

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

The Virginia Board for Asbestos, Lead, and Home Inspectors met on November 9, 2017, at the offices of the Department of Professional and Occupational Regulation (DPOR), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 3, Richmond, Virginia 23233.

The following members of the Board were present:

Sandra Baynes
Colleen Becker, Chair
Chadwick R. Bowman
John E. Cranor
Erich Fritz
James E. Haltigan

Rick Holtz
Gene E. Magruder
Frederick Molter, IV
Walter C. Nixon
Peter D. Palmer, Vice Chair
David P. Rushton

Board member Joe T. France was not present at the meeting.

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

Jay W. DeBoer, Director
Trisha L. Henshaw, Executive Director
Paul G. Saunders, III, Board Administrator
Joseph C. Haughwout, Jr., Board and Regulatory Administrator
Bonnie Rhea Adams, CAR Director
Douglas Schroder, Adjudication Director
Johnathan Darden, Director of Investigations
Tanya M. Pettus, Administrative Assistant

James Flaherty from the Office of the Attorney General was present.

Ms. Becker, finding a quorum of the Board present, called the meeting to order at 8:59 a.m. **Call to Order**

Ms. Henshaw advised the Board of the emergency evacuation procedures. **Emergency Evacuation Procedures**

Mr. Magruder moved to approve the agenda as presented. Mr. Fritz seconded the motion which was unanimously approved by: Baynes, Bowman, Cranor, Fritz, Haltigan, Magruder, Nixon, Palmer, and Rushton. Board members Becker and Holtz were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations. **Approval of Agenda**

Mr. Magruder moved to approve the minutes of the August 17, 2017, Board meeting as presented. Mr. Fritz seconded the motion which was unanimously approved by: Baynes, Bowman, Cranor, Fritz, Haltigan, Magruder, Nixon, Palmer, and Rushton. Board members Becker and Holtz were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

Approval of Minutes

There were no members of the public present to address the Board on matters other than the case files to be presented.

Public Comment Period

In the matter of **File Number 2018-00292, James Brian Cullop**, the Board members reviewed the record which consisted of the application file, transcript and exhibits from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation. Mr. Magruder moved to accept the recommendation of the Presiding Officer and approve Mr. Cullop's application for a home inspector license. Mr. Haltigan seconded the motion which was unanimously approved by: Baynes, Bowman, Cranor, Fritz, Haltigan, Magruder, Nixon, Palmer, and Rushton. Board members Becker and Holtz were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

File Number 2018-00292, James Brian Cullop

In the matter of **File Number 2018-00391, John Taylor Boswell, Jr.**, the Board members reviewed the record which consisted of the application file, transcript and exhibits from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation. Mr. Magruder moved to accept the recommendation of the Presiding Officer and approve Mr. Boswell's application for a home inspector license. Mr. Fritz seconded the motion which was unanimously approved by: Baynes, Bowman, Cranor, Fritz, Haltigan, Magruder, Nixon, Palmer, and Rushton. Board members Becker and Holtz were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

File Number 2018-00391, John Taylor Boswell, Jr.

Mr. Molter arrived at 9:08 a.m.

Arrival of Board Member

Mr. Rushton recused himself from the meeting for discussion and deliberations on File Number 2018-00486.

Recusal of Board Member

In the matter of **File Number 2018-00486, Nathaniel Ira McCague**, the Board members reviewed the record which consisted of the application file, transcript and exhibits from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation.

File Number 2018-00486, Nathaniel Ira McCague

Mr. McCague and his wife, Donna McCague, were present to address the Board. Mr. McCague summarized his experience in construction and as a home inspector prior to the licensing requirement for home inspectors effective July 1, 2017. Mr. McCague stated that his work as a home inspector lagged prior to the licensing requirement due to health reasons, but advised the Board of the many hours of online home inspector training he has completed. Mr. McCague stated that he has the utmost respect for licensing and safety of the welfare of the general public, and thanked the Board for considering a waiver of the experience requirement for his home inspector license.

After discussion, Mr. Magruder moved to accept the recommendation of the Presiding Officer and deny Mr. McCague's application for a home inspector license. Mr. Cranor seconded the motion. After further discussion, Mr. Magruder withdrew the motion. Mr. Magruder then moved to amend the recommendation of the Presiding Officer and approve Mr. McCague's application for a home inspector license contingent upon Mr. McCague providing proof of completion of the experience requirement for home inspector licensing. There was no second to the motion. After lengthy discussion, Mr. Molter moved to amend the recommendation of the Presiding Officer and approve Mr. McCague's application for a home inspector license. Mr. Nixon seconded the motion which was unanimously approved by: Baynes, Bowman, Cranor, Fritz, Haltigan, Magruder, Molter, Nixon, and Palmer. Board members Becker and Holtz were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

Mr. Rushton returned to the meeting.

Return of Board Member

In the matter of **File Number 2018-00084, Glen Randal Houseman**, the Board members reviewed the record which consisted of the application file, transcript and exhibits from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation.

File Number 2018-00084, Glen Randal Houseman

Mr. Houseman was present to address the Board. Mr. Houseman stated that since his criminal conviction over 25 years ago, he has focused on continuing education and furthering his career. Mr. Houseman stated that attaining his asbestos supervisor license would allow him to provide better service to his clientele. Mr. Houseman thanked the Board for their consideration.

Mr. Molter moved to accept the recommendation of the Presiding Officer and approve Mr. Houseman's application for an asbestos supervisor license. Mr. Magruder seconded the motion which was unanimously approved by: Baynes, Bowman, Cranor, Fritz, Haltigan, Magruder, Molter, Nixon, Palmer, and Rushton. Board members Becker and Holtz were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

Mr. Haughwout provided an update on the current status of the regulatory review processes for the Board's regulatory packages.

**Update on
Regulatory Review
Processes**

Amendments to the Home Inspector regulations regarding yellow corrugated stainless steel tubing (CSST) became effective on September 20, 2017.

Amendments to the Asbestos Analytical Laboratory and Project Monitor regulations were published on September 4, 2017. A sixty-day public comment period, including a public hearing, concluded on November 3, 2017. After adoption of the amended regulations, a final 30-day public comment period will commence.

The Board previously voted to file a notice of intended regulatory action (NOIRA) for the review of Asbestos Abatement Monitoring Requirements. The NOIRA is currently in development.

The proposed Lead-Based Paint Renovation, Repair, and Painting Program regulations (Initial Promulgation) are currently undergoing review by the Governor's office. If approved, the regulations will be posted to the Virginia Register and a 60-day public comment period will commence, to include a public hearing.

Mr. Haughwout asked the Board to consider approving a temporary reduction in renewal fees for asbestos, lead, and home inspector licenses expiring after February 1, 2018 and before February 1, 2020, and for late renewals received after March 1, 2018 and on or before February 28, 2020, respectively, in order to come into

**Consider Exempt
Action for Fee
Reduction**

compliance with the Callahan Act, as there is currently an excess cash balance in the Board's funds. After discussion, Mr. Molter moved to authorize staff to proceed with filing an exempt action to apply a temporary fee reduction for licensing renewals and reinstatements as recommended by staff. Mr. Fritz seconded the motion which was unanimously approved by: Baynes, Bowman, Cranor, Fritz, Haltigan, Magruder, Molter, Nixon, Palmer, and Rushton. Board members Becker and Holtz were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

Mr. Saunders advised the Board there have been no asbestos and lead training course audits conducted since the Board's last meeting.

Asbestos and Lead Training Course Audits

Mr. Saunders provided an update of home inspector CPE audits conducted on 25% of eligible certified home inspectors beginning on March 21, 2017.

Update on Home Inspector CPE Audits

The Board recessed from 10:01 a.m. to 10:11 a.m.

Recess

Ms. Henshaw asked the Board to consider the meaning of the word "describe" as referenced in 18VAC 15-40-130 of the Home Inspector Licensing regulations. Ms. Henshaw advised the Board there have been inquiries from the public as to what constitutes description in a home inspection report. After discussion, Mr. Molter moved to authorize staff to draft a guidance document defining the word "describe" as used in 18VAC 15-40-130 as "identifying in writing a system or component by its type or other distinguishing characteristics." Mr. Cranor seconded the motion which was unanimously approved by: Baynes, Bowman, Cranor, Fritz, Haltigan, Magruder, Molter, Nixon, Palmer, and Rushton. Board members Becker and Holtz were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

Consider Clarification of "Describe" as Used in 18VAC 15-40-130 of Home Inspector Licensing Regulations

Mr. Saunders asked the Board to consider current home inspector guidance documents which may have been affected by the transition to licensure and the new Home Inspector Licensing regulations. The Board reviewed and discussed current guidance documents. After discussion, Mr. Fritz moved to retain, repeal, and amend guidance documents in order to align them with Home Inspector Licensing regulations as recommended by staff. Mr.

Discussion of Guidance Documents for Home Inspectors

Nixon seconded the motion which was unanimously approved by: Baynes, Bowman, Cranor, Fritz, Haltigan, Magruder, Molter, Nixon, Palmer, and Rushton. Board members Becker and Holtz were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

Ms. Adams and Mr. Schroder presented the Board with information on DPOR's complaint and disciplinary process. Presentation topics included

- complaint and disciplinary statistics,
- complaint processing,
- the investigations process,
- informal fact finding conferences,
- complaint and disciplinary resolutions, and
- Board authority to issue sanction.

The Board recessed from 11:19 a.m. to 11:25 a.m.

Ms. Henshaw and Mr. Darden asked the Board to consider authorizing staff to make determinations related to violations and sanctions involving home inspector disciplinary actions due to the changes in home inspector licensing requirements and standards of conduct effective July 1, 2017. Mr. Darden provided the Board with proposed home inspector sanction guidelines for approval. After discussion, Ms. Baynes moved to adopt the sanction guidelines as presented, and authorize staff to make determinations related to violations and sanctions involving home inspector disciplinary actions. Mr. Molter seconded the motion which was unanimously approved by: Baynes, Bowman, Cranor, Fritz, Haltigan, Magruder, Molter, Nixon, Palmer, and Rushton. Board members Becker and Holtz were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

Ms. Henshaw updated the Board on recent and upcoming outreach opportunities.

Ms. Henshaw opened the floor for annual nominations of the Board Chair. Mr. Magruder moved to nominate Ms. Becker. Ms. Baynes seconded the motion. Ms. Becker declined the nomination as her term will be ending next year. Ms. Baynes moved to nominate Mr. Palmer. Mr. Magruder seconded the motion, which was unanimously approved by: Baynes, Bowman, Cranor, Fritz,

**Board Member
Training-Complaint
and Disciplinary
Process**

Recess

**Discussion on
Authorizing Staff to
Make
Determinations
Related to Violations
and Sanctions
Involving Home
Inspector
Disciplinary Actions**

Outreach Update

Election of Officers

Haltigan, Magruder, Molter, Nixon, Palmer, and Rushton. Board members Becker and Holtz were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations. By acclamation, Mr. Palmer was named Board Chair.

Ms. Becker opened the floor for annual nominations of Board Vice-Chair. Mr. Palmer moved to nominate Mr. Magruder. Ms. Baynes seconded the motion, which was unanimously approved by: Baynes, Bowman, Cranor, Fritz, Haltigan, Magruder, Molter, Nixon, Palmer, and Rushton. Board members Becker and Holtz were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations. By acclamation, Mr. Magruder was named Board Vice-Chair.

The following meeting dates have been scheduled:

- February 8, 2018
- May 17, 2018
- August 16, 2018
- November 8, 2018

**Future Meeting
Dates**

Ms. Becker reminded Board members to complete their conflict of interest forms and travel vouchers.

**Conflict of Interest
Forms and Travel
Vouchers**

There being no further business, the meeting adjourned at 11:47 p.m.

Adjourn



Peter D. Palmer, Chair



Jay W. DeBoer, Secretary

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Sandra Baynes
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: November 9, 2017
5. I have a personal interest in the following transaction:

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.

Sandra Baynes
Signature

11-9-2017
Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Colleen Becker
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: November 9, 2017

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

N/A

Nature of Personal Interest Affected by Transaction: _____

N/A

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

N/A

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.

Colleen Becker
Signature

11/9/17
Date

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

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

1. Name: Chadwick R. Bowman
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: November 9, 2017
5. I have a personal interest in the following transaction:

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

11/9/2017

Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: John E. Cranor
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: November 9, 2017
5. I have a personal interest in the following transaction:

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

11-9-17

Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Erich Fritz
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: November 9, 2017
5. I have a personal interest in the following transaction:

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

11/9/17

Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: James Haltigan
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: November 9, 2017
5. I have a personal interest in the following transaction:

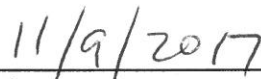
Nature of Personal Interest Affected by Transaction: _____

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



Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Rick Holtz
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: November 9, 2017
5. I have a personal interest in the following transaction:

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

11/9/17

Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Gene Magruder
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: November 9, 2017
5. I have a personal interest in the following transaction:

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.

Gene S. Magruder
Signature

11/9/2017
Date

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

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

1. Name: Frederick Molter IV
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: November 9, 2017

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

N/A

Nature of Personal Interest Affected by Transaction: _____

N/A

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


N/A

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

11/9/17

Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Walter C. Nixon
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: November 9, 2017
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction: _____

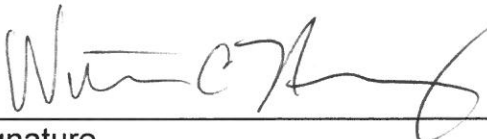
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I am able to participate in this transaction fairly, objectively, and in the public interest.

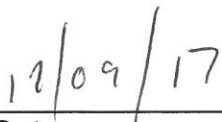
or

I did not participate in the transaction.

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



Signature



Date

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


TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Peter D. Palmer
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: November 9, 2017
5. I have a personal interest in the following transaction:

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

11/9/2017

Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: David P. Rushton
2. Title: Board Member
3. Agency: Board for Asbestos, Lead, & Home Inspectors
4. Meeting/IFF Date: November 9, 2017
5. I have a personal interest in the following transaction:

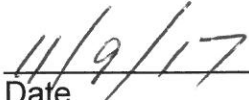
Nature of Personal Interest Affected by Transaction: _____

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


Date