

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

The Virginia Board for Asbestos, Lead, and Home Inspectors met on August 24, 2023, at the offices of the Department of Professional and Occupational Regulation (DPOR), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 4, Richmond, Virginia 23233.

The following members of the Board were present:

Stacy J. Armentrout
Sandra Baynes, Chair
Douglas Burgess
John E. Cranor, Vice-Chair
James E. Haltigan

Kevin Salva
Patrick Studley
Sharad Tandale
Paul D. Thomas

Board members Chadwick Bowman, Gene Magruder, and Louis Walker were not present at the meeting.

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

Demetrios J. Melis, Director
Kishore Thota, Chief Deputy Director
Tanya Pettus, Board Administrator
Lee Bryant, Regulatory and Board Administrator
Joseph C. Haughwout, Jr., Regulatory Affairs Manager
Amy Goobic, Executive Assistant

Joshua Laws from the Office of the Attorney General was present.

Ms. Baynes, finding a quorum of the Board present, called the **Call to Order** meeting to order at 9:02 a.m.

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

Mr. Haltigan moved to approve the agenda as presented. Mr. Studley seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Cranor, Haltigan, Salva, Studley, and Thomas. **Approval of Agenda**

Mr. Studley moved to approve the minutes of the May 11, 2023, Board meeting. Mr. Haltigan seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Cranor, Haltigan, Salva, Studley, and Thomas. **Approval of Minutes**

Mr. Armentrout moved to approve the minutes of the May 31, 2023, Asbestos Regulatory Review Committee meeting. Mr. Thomas seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Cranor, Haltigan, Salva, Studley, and Thomas.

Mr. Armentrout moved to approve the minutes of the July 13, 2023, Asbestos Regulatory Review Committee meeting. Mr. Studley seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Cranor, Haltigan, Salva, Studley, and Thomas.

Mr. Armentrout moved to approve the minutes of the August 9, 2023, Asbestos Regulatory Review Committee meeting. Mr. Salva seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Cranor, Haltigan, Salva, Studley, and Thomas.

Mr. Kirschner provided an update on DPOR staff, and introduced Lee Bryant, Regulatory Administrator.

Staff Update

Mr. Cranor recused himself from the meeting for discussion and deliberation of File Number 2023-00012.

Recusal of Board Member

In the matter of **File Number 2023-00012, Lixin Wang**, the Board members reviewed the Consent Order. Mr. Wang admits to a violation of 18 VAC 15-40-155.6 as provided in Count 1. Mr. Wang consents to the imposition of a monetary penalty of \$750.00 for the violation of Count 1, and Board costs in the amount of \$150.00, for a total monetary penalty of \$900.00. Ms. Baynes moved to approve the Consent Order as presented. Mr. Salva seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Haltigan, Salva, Studley, and Thomas.

File Number 2023-00012, Lixin Wang

Mr. Cranor returned to the meeting.

Return of Board Member

In the matter of **File Number 2023-02240, Tywone Lovell Wilkins**, 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. Salva moved to accept the recommendation of the Presiding Officer and approve Mr. Wilkins' application for an asbestos supervisor license. Mr. Haltigan seconded the motion which

File Number 2023-02240, Tywone Lovell Wilkins

was unanimously approved by: Armentrout, Baynes, Burgess, Cranor, Haltigan, Salva, Studley, and Thomas.

In the matter of **File Number 2023-02401, Lilians C. Maradiaga**, 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. Haltigan moved to accept the recommendation of the Presiding Officer to not approve Ms. Maradiaga's application for an asbestos worker license. Mr. Studley seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Cranor, Haltigan, Salva, Studley, and Thomas.

File Number 2023-02401, Lilians C. Maradiaga

Mr. Tandale arrived to the meeting at 9:14 am.

Arrival of Board Member

In the matter of **File Number 2023-02452, Brandon J. Black**, 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 2023-02452, Brandon J. Black

Mr. Black was present to address the Board and stated that his past criminal history consisted of a white-collar crime and that he was not a danger to the public. Mr. Black reiterated that he complied with all terms of his conviction, and that in the years since he has held multiple professional licenses. He stated his respect for hard work and the home inspector profession.

Mr. Cranor moved to accept the recommendation of the Presiding Officer to approve Mr. Black's application for a home inspector license. Mr. Haltigan seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Cranor, Haltigan, Salva, Studley, Tandale, and Thomas.

Ms. Pettus provided an update on the status of the Board's regulatory actions.

Regulatory Action Update

The Board adopted revisions to proposed regulatory text of the Home Inspector Licensing Regulations at its meeting on May 12, 2022, and proposed amendments have been submitted for Executive Branch. Ms. Pettus advised there would be discussion of the proposed amendments later in the meeting.

A 60-day public comment period on proposed amendments to the Home Inspector Licensing Regulations as required by SB 607 began on July 3, 2023, and included a public hearing held on August 9, 2023. The public comment period ends on September 1, 2023. The Board will consider public comments received and adoption of the amendments at its November 30, 2023, meeting.

Ms. Pettus advised that proposed draft amendments to the Virginia Asbestos Licensing Regulations would be presented to the Board for consideration later in the meeting. Following the Board's adoption of the proposed amendments, the proposed amendments will be submitted for Executive Branch review.

The public comment period on the fast-track action to amend the Virginia Lead-based Paint Activities Regulations to update 18 VAC 15-30-510 and documents incorporated by reference concluded on August 2, 2023. There were no public comments received. Amendments will become effective September 1, 2023.

Final Lead-Based Paint Renovation, Repair, and Painting Program (RRP) Regulations (Initial Promulgation) were submitted for Executive Branch review on January 18, 2022.

Ms. Pettus asked the Board to consider authorizing a Notice of Intended Regulatory Action (NOIRA) for general review of the Lead Based Paint Activities Regulations, to and form a regulatory review committee. Mr. Studley moved to authorize staff to file the NOIRA, and to form a regulatory review committee. Mr. Salva seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Cranor, Haltigan, Salva, Studley, Tandale, and Thomas.

**Consider NOIRA
and Committee
Membership for
Lead Based Paint
Activities**

Ms. Pettus asked that Board members representing lead professions serve on the committee. Board members Haltigan, Studley, and Thomas. Mr. Armentrout volunteered to serve on the committee as well. Ms. Pettus stated that she will reach out to other stakeholders for participation as well, and that proposed dates for the first meeting would be forthcoming.

Mr. Kirschner advised the Board that as proposed amendments to the Home Inspector Licensing regulations are under Executive Branch review, it was requested that the Board reconsider proposed amendments to 18VAC15-40-147, regarding licensee responsibility. After review and discussion, Mr. Cranor moved to

**Discussion of
Proposed
Regulations for
Home Inspector
Licensing General**

strike section 18VAC15-40-147 from the proposed amendments. Mr. Thomas seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Cranor, Haltigan, Salva, Studley, Tandale, and Thomas.

Review

Mr. Haughwout and Mr. Bryant presented for approval to the Board proposed asbestos licensing regulations as recommended by the Asbestos Regulatory Review Committee. Mr. Haughwout explained that because recommended changes to the formatting and structure of the regulations is substantial, that the current Chapter 20 would be repealed, and replaced with a new chapter, Chapter 21.

Consider Committee Recommendations for Amendment of Asbestos Licensing Regulations

Discussion was held on entry requirements for asbestos supervisor licenses. After lengthy discussion, Mr. Thomas moved to require a high school diploma or equivalent, and three months of work experience for asbestos supervisor applicants. Mr. Armentrout seconded the motion which was approved by: Armentrout, Baynes, Burgess, Cranor, Salva, Studley, Tandale, and Thomas. Mr. Haltigan opposed. The motion passed by majority vote.

The Board recessed from 11:25 a.m. to 11:35 a.m.

Recess

The Board continued review of proposed changes to the Asbestos Licensing Regulations. Discussion was held on the current process for obtaining an asbestos contractor license. Discussion was also held on current guidance documents to be incorporated into the new regulatory chapter.

Asbestos Licensing Regulations Continued

After review and discussion, Mr. Studley moved to adopt the proposed repeal and replace of the Asbestos Licensing Regulations as amended, and authorized staff to incorporate the amendments discussed, and make technical corrections and changes as necessary. Mr. Tandale seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Cranor, Haltigan, Salva, Studley, Tandale, and Thomas.

Ms. Pettus advised that Universal License Recognition (ULR) took effect July 1, 2023, and that staff has received three ULR applications to date.

2023 Legislative Update

Ms. Pettus asked the Board to consider adopting a policy for requests for continuance of decisions for disciplinary and licensing cases. The Department suggests adopting such a policy in order to

Board Policy on Continuance of Case File Decisions

create consistency among all Boards within the agency when considering requests for continuance. Ms. Pettus advised that pursuant to the Administrative Process Act (APA), a case decision must be made within 90 days of an Informal Fact-Finding conference (IFF); however, the Code of Virginia also provides a means for respondents or their attorneys to request case decisions to be rendered later than the 90-day timeframe from the date of the IFF. After review and discussion, Mr. Thomas moved to adopt the following policy as written:

1. All requests for a continuance of a case must be in writing.
2. Requests for a continuance of a licensing case may be granted administratively by the Board's Executive Director or designee.
3. Requests for a continuance for disciplinary cases in which the recommended sanction does not include license revocation may be granted administratively by the Board's Executive Director or designee. The Executive Director may only grant one continuance to the next meeting for any case. Any further requests for a continuance may only be granted by vote of the Board at the next meeting in which the case is to be considered.
4. Requests for a continuance for disciplinary cases in which the recommended sanction includes license revocation may only be granted by vote of the Board at the meeting in which the case is scheduled to be considered.

Mr. Studley seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Cranor, Haltigan, Salva, Studley, Tandale, and Thomas.

The following meeting 2024 meeting dates were presented to the Board for consideration:

- February 8, 2024
- May 9, 2024
- August 15, 2024
- November 21, 2024

**Consider 2024
Meeting Dates**

Mr. Thomas moved to approve the meeting dates as presented. Mr. Salva seconded the motion which was unanimously approved by:

Armentrout, Baynes, Burgess, Cranor, Haltigan, Salva, Studley, Tandale, and Thomas.

Board members considered the following resolution for former Executive Director Trisha Lindsey, who recently left the Department:

Resolution for Service

Trisha L. Lindsey

WHEREAS, **Trisha L. Lindsey** did faithfully and diligently serve the Virginia Board for Asbestos, Lead, and Home Inspectors, and the Department of Professional and Occupational Regulation;

WHEREAS, **Trisha L. Lindsey**, did devote generously of her time, talent and leadership to the Board;

WHEREAS, **Trisha L. Lindsey**, did endeavor at all times to render decisions with fairness and good judgement in the best interest of the citizens of the Commonwealth and these professions; and

WHEREAS, the Virginia Board for Asbestos, Lead, and Home Inspectors wishes to acknowledge its gratitude 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 Virginia Board for Asbestos, Lead, and Home Inspectors this twenty-fourth day of August 2023, that **Trisha L. Lindsey** be given all honors and respect due her for her outstanding service to this Board and the Commonwealth and its citizens; and

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

Ms. Baynes moved to adopt the resolution as written. Mr. Haltigan seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Cranor, Haltigan, Salva, Studley, Tandale, and Thomas.

Board members were provided financial statements for informational purposes.

Board Financial Statements

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

Outreach Update

Ms. Pettus informed the Board that the request to explore the

Other Business

translation of the lead law exam to Spanish, as approved by the Board at its May meeting, has been forwarded to the new Examinations Director, Greg Emerson. In addition, at the request of Mr. Emerson, staff identified applications that would benefit the applicant pool by being translated to Spanish. Ms. Pettus advised that exam staff will work to translate the lead worker, lead supervisor, asbestos worker, and asbestos supervisor applications to Spanish.

Discussion was held on asbestos worker applicants who apply for and hold asbestos worker licenses in several states.

Ms. Baynes reminded the Board that the next meeting date is November 30, 2023

Future Meeting Dates


Ms. Baynes 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 1:18 p.m.

Adjourn


Sandra Baynes, Chair


Kishore S. Thota, Secretary

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

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

1. Name: Stacy J. Armentrout Jr.
2. Title: Board Member
3. Agency: ALHI Board
4. Meeting/IFF Date: ALHI Board Meeting August 24, 2023

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

Nature of Personal Interest Affected by Transaction:

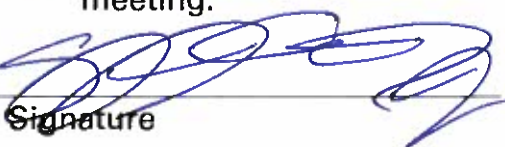
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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 interest in any transactions taken at this meeting.


Signature

8/24/2023
Date

**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: ALHI Board
4. Meeting/IFF Date: ALHI Board Meeting August 24, 2023

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

NONE

Nature of Personal Interest Affected by Transaction:

NONE

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

NONE

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.

Sandra Baynes
Signature

8.24. 2023
Date

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

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

1. Name: Douglas Burgess
2. Title: Board Member
3. Agency: ALHI Board
4. Meeting/IFF Date: ALHI Board Meeting August 24, 2023

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

Nature of Personal Interest Affected by Transaction:

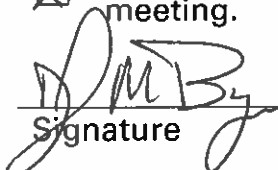
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

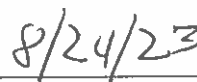
or

I did not participate in the transaction.

6. I **do not** have a personal interest 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: John Cranor
- 2. Title: Board Member
- 3. Agency: ALHI Board
- 4. Meeting/IFF Date: ALHI Board Meeting August 24, 2023

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 interest in any transactions taken at this meeting.


Signature

8.24.23
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: ALHI Board
4. Meeting/IFF Date: ALHI Board Meeting August 24, 2023

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:

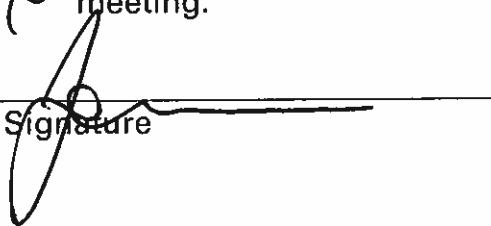
I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

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

Signature



Date

8/24/23

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

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

- 1. Name: Sharad Tandale
- 2. Title: Board Member
- 3. Agency: ALHI Board
- 4. Meeting/IFF Date: ALHI Board Meeting August 24, 2023

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 interest in any transactions taken at this meeting.


Signature

~~8/23/23~~ 8/24/23
Date

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

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

1. Name: Paul Thomas
2. Title: Board Member
3. Agency: ALHI Board
4. Meeting/IFF Date: ALHI Board Meeting August 24, 2023

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 interest in any transactions taken at this meeting.

Paul D. Thomas
Signature

08/24/23
Date

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

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

1. Name: Kevin Salva
2. Title: Board Member
3. Agency: ALHI Board
4. Meeting/IFF Date: ALHI Board Meeting August 24, 2023

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:

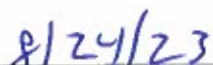
I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I **do not** have a personal interest 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: Patrick Studley
2. Title: Board Member
3. Agency: ALHI Board
4. Meeting/IFF Date: ALHI Board Meeting August 24, 2023

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

Nature of Personal Interest Affected by Transaction:

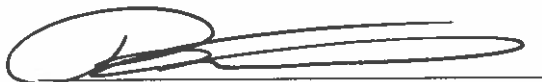
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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 interest in any transactions taken at this meeting.



Signature

8/24/2023
Date

