

VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS
Tentative AGENDA

THURSDAY, FEBRUARY 8, 2024, 9:00 A.M.
BOARD ROOM 2—SECOND FLOOR

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
PERIMETER CENTER—9960 MAYLAND DRIVE
RICHMOND, VA 23233

- I. CALL TO ORDER**
- II. EMERGENCY EVACUATION PROCEDURES**
- III. APPROVAL OF AGENDA**
 - a. Board Agenda, February 8, 2024
- IV. APPROVAL OF MINUTES**
 - a. Board Meeting Minutes, November 30, 2023
 - b. Lead-Based Paint Activities Regulatory Review Committee Minutes, December 7, 2023
- V. INTRODUCTION OF NEW BOARD MEMBERS**
- VI. ELECTION OF BOARD CHAIR**
- VII. DPOR STAFF UPDATES**
- VIII. PUBLIC COMMENT PERIOD – Five-minute public comment, per person, on those items not included on the agenda with the exception of any open disciplinary or application files**
- IX. CASE FILES ***
 - a. File Number 2023-01875, Jason Benjamine Donofrio (HI)
Consent Order (Salva)
 - b. File Number 2024-00807, Yasmin Anabel Salgado Flores (ASB)
Licensing –IFF by Jackson-Bailey
 - c. File Number 2024-00808, Izaya D. Cooper (Lead)
Licensing—IFF by Jackson- Bailey
- X. REGULATIONS**
 - a. Regulatory Action Update
 - b. Discussion of Insurance Requirements for Home Inspectors Licensed Under ULR
- XI. OTHER BUSINESS**
 - a. Examination Updates
 - b. 2024 Legislative Update
 - c. Consider Resolution for Service
 - d. Board Financial Statements
 - e. Outreach Update
 - f. Other Board Business
- XII. Board Member Training: Responsibilities Overview**
- XIII. FUTURE MEETING DATES**

- a. May 9, 2024
- b. August 15, 2024
- c. November 21, 2024

XIII. COMPLETE CONFLICT OF INTEREST FORMS AND TRAVEL VOUCHERS

XV. ADJOURN

Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the Department at (804) 367-0362 at least ten days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation. The Department fully complies with the Americans with Disabilities Act.

* Agenda materials made available to the public do not include disciplinary case files or application files pursuant to §54.1-108 of the *Code of Virginia*.

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PERIMETER CENTER CONFERENCE CENTER
EMERGENCY EVACUATION OF BOARD AND TRAINING ROOMS
(Script to be read at the beginning of each meeting.)

PLEASE LISTEN TO THE FOLLOWING INSTRUCTIONS ABOUT EXITING THE PREMISES IN THE EVENT OF AN EMERGENCY.

In the event of a fire or other emergency requiring the evacuation of the building, alarms will sound. When the alarms sound, leave the room immediately. Follow any instructions given by Security staff

Board Room 1

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Room 2

Exit the room using one of the doors at the back of the room. (Point) Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

You may also exit the room using the side door, turn **Right** out the door and make an immediate **Left**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Rooms 3 and 4

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Training Room 1

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Training Room 2

Exit the room using one of the doors at the back of the room. Upon exiting the doors, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

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

The Virginia Board for Asbestos, Lead, and Home Inspectors met on November 30, 2023, at the offices of the Department of Professional and Occupational Regulation (DPOR), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 2, Richmond, Virginia 23233.

The following members of the Board were present:

Sandra Baynes, Chair
John E. Cranor, Vice-Chair
Stacy J. Armentrout
Douglas Burgess
Ralph Costen
Kevin Salva
Robert Shackford
Patrick Studley
Louis Walker

Board members Michael Baum, James Haltigan, Sharad Tandale, and Paul D. Thomas were not present at the meeting.

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

Brian Wolford, Deputy Director
Steve Kirschner, LRPD Deputy Director
Tanya M. Pettus, Board Administrator
Lee D. Bryant, Regulatory and Board
Administrator
Grace Flores-Hughes, BPOPR Liaison
Rachel Harris, Administrative Coordinator

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

Ms. Baynes, Chair, finding a quorum of the Board present, called the meeting to order at 9:08 a.m.

Call to Order

Ms. Pettus advised the Board of the emergency evacuation procedures.

**Emergency
Evacuation**

Mr. Salva moved to approve the agenda as presented. Mr. Walker seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Costen,

**Approval of
Agenda**

Cranor, Salva, Shackford, Studley, and Walker.

Mr. Armentrout moved to approve the minutes of the August 24, 2023, Board meeting and the October 25, 2023, Lead-Based Paint Activities Regulatory Review Committee meeting. Mr. Studley seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Costen, Cranor, Salva, Shackford, Studley, and Walker.

Approval of Minutes

Ms. Pettus introduced to the Board newly appointed Board members and Ralph Costen and Robert Shackford

Introduction of New Board Members

Ms. Pettus introduced new Board staff members Rachel Harris, Administrative Coordinator, and Lee Bryant, Regulatory Operations Administrator.

DPOR Staff Updates

Ms. Pettus also advised that Kishore Thota is the newly appointed agency Director, and introduced Brian Wolford as the newly appointed Chief Deputy Director.

There were no members of the public present to address the board on matters other than case files to be presented.

Public Comment Period

Mr. Salva recused himself from the meeting for discussion and deliberation of File Numbers 2023-02604, 2023-02603, 2022-02331, and 2023-02605.

Recusal of Board Member

In the matter of **File Number 2023-02604, Justin Gene Davis**, the Board reviewed the Consent Order. Justin Gene Davis admits to a violation of Board regulation 18 VAC 15-40-155.9 as outlined in Count 1 of the Order, and a violation of 18 VAC 15-40-160.A as outlined in Count 2. Mr. Davis consents to the imposition of monetary penalties of \$150.00 for the violation outlined in Count 1, monetary penalties of \$100.00 for the violation outlined in Count 2, and Board costs of \$150.00. In addition, for violation of Count 1, Mr. Davis agrees to complete sixteen (16) hours of Board-approved continuing professional education (CPE) and provide proof of attendance and successful completion prior to March 31, 2024. For violation of Count 2, Mr. Davis agrees to report to the Board, in a written form acceptable to the Board, his current address of record. Upon receipt of the current

File Number 2023-02604, Justin Gene Davis

address of record submitted within thirty (30) days of the effective date of the Order, the Board shall waive the imposition of the \$100.00 monetary penalty for Count 2.

Mr. Canor moved to accept the terms of the Consent Order as written. Mr. Walker seconded the motion, which was unanimously approved by Armentrout, Baynes, Burgess, Costen, Cranor, Shackford, Studley, and Walker.

In the matter of **File Number 2023-02603, Brandon L. Thomas** the Board considered the record which consisted of the Notice of Prima Facia Case, Report of Findings, evidence, and the Recommendation. Mr. Burgess moved to accept the Recommendation and find Brandon L. Thomas in violation of 18 VAC 15-40-155.12 as outlined in Count 1, and in violation of 18 VAC 15-40-180.D as outlined in Count 2. Mr. Cranor seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Costen, Cranor, Shackford, Studley, and Walker.

File Number
2023-02603.
Brandon L.
Thomas

Mr. Cranor moved to accept the recommended sanctions and impose a monetary penalty of \$300.00 for violation of Count 1, and the revocation of Mr. Thomas' home inspector license for violation of Count 2. Mr. Armentrout seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Costen, Cranor, Shackford, Studley, and Walker.

Mr. Cranor recused himself from the meeting for discussion and deliberation of File Numbers 2022-02331 and 2023-02605.

Recusal of
Board Member

In the matter of **File Number 2022-02331, William Bruce Blackwell** the Board reviewed the record which consisted of the investigative file, the transcript and exhibits from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation.

File Number
2022-02331,
William Bruce
Blackwell

The Board considered each of the charged Violations under Counts 1 through 3. Mr. Armentrout moved to accept the recommendation of the Presiding Officer and find Mr. Blackwell in violation of 18VAC 15-40-130.A as outlined in Count 1, 18VAC 15-40-130.B as outlined in Count 2, and 18VAC 15-40-155.6 as outlined in Count 3. Mr. Burgess seconded the motion. After discussion, the

motion was unanimously approved by: Armentrout, Baynes, Burgess, Costen, Shackford, Studley, and Walker.

Mr. Armentrout then moved to accept the recommended sanctions and impose a monetary penalties in the amount of \$200.00 for violation of Count 1, \$250.00 for violation of Count 2, and \$1,000.00 for violation of Count 3. Mr. Studley seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Costen, Shackford, Studley, and Walker.

In the matter of **File Number 2023-02605, Farbod Azari** the Board reviewed the record which consisted of the investigative file, the transcript and exhibits from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation.

File Number
2023-02605,
Farbod Azari

Rachel Adams, counsel for Mr. Azari, was present to address the Board. Ms. Adams gave an overview of the information found in the record and stated that though the record indicates Mr. Azari's CPE certificates could not be verified, Mr. Azari completed the requisite CPE. Ms. Adams relayed to the Board that Mr. Azari states he has begun submitting CPE certificates to the Board as he completes continuing education courses.

Ms. Baynes moved to accept the recommendation of the Presiding Officer and find Mr. Azari in violation of 18VAC 15-40-72, 18VAC 15-40-80, and 18VAC 15-40-155.3, as outlined in Count 1, and in violation of 18VAC15-40-180.C as outlined in Count 2. Mr. Studley seconded the motion. After discussion, the motion was unanimously approved by: Armentrout, Baynes, Burgess, Costen, Shackford, Studley, and Walker.

Ms. Baynes moved to accept the recommended sanction and impose a monetary penalty of \$1,000.00 and revocation of Mr. Azari's home inspector license for violation of Count 1. Mr. Burgess seconded the motion. After lengthy discussion, Ms. Baynes withdrew her motion and then moved to amend the recommended sanction and impose a monetary penalty of \$1,500.00 for violation of Count 1. Mr. Burgess seconded the motion which was approved by: Baynes, Burgess, Costen, Shackford, Studley, and Walker. Mr. Armentrout opposed the motion.

Mr. Armentrout then moved to accept the recommended sanction for violation of Count 2 and impose a monetary penalty of

\$1,000.00 and revocation of Mr. Azari's home inspector license. Mr. Studley seconded the motion. After discussion, the motion was unanimously approved by: Armentrout, Baynes, Burgess, Costen, Shackford, Studley, and Walker.

Mr. Salva and Mr. Cranor returned to the meeting.

In the matter of **File Number 2023-02940, Welder Dariel Solis**, 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. Armentrout moved to accept the recommendation of the Presiding Officer and deny Mr. Solis' application for an asbestos worker license. Mr. Studley seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Costen, Cranor, Salva, Shackford, Studley, and Walker.

Ms. Pettus introduced to the Board Grace Flores-Hughes, who serves as the Board's liaison to the Board for Professional and Occupational Regulation (BPOR). Ms. Flores-Hughes provided a brief overview of the scope and purpose of the BPOR Board.

Mr. Bryant provided an update on the status of the Board's regulatory actions.

Mr. Bryant asked the Board to review and consider public comments received on draft proposed amendments to the Home Inspector Licensing Regulations pursuant to SB 607, and to consider draft proposed Board responses to the comments received.

After review, Mr. Canor moved to adopt the proposed responses as amended. Mr. Armentrout seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Costen, Cranor, Salva, Shackford, Studley, and Walker.

Mr. Haughwout and Mr. Bryant provided the Board with

Return of Board Members

File Number 2023-02940, Welder Dariel Solis

Introduction of BPOR Board Liaison

Regulatory Action Update

Consider Public Comments Received on SB 607

Consider Board Response to Public Comments Received

Consider

final draft amendments to the Home Inspector Licensing Regulations pursuant to SB 607.

**Adoption of
Final SB607
Amendments**

After review and discussion, Mr. Salva moved to amend the definition of “good working order”. Mr. Studley seconded the motion. After discussion, the motion failed as there were no votes to approve the motion. After further discussion, Mr. Armentrout moved to adopt the final draft amendments as presented. Mr. Shackford seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Costen, Cranor, Salva, Shackford, Studley, and Walker.

Mr. Bryant provided information on the status of the periodic review of the Boards’ regulations. There were no public comments received on Chapter 20, Chapter, 30, or Chapter 40 of the Board’s regulations, for which the public comment period was held from July 3, 2023, to July 24, 2023.

**Periodic
Review of
Board
Regulations**

Mr. Bryant then asked the Board to consider whether to repeal, amend, or retain as is Chapter 20, Chapter, 30, and Chapter 40 of the Board’s regulations as part of the periodic review. Mr. Armentrout moved to retain the regulations as is, as the Board’s regulation are currently undergoing general review. Mr. Studley seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Costen, Cranor, Salva, Shackford, Studley, and Walker.

Mr. Kirschner asked the Board to consider proposed draft amendments to the Home Inspector Licensing Regulations pertaining to CPE. Mr. Kirshcner advised that the Board has been asked to clarify a portion of the proposed amendments as part of the Executive Branch review of the proposed stage of the general review of the regulations. After review and discussion, Mr. Cranor moved to re-submit draft proposed amendments to the regulations as amended. Mr. Salva seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Costen, Cranor, Salva, Shackford, Studley, and Walker.

**Discussion of
Home
Inspector
Proposed
Regulations**

Mr. Kirschner asked the Board to reconsider a guidance document adopted by the Board at its May 2023, meeting regarding insurance requirements for home inspectors

**Discussion of
Insurance
Requirements**

licensed through Universal Licensing Recognition (ULR). Mr. Kirschner advised that, as written, the guidance document imposes an additional requirement on ULR applicants that does not comport with the ULR statute. After discussion, the Board agreed by consensus that staff will draft proposed language to be considered by the Board at its next scheduled meeting for possible submission as a regulatory action.

**for Home
Inspectors
Licensed
Under ULR**

Ms. Pettus provided an update of home inspector continuing professional education (CPE) audits conducted on twenty-five percent of eligible certified home inspectors beginning on September 18, 2023.

**HI CPE Audit
Report**

Board members considered the following Resolution for Service:

**Consider
Resolution for
Service**

Gene Magruder

WHEREAS, **Gene Magruder** did faithfully and diligently serve the Virginia Board for Asbestos, Lead, and Home Inspectors, and the Department of Professional and Occupational Regulation from 2014 to 2023;

WHEREAS, **Gene Magruder**, did devote generously of his time, talent and leadership to the Board;

WHEREAS, **Gene Magruder**, 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 thirtieth day of November 2023, that **Gene Magruder** be given all honors and respect due him for his outstanding service to this Board and the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to

his 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 by this Board.

Mr. Studley moved to adopt the resolution as written. Mr. Cranor seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Costen, Cranor, Salva, Shackford, Studley, and Walker.

Ms. Pettus opened the floor for annual nominations of the Board Chair. Mr. Salva moved to nominate Ms. Baynes as Board Chair. Ms. Baynes accepted the nomination. Mr. Walker seconded the motion. Mr. Salva moved to close the nominations for Chair of the Board. Mr. Armentrout seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Costen, Cranor, Salva, Shackford, Studley, and Thomas. By acclamation, Ms. Baynes was named Chair of the Board

Election of Officers

Ms. Baynes opened the floor for annual nominations of the Board Vice-Chair. Ms. Baynes moved to nominate Mr. Cranor as Board Vice-Chair. Mr. Burgess seconded the motion. Mr. Cranor accepted the nomination. The motion for nomination was unanimously approved by: Armentrout, Baynes, Burgess, Cranor, Costen, Salva, Shackford, Studley, and Thomas. By acclamation, Mr. Cranor was named Vice-Chair of the Board

Ms. Pettus provided the Board with the most recent financial statement for informational purposes.

Board Financial Statements

The Board agreed by consensus to have the finance department present an overview of the financial statements at its next scheduled Board meeting.

Ms. Pettus provided the Board with an update on recent and upcoming outreach opportunities.

Update on Outreach Opportunities

Ms. Baynes requested that an overview of the Board's functions and Board member responsibilities be given at its next scheduled meeting. The Board agreed by consensus.

Other Business

Ms. Baynes reminded the board that the next meeting date is February 8, 2024.

Future Meeting Dates

Ms. Baynes reminded the Board members to complete and return their conflict-of interest forms and travel vouchers.

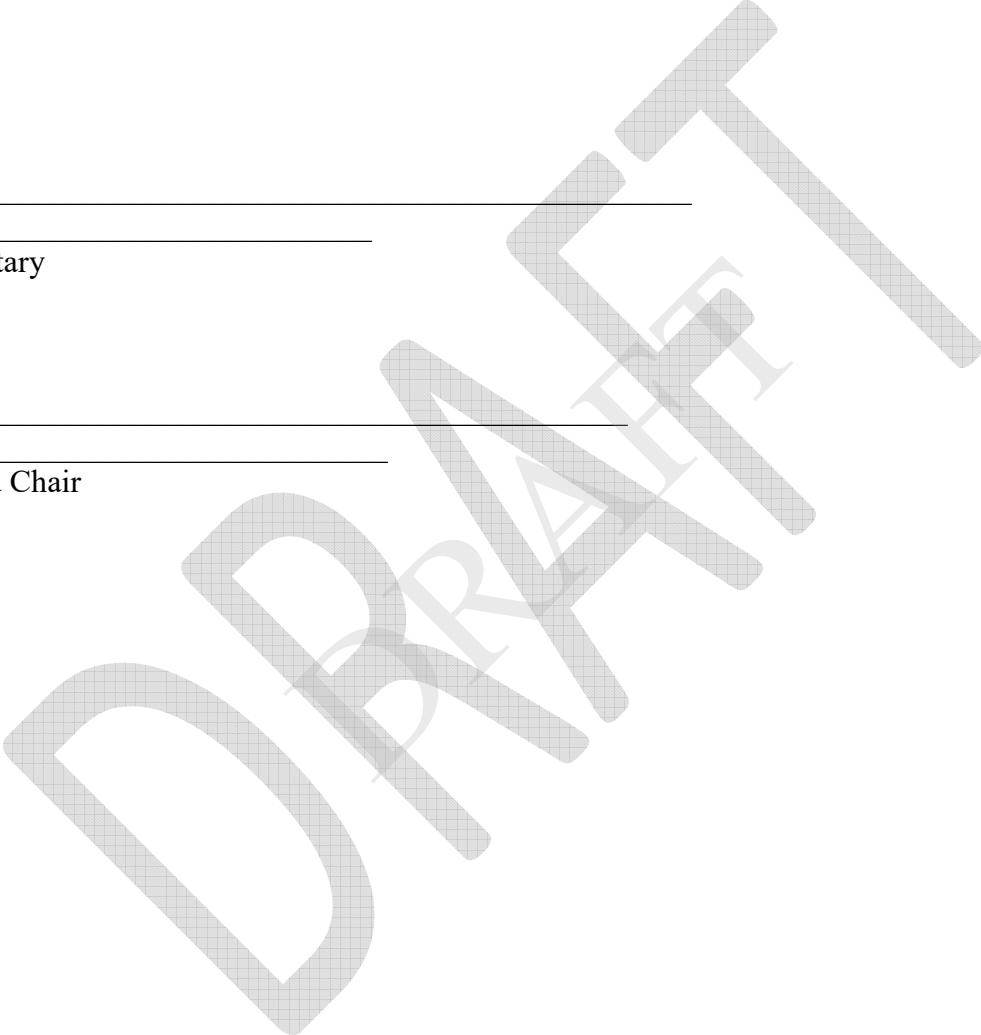
**Complete
Conflict of
Interest Forms
and Travel
Vouchers**

There being no further business, the meeting was adjourned at 11:11 a.m.

Adjourn

Secretary

Board Chair



**VIRGINIA BOARD FOR
ASBESTOS, LEAD, AND HOME INSPECTORS
LEAD-BASED PAINT ACTIVITIES REGULATORY REVIEW COMMITTEE**

The Lead-Based Paint Activity Regulatory Review Committee of the Virginia Board for Asbestos, Lead, and Home Inspectors (Board) met on December 7, 2023, at the offices of the Department of Professional and Occupational Regulation (DPOR), Perimeter Center, 9960 Mayland Drive, Richmond, Virginia 23233.

The following members of the Committee were present:

Stacy J. Armentrout, Chair
Paul Thomas

Committee members Michael Baum, Jeffery Brown, James Haltigan, Patrick Studley, Ron Graham were not in attendance.

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

Tanya M. Pettus, Board Administrator
Joseph C. Haughwout, Jr., Regulatory Affairs Manager
Lee D. Bryant, Regulatory Administrator
Lisa Robinson, Licensing Operations Administrator
Rachel Harris, Administrative Coordinator

Mr. Armentrout called the meeting to order at 10:03 a.m.

Call to Order

Ms. Pettus advised the Committee of the emergency evacuation procedures.

**Emergency
Evacuation
Procedures**

Mr. Thomas moved to approve the agenda as presented. Mr. Armentrout seconded the motion which was unanimously approved by: Armentrout and Thomas.

Approval of Agenda

There were no members of the public present to address the Committee.

**Public Comment
Period**

Ms. Pettus and Mr. Haughwout provided the Committee with a brief overview of the regulatory review process and regulatory reduction effort.

Overview

The Committee was provided with current versions of applicable laws and regulations, including current Lead-based Paint Activities Regulations, and federal laws and regulations.

**Resources and
Information**

The Committee revisited items discussed previously in Part III of the Lead-Based Paint Activities Regulations.

Revisit Items for Discussion in Part III

Discussion was held on lead contractor qualifications and application procedures, and third party exam requirements,

The Committee reviewed parts IV through VI of the regulations. Discussion was held on fees, renewal requirements, and Board-approved training course requirements.

Review Parts IV through VI

Having completed review of parts IV through VI, the Committee agreed by consensus to continue review and discuss part VII of the regulations.

The Committee recessed from 11:30 a.m. to 12:12 p.m.

Recess

The Committee continued to consider amendments to Part VII of the regulations. Discussion was held on training course curricula requirements.

Review of Part VII Continued

Discussion was held on topics to be considered at the next Committee meeting.

Other Business

The Committee agreed by consensus that its next meeting will be scheduled for January 18, 2024.

Mr. Armentrout reminded the Committee members to complete their conflict of interest forms and travel vouchers.

Complete Conflict of Interest Forms and Travel Vouchers

There being no further business, the meeting was adjourned at 1:41 p.m.

Adjourn

Sandra Baynes, Chair

Kishore S. Thota, Secretary

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INTRODUCTION OF
NEW BOARD MEMBERS

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ELECTION OF BOARD

CHAIR

DRAFT

DPOR STAFF UPDATES

DRAFT

PUBLIC COMMENT PERIOD

Five minute public comment, per person, with the exception of any open disciplinary or application files.

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Virginia Board for Asbestos, Lead, and Home Inspectors

Update on Regulatory Actions (as of February 1, 2024)

Action: Home Inspector Regulations General Review

Current Stage: Proposed

- Board reviewed and considered NOIRA stage public comments on 11/4/21.
- Board reviewed and considered committee recommendations and adopted proposed regulatory text on 11/4/21.
- Proposed regulatory text submitted for Executive Branch review on 2/14/22.
- Board adopted revision to proposed regulatory text on 5/12/22.
- Currently in Executive Branch review.
- Board voted to amend Proposed stage at 8/24/23 meeting.
- Board made additional amendments to Proposed stage at 11/30/23 meeting.

Next Step: Completion of Executive Branch Review

- Submit amended Proposed stage for Executive Branch Review.
- Following completion of Executive Branch Review, amendments will be submitted for publication in the Virginia Register, and 60-day public comment period.

Action: SB 607 Amendment (Home Inspector Licensing Regulations)

Current Stage: Proposed

- Executive Branch review completed 5/23/2023.
- Published in Virginia Register on 7/3/23.
- 60-day public comment period began on 7/3/2023 and concluded 9/1/2023. Several comments were received. No comments received at public hearing held on 8/9/23.

Next Step: Public Comment Review/Amendments

- Final amendments to be filed for Executive Branch Review.

Action: Virginia Asbestos Licensing Regulations General Review

Current Stage: NOIRA

- NOIRA 30-day public comment period concluded 4/26/23, no public comments received.
- Board voted to adopt Proposed stage on 8/24/23.

Next Step: Proposed Stage/Executive Branch Review

- Proposed regulatory amendments submitted for Executive Branch Review.
- Following completion of Executive Branch Review, amendments will be submitted for publication in the Virginia Register, and 60-day public comment period.

Action: Lead-Based Paint Activities Regulations General Review

Current Stage: NOIRA

Virginia Board for Asbestos, Lead, and Home Inspectors

- Board voted to authorize NOIRA and form regulatory review committee on 8/24/23.
- Regulatory review committee met on 10/25/23.
- NOIRA submitted 11/6/23.
- Executive Branch review completed 11/29/23.
- Regulatory review committee met on 12/7/2023.
- Published in Virginia Registrar 1/4/24.

Next Step: Proposed Stage/Executive Branch Review

- Proposed regulatory amendments submitted for Executive Branch Review.
- Following completion of Executive Branch review, amendments will be submitted for publication in the Virginia Register, and 60-day public comment period.

Action: Initial Promulgation of Lead-Based Paint Renovation, Repair, and Painting Regulation

Current Stage: Final Regulation

- Final regulation, as amended, adopted by Board on 8/26/21.
- Final regulation submitted for Executive Branch review on 1/18/22.
- Currently in Executive Branch review.
- Continue monitoring SB 560 to determine if further Board action is necessary at 5/9/24 meeting.



BOARD FOR ASBESTOS, LEAD AND HOME INSPECTORS

PROPOSED Guidance Document: Insurance Requirements for Home Inspectors when Applying under Universal License Recognition

Adopted June 8, 2023

Anticipated Effective Date:

Effective upon conclusion of the public comment period required pursuant to § 2.2-4002.1 of the Code of Virginia

I. Background

Section 54.1-205 of the Code of Virginia, effective July 1, 2023, provides a pathway to licensure in Virginia for those who met certain requirements in another state. This is applicable to applicants for home inspector licensure in Virginia.

II. Issue

The provisions of § 54.1-205 of the Code of Virginia do not provide for a regulatory board to impose additional requirements on an applicant if applying pursuant to Universal License Recognition. However, in order to fulfill its obligation to protect the health, safety, and welfare of the public, the Board requires all other applicants as a home inspector to submit evidence of having obtained general liability insurance with minimum limits of \$250,000 per occurrence. Further, once licensed as a home inspector, the Home Inspector Licensing Regulations imposes requirements for maintaining such insurance or the regulant may be subject to disciplinary action.

III. Applicable Regulatory Citations

18VAC15-40-30. General requirements for licensure.

....

- G. The applicant for licensure shall submit evidence of having obtained general liability insurance with minimum limits of \$250,000 per occurrence. A business liability insurance policy or a commercial general liability insurance policy with minimum limits of \$250,000 may be considered to meet such requirement, so long as the applicant is listed as an additional insured. If for any reason the board cannot reasonably ensure that the applicant is sufficiently covered in accordance with this subsection, the board may require that requisite coverage be obtained in the name of the applicant. Proof of such insurance policy must be submitted in order to obtain the license.

IV. Board Policy

As a result of the limitations on the Board's authority to impose additional requirements for home inspector applicants applying pursuant to § 54.1-105, the Board will require a home inspector that is licensed under Universal License Recognition to obtain and maintain general liability insurance with minimum limitations of \$250,000 per occurrence **within 30 days** of the license as a home inspector being issued by the Board. A business liability insurance policy or a commercial general liability insurance policy with minimum limits of \$250,000 may be considered to meet such requirement, so long as the home inspector is listed as an additional insured. If for any reason the Board cannot reasonably ensure that the home inspector is sufficiently covered in accordance with this policy, the Board may require that requisite coverage be obtained in the name of the home inspector. Proof of such insurance policy must be submitted in order to be in compliance with the Board's regulations. The home inspector is subject to all other requirements for maintaining such insurance and submitting proof of such upon renewal of the home inspector license. A regulant that fails to comply with the Board's regulations may be subject to discipline by the Board..

The Board for Asbestos, Lead, and Home Inspectors will be taking public comment on this proposed guidance document. A 30-day comment period will begin on

If you wish to comment on the proposed guidance document, you may do so via the Town Hall website or you may submit written comments so that they are received no later than to:

*Tanya M. Pettus, Board Administrator
Board for Asbestos Lead, and Home Inspectors
Department of Professional and Occupational Regulation
9960 Mayland Drive, Suite 400
Richmond, VA 23233*

Proposed Guidance Document
Virginia Board for Asbestos, Lead, and Home Inspectors

(804) 367-1795
ALHI@dpor.virginia.gov

DRAFT

EXAMINATION UPDATE

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HB 1005 SB 560	Virginia Board for Asbestos, Lead, and Home Inspectors; dust sampling technicians, renovators, and accredited renovation training programs. Removes the responsibility of the Board for Asbestos, Lead, and Home Inspectors to promulgate regulations concerning dust sampling technicians, renovators, and accredited renovation training programs.	Assigned to Sub-committee/Referred to Committee
SB 80	Prisoner reentry; Department of CorrectionsThe bill also provides that no person shall be refused a license, certificate, or registration to practice, pursue, or engage in any regulated occupation or profession within the Department of Health Professions solely because of a prior criminal conviction, unless the criminal conviction directly relates to the occupation or profession for which the license, certificate, or registration is sought.	Referred to Committee
HB 248	Department of Professional and Occupational Regulation; autonomous agent. Authorizes regulatory boards to promulgate regulations for an applicant requesting licensure of an autonomous agent that is owned or operated by such applicant. Autonomous agent is defined in the bill as software or hardware that operates independently, without real-time human intervention, and is capable of performing tasks that, when executed by a human, would require licensure by a regulatory board.	Assigned to Sub-committee
HB 120	Prohibits any board of the Department of Professional and Occupational Regulation or the Department of Health Professions issuing a suspension upon any regulant of such board pursuant to such regulant's having submitted a check, money draft, or similar instrument for payment of a fee required by statute or regulation that is not honored by the bank or financial institution named from considering or describing such suspension as a disciplinary action.	Moved forward by Committee
HB 1215	Department of Labor and Industry; asbestos and lead project permit; usage of licensing fees. Provides that fees collected by the Department of Labor and Industry paid by licensed asbestos and certified lead contractors for obtaining asbestos and lead project permits are to be used by the Department in carrying out its mission under the Virginia Asbestos NESHAP Act.	Assigned to Sub-committee

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Commonwealth of Virginia



Department of Professional and Occupational Regulation Virginia Board for Asbestos, Lead, and Home Inspectors

Resolution for

Sandra Baynes

WHEREAS, **Sandra Baynes** did faithfully and diligently serve the Virginia Board for Asbestos, Lead, and Home Inspectors, and the Department of Professional and Occupational Regulation from 2014 to 2023;

WHEREAS, **Sandra Baynes**, did devote generously of her time, talent and leadership to the Board;

WHEREAS, **Sandra Baynes**, 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 this eight day of February 2024, that **Sandra Baynes** 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 his 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 by this Board.

John Cranor, Vice Chair

Kishore S. Thota

Commonwealth of Virginia



Department of Professional and Occupational Regulation Virginia Board for Asbestos, Lead, and Home Inspectors

Resolution for **James Haltigan**

WHEREAS, **James Haltigan** did faithfully and diligently serve the Virginia Board for Asbestos, Lead, and Home Inspectors, and the Department of Professional and Occupational Regulation from 2014 to 2023;

WHEREAS, **James Haltigan**, did devote generously of his time, talent and leadership to the Board;

WHEREAS, **James Haltigan**, 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 this eight day of February 2024, that **James Haltigan** be given all honors and respect due him for his outstanding service to this Board and the Commonwealth and its citizens; 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 by this Board.

John Cranor, Vice Chair

Kishore S. Thota

**Department of Professional and Occupational Regulation
Statement of Financial Activity**

**Board for Asbestos, Lead, and Home Inspectors
954540**

2022-2024 Biennium

December 2023

	December 2023 Activity	Biennium-to-Date Comparison	
		July 2020 - December 2021	July 2022 - December 2023
Cash/Revenue Balance Brought Forward			66,585
Revenues	18,050	428,034	397,658
Cumulative Revenues			464,243
Cost Categories:			
Board Expenditures	4,735	58,533	67,211
Board Administration	11,094	127,207	139,827
Administration of Exams	398	5,717	2,425
Enforcement	946	8,413	11,592
Legal Services	0	1,610	1,746
Information Systems	5,528	87,565	89,837
Facilities and Support Services	3,443	67,540	58,769
Agency Administration	7,915	58,388	97,687
Other / Transfers	(0)	(0)	-75
Total Expenses	34,059	414,972	469,019
Transfer To/(From) Cash Reserves	0	0	(10,272)
Ending Cash/Revenue Balance			5,496

Cash Reserve Beginning Balance	266,051	0	276,323
Change in Cash Reserve	0	0	(10,272)
Cash Reserve Ending Balance	266,051	0	266,051

Number of Regulants	
Current Month	5,657
Previous Biennium-to-Date	6,313

OUTREACH UPDATE

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OTHER BOARD BUSINESS

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BOARD MEMBER
TRAINING:
RESPONSABILITIES
OVERVIEW

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FUTURE MEETING DATES

- a. May 9, 2024
- b. August 15, 2024
- c. November 21, 2024

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COMPLETE CONFLICT OF INTEREST
FORMS AND
TRAVEL VOUCHERS

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ADJOURN

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