

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

Friday, September 11, 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 –
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 9:02 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-15-005 Thigpen v. Lottinger LHI#10618- Tabled to the December 4, 2015 Board meeting.

C-15-008 LSBHI v. Wallace LHI#10776- Mr. David Wallace was sworn in before the Board. Mr. Wallace performed 109 inspections with an expired license. Mr. Burroughs motioned to find Mr. Wallace in violation of LAC46XL.115D, seconded by Kevin Dinkel. The motion was carried with a 5-0. Mike Burroughs motioned that there be a fine of \$150.00 per inspection performed, totaling \$16,350.00. The motion was amended by Mr. Burroughs requesting the LSBHI review his insurance coverage to make sure the clients were covered during the time his license was expired. This motion was seconded by James Yaeger and the motion was carried with a 5-0 vote.

C-15-014 Hearn v. Everding- Both parties were present and sworn in before the Board. Mr. Everding is a licensed contractor who has completed inspection reports for repair bids. *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.* The Board agreed he was misleading the public by calling himself an inspector. Mike Burroughs motion to find Mr. Everding in

violation of LAC46XL139B.2 Paul Collucci seconded and the motion was carried with a 3-2 vote. Mike Burroughs then motioned the Board find Mr. Everding in violation of LAC46XL117B; James Yaeger seconded and the motion was carried with a 3-2 vote. Mike Burroughs made a motion; in lieu of a fine, Mr. Everding should remove the word “inspector” or “inspection” and replace it with “evaluation” or “cost estimate.” He should also become familiar with the LSBHI rules and laws in a formal way. Paul Collucci seconded and the motion was carried with a 5-0 vote.

C-15-020 LSBHI v. Frickey Jr. LHI#10722- Mr. Frickey Jr. was sworn in before the Board. Mr. Frickey Jr. performed an inspection with an expired license and the report was not signed by Mr. Frickey Jr. Mike Burroughs motioned to find Mr. Frickey Jr. in violation of LAC46XL.115D and 305B.3.d. James Yaeger seconded the motion the motion was carried with a 5-0 vote. Mike Burroughs motioned there be a fine of \$150.00 per inspection performed with an expired license (LAV46XL.115D) Keith Blanchard seconded and the motion was carried with a 5-0 vote. Keith Blanchard then motioned that there be a fine of \$50.00 for violating LAC46XL.305B.3d, Mike Burroughs seconded and the motion was carried with a 5-0 vote. Total Fine: \$200.00

III

There were two applications for pre-licensing education providers and one for an In-field trainer. The Board reviewed the application for In-field Trainer, Thomas Kelting and voted to deny the application. The Board’s decision was based on Mr. Kelting’s prior violations of the Standards of Practice and Code of Ethics. The Board then approved Donaldson Educational Services as an online pre-licensing school. Next, the Board reviewed Inspection Time Training’s application for pre-licensing. The Board approved the application pending proof that the school would be taught by a Louisiana licensed home inspector and that they would also be teaching the Louisiana Standards of Practice and Code of Ethics.

IV

The Board discussed payment terms for fines levied by the Board. It was determined that the Board should define specific timelines and incorporate them into the rules of the Board.

V

The Board then discussed the issue of signatures on a report and what is acceptable. Mr. Frickey addressed the Board to establish clarity on what exactly is meant by “signature.” He noted that his signatures have always been typed not actually signed. Board attorney Albert Nicaud stated that a signature doesn’t have to be a true signature, but the pre-inspection report should have some type of statement whereby both parties agree to acceptability of electronic signatures (e-signature) throughout the transaction. It was also noted that it is good practice to include a jpg of your personal signature in order to keep your report unique to prevent it from being duplicated. Mr. Nicaud suggested the following disclaimer be added.

THE PARTIES HERETO AGREE THAT, BY SIGNING, TYPING, OR PASTING THEIR SIGNATURES IN THE SIGNATURE LINE BELOW, THEY HEREBY AGREE TO CONDUCT THIS TRANSACTION BY ELECTRONIC MEANS AND THAT THEIR HANDWRITTEN, TYPED OR PASTED SIGNATURES ON THIS DOCUMENT BINDS BOTH PARTIES TO THE TERMS AND CONDITIONS OF THIS AGREEMENT, PURSUANT TO LSA R.S. 9:2601, ET. SEQ

VI

The Board then reviewed the legal contract for Board Attorney, Albert Nicaud. The three year renewal was approved and will be filed with the Office of State Procurement.

VII

The Board then discussed the LSBHI seal and its use on Home Inspectors websites or other documents. Mike Burroughs motioned the Board adopt language similar to that of [LSA-R.S.33:21](#) as part of the

LSBHI standards and rules. James Yaeger seconded. Mike Burroughs amended his motion stating in addition to the approval of the adopted language, the Board implements these changes at the same time as other updated administrative rules. James Yaeger seconded the amendment and the motion was carried with a 5-0 vote.

VIII

Discussion- Home Inspectors who show up for an inspection and decide to walk away due to the condition of the house. Mr. Nicaud stated that each individual home inspector has the right to decide whether or not they will perform the inspections, however, if a pre-inspection agreement was signed and then the home inspector does not perform the inspection then the home inspector may have legal ramifications. Fritz finalized the discussion by noting that the Board has no say so in regards to this particular subject matter.

IX

The most recent version of the Professional and Occupational Standards have been updated and added to our website. www.lsbhi.state.la.us

Executive session 11:27 AM

Open session 12:04 PM

Chairman, Fritz Gurtler later appointed Chairmen for two new committees: Rules and Licensing Laws Committee, Chairman Mike Burroughs; Co-Chairman Keith Blanchard, and Education Committee, Chairman Kevin Dinkel. The Board is also seeking out volunteers for each of the committees. Once the committees are formed they will hold open meetings to discuss changes and or updates to the current rules.

Meeting Adjourned 12:29 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, Scott Hearne, Najja Thumbutu, Timothy Everding, Robin Campbell, Richard Campbell, Barry Landry, Michael Roberts, Eric Burns, Stewart Becnel, Rober Bayam, Chris Gomez, Gordon Atwell, Douglas Frickey, Douglas Frickey Jr. Lawrence Herbert, Todd David, Roland LeBlanc, William Wallace, William David Wallace, Mike Jordan, Chris Donaldson, Joe Cook, Michael Turner

Minutes recorded by: C.O.O. Spinosa