

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

Friday, December 4th, 2015  
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 – Paul Collucci
District 2 – Roy E Burst III	District 5 – Michael Burroughs
District 3 – James Yaeger	District 6 –
	District 7 – Keith Blanchard

**I**

Those members being in attendance, Chairman Friedrich 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. Keith Blanchard motioned to approve the minutes as written. Mr. Roy Burst III seconded and the motion carried unanimously.

**II**

**C-15-005 Thigpen v. Lottinger LHI#10618**– Mr. Lottinger was present. Mr. Blanchard motioned to dismiss the complaint due to the complainant failing to appear before the Board. Mr. Burst seconded the motion. Mr. Collucci motioned the complaint be pushed back on the agenda giving the complainant time to arrive. Mike Burroughs seconded the motion. The motion carries by a 5-1 vote. Mr. Blanchard opposed the amendment. The complaint was later addressed and the complainant still did not show up for the hearing. Mr. Burst motioned we dismiss the complaint. James Yaeger seconded and the motion was carried by a 6-0 vote.

**C-15-008 LSBHI v. Wallace LHI#10776**- Mr. David Wallace was present for the hearing. Mr. Wallace requested an appeal of the Board’s September 2015 ruling. Board reviewed the appeal at the and after deliberations; Mr. Burst motioned to deny the appeal. Mr. Collucci seconded and the motion was carried by a vote of 5-0. This decision was based on the fact that the appeal was submitted 12 days past the deadline allowed pursuant to section 713E of the Administrative Rules. The ruling made on September 11, 2015 was confirmed. The Board found Mr. Wallace in violation of the LAC46XL.115D and ordered a fine of \$150.00 per inspection performed (109 inspections for a total of \$16000.00) with an expired license.

**C-15-016 Hickey v. Battley LHI#10688**- Both parties were present and sworn in before the Board. Both parties were given the opportunity to give testimony. After an extensive amount of deliberations, the Board found Mr. Battley in violation of LAC46XL.305B.3d(\$100.00 fine by 5-0 vote); 311A.1,2; 313C8; 311A.3; 311A B.1-6(\$300.00 fine by at 5-0 vote); 311B.1-3,6,7(\$100.00 fine by a 5-0 vote); 311B.1,2,3,6,7(\$100.00 fine by a 5-0 vote); 311C.4(\$75.00 fine by a 5-0 vote); 313A.1(\$50.00 fine by a 5-0 vote); 313A1,5; 313B.1; 313A.2(\$200.00 fine by a 5-0 vote); 313A.4(\$75.00 fine by a 5-0 vote); 315B.2(\$75.00 fine by a 5-0 vote); 317A.1a; 317B.1,2,4,5(\$100.00 fine by a 4-1 vote- Mr. Burroughs

apposed); 319B2.3(\$500.00 fine by a 3-2 vote- Mr. Burroughs apposed, Mr. Collucci abstained); 327B(\$75.00 fine by a 5-0 vote); 321E.4a; 321A.3(\$100.00 fine by a 5-0 vote); 317A.1a(\$100.00 fine by a 4-1 vote- Mr. Burst apposed); 311C.1,4(\$100.00 fine by a 5-0 vote); 501B.10; 501B.12; and 501B.13(\$500.00 fine by a 5-0 vote). Total fine: \$2525.00. The Board dismissed the allegations of the following: LAC46XL305C.4; 313A.3 & 6; 313C.2; 315A.3; 315A.1,2; 319A.4 & 5; 329A.1b&c; 325A.1, 321A.1&2; 501A; 501B.8 based on the evidence provided.

**C-15-017 Bordelon v. Wallace(s) LHI#10370 & #10776**– All parties were present and sworn in before the Board. Mr. Wallace stated that he was the only individual at the inspection and that Mr. William David Wallace was not. Both parties were given the opportunity to give testimony. Mr. Burroughs motioned the Board to find Mr. Wallace in violation of LAC46XL305B.1a&b. Mr. Keith Blanchard seconded and the motion was carried by a 5-0 vote. Mr. Wallace admitted to violating LAC46XL.305B.1a&b. Mr. Burroughs motioned there be a fine of \$100.00 for violating LAC46XL.305B.1a&b. Mr. Blanchard seconded and the motion was carried by a 5-0 vote. Mr. Burst motioned to dismiss the allegation of LAC46XL.315A1-5; 315B1&2. Mr. Blanchard seconded and the motion carried by a 4-1 vote with Mr. Burroughs apposing. Mr. Blanchard motioned to dismiss the allegation of LAC46XL.311C1&2 based on the evidence provided. Mr. Collucci seconded and the motion was carried with a 5-0 vote.

**C-15-018 LSBHI v. William & William David Wallace LHI#10370 & #10776**– This complaint was tabled to the March 4, 2016 Board meeting.

**C-15-019 LSBHI v. Battley LHI#10688**– This complaint was tabled to the March 4, 2016 Board meeting.

**C-15-021 Gomez v. Misuraca LHI#10020**– Both parties were present and sworn in by the Board. They were then each given the opportunity to give testimony. Mr. James Yaeger motioned to find Mr. Misuraca in violation of LAC46XL.313B.1. Mr. Collucci seconded and the motion was carried by a 3-2 vote. Mr. Blanchard motioned there be a fine of \$100.00 for violating LAC46XL.313B.1. Mr. Yaeger seconded and the motion was carried with a 5-0 vote. The Board found no probable cause of the following alleged violations: LAC46XL319B.2; 319C; 501B.8, 10 & 12 and they were dismissed by a 5-0 vote.

**C-15-022 Digby v. DiLeo LHI#10222**– This complaint was dismissed. The SIE found no probable cause for a hearing.

**C-15-023 Russell v. Brunet LHI#10325**– This complaint was dismissed. The SIE found no probable cause for a hearing.

**C-15-024 LSBHI v. Cook LHI#10206**– This complaint was tabled to the March 4, 2016 Board meeting.

### III

The Board reviewed In-field Trainer application:

**Roy E. Burst III**- Mr. Burroughs motioned to approve the application as an in-field trainer. Mr. Yaeger seconded and the motion was carried by a 5-0 vote with Roy Burst abstaining.

### IV

Agenda topic tabled to the next Quarterly Board meeting- March 4, 2016

### V

The Board reviewed an amendment to the CART services contract. The LSBHI signed a contract with

Computer Aided Interpretation LLC at the previous Quarterly Board meeting. Since then the company changed owners and the new contract will be with The CART Provider, LLC. All agreements in the original contract will remain the same. Mr. Yaeger motioned to approve the amendment, Mr. Burst seconded and the motion was carried.

## **VI**

Agenda topic tabled to the next Quarterly Board meeting- March 4, 2016

## **VII**

Both the Laws/Rules committee and Education committee gave a quick update on their recent committee meetings. Both committees previously held meetings that were very productive and they both have future meetings scheduled.

## **VIII**

The Board then reviewed the terms of the new lease for the office space located at Universal Plaza 5211 Essen Lane Suite 9, Baton Rouge. These terms were discussed at length. Board attorney, Albert Nicaud, will be amending a few paragraphs and adding appropriate language prior to the Board signing the contract. Mr. Burst motioned to approve the terms of the lease after amendments are made. Mr. Burroughs seconded and the motion was carried with 7-0 vote.

## **IX**

Election of 2016 officers:

James Yaeger motioned that the Board re-elect Mr. Friedrich Gurtler as Chairman and Keith Blanchard seconded and the motion was carried.

Roy Burst III motioned that the Board elect Mr. James Yaeger as Vice Chairman and Mike Burroughs seconded and the motion was carried.

2016 Chairman- Mr. Friedrich Gurtler

2016 Vice Chairman- Mr. James Yaeger

**Executive session 4:45 P.M.**

**Open session 4:50 P.M.**

**Meeting Adjourned 4:59 P.M.**

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

Other attendees: Albert Nicaud, Board Attorney; Morgan Spinosa, COO; Morgan Wood; Paul Binkley; Michael Gomez; Carl Heck; Marc LeBlanc; David Myers; Vic Gustafson; James Bohac; Nathan Lemoine; Harry Lottinger; Todd Malbrough; Marsh Bordelon; Joe Cook; Bill Badeaux; Patric Larson; Sidney Chaisson; Dale Young; Scott Guidry; Ronney Bridges; William David Wallace; Bill Wallace; Guy Misuraca; Roland LeBlanc; Chris Gomez; Wilson Battley; Joey Hickey; Debra Milligan; Cal Grevemberg; Cary Morrell;

Minutes recorded by: C.O.O. Spinosa