

## **BOARD FOR CONTRACTORS COMMITTEE MEETING MINUTES**

The Board for Contractors Committee ("the Committee") met on Monday, October 22<sup>nd</sup>, 2012, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia. The following Committee members were present:

Herbert J. Dyer, Jr. Chairman  
Bailey Dowdy, Vice-Chairman  
Michael Gelardi  
E. G. Middleton, III  
Doug Murrow  
D. Todd Vander Pol

Mr. Walker was absent.

The following DPOR staff attended the meeting:

Eric L. Olson, Executive Director  
Adrienne Mayo, Regulator Boards Administrator  
Karen Bullock, Administrative Assistant  
Chris Kunkel, Licensing and Education Specialist

Chairman Dyer called the meeting to order at 2:01 P.M.

Call To Order

The Meeting Agenda was approved unanimously. Motion made by **Mr. Gelardi**, seconded by **Mr. Dowdy**.

Approval of Agenda

The Minutes from the July 30<sup>th</sup>, 2012 Committee meeting were adopted as drafted by unanimous vote. Motion made by **Mr. Gelardi**, seconded by **Mr. Dowdy**.

Minutes Adopted

There was no public comment.

Public Comment

Items requiring Board action are marked with an asterisk (\*):

Education Provider Applicants:

Education Provider Applications\*

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

After discussion, and a motion by **Mr. Gelardi**, seconded by **Mr. Dowdy**, the Committee unanimously recommended that the Board approve Henry A Alcocer/LCA Technical Institute Continuing and Vocational Electrical (ELE) in the classroom courses (2).

Henry A Alcocer/LCA Technical Institute

After discussion, and a motion by **Mr. Middleton**, seconded by **Mr. Gelardi**, the Committee unanimously recommended that the Board approve Yadkin Well Co Inc Continuing in the classroom /field WWP course.

Yadkin Well Co Inc

After discussion and a motion by **Mr. Gelardi**, seconded by **Mr. Middleton**, the Committee unanimously recommended that the Board approve CEUOK.COM continuing education online Plumbing (PLB) course.

CEUOK.COM

Joseph Goble, on behalf of S Joseph Goble, Electrical Code Training, attended the meeting and addressed the Committee.

S Joseph Goble, Electrical Code Training

After discussion, and a motion by **Mr. Gelardi**, seconded by **Mr. Middleton**, the Committee unanimously recommended that the Board approve **S Joseph Goble, Electrical Code Training** continuing in the classroom Electrical (ELE) course.

Chong Ho Yok and Yosung Cho, on behalf of **Vocational School of Korean American Association NOVA**, attended the meeting and addressed the Committee.

**Vocational School of Korean American Association NOVA**

After discussion, and a motion by **Mr. Gelardi**, seconded by **Mr. Middleton**, the Committee unanimously recommended that the Board approve **Vocational School of Korean American Association NOVA** vocational in the classroom Electrical (ELE) course.

Jeff Rodriguez, on behalf of **JCR Productions Inc**, attended the meeting and addressed the Committee.

**JCR Productions Inc**

After discussion, and a motion by **Mr. Middleton**, seconded by **Mr. Gelardi**, the Committee unanimously recommended that the Board approve JCR Productions Inc. continuing in the classroom Electrical (ELE) courses (5 courses).

After discussion, and a motion by **Mr. Gelardi**, seconded by **Mr. Middleton**, the Committee unanimously recommended that the Board approve **Elton Fahnestock, ELEC COMM LLC** vocational Electrical (ELE) in the classroom course.

**Elton Fahnestock, ELEC COMM LLC**

After discussion, and a motion by **Mr. Gelardi**, seconded by **Mr. Middleton**, the Committee unanimously recommended that the Board approve Abba Training LLC continuing Gas Fitting (GFC) online course.

**Abba Training LLC**

There was no old business.

**Old Business**

**Implementation of Regulations – Manufactured Home Contractors\***

**New Business**

Executive Director, Eric Olson shared with the Committee the new contractor regulation effective December 1, 2012 separates Modular/manufactured building contracting (MBC) specialty to create two new specialties for licensure (Manufactured Home Contracting (MHI) and Industrialized Building Contracting (IBC). The implementation of the amendments to the regulations will require that all of the contractors currently holding the MBC specialty be brought into compliance. Staff recommends the following three step process in accomplishing this:

- Convert all MBC specialties on current licenses to MHI and IBC specialties
- Notify all contractors holding the new MHI specialty, H/H classification, and Building classification, that they must have a Qualified Individual who has successfully completed the HUD

approved training before April 30, 2013. Licensees holding the BLD and H/H classifications must also add the new MHI specialty to their licenses (at no cost).

- Remove the MHI specialty from all contractors who do not have a Qualified Individual who has successfully completed the HUD approved training.

After discussion and a motion by **Mr. Middleton**, seconded by **Mr. Gelardi**, the Committee unanimously endorsed Staff's three step process for contractors currently holding the MBC specialty to be brought into compliance.

### **Implementation of Regulations – Qualified Individual Examinations, Requirements\***

Staff presented to the Committee that the new contractor regulations on December 1, 2012 will require the completion of a technical examination for Qualified Individuals who are not already required to hold a license or certificate from another regulatory board, agency, or board approved entity and that there is no examination exemption or "grandfather" provision in the statutes or regulations. After discussion and a motion by **Mr. Middleton**, seconded by **Mr. Dowdy**, the Committee unanimously recommends the following policy for Board approval:

*Individuals currently listed as the Qualified Individual for a specific specialty on a current license or a license that is eligible for renewal or reinstatement will not be required to take the specialty examination in order to remain the Qualified Individual for that specific specialty on that license. All Qualified Individuals listed on new applications for licensure and applications to add specialties to existing licenses, received by the licensing staff on and after December 1, 2012 shall meet the examination requirements set forth in the regulations.*

### **Tradesman licensure; PSI Exams from other, Non-Reciprocation, States**

Executive Director, Eric Olson shared with the Committee that during the course of processing applications for tradesman candidates, staff often receives questions from individuals, who have taken the PSI examination in another state, if the board has considered accepting these examinations as "substantially equivalent" to the Virginia Examination, allowing the individual to receive the license without completing the Virginia examination. After consideration and discussion the Committee unanimously upholds the Board's current policy not to accept a PSI examination for a trade-related license from another state for which there is not a current agreement in place. No further action was taken.

**Clarification of Regulations – Installation of Horizontal Geothermal Piping under the H/H Classification\***

After discussion and a motion by **Mr. Murrow**, seconded by **Mr. Dowdy**, the Committee unanimously recommends the Board approves Highway/Heavy, HVAC and Plumbing classification to install/drill trenches and piping not to exceed 10 feet below grade that is associated with horizontal loop geothermal system.

**Regulatory Review Updates**

Board staff presented the Committee a summary of significant changes to the Contractor Regulations that will become effective December 2012.

**Flipping Homes and License Requirements**

The Committee reaffirms the “owner developer” provisions within the statute and the Board’s regulations addresses the licensing requirements for flipping homes. Therefore, no action was taken.

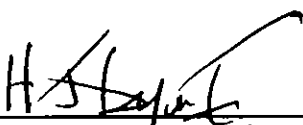
**Board Interpretation – Licensing Requirements and Staffing Services Companies\***

Staff shared with the Committee a request for the Board’s interpretation regarding contractor licensing requirements for staffing Services Company. After discussion and a motion by **Mr. Gelardi**, seconded by **Mr. Dowdy**, the Committee unanimously affirms and recommends for Board approval that installation performed by a staffing service meets the definition of contractor. Further labor and material cannot be separated and installation is part of the transaction. Therefore, an individual hired to perform work for a \$1000 or more but is not a bona fide employee of the contractor, a contractor license is required.

The Committee’s next scheduled meeting is Monday, December 10<sup>th</sup>, 2012. **Next Meeting**

Chairman Dyer entertained a motion to adjourn from **Mr. Gelardi**, seconded by **Mr. Middleton** and approved unanimously by the Committee. The meeting adjourned at 3:31 P.M.

**Adjourn**

  
\_\_\_\_\_  
Herbert J. Dyer, Jr., Chairman

12/10/12  
\_\_\_\_\_  
Date

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

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

1. Name: Herbert "Jack" Dyer, Jr.  
(Name of Board Member)
2. Title: Board Member
3. Agency: Board for Contractors Committee  
(Name of Board)
4. Meeting/IFF Date: October 22, 2012  
(Date)

5. I have a personal interest in the following transaction:

\_\_\_\_\_ (Agenda Item)


Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.
6.  I **do not** have a personal interested in any transactions taken at this meeting.

  
\_\_\_\_\_  
Signature

October 22, 2012  
Date

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

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

1. Name: Bailey Dowdy  
(Name of Board Member)
2. Title: Board Member
3. Agency: Board for Contractors Committee  
(Name of Board)
4. Meeting/IFF Date: October 22, 2012  
(Date)

5. I have a personal interest in the following transaction:

\_\_\_\_\_  
(Agenda Item)

Nature of Personal Interest Affected by Transaction: \_\_\_\_\_


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

\_\_\_\_\_

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.

6.  I do not have a personal interested in any transactions taken at this meeting.

  
\_\_\_\_\_  
Signature

October 22, 2012  
Date

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

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

1. Name: Michael Gelardi  
(Name of Board Member)
2. Title: Board Member
3. Agency: Board for Contractors Committee  
(Name of Board)
4. Meeting/IFF Date: October 22, 2012  
(Date)

5. I have a personal interest in the following transaction:

\_\_\_\_\_

(Agenda Item)

Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

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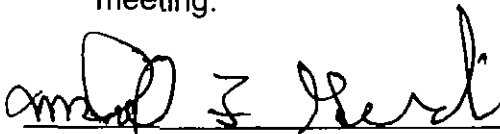
\_\_\_\_\_

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

or

I did not participate in the transaction.

6.  I **do not** have a personal interested in any transactions taken at this meeting.

  
Signature

October 22, 2012  
Date



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

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

1. Name: Erby G. "Rudy" Middleton, III  
(Name of Board Member)
2. Title: Board Member
3. Agency: Board for Contractors Committee  
(Name of Board)
4. Meeting/IFF Date: October 22, 2012  
(Date)

5. I have a personal interest in the following transaction:

\_\_\_\_\_ (Agenda Item)

Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.
6.  I do not have a personal interest in any transactions taken at this meeting.

Erby G. Middleton III  
Signature

October 22, 2012  
Date

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

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

1. Name:     Doug Murrow      
(Name of Board Member)
2. Title:     Board Member
3. Agency:     Board for Contractors Committee      
(Name of Board)
4. Meeting/IFF Date:     October 22, 2012      
(Date)

5. I have a personal interest in the following transaction:

\_\_\_\_\_

(Agenda Item)

Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

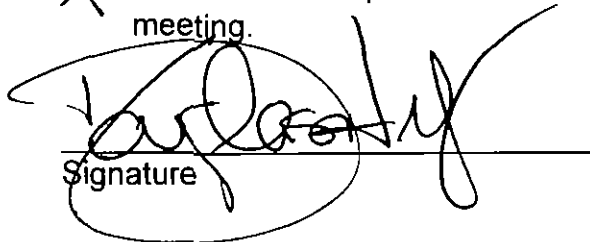
\_\_\_\_\_

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

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- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.

6.  I do not have a personal interested in any transactions taken at this meeting.

  
Signature

    October 22, 2012      
Date

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

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

1. Name: D. Todd Vander Pol  
(Name of Board Member)
2. Title: Board Member
3. Agency: Board for Contractors Committee  
(Name of Board)
4. Meeting/IFF Date: October 22, 2012  
(Date)

5. I have a personal interest in the following transaction:

\_\_\_\_\_

(Agenda Item)

Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

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

\_\_\_\_\_

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

or

I did not participate in the transaction.

6.  I do not have a personal interest in any transactions taken at this meeting.

Todd Vander Pol  
Signature

October 22, 2012  
Date