

MINUTES OF THE SPECIAL BOARD MEETING
of
LOUISIANA STATE BOARD OF HOME INSPECTORS

Tuesday, July 22, 2009

10:00 AM

The Learning Center For Rapides Parish
1401 Neel Kearby Blvd.
Alexandria, LA 71303

Board Members in Attendance:

District 1 – Terry Hardouin

District 2 – Ray Treadaway

District 3 – Cal Grevemberg

District 4 – Foxe Smothers

District 5 – Ralph “Dick” Chance

District 6 – Michael LeBas, P.E.

District 7 – Ceil Fuselier

Those members being in attendance, Chairman LeBas called the meeting to order at 10:00 AM.

Mr. Grevemberg motioned to approve the minutes as written, seconded Mr. Chance. Approved unanimously.

Due to the absence of Candace Rachal, Vice Chair Fuselier motioned to move that hearing to the end of the meeting. Mr. Smothers seconded. The motion passed by unanimous vote.

A Formal hearing for complaint C-09-005, Weiss v. Jordan, LHI #10436 was next on the agenda. After hearing from the Special Investigative Entity (SIE), Mr. Chance, both parties responded to the facts and/or allegations. The first issue, an allegation of violating §315 of the LSBHI Standards of Practice (SoP) was reviewed. Mr. Smothers motioned to dismiss this part of the complaint, stating there was no violation apparent. Mr. Treadaway seconded, and the motion carried unanimously. Mr. Chance abstained. Alleged violation of LSBHI Code of Ethics (CoE) §501.B.8 was reviewed. Vice Chair Fuselier motioned to dismiss for lack of evidence, seconded Mr. Treadaway. The motion passed unanimously. Mr. Chance abstained.

Alleged violation of CoE §501.B.10 was reviewed next. Vice Chair Fuselier motioned to dismiss for lack of evidence, seconded by Mr. Treadaway. The motion passed unanimously. Mr. Chance abstained.

Alleged violation of CoE §501.B.12 was next for discussion. Vice Chair Fuselier motioned to dismiss for lack of evidence. Mr. Hardouin seconded, and the motion passed unanimously. Mr. Chance abstained.

Ms. Fuselier motioned to dismiss the 4th alleged CoE violation, seconded by Mr. Treadaway. The motion carried by a vote of 4-1. Mr. Chance abstained.

C-09-007, Kehres v. Salley, LHI #10362 was next on the issue. Because the SIE report was not included with the summons, the matter was moved to provide both parties with the opportunity to review the SIE report before proceeding. Both parties reviewed the SIE report. The Board offered both parties the option of continuing the matter to the next scheduled Board meeting or waiving their right to advanced notice of

the SIE report and chose to proceed with the hearing. Mr. Chance motioned to move the hearing for this complaint to after the Rachal complaint. Mr. Hardouin seconded, and the motion carried unanimously.

Next, Bennett v. Rachal, LHI #10588 was heard. Mr. Smothers served as SIE. Violations of SoP §311.B.7 C.3 were alleged. Vice Chair Fuselier motioned, for failure to inspect and report upon the issue, for a violation. Mr. Chance seconded. The motion carried unanimously. Mr. Smothers abstained. Mr. Hardouin motioned for a fine of \$300.00, seconded by Vice Chair Fuselier, and the motion carried unanimously. Mr. Smothers abstained.

Next, an alleged violation of SoP §315.B.1 was discussed. Vice Chair Fuselier motioned to find a violation, seconded by Mr. Hardouin. The motion carried unanimously. Mr. Smothers abstained. Ms. Fuselier motioned for a fine of \$150.00, seconded by Mr. Hardouin, and it passed unanimously. Mr. Smothers abstained.

Allegations of violations of SoP §319.B.1 and B.2 were next reviewed. Vice Chair Fuselier motioned to find. Ms. Rachal in violation, seconded by Mr. Rachal. The motion passed unanimously. Mr. Smothers abstained. Ms. Fuselier motioned for the penalty to be set at \$300.00, seconded by Mr. Treadaway. The motion carried unanimously. Mr. Smothers abstained.

SoP§321.A and B. and their possible violations were the next issues of discussion. Vice Chair Fuselier motioned to find the Inspector in violation, seconded by Mr. Hardouin. The motion carried unanimously. Mr. Smothers abstained. Mr. Chance motioned for a penalty of \$300.00, seconded Mr. Hardouin. The motion carried unanimously. Mr. Smothers abstained.

Vice Chair Fuselier motioned to dismiss SoP §317.A.2. for lack of sufficient evidence. Mr. Hardouin seconded. Mr. Smothers abstained.

C-09-007, Kehres v. Salley, LHI #10362, was reviewed next. Foxe Smothers served as the SIE. SoP §303.A., allegations thereof were reviewed. Vice Chair Fuselier motioned to dismiss for lack of evidence – seconded Mr. Treadaway. The vote was unanimous. Mr. Smothers abstained.

Next, alleged violation of SoP §311 was reviewed. For lack of evidence, Mr. Treadaway motioned to dismiss the point and Mr. Grevemberg seconded. The motion carried unanimously. Mr. Smothers abstained.

Allegations of a violation of SoP 317.A.2. were next reviewed. Vice Chair Fuselier motioned to deem this a violation. This motion failed. Mr. Chance motioned to dismiss this allegation for lack of evidence, seconded by Mr. Grevemberg. The motion carried unanimously. Mr. Smothers abstained.

SoP §321.D., allegations thereof, were next to be reviewed. On the basis of not being visible or accessible, Mr. Hardouin motioned to dismiss the claim. Mr. Grevemberg seconded, and the motion carried unanimously. Mr. Smothers abstained.

Allegations of violations of SoP §327.A.1.2. were discussed next. Due to lack of evidence, Mr. Grevemberg motioned to dismiss the claim, seconded by Mr. Chance. The motion carried unanimously. Mr. Smothers abstained.

The search for a new webmaster was discussed and agreed upon, next.

Chairman LeBas adjourned the meeting at 1:45 PM.

Other attendees: Albert Nicaud, Board Attorney; COO; ; Joe Cook; Michael Burroughs, Dennis Salley, Leland Weiss, Bill Kehres, Grant Harrod, Katherine Bennett, Greg Engelsman, Jeff Jordan, Aaron Mayers, Mike Hislop, Rapides Parish Deputy Sherriff David Gagnard.

Minutes recorded by: COO