

MINUTES OF THE BOARD MEETING

Of

LOUISIANA STATE BOARD OF HOME INSPECTORS

Friday, December 3, 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 9:00 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

Jacque with JBC Communications LLC presented the 2022 Public Relations Plan(PSA). The 2022 plan is budgeted at 24500.00. The Board voted in favor extended the PSA for another year by a 7-0 vote.

III

Review Background Checks- Tabled

IV

C-20-016 Willis v. Smart LHI#10778– Both parties were present and sworn in. The Complainant alleged that the Respondent violated LAC46XL.305B.3b(shall submit a written report to the client within five days of the inspection which shall: b. state which systems designated for inspection in this Section have been inspected, and state any systems or components designated for inspection that were not inspected, and the reason for not inspecting.) The Complainant testified that the Respondent did not provide her with a copy of the report. She also testified that the report may have been emailed but she never received it until nine months later. The Respondent then testified that he did email her the report within five days and then again nine months later to the same exact email address. Since he never heard anything back from the Complainant after the first email, he assumed all was well.

As a result, the Board rendered its decision based upon the 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.305B.3b. There was no evidence proving that the Respondent did not email a report.

The Complainant alleged that the Respondent violated LAC46XL.311B 2&3(home inspector shall describe the type of:2floor structure;3.wall structure) The Complainant testified that the Respondent did not describe the type of floor or wall structure. The Respondent shows proof in his report that both the floor structure and wall structure were indeed described on page 9 of his report.

As a result, the Board rendered its decision based upon the evidence and the testimony of the complainant and respondent. By a vote of 5 to 1, the Respondent was found not guilty of violating LAC46XL.311B 2&3. The report clearly stated the type of floor and wall structure.

The Complainant alleged that the Respondent violated LAC46XL.317B.5 (home inspector shall describe: 5. the location of main gas supply shutoff device) The Complainant stated in her complaint that the Respondent did not describe the location of the main gas supply shutoff device. The Respondent testified that he did not describe the location of the gas supply shutoff device.

As a result, the Board rendered its decision based upon the evidence and the testimony of the complainant and respondent. By a vote of 5 to 0, with one abstention, the Respondent was found guilty of violating LAC46XL.317B.5 for failing to describe the location of the main gas supply shutoff device.

The Complainant alleged that the Respondent violated LAC46XL.319B1-3 (home inspector shall describe: 1. service amperage and voltage; 2. wiring methods employed; and 3. the location of main and distribution panels.) The Complainant stated in her complaint that the Respondent did not describe the service voltage and wiring methods. The Respondent testified that he did not specifically describe the voltage, as he was unaware that was required. He only described the amperage in his report. The Respondent also admitted that he did not properly describe the wiring methods.

As a result, the Board rendered its decision based upon the evidence and the testimony of the complainant and respondent. By a vote of 5 to 0, with one abstention, the Respondent was found guilty of violating LAC46XL.319B1-3; for failing to properly describe the electrical voltage and wiring methods used.

The Complainant alleged that the Respondent violated LAC46XL.327B.1 (home inspector shall describe: 1. insulation and vapor retarders in unfinished spaces) The Complainant stated in her complaint that the Respondent did not describe the vapor retarders in the unfinished spaces. The Respondent testified that everything was covered with insulation and admitted that he did not say whether there was a vapor barrier or not.

As a result, the Board rendered its decision based upon the evidence and the testimony of the complainant and respondent. By a vote of 5 to 0, with one abstention, the Respondent was found guilty of violating LAC46XL.327B.1; for failing to describe the vapor retarders in unfinished spaces.

The Complainant alleged that the Respondent violated LAC46XL.313B.4 (home inspector shall: 4. report whether or not the garage door operator is equipped with a pressure-sensitive safety reverse feature and whether that feature was tested.) It was stated in the complaint that the Respondent did not report whether or not the garage door operator is equipped with a pressure-sensitive safety reverse feature and whether that feature was tested. The Respondent testified that the garage door's automatic reverse feature was not operational and should be further evaluated. The Complainant also testified that both of her garage doors work and this information was new to her.

As a result, the Board rendered its decision based upon the 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.313B.4. The Respondent did report on the pressure-sensitive reverse feature of the garage door.

The Respondent was ordered to pay a fine of \$100.00 for violating LAC46XL.317B.5; \$450.00 for violating LAC46XL.319B.1-3; and attend the Standards of Practice and Report Writing seminar without receiving continuing education credit for violating LAC46XL.127B.1. In addition, the Respondent was ordered to pay \$188.92 in administrative cost. The total fine amount is \$738.92.

C-21-005 Foto v. Dinkel LHI#10050– Ms. Foto could not be present for the hearing. Mr. Dinkel, who was present and sworn in for the hearing, agreed to allow a written affidavit on the Complainant's behalf. In summary, the affidavit stated the Respondent repeatedly disclosed her personal information without her consent. The complainant alleged that the respondent violated LAC46XL.501B.11 (The LHI shall not disclose inspection results or a client's personal information without the approval of the client or the client's designated representative. At his discretion, the LHI may immediately disclose to occupants or interested parties' safety hazards observed to which they may be exposed.) The Respondent stated that no referral money goes to him, rather it goes to charity. He also reached out and apologized to the Complainant. The Respondent did admit that he indeed did not have the approval of the Complainant to

give her personal information for unsolicited calls. He has since changed his protocol allowing clients to opt-out of future solicitation from third parties in his pre-inspection agreement.

The Board rendered its decision based upon the exhibits entered into evidence, the testimony of the Respondent, and the affidavit from the Complainant. The Board confirmed that the Respondent did not have the approval from the Complainant or her designated representative provider to disclose her personal information. By a vote of 6 to 0, the Respondent was found guilty of violating LAC46XL.501B.11. The LHI did disclose the client's personal information without the approval of the client or her designated representative.

The Respondent is ordered to pay a fine of \$100.00 for violating LAC46XL.501B.11. In addition, the Respondent was ordered to pay \$171.34 in administrative costs. The total fine amount is \$271.34.

C-21-008 Collins v. Metoyer LHI#10866- Both parties were present and sworn in. The complainant alleged that the Respondent violated LAC46XL.325A1-5, (the home inspector shall inspect: 1. walls, ceiling, and floors; 2. steps, stairways, balconies, and railings; 3. countertops and a representative number of cabinets and drawers; 4. all doors; and 5. all readily accessible windows) The Complainant testified that the Respondent verbally told her that the windows were satisfactory; however, in June of 2021, she noticed leaking windows and the windows would not open. She also stated that had the respondent mentioned the windows needing to be replaced in the report, she could have negotiated that in the purchase of the home. The Respondent testified that he did state in the report that the exterior windows had deficiencies and recommended further inspection and or repair. He stated that he put a moisture meter at all interior windows and did not get any moisture readings at the time of the inspection, however; in his report, it was stated that the interior windows were not inspected and that was a typo because he did inspect them and most of the windows were painted shut. The Respondent did not state in his report that he used a moisture meter at all the windows.

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 the Respondent should have stated that he used a moisture meter and inspected all accessible interior windows rather than just noting the exterior windows. According to the Respondent's report, he did not inspect the interior windows. By a vote of 6 to 0, The Respondent was found guilty of violating LAC46XL.325A1-5 for failing to document in the report the reason he did not inspect the windows.

The Respondent is ordered to pay a fine of \$150.00 for violating LAC46XL.325A1-5. In addition, the Respondent was ordered to pay \$171.97 in administrative cost as well as attend the next available Standards of Practice and Report Writing Seminar without receiving continuing education credit hours. The total fine amount is \$321.97

C-21-009 Peltier v. Nash LHI#10096-The Board dismissed the complaint because the complainant was not present.

V

The Board reviewed and approved applications for the following providers:

David Aloisio – Infield Trainer
Louis Schaff – Infield Trainer

VI

Joe Cook came to the podium to re-propose changes to the rules and standards that were discussed and voted down during the October board meeting. Chairman, Gordon Atwell stated that the Board reviewed/read the proposal from the last meeting and there was no need to continue bringing the same issues up over and over at every board meeting. A motion was made and seconded to not hear agenda topic VI. The motion passed by a 6-1 vote.

VII

The Board then reviewed the budget for the 2022 fiscal year. This budget was prepared and presented by Chief Operating Officer, Morgan Spinosa, and was adopted by a unanimous vote. The comprehensive budget is completed annually in compliance with the Louisiana Revised Statutes (R.S.) 39:1331 through 1342. The information will be used to prepare the Legislative Auditor's annual report on boards and commissions.

VIII

The Board reviewed and approved the dates for 2022 Board meetings by a unanimous vote.

March 4, 2022

June 3, 2022

September 9, 2022

December 2, 2022

IX

Election of 2022 officers:

2022 Chairman- Mr. Gordan Atwell

2022 Vice Chairman- Mr. Ashley van der Meulen

X

The Board unanimously voted to approve the renewal of the legal contracts for Board Attorney, Albert Nicaud and Prosecuting attorney, Allen Graves. The multi-year contracts were approved and will be filed with the Office of State Procurement.

Executive Session

Morgan Spinosa's annual review

Meeting Adjourned 1 pm

Other attendees: Albert Nicaud, Board Attorney; Morgan Spinosa, COO; Barry Landry; Joe Cook; Brent Roberts; Kevin Dinkel; Mike Burroughs; Cecil Davis; Richard Campbell; Glenn Smart; Chris Terrase; Edward Holt; Troy Naquin; Nathan Lemoine; Chris Braud; Kenneth Metoyer; Terrance Dunn; Melanie Collins; Clayton Costanza; Roland LeBlanc; Traci Willis; Mike Gassen; Andrew Polmer; Kip Nash

Minutes recorded by: C.O.O. Spinosa