

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

The Virginia Board for Asbestos, Lead, and Home Inspectors met on February 4, 2010, 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:

Colleen Becker  
Christopher Chapman  
Keith F. Cronan  
Bowen Hyatt  
Robert Kirby  
Brian Koepf  
Thomas Joel Loving  
Reginald Marston, III  
Peter Palmer  
Howard D. Varner

Board members Bonnie Atwood, Dolores Daniels and Phillip Fincher were not present at the meeting.

The following staff members were present for part 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  
Michele Atkinson, Board Administrator  
Earlyne Perkins, Legal Analyst  
Michelle Gowen, Administrative Assistant

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

Mr. Cronan, finding a quorum of the Board present, called the meeting to order at 9:12 am.

**Call to Order**

Mr. Koepf moved to approve the agenda as amended. Mr. Kirby seconded the motion which was unanimously approved by members: Chapman, Cronan, Hyatt, Kirby, Koepf, Loving, Marston, and Varner. Board member Peter Palmer was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to Mold until July 1, 2010. Board member Colleen Becker was present but did not vote because, by statute, she is ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

**Adopt Agenda**

Mr. Hyatt moved that the Board approve the following minutes:

Board Meeting Minutes – November 20, 2009;  
Committee Meeting Minutes – November 20, 2009;  
IFF Minutes – December 10, 2009; and  
Committee Meeting Minutes – January 8, 2010.

**Approval of Board  
Minutes**

Mr. Varner seconded the motion which was unanimously approved by members: Chapman, Cronan, Hyatt, Kirby, Koepf, Loving, Marston, and Varner. Board member Peter Palmer was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to Mold until July 1, 2010. Board member Colleen Becker was present but did not vote because, by statute, she is ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

There were no comments made to the Board.

**Public Comment  
Period**

Regarding **File Number 2010-01915, Erick Boyd**, the Board members reviewed the application file, which consisted of exhibits, transcript and the summary of Informal Fact-Finding Conference. Mr. Boyd was not present at the meeting. Mr. Varner moved to accept the summary of the IFF and approve Mr. Boyd's asbestos worker application. Mr. Koepf seconded the motion which was unanimously approved by members: Chapman, Cronan, Kirby, Koepf, Loving, Marston, and Varner. Mr. Hyatt was not present during the discussion or vote. Board member Peter Palmer was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to Mold until July 1, 2010. Board member Colleen Becker was present but did not vote because, by statute, she is ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

**File Number 2010-  
01915, Erick Boyd**

Mr. Cronan turned the position of Chair over to Mr. Loving and recused himself from the meeting due to a conflict of interest.

**Transfer of Chair**

Regarding **File Number 2009-03065, Elvida Lopez**, the Board members reviewed the Consent Order as seen and agreed to by Ms. Lopez. Ms. Lopez was not present at the meeting. Mr. Kirby moved to accept the Consent Order which cites a violation of 18 VAC 15-30-770.C of the Board's regulations. For this violation, Mrs. Lopez agrees to a monetary penalty of \$500 as well as Board costs in the amount of \$150 and the revocation of her lead worker license. Mr. Varner seconded the motion which was unanimously

**File Number 2009-  
03065, Elvida Lopez**

approved by members: Chapman, Hyatt, Kirby, Koepf, Loving, Marston, and Varner. Mr. Cronan was not present during the discussion or vote. Board member Peter Palmer was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to Mold until July 1, 2010. Board member Colleen Becker was present but did not vote because, by statute, she is ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

Regarding **File Number 2009-03022, Elvida Lopez**, the Board members reviewed the Consent Order as seen and agreed to by Ms. Lopez. Ms. Lopez was not present at the meeting. Mr. Hyatt moved to accept the Consent Order which cites a violation of 18 VAC 15-20-410.C of the Board's regulations. For this violation Ms. Lopez agrees to a monetary penalty of \$500 as well as Board costs in the amount of \$150 and the revocation of her asbestos worker license. Mr. Varner seconded the motion which was unanimously approved by members: Chapman, Cronan, Hyatt, Kirby, Koepf, Loving, Marston, and Varner. Mr. Cronan was not present during the discussion or vote. Board member Peter Palmer was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to Mold until July 1, 2010. Board member Colleen Becker was present but did not vote because, by statute, she is ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

**File Number 2009-03022, Elvida Lopez**

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

**Transfer of Chair**

Mr. Garofalo provided the Board members with a report from the Mold and RRP Committee meetings and advised the Board of non-substantive changes made to the Mold regulation document by staff since the last Committee meeting on January 8, 2010. Mr. Loving moved to approve the proposed Mold regulations. Mr. Chapman seconded the motion which was unanimously approved by Board members: Chapman, Cronan, Hyatt, Kirby, Koepf, Loving, Marston, Palmer, and Varner. Board member Colleen Becker was present but did not vote because, by statute, she is ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

**Other Business**

The Board reviewed the Home Inspector regulations with changes made by staff since the November 20, 2009, Board meeting. After discussion, the Board agreed by consensus to include additional language in 18VAC15-40-120.D to specify that if a

recommendation is made by the home inspector to the client for home repairs or modifications, then the home inspector must disclose any financial interest that he has with the recommended person. Mr. Hyatt moved to accept the final regulations with the changes made by staff. Mr. Chapman seconded the motion which was unanimously approved by Board members: Chapman, Cronan, Hyatt, Kirby, Koepf, Loving, Marston, and Varner. Board member Peter Palmer was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to Mold until July 1, 2010. Board member Colleen Becker was present but did not vote because, by statute, she is ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

The following meeting dates have been scheduled:

- May 12, 2010
- August 18, 2010
- November 10, 2010

**Future Meeting  
Dates**

Mr. Cronan, finding no further business to conduct, adjourned the meeting at 10:40 a.m.

**Adjournment**

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Keith F. Cronan, Chair

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Jay W. DeBoer, Secretary