**RULE**

**Office of the Governor**

**Board of Home Inspectors**

Education/Training, Continuing Education, Military Trained Applicants, and Special Investigative Entity
(LAC 46:XL.119, 121, 122, 703, 705 and 707)

The Board of Home Inspectors has amended LAC 46:XL.119, 121, 703, 705 and 707, and adopted Section 122 in accordance with the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., and the Louisiana Home Inspector Licensing Law, R.S. 37:1471 et seq. The text was amended and adopted to revise the order of the requirements for pre-licensing education, to provide for military trained applicants in accordance with R.S. 9:3650, and to clarify the qualifications and procedure for special investigations.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL STANDARDS**

**Part XL. Home Inspectors**

**Chapter 1. General Rules**

**§119. Education/Training and Testing; Initial Licensure**

A. - E. …

F. Prior to admission to an infield training program, the trainee shall complete the required 90 hours of course work described in §119.A.

G. - K. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475 and R.S. 37:1485-1487.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2741 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1687 (August 2004), LR 35:1519 (August 2009), LR 36:2858 (December 2010), LR 38:2529 (October 2012), LR 40:1003 (May 2014).

**§121. Continuing Education; Instructors**

A. - B.5. …

6. The board may approve up to four hours of credit per licensing period for attending a quarterly or special board meeting or for serving on a committee appointed by the board and up to three hours of credit per appointment and six hours per licensing period for acting as a special investigating entity as described in §707.

B.7. - F.6. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1477 and R.S. 37:1479-1480.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2742 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 36:2860 (December 2010), LR 37:2405 (August 2011), LR 38:2531 (October 2012), LR 40:1003 (May 2014).

**§122. Military Trained Applicants**

A. Pursuant to R.S. 9:3650 the LSBHI shall issue a license to a military-trained applicant to allow the applicant to lawfully practice home inspection in this state if, upon application to the board, the applicant satisfies all of the following conditions:

1. has completed a military program of training, been awarded a military occupational specialty, and performed in that specialty at a level that is substantially equivalent to or exceeds the requirements for licensure under these rules;

2. has been actively engaged in the practice of home inspection; and

3. has not been disciplined in any jurisdiction for an act that would have constituted grounds for refusal, suspension, or revocation of a license to practice home inspection in this state at the time the act was committed.

B. Notwithstanding any other provision of law, the LSBHI shall issue a license to a military-trained applicant to allow the applicant to lawfully conduct home inspections in this state if, upon application to the board, the applicant holds a current license, certification, or registration from another jurisdiction and that jurisdiction's requirements for licensure are substantially equivalent to or exceed the requirements for licensure under these rules.

C. Notwithstanding any other provision of law, the board shall issue a license to a military spouse to allow the military spouse to lawfully conduct home inspections in this state, if, upon application to the board, the military spouse satisfies all of the following conditions:

1. holds a current license from another state and that jurisdiction's requirements for licensure are substantially equivalent to or exceed the requirements for licensure in this state;

2. can demonstrate competency in the occupation through methods as determined by the board, such as having completed continuing education units or having had recent experience;

3. has not been disciplined in any jurisdiction for an act that would have constituted grounds for refusal, suspension, or revocation of a license to practice home inspection in this state at the time the act was committed;

4. is in good standing and has not been disciplined by the agency that issued the license, certification, or permit in another jurisdiction.

D. In order to obtain a license to practice home inspection in this state, the applicant must make application to the board and provide official evidence that the applicant meets the qualifications set forth in Subsections A or B, above.

E. The board shall issue a temporary practice permit to a military-trained applicant or military spouse licensed in another jurisdiction while the military-trained applicant or military spouse is satisfying the requirements for licensure under the provisions of this Section, if that jurisdiction has licensure standards substantially equivalent to the standards for licensure of the board in this state. The military-trained applicant or military spouse may practice under the temporary permit until a license is granted or until a notice to deny a license is issued in accordance with rules that shall be promulgated by the board.

F. In order to obtain a temporary practice permit, the applicant must make application to the board and provide:

1. a certified copy of the applicant’s license issued by another jurisdiction;

2. evidence that the applicant is in good standing and has not been disciplined by the agency that issued the license in another jurisdiction;

3. evidence that the applicant has not been disciplined in any jurisdiction for an act that would have constituted grounds for refusal, suspension, or revocation of a license to practice home inspection in this state at the time the act was committed.

G. An individual possessing a temporary practice permit under the provisions of this Section shall receive priority processing of their application for license in accordance with these rules.

H. Nothing in this Section shall be construed to prohibit a military-trained applicant or military spouse from proceeding under the existing licensure requirements established by the board.

I. The provisions of this Section shall not apply to any applicant receiving a dishonorable discharge or a military spouse whose spouse received a dishonorable discharge.

J. The provisions of this Section shall not apply to a license issued and regulated under the authority of the judicial branch of government.

AUTHORITY NOTE: Promulgated in accordance with Act 276 of the 2012 Legislative Session, R.S. 37:3650 and R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Home Inspectors, LR 40:1003 (May 2014).

**Chapter 7. Disciplinary Actions**

**§703. Complaints**

A. - C. …

D. The complaint shall refer to specific violations of these rules or of the Home Inspector Licensing Law. If the complaint involves violations of the standards of practice that the licensee did not observe or report, a list of those items must be submitted with the complaint along with the corresponding violation of the standards of practice. A copy of any documentation supporting the allegations shall be filed with the complaint, if available, including but not limited to, photographs, the pre-inspection agreement, the inspection report, and any reports made by any other consultant.

E. - G. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475, R.S. 37:1483, and R.S. 37:1485-1487.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2750 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1693 (August 2004), LR 40:1004 (May 2014).

**§705. Special Investigating Entity**

A. For all complaints filed pursuant to §703.A, the board shall appoint a committee, employee, or other qualified licensee to verify whether the allegations listed in the complaint may indicate violations of these rules, the standards of practice, Code of Ethics or the Home Inspector Licensing Law. This committee, employee or licensee shall be referred to as the "special investigating entity" or “SIE.” The chairman may appoint an SIE at any time to commence review of a complaint. This appointment shall be ratified by the board in executive session at its next meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2750 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1694 (August 2004), LR 40:1004 (May 2014).

**§707. Investigations; Special Investigating Entity; Board Review**

A. Upon receipt of a complaint filed pursuant to §703.A and conforming with this Chapter, the board shall assign a docket number to the complaint and refer it to an SIE. Any individual or member of a committee appointed to serve as an SIE shall:

1. have been a Louisiana licensed home inspector for at least three years prior to the appointment;

2. be current on all continuing education, fees and other requirements for licensure;

3. have no pending complaints against him; and

4. have performed over 300 home inspections pursuant to this Chapter.

B. …

C. The SIE shall make an investigation of the charges and responses, with the sole purpose of determining whether or not the allegations listed in the complaint indicate a violation of these Rules or the Home Inspector Licensing Law. The SIE shall not visit or inspect the property at issue during the investigative process, but may contact the parties involved, and any third parties, to request any further information or documentation needed to conduct the investigation. The SIE may review photographs, reports, correspondence and other documentation submitted by any party or third party in conducting the investigation. The SIE shall prepare a report of its findings within 30 days of the completion of the investigation, and file the report with the board.

D. A copy of the report of the SIE shall be mailed by the COO to the complainant and to the respondent by certified mail. The report shall contain:

1. the docket number;

2. the names of the parties involved;

3. a list of the documents reviewed in connection with the investigation; and

4. a list of the persons contacted in connection with the investigation and the manner in which that contact was made (e.g. telephone, email, mail, etc..).

E. The report shall state whether each specific allegation of the complaint has or lacks sufficient evidence to meet the threshold for a hearing before the board.

F. If the report states that any or all allegations of the complaint lack sufficient evidence to indicate a violation of these rules or the licensing law, the chief operating officer shalladvise the complainant and respondent in writing that the evidence was insufficient to support a particular or all allegations in the complaint. The chief operating officer shall also advise the complainant and respondent that, in order for the lacking allegations of the complaint to be reviewed by the board, the complainant must make a written request for review by the board within 15 days of mailing of the report, must support the complaint with additional documentation and must set forth specific reasons why the SIE’s determination on each allegation is incorrect.

G. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475 and R.S. 37:1485.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2750 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1694 (August 2004), LR 36:2863 (December 2010), LR 40:1004 (May 2014).