

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

Friday, December 6th, 2013
9:00 AM
Office of the LSBHI
4664 Jamestown Ave., Suite 220, Baton Rouge

Board Members in Attendance:

District 1 – Friedrich Gurtler, P.E.	District 4 – Darren Montgomery
District 2 – Roy E Burst III	District 5 – Michael Burroughs
District 3 – Cal Grevemberg	District 6 – Kevin Dinkel
	District 7 – Keith Blanchard

I

Those members being in attendance, Chairman Roy Burst III called the meeting to order at 9:10 AM followed by the Pledge of Allegiance.

The Board reviewed the minutes from the previous Quarterly Board Meeting. Mr. Mike Burroughs motioned to approve the minutes as written. Mr. Kevin Dinkel seconded and the motion carried unanimously.

II

C-13-006 Allison v. Joyner LHI#10656- Mrs. Allison sent a written request for a continuance. Mr. Mike Burroughs motioned to accept the request and table the complaint to the March 2014 Board meeting. Mr. Gurtler seconded and the motion was carried.

C-13-007 Nezat v. Larson LHI#10542- Both parties were present. Mrs. Nezat briefed the Board on the complaint. Mr. Larson agreed he was inactive at the time of the inspection. Mr. Larson also agreed that he failed to update his status with the State Board after getting his insurance in place. Mr. Larson agreed that he did not report this inspection with the State Board. Mr. Burroughs motioned to find Mr. Larson in violation of LAC46XL.115.E– *inspecting with an inactive license*; LAC46XL. 117.B.3– *failing to report and/or pay inspection report fees*. Mr. Darren Montgomery seconded and the motion was carried. Kevin Dinkel abstained from voting. Fritz Gurtler motioned a fine of \$100.00 for violating LAC46XL.115E and \$300.00 for violating LAC46XL.117.B.3. Darren Montgomery seconded and the motion was carried. Kevin Dinkel abstained from voting.

C-13-009 Clark v. Allain LHI# 10326- Dismissed- SIE determined no probable cause.

C-13-010 LSBHI v. Peterson (Not Licensed)- The complaint alleged that Mr. Peterson was in violation of performing home inspections after his license expired in 2006 and holding himself out to be a home inspector in violation of LAC46XL.117B, 117B.1, 139B.2, and 139B.3. The COO presented a copy of a home inspection report which included the name of his business (Peterson’s Home Inspections) as well as his long expired home inspector’s license number. The report included evaluations of numerous systems of a residential structure. Mr. Peterson was present and testified. Based upon Mr. Peterson’s testimony that he has performed “hundreds” of these same type inspections, the Board found him to have committed at least 50 counts of the above violations. The Board voted 6-0, with Mr. Dinkel abstaining, that Mr.

Peterson was in violation of LAC46XL.117B, 117B.1, 139B.2, and 139B.3. The Board then voted 6-0, with Mr. Dinkel abstaining, to fine Mr. Peterson \$10.00 for each of the 50 violations of LAC46XL117B.1, plus payment of 50 inspection fees in the amount of \$5.00 for a total of \$750. The Board also ordered a fine of 1,000.00 for each of the 50 violations of LAC46XL139B.2 &3, pursuant to Section 139C. The total fine amount is \$50,750.00.

§117. Fees; Submission of Report Fees; Timeliness of Filings-

B. Each home inspection performed by an inspector under this law shall be subject to a \$5 state inspection fee per home inspection. This fee is to be made payable to the LSBHI and is to be remitted monthly in the following manner:

1. reporting form, approved by the board, must be filed by the fifteenth day of the month following the inspection. The form shall list the inspections performed and total fees due.

§139. Prohibited Acts: Penalties and Costs

B. The board may fine any applicant or any member of the public for good cause shown, for activities which include, but are not limited to, the following:

2. engaging in conduct or advertising or holding oneself out as engaging in or conducting the business or acting in the capacity of a home inspector without possessing a valid license;

3. falsely representing oneself as being the holder of a valid license by using the title "licensed home inspector" or any title, designation, or abbreviation deceptively similar or likely to create the impression that such person is licensed.

III

The Board reviewed the online Pre-licensing Education providers:

Bossier City Community College (AHIT)- Online- Darren Montgomery motioned to approve their application. Fritz Gurtler seconded the motion and the motion was carried.

Professional Home Inspections Institute- Online- Mike Burroughs motioned to approve their application. Fritz Gurtler seconded and the motion was carried.

IV

The Louisiana Senate issued Senate Resolution No. 128 requesting the LSBHI to study and consider including mold and other environmental hazards in the scope of a home inspection and including life expectancies of systems and components in inspection reports. A response was prepared based upon input from the board and attending members of previous meetings. The report essentially concluded that the current practice of excluding mold and environmental hazards from the scope of a home inspection is in line with all other states with licensing laws and with ASHI. The report also concluded that predicting life expectancies without any knowledge of the age, misuse, care, conditions or manufacturer's warranties is virtually impossible, would probably not be very accurate, and would open the doors to liability of home inspectors without providing much assistance or protection to the public. Darren Montgomery motioned to accept the final draft of the Board's response to Senate Resolution No. 128 as written. Mr. Dinkel seconded and the motion was carried.

V

Mr. Sidney Chaisson addressed the Board about the possibility of having at least one Board meeting per year in another city. This would hopefully encourage more Inspectors from other parts of the State to attend. The Board was open to the idea and would give all Home Inspectors plenty of notice prior to making a change of location.

VI

Kevin Dinkel briefly addressed the Board about Home Inspectors and the inspecting of shower pans. Mr. Dinkel was curious as to why we do not have a specific exclusion for shower pans. The Board discussed the issue and the possible change to the Standards of Practice. Mike Burroughs suggested that the specific exclusion be listed in the Home Inspectors contract.

VII

The Board reviewed the comprehensive budget prepared by the Board COO, Morgan Spinosa. The budget presented a complete financial plan for the ensuing year. The comprehensive budget included financial information for the last completed fiscal year, estimates covering the entire current fiscal year, as well as the official budget for the ensuing fiscal year.

VIII

Election of 2014 officers:

Mike Burroughs motioned that the Board elect Mr. Cal Grevemberg as Chairman and Darren Montgomery seconded and the motion was carried.

Darren Montgomery motioned that the Board elect Mr. Fritz Gurtler as Vice Chairman and Mike Burroughs seconded and the motion was carried.

2014 Chairman- Mr. Cal Grevemberg

2014 Vice Chairman- Mr. Friedrich Gurtler

Executive session 11:20 A.M.

Open session 11:50 A.M.

Meeting Adjourned 12:15 P.M.

Mr. Burroughs motioned to adjourn, Mr. Grevemberg seconded and the motion was carried.

Other attendees: Albert Nicaud, Board Attorney; Morgan Spinosa, COO; Doug Frickey, Paul Dileo, Sidney Chaisson Jr., Joe Cook, Michael LeBas, Angela Nezat, Glen Peterson, Tony Dodson, Barry Landry, Gordon Atwell, Roland LeBlanc, Alan Bridier, Marc LeBlanc, Nathan Lemoine, David Myers, Norris Hebert, James Denman

Minutes recorded by: C.O.O. Spinosa