

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

Friday, March 5, 2021
9:00 AM
Office of the LSBHI
5211 Essen Lane Suite 9, Baton Rouge

Board Members in Attendance:

District 1 – Ashley van der Meulen	District 4 – Paul Collucci-via ZOOM
District 2 – Bill Harris	District 5 –
District 3 – James Yaeger-via ZOOM	District 6 – Gordon Atwell
	At Large – Scott Hearne

I

Those members being in attendance, Chairman Gordon Atwell called the meeting to order at 9:11 AM followed by the Pledge of Allegiance.

The Board reviewed the minutes from the previous Quarterly Board Meeting and a motion was made and seconded to approve the minutes as written.

II

The Board reviewed the background check for Mr. Kenneth Jackson. Mr. Jackson briefed the board on his criminal background as well as provided the board with a letter of recommendation from a previous employer. Mr. Jackson mentioned that he is currently on parole until October 2021 and currently in the work-release program. After much discussion between the board and Mr. Jackson, Mr. Harris motioned and Mr. van der Meulen seconded, that the board defers their decision to whether or not to approve Mr. Jackson to begin the licensing process until after Mr. Jackson has successfully completed his parole. The board also requested that Mr. Jackson provide more letters of professional recommendations. The motion was approved by a 5-1 vote. Mr. Jackson was asked to come back before the board in December to request approval to start the licensing process.

III

C-20-014 Saylor v. Ferraro LHI#11080– Both parties were present and sworn in by the board chairman. Allen Graves served as prosecuting attorney and Sherri Morris served as the respondent's attorney. The Complainant alleged that the Respondent violated LAC46XL.501B.1, 501B.8, and 501B.12. The Complainant testified that the Respondent performed a home inspection on her home in early July 2020 for potential buyers. The report noted that the home has asbestos and considerable amounts of deferred repairs. The complainant testified that they made several of the repairs noted in the report after the purchase agreement fell through, and as of the day of the hearing, there was still no confirmed asbestos in the home. There was a second purchase agreement received on the home in late August 2020. The potential second buyers contacted the Respondent to perform an inspection on the same property. The Complainant stated that the Respondent never came back out to the property to do an inspection, but rather sold the client the first inspection report that he completed in July 2020 which resulted in another canceled purchase agreement. The Complainant testified that the inspection report sold to the potential buyer by the Respondent did not reflect the current condition of the home, as the condition of the home was not the same as it was for the first inspection. The Respondent testified that he offered to perform an inspection for the second client. The Respondent informed the second client that he had already performed an inspection on the property back in July 2020. The Respondent stated that the second client asked if he could purchase the old report for a lesser fee. The Respondent stated that his pre-inspection agreement

allows for him to re-sell a previous inspection report as it is his intellectual property. The Respondent stated that he informed the second buyer that he would be receiving an old report and the report was not a reflection of how the house stands today. As a result, the Board rendered its decision based upon the exhibits entered into evidence and the testimony of the complainant and respondent. The Board determined that, although the pre-inspection agreement between the Respondent and the original client stated that the home inspection report was the intellectual property of the Respondent, the agreement also stated that the report was for the sole and exclusive use of the Client. The agreement goes on to state that the use of any and all disclosures contained within the inspection report is specifically restricted to the transaction for which the inspection was performed. Despite these representations in the agreement with the initial client, the Respondent sold the report to a subsequent client which caused a third party to lose a sale. By a vote of 4 to 0 (Bill Harris abstained), the Respondent was found guilty of violating LAC46XL.501B.1, failing to avoid conflicts of interest or activities that compromise or appear to compromise, professional independence, objectivity, or inspection integrity; 501B.8, failing to act in good faith toward each client and other interested parties; and 501B.12, failing to avoid activities that may harm the public, discredit himself or reduce public confidence in the profession. Since the same actions of the Respondent encompassed all three ethical violations with which he was charged, the Board voted to combine all three fines into one. The Respondent was ordered to pay a fine of \$1000.00 for violating LAC46XL.501B.1, 8 & 12. In addition, the Respondent was ordered to pay \$173.38 in administrative cost. The total fine \$1173.38

C-20-004 Burroughs/Badeaux v. Morrow LHI#10807– Both Burroughs and Morrow were present and sworn in by the board chairman. The Complainant alleged that the Respondent violated LAC46XL.305B.1a,d &e. The Complainant presented evidence that the Respondent's signature was not on the report and that the pre-inspection agreement stated that the inspection would be performed in accordance with Indiana's standards of practice. The Respondent admitted to the oversight on the pre-inspection agreement regarding its reference to Indiana's standards of practice. He stated it was new software and he made the wrong assumption thinking it was correct. The Respondent also noted that he did not perform the inspection at 2303 Myrtle Street. After much discussion, the Board rendered its decision based upon the exhibits entered into evidence and the testimony of the complainant and respondent. The Board determined that the Respondent did not willfully and substantially violate LAC46XL.305B.1a,d &e as he did not perform the inspection. By a vote of 4 to 0, the Board dismissed the complaint in its entirety.

C-20-005 Burroughs/Badeaux v. Pickett LHI#10978– Both Burroughs and Pickett were present and sworn in by the board chairman. The Complainant alleged that the Respondent violated LAC46XL.305B.1a,d &e; 305B.3d; 311B.1; 327B.1&2; and 501B.14. The Complainant presented evidence that the Respondent's signature was not on the report and that the pre-inspection agreement stated the inspection would be performed in accordance with Indiana's standards of practice. The Respondent admitted to the oversight on the pre-inspection agreement regarding its reference to Indiana's standards. After much discussion, the Board rendered its decision based upon the exhibits entered into evidence and the testimony of the complainant and respondent. By a vote of 4 to 0 (Bill Harris abstained), The Board determined that the Respondent was in violation of LAC46XL.305B.1a,d &e for failing to provide the client with the correct version of the standard of practice, signed pre-inspection agreement and state the pre-inspection agreement was done in accordance with the state of Louisiana. As well as LAC46XL305B.3d for failing to have the inspector's signature on the report. The Board determined by a 4 to 0 (Bill Harris abstained) that the remaining alleged violations (LAC46XL.311B.1; 327B.1&2 and 501B.14) were not willful and substantial; therefor dismissed. The Respondent was ordered to pay a fine of \$188.40 (administrative cost) for violating LAC46XL.305B.1a,d &e and 305B.3d. In addition to the fine, the Respondent must attend the next available Board approved Standards of Practice and Report Writing Seminar without receiving CE credit.

C-20-015 Bourgeois v. Lochard LHI#11032- SIE found no probable cause, the complaint was dismissed.

IV

The Board reviewed applications for Education providers:

- Clayton Costanza- Infield Trainer (approved)
- James Schiro- Infield Trainer (approved)
- Hayden Bell- Infield Trainer (approved)
- Emily Beyer- Infield Trainer (approved)
- Kary Stevens- Continuing Education Provider (approved)
- Roland McCormick- Continuing Education Provider (approved)
- Cary Morrell- Live Streaming Continuing Education Provider (approved)

V

What is a re-inspection? Mr. James Yaeger brought this question before the board to clarify the definition of a re-inspection and how reports/contracts are rendered. The Board deferred the topic to the laws and rules committee. The laws and rules committee will meet at a later date to discuss and come up with a proposal for the board.

VI

The Board voted to end the extension that was given for inspectors who were unable to fulfill their CE requirements for their license renewal due to the stay-at-home order and COVID19. The extension was put into place in March 2020 to allow inspectors more time to obtain their CE without holding an expired license. The extension only applies to those licensees whose license renewed between March 2020 and the beginning of 2021. When the extension was put into place, CE was not readily available and mostly online or live streamed. Now that the State is in phase 3 there are plenty of opportunities for CE. **Beginning June 4, 2021**, all renewals must meet the usual requirements in order for the license to be renewed. NO EXCEPTIONS!

VII

Meeting Adjourned 1:30 pm

Other attendees: Albert Nicaud, Board Attorney; Morgan Spinosa, COO; Joe Cook; Elmer Morrow; Paul Pickett; Mike Burroughs; Greg Ferraro

Attendees via ZOOM: Roy Burst III; Clayton Costanza; Barry Landry; Roland LeBlanc; Mike Murphy; David Myers; Dennis Clark; Norman Stewart; Craig Leonard; Ned Dufrene; James Levy; Jonathon Bordelon; Charles Axelrad; Matthew Stentz; Matthew Galey; David Taylor; Chris Terrase; Derek Lawson; Cary Morrell; Ryan McNabb; Jean Picou Jr.; Fritz Gurtler; Kimberly Muse Holliday; Gene Kraemer; Tracy Turner; Dustin Herry; Paul Brunet; Huston Boothe; David Rabalais; Kevin Broussard; Edwin Lee; Louis Schneider; Jimi Morgan; Jeremy Tarver; Emily Thibodeaux; James Costanza; George Rhea; Bart Mormino; Sheri Morris; Allen Graves; Taneal Saylor; Eddie Saylor

Minutes recorded by: C.O.O. Spinosa