

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

The Virginia Board for Asbestos, Lead and Home Inspectors met on August 13, 2008 in Board Room 1 at the offices of the Department of Professional and Occupational Regulation, Perimeter Center, 9960 Mayland Drive, Richmond, Virginia.

The following members of the Board were present:

Frederick Heppner, Chairperson  
Keith F. Cronan  
Vicki Harlow  
Bowen Hyatt  
Thomas Joel Loving  
Dr. Clayton S. Sinyai  
Howard D. Varner

Board members Dolores Daniels and John Bouldin were not present at the meeting.

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

Jay W. DeBoer, Director  
Mark Courtney, Deputy Director of Licensing and Regulation Division  
David Dick, Executive Director  
Justin Garofalo, Board Administrator  
Earlyne Perkins, Legal Analyst  
Michelle Gowen, Administrative Assistant

Others who attended the meeting included:

Michael Willis (Waco, Inc.)  
Robert Robb (respondent)  
Douglas Burgess (respondent)  
Joe Crockett (Waco, Inc.)  
Brian Koepf (Home Inspector Board nominee)

Elizabeth Peay was present from the Office of the Attorney General.

Chairperson Heppner, finding a quorum of the Board present, called the meeting to order at 9:00 am.

**Call to Order**

Mr. Hyatt moved that the Board approve the agenda. Mr. Cronan seconded the motion which was unanimously approved by members: Cronan, Harlow, Heppner, Hyatt, Loving, Sinyai, and Varner.

**Adopt Agenda**

Mr. Cronan moved that the Board approve the following Board meeting minutes:

**Approval of Board Minutes**

May 7, 2008, Board Meeting Minutes;  
April 25, 2008, Home Inspector NOIRA Committee Minutes;  
May 22, 2008, Informal Fact-Finding Conference;  
June 5, 2008, Informal Fact-Finding conference;  
June 19, 2008, Informal Fact-Finding Conference;  
July 10, 2008, Informal Fact-Finding Conference; and  
July 15, 2008, Informal Fact-Finding Conference.

Mr. Hyatt seconded the motion which was unanimously approved by members: Cronan, Harlow, Heppner, Hyatt, Loving, Sinyai, and Varner.

Chairperson Heppner opened the floor for public comment. Chairperson Heppner then introduced Brian Koepf and noted that he is up for appointment to the Board to fill the open Home Inspector position.

**Public Comment Period**

In the matter of File Number 2008-04347 – Douglas M. Burgess, the Board members reviewed the record which consisted of the application file, transcript and exhibits from the IFF and the Presiding Officer's summary and recommendation. Mr. Douglas M. Burgess (respondent) was present and addressed the Board.

**File Number 2008-04347, Douglas M. Burgess**

Mr. Cronan moved to accept the Presiding Officer's summary and recommendation and approve the application for a Home Inspector certificate for Mr. Douglas M. Burgess. Ms. Harlow seconded the motion which was unanimously approved by members: Cronan, Harlow, Heppner, Hyatt, Loving, Sinyai, and Varner. Ms. Daniels and Mr. Bouldin were not present for the discussion or vote.

In the matter of File Number 2008-04892 – Robert Robb the Board members reviewed the record which consisted of the application file, transcript and exhibits from the IFF and the Presiding Officer's summary and recommendation. Ms. Perkins noted that the name of Mr. Robb's company is incorrect in the draft provided and has since been corrected. Mr. Robert Robb (respondent) was present and addressed the Board.

**File Number 2008-04892, Robert Robb**

Ms. Harlow moved that the Board accept the Presiding Officer's Summary and Recommendation to deny Mr. Robb's

application for an asbestos supervisor license. Mr. Sinyai seconded the motion which was unanimously approved by members: Cronan, Harlow, Heppner, Hyatt, Loving, Sinyai, and Varner.

Mr. Hyatt moved that the Board grant an asbestos workers license to Mr. Robb. Mr. Cronin seconded the motion which was approved by members: Cronan, Heppner, Hyatt, Loving, Sinyai, and Varner. Ms. Harlow voted in opposition of the motion. The motion passed with a majority vote. Ms. Daniels and Mr. Bouldin were not present for the discussion or vote.

In the matter of **File Number 2008-03991 – Wayne J. Dell** the Board members reviewed the record which consisted of the application file, transcript and exhibits from the IFF and the Presiding Officer's summary and recommendation. Mr. Wayne J. Dell (respondent) was not present at the meeting.

**File Number 2008-03991, Wayne J. Dell**

Mr. Varner moved that the Board accept the Presiding Officer's Summary and Recommendation and approve Mr. Dell's application for a lead supervisor license. Mr. Loving seconded the motion which was unanimously approved by members: Cronan, Harlow, Heppner, Hyatt, Loving, Sinyai, and Varner. Ms. Daniels and Mr. Bouldin were not present during the discussion or vote.

In the matter of **File Number 2007-04892 – William N. Ruiz** the Board reviewed the record which consisted of the investigative file, transcript and exhibits, and Summary and Recommendation from the Informal Fact-Finding Conference. Ms. Perkins advised the Board that the Summary should reflect that Mr. Ruiz was not present at the Informal Fact-Finding Conference. Mr. William N. Ruiz (respondent) was not present at the meeting.

**File Number 2007-04892, William N. Ruiz**

Mr. Hyatt moved to accept the Summary of the Informal Fact-Finding Conference as to the facts which cites the following violation of 18 VAC 15-20-450.A.2 of the Board's regulations. Mr. Varner seconded the motion which was unanimously approved by members: Cronan, Harlow, Heppner, Hyatt, Loving, Sinyai, and Varner.

Ms. Perkins informed the Board that Mr. Ruiz has had no prior violations. Mr. Hyatt moved to amend the recommended sanctions and impose a \$500.00 fine as well as license revocation for the violation of 18 VAC 15-20-450.A.2. Ms.

Harlow seconded the motion which was unanimously approved by members: Cronan, Harlow, Heppner, Hyatt, Loving, Sinyai, and Varner. Ms. Daniels and Mr. Bouldin were not present during the discussion or vote.

In the matter of **File Number 2008-03415 and File Number 2008-04765, Brodie L. Avent, Jr.**, the Board members reviewed the records which consisted of the application files, transcripts and exhibits from the IFFs and the Presiding Officer's summaries and recommendations. Mr. Brodie L. Avent, Jr.(respondent) was not present at the meeting.

**File Number 2008-03415 and File Number 2008-04765, Brodie L. Avent, Jr.**

Mr. Cronan moved to accept the Summaries and Recommendations of the Presiding Officer and approve Mr. Avent's application for an asbestos supervisor license and a lead worker license. Mr. Loving seconded the motion which was unanimously approved by members: Cronan, Harlow, Heppner, Hyatt, Loving, Sinyai, and Varner. Ms. Daniels and Mr. Bouldin were not present during the discussion or vote.

In the matter of **File Number 2008-04345 and File Number 2008-04346, Erica M. Cook**, the Board members reviewed the record which consisted of the application files, transcripts and exhibits from the IFFs and the Presiding Officer's Summaries and Recommendations. Ms. Erica M. Cook (respondent) was not present at the meeting.

**File Number 2008-04345 and File Number 2008-04346, Erica M. Cook**

Ms. Harlow moved to accept the Summaries and Recommendations of the Presiding Officer and deny Ms. Cook's applications for an asbestos supervisor license and a lead worker license. Mr. Varner seconded the motion which was unanimously approved by members: Cronan, Harlow, Heppner, Hyatt, Loving, Sinyai, and Varner. Ms. Daniels and Mr. Bouldin were not present at the meeting.

In the matter of **File Number 2008-04576, Patricia Moore**, the Board members reviewed the record which consisted of the application file, transcript and exhibits from the IFF and the Presiding Officer's Summary and Recommendation. Ms. Patricia Moore (respondent) was not present at the meeting.

**File Number 2008-04576, Patricia Moore**

Mr. Varner moved to accept the Summary and Recommendation of the Presiding Officer and approve Ms. Moore's application for a lead supervisor license. Mr. Sinyai seconded the motion which was unanimously approved by members: Cronan, Harlow, Heppner, Hyatt, Loving, Sinyai, and Varner. Ms.

Daniels and Mr. Bouldin were not present during the discussion or vote.

In the matter of File Number 2008-04678, Fernando C. Blow, the Board members reviewed the record which consisted of the application file, transcript and exhibits from the IFF and the presiding officer's summary and recommendation. Mr. Fernando C. Blow (respondent) was not present at the meeting.

File Number 2008-04678, Fernando C. Blow

Mr. Cronan moved to accept the Summary and Recommendation of the Presiding Officer and approve Mr. Blow's application for an asbestos supervisor license. Mr. Hyatt seconded the motion which was unanimously approved by members: Cronan, Harlow, Hyatt, Loving, Sinyai, and Varner. Ms. Daniels and Mr. Bouldin were not present for the discussion or vote.

Mr. Blow arrived at the meeting after the Board's decision had been rendered and thanked the Board for approving his application.

Chairperson Heppner turned the position of Chair over to Mr. Cronan and recused himself from the meeting.

Transfer of Chair

In the matter of File Number 2008-02369, Lee Richardson, the Board members reviewed the Consent Order as seen and agreed to by Mr. Richardson. Mr. Lee Richardson (respondent) was not present at the meeting.

File Number 2008-02369, Lee Richardson

Mr. Hyatt moved to accept the Consent Order which cites a violation of 18 VAC 15-40-190.1 of the Board regulations. For this violation, Mr. Richardson agreed to a fine in the amount of \$500.00 as well as Board costs in the amount of \$150.00, for a total monetary penalty of \$650.00. Mr. Varner seconded the motion which was approved by members: Cronan, Hyatt, Loving, Sinyai, and Varner. Ms. Harlow was in opposition of the motion. The motion passed with a majority vote.

Mr. Heppner was not present for the discussion or vote. Ms. Daniels and Mr. Bouldin were not present for the discussion or vote.

Mr. Heppner returned to the meeting and resumed the position of Chair.

Transfer of Chair

Prior to discussing this case, Mr. Hyatt recused himself from the meeting.

**File Number 2008-01120, Gerald T. Simon**

In the matter of **File Number 2008-01120, Gerald T. Simon**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Simon. Mr. Simon (respondent) was not present at the meeting.

Mr. Cronan moved to reject the Consent Order and make a counter offer with the following terms: revocation of license with no monetary penalty. Mr. Cronan further moved that if the Consent Order is not accepted within 14 days, the matter would be referred for an Informal Fact-Finding Conference. Mr. Loving seconded the motion which was approved by members: Cronan, Harlow, Heppner, Loving, and Sinyai. Mr. Varner voted in opposition of the motion. The motion passed with a majority vote. Mr. Hyatt was not present for the discussion or vote. Ms. Daniels and Mr. Bouldin were not present for the discussion or vote.

Mr. Hyatt returned to the meeting after the discussion and vote.

The Board members took a break from 10:00 a.m. to 10:05 a.m.

**Break**

Mr. Dick updated the Board on the Asbestos Fast Track Amendment. Public Comment Period ended June 24, 2008. There were no objections to the use of the APA Fast Track provisions, and the regulations became effective August 1, 2008.

**Other Business**

Mr. Dick provided the Board members with a draft of the Home Inspectors NOIRA summary of comments and Board response as well as the proposed regulation amendments. Mr. Hyatt moved to adopt the summary of comments and the Certified Home Inspector regulation proposed amendment. Mr. Cronan seconded the motion which was unanimously approved by members: Cronan, Harlow, Heppner, Hyatt, Loving, Sinyai, and Varner.

After discussion, Ms. Harlow moved to repeal the Board's existing public participation guidelines and adopt the model public participation guidelines via exempt action. Mr. Hyatt seconded the motion which was unanimously approved by members: Cronan, Harlow, Heppner, Hyatt, Loving, Sinyai, and Varner.

Mr. Garofalo reported to the Board that staff is in the process of drafting a pamphlet for the educational programs which will be provided as one pamphlet written both in English and Spanish.

The following meeting dates have been scheduled.

**Future Meeting  
Dates**

- November 5, 2008
- February 4, 2009
- May 13, 2009
- August 12, 2009
- November 4, 2009

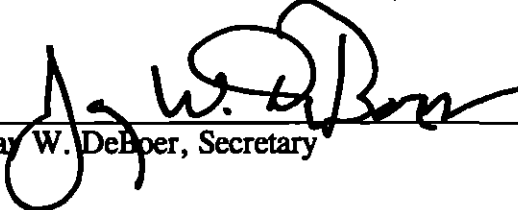
Chairperson Heppner asked the Board members to complete their conflict of interest forms and travel vouchers.

**Conflict of Interest  
Forms and Travel  
Vouchers**

Chairperson Heppner, finding no further business to conduct, adjourned the meeting at 10:36 A.M.

**Adjournment**

  
\_\_\_\_\_  
Frederick Heppner, Chairperson

  
\_\_\_\_\_  
Jay W. DeBoer, Secretary

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

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

1. Name: Thomas J. Loving  
(Name of Board Member)
2. Title: Board Member
3. Agency: Board for ALHI  
(Name of Board)
4. Meeting/IFF Date: 8-13-08  
(Date)

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

\_\_\_\_\_  
(Agenda Item)

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

8-13-08  
Date



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

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

1. Name: Vickie Harlow  
(Name of Board Member)
2. Title: Board Member
3. Agency: Board for ALHI  
(Name of Board)
4. Meeting/IFF Date: \_\_\_\_\_  
(Date)

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

\_\_\_\_\_  
(Agenda Item)

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.

Vicki A Harlow  
Signature

8/13/08  
Date

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

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

1. Name: Frederick Heppner  
(Name of Board Member)
2. Title: Board Member
3. Agency: Board for ALHI  
(Name of Board)
4. Meeting/IFF Date: 8/13/08  
(Date)

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

Home Inspector Regulation  
(Agenda Item)

Nature of Personal Interest Affected by Transaction: I am a  
Home Inspector

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

Home Inspector

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.

Frederick Heppner  
Signature

8/13/08  
Date

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

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

1. Name: David Bowen Hyatt  
(Name of Board Member)
2. Title: Board Member
3. Agency: Board for ALHI  
(Name of Board)
4. Meeting/IFF Date: 8/13/08  
(Date)

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

None

(Agenda Item)

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:

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.

David Bowen Hyatt  
Signature

8/13/08  
Date

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

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

1. Name: Howard D. Varner  
(Name of Board Member)
2. Title: Board Member
3. Agency: Board for ALHI  
(Name of Board)
4. Meeting/IFF Date: Aug. 13, 2008  
(Date)

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

\_\_\_\_\_  
(Agenda Item)

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

8/13/08  
Date

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

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

1. Name: Dr. Clayton S. Sinyai  
(Name of Board Member)
2. Title: Board Member
3. Agency: Board for ALHI  
(Name of Board)
4. Meeting/IFF Date: 13 Aug 2008  
(Date)

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

N/A  
(Agenda Item)

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

13 Aug 2008  
Date

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

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

1. Name: Keith F. Cronan  
(Name of Board Member)
2. Title: Board Member
3. Agency: Board for ALHI  
(Name of Board)
4. Meeting/IFF Date: 8/13/08  
(Date)

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

\_\_\_\_\_  
(Agenda Item)

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

8/13/08  
Date