

# **MINUTES OF THE BOARD MEETING**

Of

## **LOUISIANA STATE BOARD OF HOME INSPECTORS**

Friday, September 9, 2022  
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 9:02 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**

Review Background Check: Mr. Shanard Lang was sworn in by Board Chairman and given the opportunity to discuss his background check. After must discussion and testimony, the Board voted to approve Mr. Lang by a unanimous vote. (7-0)

### **III**

C-22-003 Gypin v. Vallery LHI#10777- Both parties were present and sworn in. The complainant alleged that the HI violated LAC46XL.311A.3(HI shall inspect structural components including: columns); 311.B.3(HI shall describe the type of wall structure); 313A.5(HI shall inspect soffits); 315A.1(HI shall inspect roof coverings); 325B.2(HI shall report signs of abnormal or harmful water penetration into the building). Both the complainant and respondent provided testimony and entered exhibits into evidence. After much discussion the Board ruled the Mr. Vallery was in violation of both 311A.3 (5-1 vote) for failing to inspect the archway as it did serve as a column and 315A.1 (6-0 vote) for failing to inspect the roof covering. The Board determined that there were no violations for the following allegations, 311B.3 (6-0 vote) the respondent did indeed describe the type of wall structure in his report; 313A.5 (6-0 vote) the respondent reported on the soffits on page 21 of his report; and lastly 325B.2 (5-1 vote) the Board determined that there was no sign of water penetration at the time of the inspection based off of the evidence provided. The Respondent was ordered to pay a fine of \$50.00 for violating LAC46XL.315A.1. In addition, the Respondent was ordered to pay \$172.79 in administrative costs as well as attend the next available Standards of Practice and Report Writing Seminar without receiving continuing education credit hours for violating LAC46XL.311A.3. The total fine amount- \$222.79

C-22-004 Roberts v. Burroughs LHI#10044– Both parties were present and sworn in. The complainant alleged that the HI violated LAC46XL.119G.1 &2 ([In-field training see SOP](#)); 121E([Continuing Education see SOP](#)); 121F5&6([Continuing Education see SOP](#)); and 501B.12&14 (HI shall avoid activities that may reduce public confidence & LHI shall report substantial and willful violations of this Code.) Both the complainant and the respondent provided testimony and entered exhibits into evidence. The Board reviewed the evidence and heard additional testimony from Paul Brunet and Brent Roberts.

After much discussion the Board ruled the Mr. Burroughs was in violation of both LAC46XL.121F.5 & 6(5-0 vote; Paul Brunet recused himself from all voting) for repeatedly failing to timely provide students with CE certificates and for failing to submit sign in sheets to the Board office. The Board determined that there were no violations for the following allegations: LAC46XL.119G & 2; 121E; and 501B.12&14.(5-0 vote; Paul Brunet recused himself from all voting) The Respondent was ordered to pay a fine of \$500.00 for violating LAC46XL.121F.5 and 6 plus the cost of administrative fees (\$179.92). In addition to the monetary fine, the Board ordered that Mr. Burroughs be put on probation as a continuing education provider for 1 year. If Mr. Burroughs is brought back before the board and found in violation of the LAC46XL or Licensing Laws, he would automatically be suspended as a continuing education provider. The total fine amount- \$679.92.

C-22-005 LSBHI v. Hulse (Not Licensed)- Mr. Hulse was present and sworn in. The respondent admitted to performing an inspection without a license. He stated that he was doing a friend a favor but did indeed produce a report for a fee but he does not advertise as a home inspector. After testimony was heard the Board found the respondent guilty for violations LAC46XL139B.2 and Licensing Law 1485B.2. (engaging in conduct or advertising or holding oneself out as engaging in or conducting the business or acting in the capacity of a home inspector without possessing a valid license). The Respondent is ordered to pay a fine of \$300.00 (includes administrative fees) for violating LAC46XL.139B.2 and 1485B(2) of the Louisiana Home Inspector Licensing Law Chapter 17-A. In addition to the fine set forth above, the Louisiana State Board of Home Inspectors ordered a Cease and Desist. The Respondent must immediately cease and desist from engaging, conducting, or advertising as a home inspector.

C-22-007 Krumnow-Hueholt v. Paradela LHI#10501– SIE found no probable cause, complaint was dismissed.

#### IV

The Board reviewed and approved applications for the following providers:

Charles Axelrad-Continuing Education Provider (Bill Harris motioned to approve; Ashley van der Meulen 2<sup>nd</sup> and the motion was carried unanimously.

Emily Beyer-Continuing Education Provider (Bill Harris motioned to approve; Ashley van der Meulen 2<sup>nd</sup> and the motion was carried unanimously.

Trevor Brady-In-field Trainer (Bill Harris motioned to approve; Ashley van der Meulen 2<sup>nd</sup> and the motion was carried unanimously.

James Green-In-field Trainer (Bill Harris motioned to approve; Ashley van der Meulen 2<sup>nd</sup> and the motion was carried unanimously.

#### V

ACT458 Carbon Monoxide Detectors

##### ACT 458 REQUIREMENT

Every one or two-family house/dwelling sold and/or leased after January 1, 2023, shall have at least one operable, life-long, sealed battery carbon monoxide (CO) detector. The LSBHI voted to add verbiage to our current rule LAC46XL.319D which would state the following:

##### §319. Electrical System

D. The home inspector shall report on the presence or absence of smoke detectors and carbon monoxide alarms.

The LSBHI rules will fall in line with ASHI and other national organizations. This change will not

require the LHI to test the alarm.

## **VI**

Mr. Fred Williams discussed Train the Trainer curriculum. Mr. Williams would like to establish an official curriculum that all In-field Trainers must follow and be taught upon becoming an In-field Trainer. The current curriculum is reviewed and Mr. Williams motioned to officially adopt these guidelines. Paul Brunet seconded and the motion was carried.

## **VII**

Mr. Gordon Atwell discussed education provider auditor guidelines and update on the in-field trainers attending the train the trainer session. Of the trainers who did not attend the Train the trainer meeting (3 trainers) only one of the three fulfilled the extra training that was provided by Gordon. Gordon suggested that the two who did not reach out to him should no longer be trainers. Fred Williams motioned that ALL new trainers attend a Train the Trainer session prior to training and that existing In-field trainers must attend a Train the Trainer session once every three years. Mike Roberts seconded. The motion dies as it was not voted on. Report Reviewer training- Gordon suggested that report reviewers attend a training course to make sure they are all on the same page when it comes to reviewing the reports. It was suggested that the Report Reviewers have a meeting to bring consistency.

## **VIII**

Joe Cook asked the Board several questions for clarity.

- 1) The LHI must be personally listed as a “party” to the inspection agreement. However, it is acceptable for the LHI’s company to be listed as a party to the agreement, as long as the LHI is listed as a representative of the company. For example, Jon Doe on behalf of JD Home Inspections LLC. In addition, the LHI performing the inspection must sign the inspection report and include his/her LHI number.
- 2) It is not recommended that an LHI reference other SOPs in their agreement, but it is not prohibited as long as you reference the LSBHI standards of practice as well.
- 3) As long as the “authorization to conduct digital business” clause is included in the agreement, any reference to the LHI’s name (including simply being printed in the same font as the rest of the agreement/report) qualifies as a signature.
- 4) It’s OK to issue a report in the real estate agent’s name, as long as the agent is the one paying for the inspection report.
- 5) A photograph alone does NOT satisfy reporting requirements unless a written descriptive narrative is included.
- 6) There is no value in increasing liability limitations in the inspection agreement.
- 7) There is no value in adding small claims court requirements to the inspection agreement.
- 8) Reports must specify each item required to be reported on (ex: wall structure, ceiling structure, roof structure.)
- 9) Add to 121.F.5. a five-day time limit to supply CE class attendees with their certificate of completion. Mike Robert motioned to change the current rules LAC46XL.121.F.5 to state “Within five days of completion, the instructor shall provide the LHI with a certificate of completion” Paul Brunet seconded and the motion was carried.

## **IX**

Board Attorney, Albert Nicaud notified the public that the ruled changes will go into effect on September 20, 2022. The Board office will send out a notification to all LHI as well as a copy of the most recent SOP.

## **X**

Ashley van der Meulen discussed the Board having Board members from the same company serving on the Board at the same time as it poses an ethical issue. Legally, we cannot change the rules, we would have to attempt to change the statutory law.

## **XI**

Deferred to the next board meeting.

## **XII**

Tabled

## **Meeting Adjourned at 2 p.m.**

Other attendees: Albert Nicaud, Board Attorney; Morgan Spinosa, COO; Barry Landry; Roland McCormick; Richie Fontenot; Brent Roberts; Kenny Spinosa; Jeff McCleney; Mike Burroughs; Jason Hodges; Gary Vallery; Louis Schneider; Solomon Falgout; Shanard Lang; Joe Cook; Warren Amedio; Louis Schaff; James Yaeger; Dean Coates; ave Holt; Erik Harton; Amelia Yates; Drex Gomes; Emily Beyer; Jason Pepitone; Ned Dufrene; Fred Rittler; Cheryl Howard; Peter Forrestall; Mark Hulse; Roland LeBlanc; David Taylor; John Bourg

Minutes recorded by: C.O.O. Spinosa