

**STATE BUILDING CODE TECHNICAL REVIEW BOARD
RETREAT MINUTES
May 20, 2019
Glen Allen, Virginia**

Members Present

Mr. James R. Dawson, Chairman
Mr. W. Shaun Pharr, Esq., Vice-Chairman
Mr. Vince Butler
Mr. Daniel Crigler
Mr. Joseph Kessler
Mr. Eric Mays, PE
Ms. Joanne Monday
Ms. Patricia S. O'Bannon
Mr. J. Kenneth Payne, Jr.
Mr. Richard C. Witt
Mr. Aaron Zdinak, PE

Members Absent

Mr. Alan D. Givens
Ms. Christina Jackson
Mr. E. G. Middleton, III

Call to Order

The retreat of the State Building Code Technical Review Board ("Review Board") was called to order at approximately 10:00 a.m. by Chairman Dawson.

Roll Call

The roll was called by Mr. Luter and a quorum was present. Mr. Justin I. Bell, legal counsel for the Board from the Attorney General's Office, was also present. Ms. Lockerman from the Attorney General's Office and Cindy Davis, Deputy Director, Division of Building and Fire Regulation were also present.

FOIA, COIA, and APA Presentation

Mr. Bell provided three presentations. The three presentations focused on the Freedom of Information Act (FOIA), Conflict of Interest Act (COIA), and Administrative Procedure Act (APA) as they related to the Review Board members.

Review Board Policies and Manual Discussion

The Review Board discussed adopting a Review Board policy manual. The Review Board discussed three sample policies and made the following recommendations:

1. Place time limits on each portion of an appeals hearing per party such as:
 - Opening statement – 5 minutes
 - Testimony – 20 minutes
 - Cross examination – 10 minutes
 - Board Q&A – 10 minutes
 - Closing statement/argument – 5 minutes

**State Building Code Technical Review Board Retreat
May 20, 2019 Minutes - Page 2**

Review Board Policies
and Manual Discussion
(continued)

Note 1: Provide shorter timeframes for jurisdictional issues hearings.

Note 2: Provide a list to the parties for guidance outlining what the opening statement should include.

Note 3: Create a way for the parties to request a longer or shorter time limit.

Note 4: Target time to complete each hearing is 90 minutes and the Chairperson has the authority to adjust the time limits at his/her discretion based on the case before the Review Board.

2. When a party or Review Board staff identify a potential jurisdictional issue with an appeal application, that jurisdictional issue is to be brought before the Review Board for consideration prior to processing the appeal application on the merits of the case.

Note: When this occurs, Review Board staff is to schedule the jurisdictional issue(s) for the first available meeting and then, schedule the merits of the case for the following meeting.

3. Research the use of Adobe meeting as an option for parties to use during jurisdictional issue hearings.

Mr. Payne moved not to create a policy requiring the use of a specific appeal application form to file an appeal; however, all appeal applications must be in writing. He further moved that the appeal application form be completed within a reasonable timeframe. Mr. Witt second the motion and it passed unanimously.

After the lengthy discussion on just three sample policies, the Board directed Cindy Davis, Deputy Director, Division of Building and Fire Regulation to work with Mr. Bell to draft the needed policies and to bring them back to the Review Board at another retreat to be scheduled later this year.

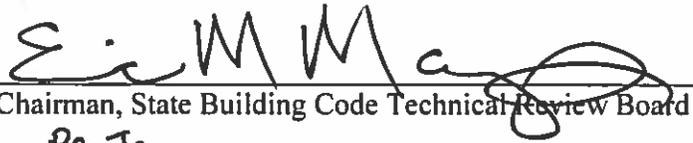
During this discussion the Review Board directed the Secretary to make two changes to the appeal application provided for use by the department.

Adjournment

There being no further business, the meeting was adjourned by proper motion at approximately 4:15 p.m.

**State Building Code Technical Review Board Retreat
May 20, 2019 Minutes - Page 3**

Approved: July 19, 2019


Chairman, State Building Code Technical Review Board

Pro Tem


Secretary, State Building Code Technical Review Board