

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

Friday, June 5, 2015
9:00 AM
Office of the LSBHI
4664 Jamestown Ave., Suite 220, Baton Rouge

Board Members in Attendance:

District 1 – Friedrich Gurtler
District 2 – Roy E Burst III
District 3 – James Yaeger

District 4 – Paul Collucci
District 5 – Michael Burroughs
District 6 – Kevin Dinkel
District 7 – Keith Blanchard

I

Those members being in attendance, Chairman Fritz Gurtler called the meeting to order at 9:00 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. Keith Blanchard seconded and the motion carried unanimously.

II

C-14-015 Boudoin v. Blanchard LHI#10752 – Both parties was present, as well as Mr. Blanchard’s attorney, Mrs. Sheri Morris. Keith Blanchard recused himself from the Board. All parties were sworn in. After much discussion the Board found Mr. Blanchard in violation of LAC46XL501B.12 and 13. Mr. Dinkel motioned a fine of \$100.00 for violating LAC46XL501B.12 the motion died. Mr. Burroughs then motioned for a fine of \$500.00 for violating LAC46XL501B.12 Mr. Burst seconded and the motioned carried. Mr. Burroughs then motioned for a fine of \$250.00 for violating LAC46XL501B.13. Mr. Burst seconded and motion carried with a 4-1 vote. Total fine- \$750.00

C-14-016 Miguez v. Davis LHI#10324- The complainant was not present. Mr. Burst motioned that the complaint be dismissed. Mr. Burroughs seconded and the motion was carried.

C-15-002 LeBlanc v. Wallace LHI#10324– Mr. Wallace was present. Mr. Wallace requested the Board dismiss the complaint because the complainant failed to appear for the hearing and did not request a continuance. A motion was made by Mr. Burroughs to dismiss the complaint and seconded by Mr. Collucci. The motion carried.

C-15-003 Cuevas v. Wallace & D. Wallace LHI#10370 & 10776– This complaint was dismissed. The SIE found no probable cause.

C-15-004 Smothers v. LeBlanc LHI#10291– This complaint was dismissed. The complainant withdrew the complaint prior to the Board meeting due to a scheduling conflict.

C-15-006 Duhon v. McGregor LHI#10578- The complainant was not present. Mr. Burroughs motioned that the complaint be dismissed. Mr. Burst seconded and the motion was carried.

C-15-007 LSBHI v. Wallace LHI#10370- This complaint was dismissed. The SIE found no probable cause.

C-15-008 LSBHI v. Wallace LHI#10776- This complaint was tabled to the September Board meeting.

C-15-010 Walker v. Paradela LHI#10501- Both parties was present, as well as Mr. Walker's broker, Mr. Benard. All parties were sworn in. The Board heard testimony from Mr. Walker, Mr. Paradela and Mr. Benard. Mr. Dinkel motioned to find Mr. Paradela in violation of LAC46XL.501B.1. Mr. Blanchard seconded and the motion was carried. Mr. Burst motioned the Board to fine Mr. Paradela \$250.00 for violating LAC46XL.501B.1 plus Mr. Paradela must attend the next Standards of Practice and Report Writing Seminar. Mr. Burroughs seconded and the motion was carried.

C-15-011 Hooton Jr. v. Hebert LHI#10824- This complaint was dismissed. The SIE found no probable cause.

C-15-012 Padeaux v. DiLeo LHI#10222- This complaint was dismissed. The SIE found no probable cause.

C-15-013 LSBHI v. Wood LHI#10419- This complaint was dismissed. The SIE found no probable cause.

C-15-015 LSBHI v. LeBlanc LHI#10291- Mr. LeBlanc was present and sworn in. Mr. LeBlanc addressed the Board in regards to his license number not being on his website. Mr. LeBlanc quickly corrected the oversight on his website. Mr. Burroughs motioned that the Board find Mr. LeBlanc in violation of LAC46XL.135D. Mr. Blanchard seconded and the motion was carried. Mr. Yaeger motioned the Board fine Mr. LeBlanc \$100.00. Mr. Burst seconded and the motion was carried with a 5-1 vote. The fine was set at \$100.00.

III

There were two applications for pre-licensing education providers on the agenda. Both applications were tabled until the September Board meeting. The Board wanted to verify that each of the schools would indeed be teaching the Louisiana Standards of Practice.

The Board then reviewed the application for In-field trainer Mr. James Yaeger. Mr. Burroughs motioned to approve the In-field trainer application. Mr. Burst seconded and the motion was carried.

IV

Next, James Yaeger discussed what home inspection reports should and should not contain. After much discussion amongst the board and the audience, it was noted that the LSBHI standards are the minimum requirements. It would be hard for the board to limit what someone can or cannot say in his or her report mainly because each individual may have certifications in different fields.

V

The Board then voted to authorize the engagement of an ADA lawyer- Vicki Crochet. The Board wants to assure that they are in compliance with the American's with Disabilities Act (ADA) regulations

VI

The Board then reviewed the current SIE procedures and it was determined that the current process has not been working as intended. After much discussion Mr. Burroughs motioned that the Board allows the Chairman to appoint qualified individuals to serve as a special investigative entity on a fee basis of \$150.00 per investigation. Mr. Dinkel seconded and the motion was carried. This process will be reviewed at the next quarterly meeting.

VII

The Board agreed to allow home inspectors to add the verbiage for the definition of visually observable evidence of suspected mold growth to his or her personal copy of the Standards of Practice until the final version has been published.

Visually Observable Evidence of Suspected Mold Growth- *Visually observable discoloration of the interior components within the climate controlled living space apparently arising from moisture that may be indicative of mold or microbial growth discovered without employing specialized moisture, environmental or other testing method.*

VIII

The Board discussed issues with contractors performing inspections as a “home inspection”. For clarity, the Board reviewed the definition of a contractor.

The definition of "contractor" and "residential building contractor" are set forth below:

§2150.1. Definitions

As used in this Chapter, the following words and phrases shall be defined as follows:

“(4)(a) "Contractor" means any person who undertakes to, attempts to, or submits a price or bid or offers to construct, supervise, superintend, oversee, direct, or in any manner assume charge of the construction, alteration, repair, improvement, movement, demolition, putting up, tearing down, or furnishing labor, or furnishing labor together with material or equipment, or installing the same for any building, highway, road, railroad, sewer, grading, excavation, pipeline, public utility structure, project development, housing, or housing development, improvement, or any other construction undertaking for which the entire cost of same is fifty thousand dollars or more when such property is to be used for commercial purposes other than a single residential duplex, a single residential triplex, or a single residential fourplex. A construction project which consists of construction of more than two single residential homes, or more than one single residential duplex, triplex, or fourplex, shall be deemed to be a commercial undertaking.”

“(11) "Residential building contractor" means any corporation, partnership, or individual who constructs a fixed building or structure for sale for use by another as a residence or who, for a price, commission, fee, wage, or other compensation, undertakes or offers to undertake the construction or superintending of the construction of any building or structure which is not more than three floors in height, to be used by another as a residence, when the cost of the undertaking exceeds seventy-five thousand dollars. The term "residential building contractor" includes all contractors, subcontractors, architects, and engineers who receive an additional fee for the employment or direction of labor, or any other work beyond the normal architectural or engineering services. "Residential building contractor" also means any person performing home improvement contracting as provided for in Paragraph (7) of this Section when the cost of the undertaking exceeds seventy-five thousand dollars. It shall not include the manufactured housing industry or those persons engaged in building residential structures that are mounted on metal chassis and wheels.”

Mr. Burroughs recommend the Board adopt a policy allowing the Board to send notice to any contractor performing inspections out of their scope of practice as a licensed contractor. The notice would make the contractor aware that he or she has been portraying themselves out as a Residential Home Inspector which is a violation of the Louisiana State Board of Home Inspectors rules and laws.

Executive session P.M.

Open session P.M.

Meeting Adjourned 2:33 P.M.

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

Other attendees: Albert Nicaud, Board Attorney; Morgan Spinosa, COO; Marc LeBlanc, Larry Herbert; Peter Barilaro; Scott Hearne; Ron Hufft; Carl Heck; Joe Cook; Hunter Bridges; Charlie Carew; William Wallace; Barry Landry; Fred Rittler; Dave Holt; Dan Parabela; Mike Jordan; Paul DiLeo; Andre Stanford; Billy Badeaux; Andy McGregor; Stewart Becnel; Doug Frickey; Ron Morrison; Will Cullen; Doug Bernard; Nate Walker; Connie Boudoin; Emilia LeBlanc

Minutes recorded by: C.O.O. Spinosa