

**BOARD FOR CONTRACTORS COMMITTEE
MEETING MINUTES**

The Board for Contractors Committee met on Tuesday, September 14, 2021 at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia.

Jeffrey Hux
Shawn Mitchell
E.G. Rudy Middleton
John O'Dell

Board member(s) absent from the meeting:

Donald Groh, Chairman
Deborah Tomlin, Vice Chairman
Vernell Woods

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

Eric Olson, Executive Director
Marjorie King, Board Administrator
Adrienne Mayo, Board Administrator
Mary Charity, Licensing Supervisor
Stephanie Keuther, Administrative Assistant

Mr. Hux called the September 14, 2021 Board for Contractors Committee Meeting to order at 8:11 A.M.

Call To Order

Mr. Mitchell made a motion seconded by Mr. O'Dell to adopt the Agenda of September 14, 2021.

**Approval of
Agenda**

The motion was approved with a vote of 4-0-0. Ayes: O'Dell, Middleton, Hux, and Mitchell. **Nays:** None **Abstain:** None **Absent:** Groh, Woods, and Tomlin.

Mr. Mitchell made a motion seconded by Mr. Middleton to approve the Minutes of July 20, 2021 Board for Contractors Committee Meeting as presented.

Minutes

The motion was approved with a vote of 4-0-0. Ayes: O'Dell, Middleton, Hux, and Mitchell. **Nays:** None **Abstain:** None **Absent:** Groh, Woods, and Tomlin.

Mr. Hux opened the Public Comment section of the meeting.

Public Comment

Timothy "Hooper" Loscomb, with Virginia AFSA, & Eagle Fire informed the Board the Fire Sprinkler Association is waiting for the National Fire Sprinkler Association to complete their language interpretation of the Fire Sprinkler Regulation, at which time the Fire Sprinkler Association will submit a letter of recommendation to the Board, and the public.

With no one else wishing to come forward **Mr. Hux** closed the Public Comment section of the meeting.

Education Provider Audits

**Education Provider
Audits**

Bill Ferguson provided a report for the continuing education course he audited.

**Bauls Academy of
Learning**

On August 12, 2021 Mr. Ferguson audited a pre-license contractor education course given by an approved provider, Bauls Academy of Learning. This was an unannounced audit of the course titled Pre-License Classroom Course The instructor listed on education provider's website Bill was Unknown. Staff entered at the facility at 7:40 a.m. Staff met a person in the building and asked about the class. The person did not have any knowledge of the class, and said that that Mr. Baul may come in later. Staff left the facility at 8:20 a.m. The Board for Contractors has not received a course attendance roster for a class held on August 12, 2021. Education provider should submit their class schedule to the Board for Contractors and submit any class schedule changes to the Board for Contractors prior to the date of the scheduled class. Board staff will conduct an audit of the Pre License Course at a future date.

Bill Ferguson provided a report for the continuing education course he audited.

**Virginia
Department of
Corrections –
Division of
Correctional
Education**

On August 19, 2021, Mr. Ferguson audited a tradesman plumbing continuing education course given by an approved provider, Virginia Department of Corrections – Division of Correctional Education. This was an unannounced audit of the course titled Plumbing Continuing Education Course The instructor listed on education provider's website Bill was Charles Higgins. Staff entered at the facility at 8:40 a.m. Guards were not aware of the class. When the instructor arrived, board staff and the instructor were allowed to enter. Finding our own way to the cafeteria.

The attendee completed a sign-in sheet to provide license information. The instructor provided the

attendee a list with descriptions of the changes in the code. Both the instructor and the attendee had code books. They read and discussed the changes. Examples of changes were discussed, even going into the kitchen to observe applications. At the end of the instruction, the attendee completed a comprehension test.

A course attendance roster was submitted within the required timeframe. The class fulfilled the requirements set forth by the Board.

Education Provider Applications

Education Provider Applications

Adrienne Mayo, Regulatory Board Administrator addressed the Committee:

Applications for proposed education providers and courses were reviewed and the Committee's recommendations are as follows:

Ms. Mayo shared that staff recommends approval for:

**Baul's Academy of (U)
LLC**

Baul's Academy of (Unique) Learning, LLC – 1 Vocational Education and Continuing Education Zoom Electrical Course, 1 Vocational Education and Continuing Education Zoom Gas Fitter Course, 1 Vocational Education and Continuing Education Zoom Plumbing Course, 1 Vocational Education and Continuing Education Zoom HVAC Course, 1 Pre-license Contractor Zoom Course.

A motion was made by Mr. Mitchell seconded by Mr. Middleton for approval.

The motion was approved with a vote of 4-0-0. Ayes: O'Dell, Middleton, Hux, and Mitchell. **Nays:** None **Abstain:** None **Absent:** Groh, Woods, and Tomlin.

Ms. Mayo shared that staff recommends approval for:

**Contractor Exam
Preparation LLC**

Contractor Exam Preparation LLC – 1 Zoom Contractor Pre-license Education course

A motion was made by Mr. Middleton seconded by Mr. O'Dell for approval.

The motion was approved with a vote of 4-0-0. Ayes: O'Dell, Middleton, Hux, and Mitchell. **Nays:** None **Abstain:** None **Absent:** Groh, Woods, and Tomlin.

Ms. Mayo shared that staff recommends approval for:

**F H Furr Plumbing H
Conditioning & Electr**

F H Furr Plumbing Heating Air Conditioning & Electrical Inc. – 4 classroom Plumbing Vocational Education Courses – NEW PROVIDER

A motion was made by Mr. Middleton seconded by Mr. Mitchell for approval.

The motion was approved with a vote of 4-0-0. Ayes: O'Dell, Middleton, Hux, and Mitchell. **Nays:**

None **Abstain:** None **Absent:** Groh, Woods, and Tomlin.

Fire Solution Inc.

Ms. Mayo shared that staff recommends approval for:

Fire Solution Inc. – 1 classroom Certified Backflow Device Prevention Worker Vocational Education Class – NEW PROVIDER

A motion was made by Mr. Middleton seconded by Mr. Mitchell for approval.

The motion was approved with a vote of 4-0-0. Ayes: O'Dell, Middleton, Hux, and Mitchell. **Nays:** None **Abstain:** None **Absent:** Groh, Woods, and Tomlin.

Ms. Mayo shared that staff recommends approval for:

**HVAC Codes &
Controls School**

HVAC Codes & Controls School – 1 hybrid GFC Continuing Education Class and 1 hybrid HVA Continuing Education course

A motion was made by Mr. Middleton seconded by Mr. Mitchell for approval.

The motion was approved with a vote of 4-0-0. Ayes: O'Dell, Middleton, Hux, and Mitchell. **Nays:** None **Abstain:** None **Absent:** Groh, Woods, and Tomlin.

Ms. Mayo shared that staff recommends approval for:

**M S Electrical
Training**

M S Electrical Training – 4 ZOOM Electrical Continuing Education courses

A motion was made by Mr. Middleton seconded by Mr. O'Dell for approval.

The motion was approved with a vote of 4-0-0. Ayes: O'Dell, Middleton, Hux, and Mitchell. **Nays:** None **Abstain:** None **Absent:** Groh, Woods, and Tomlin.

Ms. Mayo shared that staff recommends approval for:

**NAESA
International**

NAESA International – 1 classroom and 1 online Certified Elevator Mechanic Continuing Education Course

A motion was made by Mr. Middleton seconded by Mr. O'Dell for approval.

The motion was approved with a vote of 4-0-0. Ayes: O'Dell, Middleton, Hux, and Mitchell. **Nays:** None **Abstain:** None **Absent:** Groh, Woods, and Tomlin.

Ms. Mayo shared that staff recommends approval for:

**National Ground
Water Association**

National Ground Water Association – 1 virtual conference Continuing Education class for Certified Water Well Systems Providers

A motion was made by Mr. Middleton seconded by Mr. O’Dell for approval.

The motion was approved with a vote of 4-0-0. Ayes: O’Dell, Middleton, Hux, and Mitchell. **Nays:** None **Abstain:** None **Absent:** Groh, Woods, and Tomlin.

Ms. Mayo shared that staff recommends approval for:

**VWWA 1
Classroom course
with outdoor demos
and lectures for
Vocational and
Continuing
Education**

VWWA 1 Classroom course with outdoor demos and lectures for Vocational and Continuing Education – Certified Water Well Systems Providers

A motion was made by Mr. Middleton seconded by Mr. O’Dell for approval.

The motion was approved with a vote of 4-0-0. Ayes: O’Dell, Middleton, Hux, and Mitchell. **Nays:** None **Abstain:** None **Absent:** Groh, Woods, and Tomlin.

Old Business
None

Old Business
None

New Business

New Business

Regulatory Review

Regulatory Review

Marjorie King, Board Administrator provided the Committee an update that the Board for Contractors proposed regulation for Separation of SDS Specialty - Conventional and Alternative, and the Individual License and Certification Regulation to Amend the Backflow Vocational Training Requirement are open to Public Comment through September 17, 2021.

Marjorie King, updated the Board the Secretary’s Office currently has a NOIRA for the Apprenticeship Program Examination Exemption for Journeyman.

Marjorie King, updated the Committee currently the proposed amendment for Prohibited Act 9.b. “in order to include language that would allow time and material contracts as well as cost-plus contracts.” is at the Governor’s Office for review.

Marjorie King, informed the Committee at it last Board for Contractors Meeting on July 20, 2021 the

Board voted to allow staff to open an exempt Regulatory Action, to bring the current language with the recent legalization of marijuana as it relates to criminal convictions into compliance.

- Staff has prepared a proposed language amendment to **18VAC50-30-30**

10. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose a conviction, in any jurisdiction, of any ~~misdemeanor or felony~~ or non-marijuana misdemeanor. Any plea of nolo contendere shall be considered a conviction for the purpose of this subdivision. The record of conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, at its discretion, may deny licensure or certification to any applicant in accordance with § 54.1-204 of the Code of Virginia.

- Staff has prepared a proposed language amendment to **18VAC50-30-190**

11. Where the regulant has been convicted or found guilty, after initial licensure or certification, regardless of adjudication, in any jurisdiction of any felony or of a misdemeanor involving lying, cheating or stealing, sexual offense, ~~drug distribution~~, physical injury, or relating to the practice of the profession, there being no appeal pending therefrom or the time of appeal having elapsed. Any pleas of guilty or nolo contendere shall be considered a conviction for the purposes of this subdivision. The record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such guilt;

12. Having failed to inform the board in writing, within 30 days, that the regulant has pleaded guilty or nolo contendere or was convicted and found guilty of any felony or a misdemeanor involving lying, cheating, stealing, sexual offense, ~~drug distribution~~, physical injury, or relating to the practice of the profession;

- Staff has prepared a proposed language amendment to **18VAC50-30-40**

E. In accordance with § 54.1-204 of the Code of Virginia, all applicants shall disclose the following information about the firm, all members of the responsible management, and the qualified individual or individuals for the firm:

1. All non-marijuana misdemeanor convictions within three years of the date of application; and

- Staff has prepared a proposed language amendment to **18VAC50-30-50**

G. In accordance with § 54.1-204 of the Code of Virginia, all applicants shall disclose the following information about the firm, designated employee, all members of the responsible management, and the qualified individual or individuals for the firm:

1. All non-marijuana misdemeanor convictions within three years of the date of application; and

- Staff has prepared a proposed language amendment to **18VAC50-22-60**

G. In accordance with § 54.1-204 of the Code of Virginia, all applicants shall disclose the following information about the firm, all members of the responsible management, the designated employee, and the qualified individual or individuals for the firm:

1. All non-marijuana misdemeanor convictions within three years of the date of application; and

- Staff has prepared a proposed language amendment to **18VAC50-22-62**

F. In accordance with § 54.1-204 of the Code of Virginia, all applicants shall disclose the following information about the firm, all members of the responsible management, and the qualified individual for the firm:

1. All non-marijuana misdemeanor convictions within three years of the date of application; and

- Staff has prepared a proposed language amendment to **18VAC50-22-260**

22. Where the firm, responsible management as defined in this chapter, designated employee or qualified individual has been convicted or found guilty, after initial licensure, regardless of adjudication, in any jurisdiction, of any felony or ~~of any~~ non-marijuana misdemeanor, there being no appeal pending therefrom or the time of appeal having elapsed. Any plea of guilty or nolo contendere shall be considered a conviction for the purposes of this subdivision. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt.

23. Failure to inform the board in writing, within 30 days, that the firm, a member of responsible management as defined in this chapter, its designated employee, or its qualified individual has pleaded guilty or nolo contendere or was convicted and found guilty of any felony or of a Class 1 misdemeanor or any non-marijuana misdemeanor conviction for activities carried out while engaged in the practice of contracting.

Remedial Education Report

Remedial Education Report

Eric Olson, Executive Director, updated the Committee on attendance and recidivism rates. More than 2,000 contractors have attended the class since the Board took over and the recidivism rate has dropped from 12.5% to 4.5%. Many attendees have commented that the content taught at remedial education should be the standard for the pre-license education course and that the Board should be teaching that class as well. The misclassification section and the prohibited act sessions have been found to be extremely helpful and have led to a significant amount of conversation and input with the attendees. Mr. Olson explained that it would be very difficult from a logistical standpoint, not to mention costly, to bring the class in-house. Other solutions may be worth exploring.

USBC Code update and CE update approval for HVA, PLB and GFC (effective July 1 2021)

USBC Code update and CE update approval for HVA, PLB and GFC

After discussion, Mr. Mitchell made a motion seconded by Mr. Middleton to update the USBC Code for PSI and CE for HVA, PLB and GFC on April 1, 2022.

The motion was approved with a vote of 4-0-0. Ayes: O'Dell, Middleton, Hux, and Mitchell. **Nays:** None **Abstain:** None **Absent:** Groh, Woods, and Tomlin.

National Trade Organizations Substantial Equivalency – Concrete/Cement Workers

National Trade

Eric Olson, Executive Director informed the Committee there were more Trade Organizations than anticipated. Staff is looking to bring four other trade organizations for substantial equivalency. In order to do a thorough review staff would like to defer this to the next Committee Meeting on October 26, 2021

**Organizations
Substantial
Equivalency –
Concrete/Cement
Workers**

The Committee agreed to defer this to the next Committee Meeting on October 26, 2021 for further discussion.

Fire Sprinkler Inspector Scope of Practice– Proposed Guidance document

After discussion, the Board does not believe that a Guidance Document is warranted at this time and will wait to look at possible legislative amendments that may be introduced in the next General Assembly Session.

**Fire Sprinkler
Inspector Scope of
Practice– Proposed
Guidance document**

Adjournment

Adjournment

Mr. Hux thanked the Committee and Staff and adjourned the Committee Meeting at 9:12 A.M.

The next Committee Meeting will be **October 26, 2021**



Donald Groh, Chairman

10/26/2021
Date

APP