

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

The Virginia Board for Asbestos, Lead and Home Inspectors met on August 17, 2005 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
Dolores C. Daniels
Thomas Joel Loving
Wendy G. Hill
Richard L. Honeycutt
David Bowen Hyatt

Board members Vickie Harlow and Clayton S. Sinyai were 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 LRD
David Dick, Executive Director
Joseph Kossan, Regulatory Boards Administrator
Earlyne Perkins, Legal Assistant
Marilyn Mandel, Administrative Assistant

Others who attended the meeting included:

Ray Mitchell, Respondent
Kenneth L. Ware, Respondent
Vernon Lewis, Respondent

Eric Gregory of the Office of the Attorney General was present.

Chairperson Heppner, finding a quorum of the Board present, **Call to Order** called the meeting to order.

Mr. Bouldin moved that the Board approve the amended agenda to include an update by Legal Counsel on the Board's cases that are under appeal. Mr. Loving seconded the motion, which was unanimously approved by the following members: Heppner, **Adopt Agenda**

Honeycutt, Varner, Hill, Loving, Bouldin, Daniels and Hyatt.

Mr. Varner moved that the Board approve the minutes of its May 18, 2005 meeting and the IFF minutes of May 19, 2005 and June 23, 2005. Mrs. Daniels seconded the motion which was unanimously approved by the following members: Heppner, Honeycutt, Varner, Hill, Loving, Bouldin, Daniels and Hyatt.

Approval of Board Minutes

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

Public Comment Period

Eric Gregory, Assistant Attorney General, advised the Board on the status of the appeal cases indicating that one case hearing had been postponed from July 27 to September 29, 2005. No action was taken by the Board.

Updates on Appeal Cases

In the matter of **File Number 2005-00898, E. Luke Greene**, the Board reviewed the Consent Order which was offered to the Respondent, E. Luke Greene. Mr. Varner moved that the Board reject the Consent Order and offer a Consent Order that increases the penalty from \$100 to \$1,500; and, if rejected by Mr. Greene, the matter is to be referred to an Informal Fact Finding Conference. Mr. Honeycutt seconded the motion, which was approved by the following members: Heppner, Honeycutt, Varner, Hill, Loving, Bouldin, and Daniels. Mr. Hyatt voted "No." Ms. Harlow and Dr. Sinyai were not present for the vote.

File Numbers 2005-00898

In the matter of **File Number 2005-04032, Kenneth Lee Ware**, 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. Kenneth Lee Ware (Respondent) was present and addressed the Board. Mr. Bouldin moved that the Board accept the summary and recommendation and approve the application for Asbestos Supervisor license. Mr. Loving seconded the motion which was unanimously approved by the following members: Heppner, Honeycutt, Varner, Hill, Loving, Bouldin, Daniels and Hyatt. Ms. Harlow and Dr. Sinyai were not present for the vote.

File Number 2005-04032

In the matter of **File Number 2005-04034, Ray Nelson Mitchell**, 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. Ray Nelson Mitchell

File Number 2005-04034

(Respondent) was present and addressed the Board. Mr. Hyatt moved that the Board accept the summary and recommendation and approve the application for Home Inspector license. Mr. Bouldin seconded the motion which was unanimously approved by the following members: Heppner, Honeycutt, Varner, Hill, Loving, Bouldin, Daniels and Hyatt. Ms. Harlow and Dr. Sinyai were not present for the vote.

In the matter of **File Number 2005-04604, Vernon Shawnte Lewis**, 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. Vernon Shawnte Lewis (Respondent) was present and addressed the Board. Mr. Varner moved that the Board accept the summary and recommendation and approve the application for Lead Worker license. Mr. Loving seconded the motion which was unanimously approved by the following members: Heppner, Honeycutt, Varner, Hill, Loving, Bouldin, Daniels and Hyatt. Ms. Harlow and Dr. Sinyai were not present for the vote.

File Number
2005-04604

David Dick advised the Board that their proposed amendments to the Asbestos Licensing Regulations and the Lead-Based Paint Activities Regulations were still undergoing policy review by the Department of Planning and Budget.

Regulatory Action

After a 15 minute break, the Board meeting reconvened. Louise Ware, DPOR Director, welcomed the new board member and informed the Board that DPOR's Chief Deputy Director, Sandra Ryals, had been appointed by the Governor to head the Tobacco Commission. She also commented on the agency's accomplishments in reduction of its backlogs.

Other Business

Mr. Loving moved that the Board adopt the following resolutions:

**Department of Professional and
Occupational Regulation**

Board for Asbestos, Lead and Home Inspectors

Resolution To

Joseph W. Crockett

WHEREAS, Joseph W. Crockett has faithfully and diligently served as a member of the Board for Asbestos, Lead and Home Inspectors from July 1, 1997 until June 30, 2005; and

WHEREAS, Joseph W. Crockett has devoted generously of his time, talent and leadership to the Board; and

WHEREAS, Joseph W. Crockett has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board; and

WHEREAS, the Board for Asbestos, Lead and Home Inspectors wishes to acknowledge its gratitude and deepest appreciation for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth.

NOW, THEREFORE, BE IT RESOLVED by the Board for Asbestos, Lead and Home Inspectors this seventeenth day of August, 2005 that Joseph W. Crockett be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens and the Board for Asbestos, Lead and Home Inspectors; and

BE IT FURTHER RESOLVED that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held.

**Department of Professional and
Occupational Regulation**

Board for Asbestos, Lead and Home Inspectors

Resolution To

P. Bradley Nott, Jr.

WHEREAS, P. Bradley Nott, Jr. has faithfully and diligently served as a member of the Board for Asbestos, Lead and Home Inspectors from October 15, 1998 until June 30, 2005; and

WHEREAS, P. Bradley Nott, Jr. has devoted generously of his time, talent and leadership to the Board; and

WHEREAS, P. Bradley Nott, Jr. has endeavored at all times to

render decisions with fairness, good judgment, and in the best interest of the Board; and

WHEREAS, the Board for Asbestos, Lead and Home Inspectors wishes to acknowledge its gratitude and deepest appreciation for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth.

NOW, THEREFORE, BE IT RESOLVED by the Board for Asbestos, Lead and Home Inspectors this seventeenth day of August, 2005 that P. Bradley Nott, Jr. be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens and the Board for Asbestos, Lead and Home Inspectors; and

BE IT FURTHER RESOLVED that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held.

Ms. Daniels seconded the motion, which was unanimously approved by the following members: Heppner, Honeycutt, Varner, Hill, Loving, Bouldin, Daniels and Hyatt. Ms. Harlow and Dr. Sinyai were not present for the vote.

Joseph Kossan provided the Board with an update on his training program audit activities.

Nominations were requested to serve as Chair and Vice Chair for the next year. Upon motion by Mr. Loving to retain the current officers, Fred Heppner as Chair and John Bouldin as Vice Chair, were elected by the following members: Heppner, Honeycutt, Varner, Hill, Loving, Bouldin, Daniels and Hyatt. Ms. Harlow and Dr. Sinyai were not present for the vote.

The following meeting dates have been scheduled.

- November 2, 2005
- February 8, 2006
- May 10, 2006
- August 16, 2006
- November 1, 2006

**Confirm Meeting
Dates**

Karen O'Neal made a presentation to the Board regarding the operation of the Licensing and Regulations Division.

**New Board Member
Training**

David Dick presented new board member orientation on the duties and responsibilities of the Board for Asbestos, Lead and Home Inspectors.

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


**Conflict of Interest
Forms and Travel
Vouchers**

Mr. Heppner, finding no further business to conduct, adjourned the meeting.

Adjournment



Frederick Heppner, Chairperson


Louise Fontaine Ware, 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: 8/17/05

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: Aug. 17, 2005

Signature: 

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

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

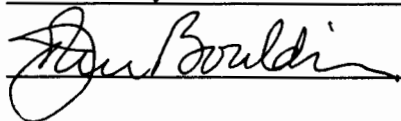
1. Name: John C. Bouldin
2. Title: Board Member - Asbestos, Lead and Home Inspectors
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: Reported N/A

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: ProTechs, IIA, VAREI,
ASHI, NAHI, NOVAASHI,

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

Dated: 4/17/05

Signature: 

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

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

1. Name: Dolores C. Daniels
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:

August 17, 2005

Signature:

Dolores C. Daniels

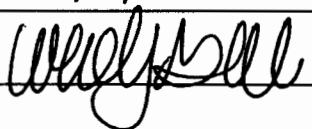
**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

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

1. Name: Wendy G. Hill
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: 8/17/05
Signature: 

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

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

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: LCM Corp does bid
once or twice against E. Luke Green
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: Project Mandy - FR
Lead Contractor
 - (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: 8-17-05

Signature: Richard L. Honeycutt

**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:

8/17/05

Signature:

David Bowen Hyatt