is that the exam has nothing to do with installing blinds and draperies. This is a hindrance in the job market for him. He feels the exam does not contain information that pertains to his line of work. Mr. Oakley did hold a license in the past (at that time no test was required) but he let that expire. After discussion Mr. Mitchell offered a motion seconded by Mr. Redifer to recommend to the Board to have Staff prepare its response. The motion was adopted with a unanimous vote. Members voting “yes” were: Redifer, Mitchell, Middleton, Dowdy and Hux. O’Dell and Dyer were and did not vote.

The next Committee Meeting will be held on Monday, December 14, 2015.

Meeting adjourned

Mr. Redifer offered a motion seconded by **Mr. Hux**, the Committee unanimously voted to adjourn the meeting at 3:47 p.m.

Board for Contractors Committee Meeting Minutes Final

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Herbert J. Dyer, Jr., Chairman

Date