

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

The Virginia Board for Asbestos, Lead and Home Inspectors met on February 1, 2006 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
Vickie Harlow
Richard L. Honeycutt
Thomas Joel Loving
David Bowen Hyatt
Dr. Clayton S. Sinyai

Board member Wendy G. Hill 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
Brian Hannigan, Chief Deputy Director
Karen O'Neal, Deputy Director for LRD
David Dick, Executive Director
Earlyne Perkins, Legal Assistant
Marilyn Cohn, Administrative Assistant

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 at 9:00 am.

Ms. Harlow moved that the Board approve the agenda. Mr. Loving seconded the motion, which was unanimously approved by the following members: Heppner, Harlow, Honeycutt, Varner, Loving, Bouldin, Daniels, Hyatt and Sinyai. Ms. Hill was not present for the vote. **Adopt Agenda**

Ms. Harlow moved that the Board approve the minutes of its November 2, 2005 meeting and the IFF minutes of January 5, 2006. Mr. Loving seconded the motion which was unanimously **Approval of Board Minutes**

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

Chairperson Heppner opened the floor for public comment. No members of the public were present.

**Public Comment
Period**

In the matter of **File Number 2006-01216 and 2006-01218, Frederick L. Guest**, the Board reviewed the record, which consisted of the application files, transcripts and exhibits from the IFFs and the presiding officers' summary and recommendation. Mr. Loving moved that the Board accept the summary and recommendation and approve the issuance of Mr. Guest's Lead Risk Assessor and Asbestos Inspector licenses after receipt and verification by DPOR staff of documentation that Mr. Guest has complied with the following terms of his February 7, 2005 Compliance Agreement with the United States Environmental Protection Agency:

**File Numbers
2006-01216 and
2006-01218**

1. The initial annual third party audit of EVE for compliance with all state and federal asbestos and lead abatement laws and regulations that was to have been completed by March 1, 2005;
2. Completion of a course on corporate ethics; and
3. Completion of asbestos and lead refresher courses every six months since Mr. Guest's last completion of asbestos and lead refresher courses in January, 2006.

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

Mr. Bouldin moved that the meeting be recessed and that the Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and briefings by staff pertaining to status of appeal litigation as permitted by § 2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Eric Gregory, Brian Hannigan, Karen O'Neal and David Dick. This motion is made with respect to the matter identified as agenda item VI. Mr. Loving seconded the motion, which was unanimously approved by the following members: Heppner, Harlow, Honeycutt, Varner, Loving, Bouldin, Daniels, Hyatt and Sinyai. Ms. Hill was not present for the vote.

**Closed Meeting
Status of Appeal
Litigation**

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

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

ROLL CALL VOTE

YES: Mr. Varner, Ms. Daniels, Mr. Loving, Mr. Honeycutt, Mr. Hyatt, Dr. Sinyai, Mr. Heppner, Mr. Bouldin, Ms. Harlow.

NAYS: None

ABSENT DURING VOTE: None

ABSENT DURING MEETING: Ms. Hill

Mr. Varner moved that the Board instruct its counsel to enter into negotiations with Macsons, Inc. in relation to ongoing litigation with Macsons, Inc. currently pending. The terms of the consent

order shall be consistent with those discussed during the Board's closed session on this date. Ms. Daniels seconded the motion which was approved by the following members: Heppner, Daniels, Loving, Hyatt and Varner. Mr. Bouldin, Ms. Harlow, Mr. Honeycutt and Dr. Sinyai voted in opposition to the motion. Ms. Hill was absent. The motion passed with a majority vote.

David Dick advised the Board that the Governor's approval of the proposed amendments to the asbestos licensing and lead-based paint activities regulations was received on November 28, 2005. The Register filing was completed on December 8th with the public comment period beginning on January 9, 2006 and ending at 5:00 P.M. on April 14, 2006. The public hearing has been scheduled for March 30, 2006 commencing at 9:00 A.M. for lead-based paint activities and 11:00 A.M. for asbestos in DPOR's Conference Room 4 West.

Regulatory Action

David Dick reviewed the proposed EPA rule for lead; renovation, repair and painting program. The Board took no action.

Mr. Dick reviewed legislation which may be of interest to the Board that has been introduced in the 2006 Virginia General Assembly. No action taken by the Board.

Legislation

In the absence of Joseph Kossan, David Dick provided the Board with an update on the training program audit activity.

Other Business

The following meeting dates have been scheduled.

Confirm Meeting Dates

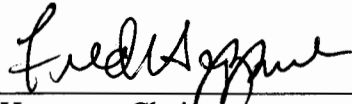
- May 10, 2006
- August 16, 2006
- November 1, 2006

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

Conflict of Interest Forms and Travel Vouchers

Chairperson Heppner, finding no further business to conduct, adjourned the meeting at 12:30 PM.

Adjournment



Frederick Heppner, Chairperson



Jay W. DeBoer, 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 Inspectors

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

Dated: 2/1/06

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: Feb. 01, 2006

Signature: Howard D. Varner

**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: _____

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: Protectus RI, VAPRI, ASHF,

NAHF, IFA, VBCOA, ICC

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

Dated: 2/1/06

Signature: John Bouldin

**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:

Feb 1, 2006

Signature:

Dolores Daniels

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

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

1. Name: Vickie Harlow
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: _____

trainer/research - MEU-UCU(CES) / MCS, Inc.

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

Dated: 2/1/06

Signature: Vickie A Harlow

**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: _____

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: _____

LCM Corporation - Asbestos/Lead Contractor

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

Dated: 2-1-06
Signature: Richard Honeycutt

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

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

1. Name: Thomas Joel Loving
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: 2-1-06

Signature: 

**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: 2/1/06

Signature: David Bowen Hyatt

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

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

1. Name: Dr. Clayton S. Sinyai
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
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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: 1 Feb 2006

Signature: 