

STATE BUILDING CODE TECHNICAL REVIEW BOARD
MEETING MINUTES
August 21, 2026
Virginia Housing Center
4224 Cox Road Glen Allen, Virginia 23060

Members Present

Mr. James R. Dawson, Chair
Mr. Vince Butler
Mr. Alan Givens
Ms. Christina Jackson
Mr. R. Jonah Margarella
Mr. Eric Mays, PE
Ms. Joanne Monday
Mr. James S. Moss
Mr. W. Shaun Pharr, Esq., Vice-Chair
Mr. Aaron Zdinak, PE

Members Absent

Mr. Daniel Crigler
Mr. Joseph Kessler
Ms. Elizabeth White

Call to Order	The meeting of the State Building Code Technical Review Board (“Review Board”) was called to order at approximately 10:00 a.m. by Secretary Luter.
Roll Call	The roll was called by Mr. Luter and a quorum was present. Mr. Justin I. Bell, legal counsel for the Review Board from the Attorney General’s Office, was also present.
Approval of Minutes	The draft minutes of the July 17, 2026 meeting in the Review Board members’ agenda package were considered. Ms. Monday moved to approve the minutes as presented. The motion was seconded by Mr. Moss and passed with Ms. Jackson and Messrs. Butler, Givens, Mays, and Pharr abstaining.
Final Order	<u>Cory Kruse: Appeal No. 26-01:</u> After review and consideration of the final order presented in the Review Board members’ agenda package, Ms. Monday moved to approve the final order with the following edit: Delete the word “it” and replace with “the city” in line 71 of page 19. The motion was seconded by Mr. Moss and passed with Ms. Jackson and Messrs. Butler, Givens, Mays, and Pharr abstaining.

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William Laffoon: Appeal No. 26-02:

After review and consideration of the final order presented in the Review Board members' agenda package, Mr. Moss moved to approve the final order as presented. The motion was seconded by Ms. Monday and passed with Ms. Jackson and Messrs. Butler, Givens, Mays, and Pharr abstaining.

Public Comment

Chair Dawson opened the meeting for public comment. Secretary Luter advised that no one had signed up to speak. Chair Dawson closed the public comment period.

New Business

Todd Ferguson: Appeal No. 26-03:

A preliminary hearing was convened with Chair Dawson serving as the presiding officer. The preliminary hearing was related to whether the appeal was timely and whether the appeal was properly before the Board because no local appeals board hearing had occurred and no decision of the local appeals board had been made.

The following persons were sworn in and given an opportunity to present testimony:

Todd Ferguson, Property Owner
Otis Vaughan, Pittsylvania County Building Official

Also present was:

Matthew Evans, Attorney for Pittsylvania County

After testimony concluded, Chair Dawson closed the preliminary hearing and stated a decision from the Review Board members would be forthcoming and the deliberations would be conducted in open session. It was further noted that a final order reflecting the decision would be considered at a subsequent meeting and, when approved, would be distributed to the parties, and would contain a statement of further right of appeal.

Decision: Todd Ferguson: Appeal No. 26-03:

After deliberations, Mr. Mays moved that the appeal was not properly before the Board and that the Board did not have jurisdiction to hear the case because no case shall lie before the Review Board prior to final decision of the local appeals board. Mr. Mays further clarified that the local appeals board had not convened for a hearing and no decision had

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been made by the local appeals board because Ferguson had not properly filed his appeal to the local appeals board which required him to attach the code official's decision to the appeal application and pay the required fee as set forth in the Pittsylvania County ordinance. The motion was seconded by Mr. Moss and passed with Mr. Pharr abstaining.

After further deliberations, related to the administrative subpoena issue by Board staff, Mr. Mays moved to continue the appeal hearing until the October 16, 2026 meeting pending the process for the administrative subpoena. The motion was seconded by Ms. Jackson and passed unanimously.

Kyle Pasquarella (Thee Establishment LLC): Appeal No. 26-05:

A preliminary hearing was convened with Chair Dawson serving as the presiding officer. The preliminary hearing was related to whether the appeal was properly before the Board because no local appeals board hearing had occurred and no decision of the local appeals board had been made.

The following persons were sworn in and given an opportunity to present testimony:

Fred Walker, Property Owner
Nicholas Walker, Witness for property owner
Edward Kaczowsky, City of Suffolk Dept. of Fire and Rescue;
Office of the Fire Marshal, Inspector
Scott McFatter, City of Suffolk Attorney Office Intern

Also present was:

Kyle Pasquarella, Attorney for Fred Walker
Barrett Richardson, City Attorney for City of Suffolk

After testimony concluded, Chair Dawson closed the preliminary hearing and stated a decision from the Review Board members would be forthcoming and the deliberations would be conducted in open session. It was further noted that a final order reflecting the decision would be considered at a subsequent meeting and, when approved, would be distributed to the parties, and would contain a statement of further right of appeal.

Decision: Kyle Pasquarella (Thee Establishment LLC): Appeal No. 26-05:

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Motion #1:

After deliberations, Mr. Mays made a proper motion that was seconded by Mr. Butler. After further discussion Mr. Mays withdrew his motion, and Mr. Butler withdrew his second.

Motion #2:

After deliberations, Mr. Mays moved to defer the hearing and further consideration to the November 20, 2026 meeting to allow the City to become compliant with §27-98 and VSFPC 112.1 in forming the required local fire prevention appeals board. The motion was seconded by Ms. Monday and passed unanimously.

Note: Deferring the hearing also allows the September 22, 2026 hearing in Suffolk Circuit Court to occur and the decision to be published.

Request for Interpretation of Raymond Rinaldi (Loudoun County):
Interpretation Request No. 06-26:

An interpretation request from Raymond Rinaldi of Loudoun County was considered concerning the following:

Question 1: Is a tower or mobile crane temporarily erected for the purpose of constructing a building considered a structure under the USBC?

Mr. Mays moved that the answer is “No. However, the footing and foundation of a tower crane is an assembly of materials forming construction for use meeting the definition of structure in the USBC; therefore, the footing and foundation of a tower crane would be regulated by the USBC”. The motion was seconded by Mr. Pharr and passed unanimously.

Question 2: Is a tower or mobile crane temporarily erected for the purpose of constructing a building regulated by the USBC?

Mr. Mays moved that the answer is “No, because a tower or mobile crane do not meet the definition of a building in the USBC”. The motion was seconded by Mr. Pharr and passed unanimously.

Secretary’s Report

Mr. Luter pointed the Review Board members to the revised copy of Review Board Policy #4 presented in the Review Board members’ agenda package. After a brief discussion, Mr. Mays moved to adopt revised Policy #4 as presented. The motion was seconded by Mr. Moss and passed unanimously.

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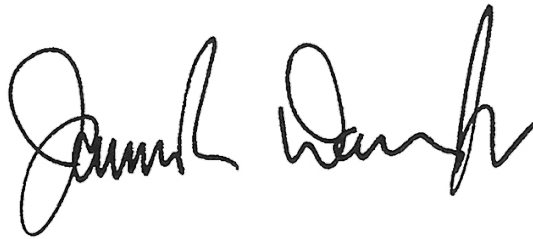
Mr. Luter informed the Review Board of the current caseload for the upcoming meetings scheduled for September 18, 2026, October 16, 2026, and November 20, 2026.

Mr. Bell provided legal updates to the Review Board members.

Adjournment

There being no further business, the meeting was adjourned by proper motion at approximately 2:30 p.m.

Approved: September 18, 2026

A handwritten signature in black ink, appearing to read "James H. Smith", written in a cursive style.

Chair, State Building Code Technical Review Board

A handwritten signature in black ink, appearing to read "William J. Luter", written in a cursive style.

Secretary, State Building Code Technical Review Board