

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

The Virginia Board for Asbestos, Lead, and Home Inspectors met on June 4, 2003 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:

Pamela M. Mentz, Chairperson  
Jack A. Geller, Vice Chairperson  
Joseph W. Crockett  
P. Bradley Nott, Jr. (via telephone)  
John C. Bouldin  
Frederick Heppner  
John J. Gerow (via telephone)  
Richard L. Honeycutt

Board Member Vickie Harlow was unable to attend the meeting.

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

Louise Fontaine Ware, Director  
Karen O'Neal, Deputy Director for RPD  
James Guffey, Deputy Director for Enforcement  
Doug Schroder Director of Adjudication  
Sharon Sweet, Director of Examinations  
David E. Dick, Executive Director  
Joseph Kossan, Regulatory Boards Administrator  
Thomas K. Perry, Regulatory Boards Administrator  
Earlyne Perkins, Legal Assistant  
Chris Olson, Licensing Specialist

Others who attended the meeting included:

Christianna Dougherty-Cunningham, Council for Charles Holden

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

Mr. Heppner moved that the Board approve the agenda as prepared by staff. Mr. Crockett seconded the motion, which was carried unanimously by six aye votes (Messrs. Crockett, Geller, Bouldin, Heppner, and Honeycutt; and Ms. Mentz). The agenda is attached.

**Adopt Agenda**

Mr. Heppner moved that the Board approve the minutes of its March 25, 2003 meeting, its April 10, 2003 emergency telephone conference meeting, and the May 1, 2003 IFF collectively as prepared by staff. Mr. Geller seconded the motion, which was carried unanimously by six aye votes (Messrs. Crockett, Geller, Bouldin, Heppner, and Honeycutt; and Ms. Mentz).

**Approval of Board Minutes**

Chairperson Mentz opened the floor for public comment. No member of the public present expressed a desire to address the Board.

**Public Comment Period**

In the matter of **File Number 2003-02469, Board v. Gustavo Salinas Gusman**, 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. Gustavo Salinas Gusman (Respondent) was not present. Upon a motion by Mr. Heppner and seconded by Mr. Crockett, the Board adopted the summary and recommendation, and approved the application for Asbestos Worker license for Gustavo Salinas Gusman. The motion passed unanimously. Members voting "YES" were Mr. Honeycutt; Ms. Mentz; and Mr. Crockett. The presiding Board member, Mr. Geller, left the room and did not participate in the discussion or vote. Mr. Bouldin and Mr. Heppner were present, but did not vote since by statute they are ineligible to vote on matters unrelated to home inspectors until July 1, 2003.

**File Number 2003-02469**

Mr. Perry informed the Board that the Lead regulations were approved by the Secretary of Commerce and Trade on April 1, and that once the Governor's approval had been obtained they could be published in the Virginia Register.

**Update on Lead Regulations**

Mr. Heppner moved that the Board establish its next meeting date to be August 27, 2003 at 9:00 AM in conference room 4W. Mr. Bouldin seconded the motion, which was carried unanimously by six aye votes (Messrs. Crockett, Geller, Bouldin, Heppner, and Honeycutt; and Ms. Mentz).

**Next Meeting Date**

Mr. Perry informed the Board that the Home Inspectors Regulations were approved by the Secretary of Commerce and Trade on April 1 and by the Governor on April 28. The regulations were filed with the Registrar of Regulations on April 29 and published in the Virginia Register on May 19. The effective date will be July 1, 2003 as mandated by statute. The regulations and the application forms are now available on DPOR's website.

**Update on Home Inspectors Regulations**

Mr. Perry asked the Board for additional guidance regarding verification of experience when applicants apply using the ten years of experience in lieu of classroom instruction option.

Mr. Crockett moved that applicants choosing the ten years of experience alternative option for the entry requirement found in regulation 18 VAC 15-40-30 2.b should be required to submit a representative sampling of the ten years that documents participation in the home inspection industry. Mr. Bouldin seconded the motion which was carried unanimously by six aye votes (Messrs. Crockett, Geller, Bouldin, Honeycutt, and Heppner; and Ms. Mentz).

The Board further agreed without dissent that applications submitted in the above-mentioned manner would be forwarded to a Board Member for review to either approve or recommend holding an IFF conference so the entire Board could review the application.

Mr. Perry asked the Board if online and correspondence courses should be considered to meet the training requirements. The Board took no action.

Chairperson Mentz recessed the Board at 9:35 AM to relocate to another office to facilitate Mr. Nott and Mr. Gerow joining by telephone. Telephonic contact was established and Chairperson Mentz called the meeting back to order.

**Temporary Relocation of meeting**

In the matter of **File Numbers 2002-01313 and 2002-01314, Board v. Charles Holden**, the Board reviewed Consent Order Numbers 2003-0111 and 2003-0112, which were offered and signed by Charles Holden (Respondent). Upon a motion by Mr. Heppner and seconded by Mr. Geller, the Board accepted the consent orders to revoke Charles Holden's licenses for Asbestos Supervisor and Asbestos Project Designer, and to reimburse investigative costs in the amount of \$250. The motion passed

**File Numbers 2002-01313 and 2002-01314**

unanimously. Members voting "YES" were Mr. Honeycutt; Mr. Geller; Mr. Gerow; Mr. Nott and Ms. Mentz. Mr. Crockett left the room and did not participate in the discussion or vote. Mr. Bouldin and Mr. Heppner were present, but did not vote since by statute they are ineligible to vote on matters unrelated to home inspectors until July 1, 2003.

Chairperson Mentz recessed the Board at 9:44 AM in order to reconvene in Conference Room 4 West. Telephonic contact with Mr. Gerow and Mr. Nott was terminated. The meeting was reconvened in Conference Room 4 West at 9:55 AM with Mr. Honeycutt, Mr. Geller, Mr. Bouldin, Mr. Heppner, Mr. Crockett and Ms. Mentz present.

**Board Reconvenes  
in Conference Room**

Sharon Sweet, DPOR's Examinations Director, addressed the Board concerning the Request for Proposal (RFP) that was published for the development and administration of the Lead Examination. No proposals were received by DPOR in response to the RFP. Ms. Sweet stated that the current contract with Experior will expire on December 31, 2003. Ms. Sweet recommended a contract with a vendor to develop a new examination using available grant funding from the EPA and contract with a vendor to administer the examination. Ms. Sweet further recommended that the Board pass a motion to raise its examination fee to \$75 and authorize Mr. Gerow to approve the final examination forms.

**Lead Exam RFP**

Mr. Crockett moved that the Board approve the use of a vendor to develop and administer a new examination starting January 1, 2004. He further moved that the Board increase the examination fee to \$75 effective January 1, 2004, and that John Gerow be appointed to approve the final examination forms. Mr. Heppner seconded the motion, which was carried by four aye votes (Messrs. Crockett, Geller, and Honeycutt; and Ms. Mentz). Mr. Bouldin and Mr. Heppner were present, but did not vote since by statute they are ineligible to vote on matters unrelated to home inspectors until July 1, 2003.

Mr. Heppner moved that the meeting be recessed and that the Board immediately reconvene in closed meeting for the purpose of consultation and/or briefings by staff members pertaining to examination issues within the jurisdiction of the Board as permitted by § 2.2-3711.A.11 of the Code of Virginia. The following non-members will be in attendance to reasonably aid the consideration

**Enter Closed  
Meeting**

of the topic: Tom Perry, Joe Kossan, David Dick, Sharon Sweet, and Chris Olson. This motion is made with respect to the matters identified as agenda item(s) IX 8, 9. Mr. Bouldin seconded the motion, which was carried unanimously by six aye votes (Messrs. Crockett, Geller, Bouldin, Honeycutt, and Heppner; and Ms. Mentz).

Mr. Heppner 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. Mr. Geller seconded the motion, which was carried unanimously by six aye votes (Messrs. Crockett, Geller, Bouldin, Honeycutt, and Heppner; and Ms. Mentz).

**End Closed Meeting**

WHEREAS, the Virginia 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 the Virginia 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 Virginia 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 Virginia Board for Asbestos, Lead, and Home Inspectors.

**ROLL CALL VOTE**

AYES: Pamela Mentz, Jack Geller, Joseph Crockett, John Bouldin, Frederick Heppner, and Richard Honeycutt

NAYS: None

ABSENT DURING VOTE: None

ABSENT DURING MEETING: P. Bradley Nott, Jr., John Gerow, and Vickie Harlow

Mr. Bouldin moved that the Board approve both the "old" ASHI examination and the NAHI CRI examination as being equivalent to the Board-approved examination. Mr. Heppner seconded the motion, which was carried unanimously by six aye votes (Messrs. Crockett, Geller, Bouldin, Honeycutt, and Heppner; and Ms. Mentz).

**Home Inspector  
Exam Equivalency**

Mr. Kossan stated that in accordance with the Board's decision at the March 25, 2003 meeting, staff is carefully checking training program compliance with the notice and roster requirements of the current regulations. Each apparent failure to comply is referred to the Enforcement Division for an Informal Fact Finding. This action takes place only after it has been confirmed that the required documents were either not received at all or were not received in a timely manner. These cases will be matured to the Board for decision in the usual course of business. All applicants for license or license renewal have been issued their license.

**Asbestos Training  
Compliance Audit  
Update**

Mr. Guffey asked the Board if Accredited Asbestos Training Programs conducting courses outside of the Commonwealth should be required to submit prior notices and program participant lists. The Board agreed without dissent that this requirement applied to all Accredited Asbestos Training Programs regardless of where the course was conducted.

Mr. Guffey asked the Board if Consent Orders could be offered in lieu of Informal Fact Finding Conferences to Accredited Asbestos Training Programs for non-compliance with the prior notice and program participant list requirements of 18 VAC 15-20-470.

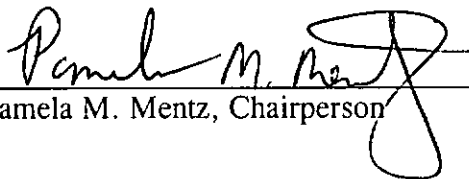
Mr. Geller moved that Consent Orders be offered to Accredited Asbestos Training Programs for not complying with the prior notice and program participant list requirements of 18 VAC 15-20-470. The Consent Orders shall provide for a fine of \$100 and shall be offered only for the first failure to comply with 18 VAC 15-20-470 by each Accredited Asbestos Training Program. Further, Mr. Geller moved that for a second offense by any Accredited Asbestos Training Program after the date the Consent Order notice was sent, an Informal Fact Finding would be required. Mr. Bouldin

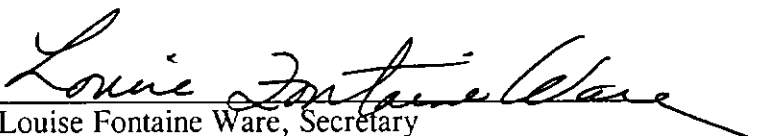
seconded the motion, which was carried by four aye votes (Messrs. Crockett, Geller and Honeycutt; and Ms. Mentz). Mr. Bouldin and Mr. Heppner were present, but did not vote since by statute they are ineligible to vote on matters unrelated to home inspectors until July 1, 2003.

Karen O'Neal, Deputy Director for Regulatory Programs, Jim Guffey, Deputy Director for Enforcement, and Doug Schroder, Director of Adjudication, gave the Board an orientation covering regulation review, enforcement procedures, and a mock IFF. **Board Member Training**

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

Chairperson Mentz, finding no further business to conduct, adjourned the meeting at 1:01 PM. **Adjournment**

  
Pamela M. Mentz, Chairperson

  
Louise Fontaine Ware, Secretary

COPY TESTE:

\_\_\_\_\_  
Custodian of the Records

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

**TENTATIVE AGENDA**

**BOARD MEETING**

**WEDNESDAY, JUNE 4, 2003**

**9:00 A.M., CONFERENCE ROOM 4 WEST**

**DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION  
3600 WEST BROAD STREET  
RICHMOND, VIRGINIA 23230**

**I. CALL TO ORDER**

**II. APPROVAL OF AGENDA**

1. Board Agenda, June 4, 2003

**III. APPROVAL OF MINUTES**

2. Board Minutes, March 25, 2003
3. Board Minutes, April 10, 2003
4. IFF Minutes, May 1, 2003

**IV. PUBLIC COMMENT PERIOD – Five minute public comment, per person, on those items not included on the agenda with the exception of any open disciplinary files.**

**V. ENFORCEMENT CASES**

5. File Number 2003-02469 – Gustavo Salinas Gusman  
IFF by Geller – Licensing
6. File Number 2002-01313 – Charles Holden  
Consent Order
7. File Number 2002-01314 – Charles Holden  
Consent Order

**VI. LEAD EXAMINATION RFP**

**VII. UPDATE ON FINAL LEAD-BASED PAINT REGULATION AMENDMENTS**



**VIII. UPDATE ON FINAL CERTIFIED HOME INSPECTORS REGULATIONS**

**IX. HOME INSPECTOR EXAM EQUIVALENCY**

8. NAHI CRI Exam
9. Old ASHI Exam

**X. ASBESTOS TRAINING COMPLIANCE AUDIT UPDATE**

**XI. BOARD MEMBER TRAINING**

- Enforcement - Procedures
- Enforcement – Mock IFF
- Regulatory Programs Division – Regulation Review

**XII. SET NEXT MEETING DATE**

- August 27, 2003

**XIII. COMPLETE CONFLICT OF INTEREST FORMS AND TRAVEL VOUCHERS**

**XIV. ADJOURN**

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

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of  
State Government [§2.1-639.13(D)] and  
Local Government [§2.1639.14(E)]

1. Name: Joseph W. Crockett
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: ASBESTOS + LEAD  
ATTORNEY CONTRACTING

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: WACO, INC. ; CONTRACTOR

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

Dated: 6-4-03

Signature: Joseph W. Crockett

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

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of  
State Government [§2.1-639.13(D)] and  
Local Government [§2.1639.14(E)]

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: NVAR, NAHL, ASHI, VAREZ, VBLOA, Protects Home Inspections.

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

Dated:

6/4/23  
John Bouldin

Signature:

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

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of  
State Government [§2.1-639.13(D)] and  
Local Government [§2.1639.14(E)]

1. Name: Richard L. Honeycutt
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: ACM Corporation

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

Dated:

6-1-03  
Richard L. Honeycutt

Signature:

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

**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of  
State Government [§2.1-639.13(D)] and  
Local Government [§2.1639.14(E)]**

1. Name: Pamela M. Mentz
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: N/A

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: N/A

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

Dated:

6/4/03

Signature:

Pamela M. Mentz

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

**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of  
State Government [§2.1-639.13(D)] and  
Local Government [§2.1639.14(E)]**

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: 6/4/03

Signature: Frederick Heppner

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

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of  
State Government [§2.1-639.13(D)] and  
Local Government [§2.1639.14(E)]

- 1. Name: Jack A. Geller
- 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: \_\_\_\_\_  
GELLER ENVIRONMENTAL LABS INC

- 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: \_\_\_\_\_  
INSPECTORS / LABORATORIES
  - (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: 6/4/03

Signature: 