

**BOARD FOR CONTRACTORS COMMITTEE
MEETING MINUTES**

The Board for Contractors Committee met on Tuesday, March 14, 2023 at the
Department of Professional and Occupational Regulation (DPOR), 9960
Mayland Drive, Richmond, Virginia.

Board member(s) present for the meeting:

Donald Groh, Chairman
Wiley 'Bif' Johnson
John O'Dell
Nathan Trice
James Spencer
Jerry Heinline

Board member(s) absent from the meeting:

Deborah Tomlin, Vice Chairman
Francis McGonegal

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

Steve Kirschner, Deputy Director
Marjorie King, Executive Director
Adrienne Mayo, Board Administrator
Mary Charity, Licensing Supervisor
Stephanie Keuther, Administrative Coordinator
Shelby Smith, Licensing Specialist

Mr. Groh called the March 14, 2023, Board for Contractors Committee Meeting to order at 8:02 A.M.

Call To Order

Mr. O'Dell made a motion seconded by Mr. Spencer to adopt the Agenda of March 14, 2023.

**Approval of
Agenda**

The motion was approved with a vote of 6-0-0. Ayes: Groh, Johnson, Trice, O'Dell, Spencer, and Heinline **Nays:** None **Abstain:** None **Absent:** Tomlin, and McGonegal.

Mr. O'Dell made a motion seconded by Mr. Spencer to approve the draft Minutes of December 6, 2022; Board for Contractors Committee Meeting as presented.

Minutes

The motion was approved with a vote of 6-0-0. Ayes: Groh, Johnson, Trice, O'Dell, Spencer, and Heinline **Nays:** None **Abstain:** None **Absent:** Tomlin, and McGonegal.

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

Public Comment

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

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:

All Star Training, Inc.

All Star Training, Inc.- one online Contractor Pre-licensing course

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

The motion was approved with a vote of 6-0-0. Ayes: Groh, Johnson, Trice, O'Dell, Spencer, and Heinline **Nays:** None **Abstain:** None **Absent:** Tomlin, and McGonegal.

Ms. Mayo shared that staff recommends approval for:

**Central Virginia
Electrical Contractors
Association**

Central Virginia Electrical Contractors Association – four classroom Electrician Vocational courses – This provider has requested retro-active approval to December 1, 2022

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

The motion was approved with a vote of 6-0-0. Ayes: Groh, Johnson, Trice, O'Dell, Spencer, and Heinline **Nays:** None **Abstain:** None **Absent:** Tomlin, and McGonegal.

Ms. Mayo shared that staff recommends approval for:

**International School
of Well Drilling Inc.**

International School of Well Drilling Inc – one online Certified Water Well Systems Provider Continuing Education class – NEW PROVIDER

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

The motion was approved with a vote of 6-0-0. Ayes: Groh, Johnson, Trice, O'Dell, Spencer, and Heinline **Nays:** None **Abstain:** None **Absent:** Tomlin, and McGonegal.

Ms. Mayo shared that staff recommends approval for:

NAESA International

NAESA International –one classroom continuing education course for Certified Elevator Mechanics.

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

The motion was approved with a vote of 6-0-0. Ayes: Groh, Johnson, Trice, O'Dell, Spencer, and Heinline **Nays:** None **Abstain:** None **Absent:** Tomlin, and McGonegal.

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

The motion was approved with a vote of 6-0-0. Ayes: Groh, Johnson, Trice, O'Dell, Spencer, and Heinline **Nays:** None **Abstain:** None **Absent:** Tomlin, and McGonegal.

Ms. Mayo shared that staff recommends approval for:

NAESA International

NAESA International - one classroom continuing education course for Certified Elevator Mechanics

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

The motion was approved with a vote of 6-0-0. Ayes: Groh, Johnson, Trice, O'Dell, Spencer, and Heinline **Nays:** None **Abstain:** None **Absent:** Tomlin, and McGonegal.

Ms. Mayo shared that staff recommends approval for:

**National Ground
Water Association**

National Ground Water Association - one online continuing education course for Certified Elevator Mechanics. This provider has requested retro-active approval to February 1, 2023

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

The motion was approved with a vote of 6-0-0. Ayes: Groh, Johnson, Trice, O'Dell, Spencer, and Heinline **Nays:** None **Abstain:** None **Absent:** Tomlin, and McGonegal.

Ms. Mayo shared that staff recommends approval for:

National Technology Transfer, Inc.

National Technology Transfer, Inc. - two classroom/Zoom ELE Continuing Education classes. This provider has requested retro-active approval to January 1, 2023

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

The motion was approved with a vote of 6-0-0. Ayes: Groh, Johnson, Trice, O'Dell, Spencer, and Heinline **Nays:** None **Abstain:** None **Absent:** Tomlin, and McGonegal.

Ms. Mayo shared that staff recommends approval for:

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National Technology Transfer, Inc. - one classroom/Zoom ELE Continuing Education classes. This provider has requested retro-active approval to January 1, 2023

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

The motion was approved with a vote of 6-0-0. Ayes: Groh, Johnson, Trice, O'Dell, Spencer, and Heinline **Nays:** None **Abstain:** None **Absent:** Tomlin, and McGonegal.

Ms. Mayo shared that staff recommends approval for:

Southern Virginia Higher Education Center

Southern Virginia Higher Education Center – three classroom HVAC Vocational Education classes – NEW PROVIDER This provider has requested retro-active approval to September 1, 2022

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

The motion was approved with a vote of 6-0-0. Ayes: Groh, Johnson, Trice, O'Dell, Spencer, and Heinline **Nays:** None **Abstain:** None **Absent:** Tomlin, and McGonegal.

Ms. Mayo shared that staff recommends approval for:

Virginia Water Well Association

Virginia Water Well Association – fifteen classroom Vocational Education and Continuing Education classes for Water Well Systems Providers –This provider has requested retro-active approval to February 15, 2023

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

The motion was approved with a vote of 6-0-0. Ayes: Groh, Johnson, Trice, O'Dell, Spencer, and Heinline Nays: None Abstain: None Absent: Tomlin, and McGonegal.

Old Business

None

Old Business

None

New Business

New Business

Revised reciprocal Agreement with Maryland

Revised reciprocal Agreement with Maryland

Adrienne Mayo, Board Administrator informed the Committee of a revised reciprocal agreement with Maryland. Ms., Mayo stated the revised agreement would remove the statement of nonresidents of Maryland, and would include adding journeyman to the reciprocal agreement.

Remedial Education Report

Remedial Education Report

Marjorie King, Executive Director informed the Committee that the remedial education class continues to be well received by participants. Ms. King recommended to all Board Members that they attend a Remedial Education class.

Nathan Trice, Board Member attended the January 2023 Remedial Education Class. Mr. Trice found the class to be beneficial and eye opening.

Temporary Fee proposal

Temporary Fee proposal

Marjorie King, Executive Director informed the Committee an exempt regulatory action for a temporary fee reduction for all licenses renewed before August 31, 2025. The exempt action is needed in order to reduce the accumulated surplus in the budget and to be in compliance with the Callahan Act.

A motion was made by Mr. O'Dell seconded by Mr. Spencer to approve an exempt regulatory action for the temporary fee reduction for all Contractors, Individual, and Certification licenses renewed before August 31, 2025.

The motion was approved with a vote of 6-0-0. Ayes: Groh, Johnson, Trice, O'Dell, Spencer, and Heinline Nays: None Abstain: None Absent: Tomlin, and McGonegal.

Non Routine Sub-Committee reminder

Marjorie King, Executive Director reminded the Committee, a sub-committee was created from the Board Committee Members, for review of the non-routine applications, to determine if the application can be approved, or referred to an Informal Fact-Finding Hearing.

Non Routine Sub-Committee reminder

Education Provider Audit

Patrick & Henry Community College

Bill Ferguson provided a report for the continuing education course he audited. On February 25, 2023, Mr. Ferguson audited a Contractors Pre-License Course given by Patrick & Henry Community College. This was an unannounced audit of the course titled Contractors Pre-License Course. The instructor listed on education provider's website was Rodney Clark. Staff arrived at the facility at 7:40 a.m. and entered through the building lobby. The attendees present were aware of the classroom location from pre-registration information. Upon the instructor recognizing the number of attendees in the classroom in relation to the number of attendees registered, board staff identified himself to the instructor. Staff audited the course from 7:55 a.m. to 4:20 p.m. The course met the eight-hour requirement of instruction. The subject matter that was covered was in accordance with the information in the course materials. The course's location, date, time of instruction, and instructor agreed with the course information on the education provider's website. The class was conducted in accordance with the Board's education provider requirements.

Education Provider Audit

Regulatory Review

Marjorie King, Executive Director updated the Committee on current regulatory actions as follows:

Regulatory Review

Examination Fees

Marjorie King, Executive Director informed the Committee currently within the Regulations there's a cap the exam vender may charge per examination. This regulatory action removes the exam cap completely and aligns with other Boards here at the agency. By removing the exam cap completely, the department is able to negotiate a contract more successfully with the exam vendor through the Virginia Public Procurement Act. This exam cap has been determined to be problematic when attempting to expand exam services to include multiple languages.

Examination Fees

A motion was made by Mr. O'Dell seconded by Mr. Trice to adopt the proposed language to remove the exam fee cap.

The motion was approved with a vote of 6-0-0. Ayes: Groh, Johnson, Trice, O'Dell, Spencer, and Heinline **Nays:** None **Abstain:** None **Absent:** Tomlin, and McGonegal.

Apprenticeship Exam Waiver

Apprenticeship Exam Waiver

Marjorie King, Executive Director informed the Committee a regulatory package was previously submitted to begin the process of amending the Boards regulations to exempt individuals from the journeyman trade examinations if an applicable trade apprenticeship program was completed. Board staff was advised by the Attorney General's Office to pull this regulatory action and resubmit it as an exempt action due to §54.1-1131. §54.1-1131 provides an exam exemption for individuals applying for a tradesman license that have completed an apprenticeship program approved by the Commissioner of Labor and Industry. Due to this, the Board's Regulations are more restrictive than the statute and must be amended.

A motion was made by Mr. O'Dell seconded by Mr. Spencer to withdraw the current regulatory package and resubmit it as an exempt package.

The motion was approved with a vote of 6-0-0. Ayes: Groh, Johnson, Trice, O'Dell, Spencer, and Heinline **Nays:** None **Abstain:** None **Absent:** Tomlin, and McGonegal.

Universal Licensing

Universal Licensing

Marjorie King, Executive Director informed the committee Senate Bill 1213 was passed by the General Assembly during its 2023 session and signed by Governor Younkin on Friday March 3, 2023. The universal licensing recognition bill allows for additional pathways to licensure for out of state individuals and becomes effective July 1, 2023.

A motion was made by Mr. Spencer seconded by Mr. O'Dell to initiate an exempt regulatory action and align the Boards Individual License and Certification Regulations to the statute.

The motion was approved with a vote of 6-0-0. Ayes: Groh, Johnson, Trice, O'Dell, Spencer, and Heinline **Nays:** None **Abstain:** None **Absent:** Tomlin, and McGonegal.

Individual Eligibility

Individual Eligibility

Marjorie King, Executive Director informed the Committee in accordance with the requirements set forth in Executive Directive One, the Board was tasked with performing a complete review of its regulations to best ensure that those regulations are the least burdensome to the industry while providing adequate protection to the citizens of Virginia. The Board identified that the eligibility may be overly burdensome.

Marjorie King, Executive Director provided the Committee an update of the regulatory workgroup held on March 13, 2023

The Board received 6 comments via TownHall. The Board sent a questionnaire to various stakeholders on February 3, 2023 seeking their feedback on the Board's eligibility requirements. 45 responses were collected. This questionnaire offered individuals the opportunity to sit down with a Board Member and express concerns and make recommendations and suggestions.

The Committee and Board are tasked with taking all the public comment received and discussing the best path forward to protect the health, safety, and welfare of the public while ensuring minimum competency of its licenses without being overly burdensome.

No action was taken at this time.

Individual Continuing Education

Individual Continuing Education

Marjorie King, Executive Director informed the Committee in accordance with the requirements set forth in Executive Directive One, the Board was tasked with performing a complete review of its regulations to best ensure that those regulations are the least burdensome to the industry while providing adequate protection to the citizens of Virginia. The Board identified that the eligibility may be overly burdensome.

Marjorie King, Executive Director provided the Committee an update of the regulatory workgroup held on March 13, 2023

The Board received 31 comments via TownHall. The Board sent a questionnaire to various stakeholders on February 3, 2023 seeking their feedback on the Board's continuing education. 30 responses were collected. This questionnaire offered individuals the opportunity to sit down with a Board Member and express concerns and make recommendations and suggestions.

The Committee and Board are tasked with taking all the public comment received and discussing the best path forward to protect the health, safety, and welfare of the public while ensuring minimum competency of its licenses without being overly burdensome.

No action was taken at this time.

Adjournment

Adjournment

Mr. Groh thanked the Committee and Staff and adjourned the Committee Meeting at 8:59 A.M.

The next Committee Meeting will be **May 9, 2023**.



Donald Groh, Chairman



Date