

MINUTES OF THE BOARD MEETING

Of

LOUISIANA STATE BOARD OF HOME INSPECTORS

Friday, October 15, 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 – Fredrick Williams
District 2 – Bill Harris	District 5 – Mike Roberts
District 3 – Paul Brunet	District 6 – Gordon Atwell
	At Large – Scott Hearne

I

Those members being in attendance, Chairman Gordon Atwell called the meeting to order at 9:01 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

C-21-004 Wood v. Harris LHI#10383- Both parties were present and sworn in. The Complainant alleged that the Respondent violated LAC46XL.311A.1(LHI shall inspect structural components including the foundation) and 501B.8 (LHI shall act in good faith toward each client and other interested parties). The Complainant presented evidence he had as well as gave testimony on why he felt the SIE's recommendation was incorrect. The respondent also provided testimony on his behalf, stating that he offered to return the inspection fee as stated in his pre-inspection agreement. 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.311A.1 or 501B.8 as Mr. Harris was providing an additional service (level survey) that was agreed upon by the client and inspector prior to the inspection. The Louisiana State Board of Home Inspectors has no authority on added services. By a vote of 6 to 0, the Board motioned to uphold the Special Investigative Entity's recommendation of no probable cause for hearing. Complaint Dismissed.

C-20-005 Foto v. Dinkel LHI#10050- Tabled to the next quarterly board meeting due to a scheduling conflict.

C-20-006 Soileau v. McLaughlin LHI#11103- Both parties were present and sworn in. The Complainant alleged that the Respondent violated LAC46XL.309A.7(if during the course of inspecting the systems and components of the building in accordance with the law and these rules, the home inspector discovers visually observable evidence of suspected mold or microbial growth, he shall report it); 325A.5 (LHI shall inspect all readily accessible windows) and 501B.10 (LHI shall not knowingly understate or overstate the significance of observed conditions) Both the complainant and the respondent gave testimony regarding whether evidence of mold was in the home at the time of the inspection. Based on the evidence, it could not be

confirmed or denied whether there was a presence of mold at the time of the inspection. The Board rendered its decision based upon the exhibits entered into evidence and the testimony of the complainant and respondent. By a vote of 6 to 0, the Respondent was found not guilty of violating LAC46XL.309A.7. There was no evidence that the powdered substance found around the window was indeed mold.

Both the complainant and the respondent gave testimony regarding the windows. The complainant stated that the bedroom window was completely rotten and was not noted in the inspection report. The respondent stated that he always operates all windows during an inspection but does not state that in his report. He stated that he only reports on the windows if there is a problem. The complainant introduced additional pictures into evidence of the rotten window. There was no evidence in the report that the respondent inspected all readily accessible windows. The Board rendered its decision based upon the exhibits entered into evidence and the testimony of the complainant and the respondent. By a vote of 5 to 1, the Respondent was found guilty of violating LAC46XL.325A.5 for failing to inspect all readily accessible windows.

The complainant stated that it was her understanding from reading the code of ethics, the substance, be it mold or not, was very clearly visible on the sides of the window and it wasn't something that was just very subtle and should have been noted in the report. The Board renders its decision based upon the testimony given. The Board does not believe that the respondent "knowingly" understated the significance of observed conditions. By a vote of 6 to 0, the Respondent was found not guilty of violating LAC46XL.501B.10.

The complainant requested the board to waive the fine associated with the violation of LAC46XL.309A.7 with hopes that Mr. McLaughlin learned from the mistake. The Board honored her request and ordered that the Respondent pay \$173.46 in administrative cost. The total amount due by the respondent is \$173.46

IV

The Board reviewed and approved applications for the following providers:

Bertrand Hasselbeck – Infield Trainer
TJ Johnston – Infield Trainer
Jason Pepitone – Infield Trainer
Elmer Morrow – Infield Trainer
Amelia Yates – Infield Trainer

V

CE providers must provide in-person CE class- This topic was moved to be discussed with agenda topic VII.

VI

Background checks and convicted felons. The Board agreed that they will continue to review each background check on a case-by-case basis.

VII

Mr. Joe Cook Jr. took the floor to discuss the proposed changes to the rules and standards made by the Laws and Rules Committee. The topics covered were:

- Review previously approved rule changes
- New proposed rule changes
- New ideas discussed by the committee

Meeting Adjourned 1 pm

Other attendees: Albert Nicaud, Board Attorney; Morgan Spinoso, COO; Barry Landry; Joe Cook; Ricky Thibodeaux, Emily Thibodeaux, John McLaughlin, Brandy Allain, Harry Lottinger, Robbie Robbins, Scott Laird, Kenneth Hurst, William Wallace, Marion Bozman, Troy Naquin, TJ Johnston, Trevor Brady, Eric Burns, Wayne Young, Barry Whitmer, Brent Langford, Robert Cook, Aaron Hassenboehler, Cary Morrell, John Wood, Gregory Ferraro, Jase Ellis, Trent Didier, Jill Snow, Daniel Maloney, Jeremy Tarver, Randy Hardouin, Ned Dufrene, Kiel Harton, Fred Rittler, Jamie Baumann, Spencer Maxcy, Bert Hasselbeck, Erik Burke, Mike Jordan, Robert Adkins, Ryan Smith, Jeff McCleney, Jaclyn Soileau, Dave Holt, Carl Heck, Johnny Spano, Stanley Holliday, Joseph Dendenger, Roland LeBlanc, Bill Hatchett

Minutes recorded by: C.O.O. Spinoso