

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

Friday, March 1, 2024
9:00 AM
Office of the LSBHI
5211 Essen Lane Suite 9, Baton Rouge

Board Members in Attendance:

District 1 – William Paternoster
District 2 – David Holt
District 3 – Paul Brunet

District 4 – Fredrick Williams
District 5 – Robert Smith
District 6 – John McLaughlin
At Large – Jean Picou Jr.

I

Those members being in attendance, Chairman Fred Williams called the meeting to order at 9:03 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-23-009- LSBHI v. Burroughs LHI#10044- Mr. Burroughs was present and sworn in by the board chairman. Mr. Allen Graves was also present serving as the prosecuting attorney. It was alleged that the Respondent violated LAC46XL.139A.4 and La R.S. 37: 1485(4), (attempting to deceive or defraud the public); 501B.8(LHI shall act in good faith toward each client and other interested parties); 501B.12 (LHI shall avoid activities that may harm the public, discredit him, or reduce public confidence in the profession). Mr. Graves briefed the board on the complaint filed, stating the Respondent's billing practices charge the clients a “state filing fee” ranging from \$7.50-\$10.00 per report based on the attachments provided within the complaint and additional evidence introduced during the hearing. Pursuant to La. R.S. 37:1477B(7), the maximum state fee per inspection report allowed by law is \$5.00. Mr. Graves argued that these billing practices constitute an attempt to deceive or defraud under section 139 and LA. R.S. 37 1485A(4). As well as violate LAC46XL.501B.8 and 12. Mr. Graves requested that Mr. Burroughs review all documents introduced. Mr. Burroughs confirmed that these were his documents but were not reflective of the actual documents provided to his clients, rather they were altered documents found on his website.

The Respondent then testified that the invoices in question did not have enough space to properly break down his cost and that it was more or less a software issue. He states he charges additional fees for report production and for posting reports on his website. He states those fees are in addition to the \$5 state fee, however on his invoice, he described all charges as a “state fee.” Mr. Burroughs stated that he has since changed the line items on his invoice to eliminate confusion for his clients. He also stated that all his fees are discussed verbally with his clients and the \$5 state fee is explicitly explained in his contract.

The Board rendered its decision based on all exhibits entered into evidence as well as the testimony of Morgan Spinosa, Board COO, and Mr. Burroughs. The Board determined that, despite there being plenty of room on the invoice to break down fees properly, Mr. Burroughs did not intentionally attempt to defraud the public. As a result, the Board ruled Mr. Burroughs was not in violation of LAC46XL.139A.4 or La R.S. 37 1477B(7) (6-0 vote).

The Board then considered whether Mr. Burroughs was in violation of LAC46XL.501B.8 and LAC46XL.501B.12 by failing to act in good faith towards his clients and reducing public confidence in the profession by representing to his clients on his invoices that the line-item charges were only for the State Fee. The Board determined (6-0) that Mr. Burroughs failed to properly itemize the costs he claimed to be included in what he represented as a “State Fee” and found Mr. Burroughs was in violation of LAC46XL.501B.8 and LAC46XL.501B.12.

The Respondent was ordered to pay a fine of \$1000.00 for violating LAC46XL.501B.8. and \$1000.00 for violating LAC46XL.501B.12. In addition, the Respondent was ordered to pay \$842.44 in administrative costs. The total amount is \$2842.44. In addition to the monetary fine, the Respondent must attend the next available Standards of Practice and Report Writing Seminar without receiving continuing education credit.

Mr. Burroughs was previously brought before the board in response to a complaint filed alleging that Mr. Burroughs violated LAC46XL.501B.8 and 501B.12. On December 9, 2022, the Board found him guilty of LAC46XL.501B.8 and 501B.12 and he was placed on probation. As a condition of probation, if he were to be found guilty of a violation of any provision of the Licensing Law or administrative rules his ability to act as a continuing education provider would be suspended. Because the actions of Mr. Burroughs in the above-captioned complaint occurred within his probationary period, the board suspended Mr. Burroughs from his role as a continuing education provider. He may reapply to the Board to become an education provider.

III

The Board reviewed and approved the application for the following providers:

Erik Harton-In-field Trainer -William Paternoster motioned to approve, and Paul Brunet seconded the motion. The motion carried with a 7-0 vote.

Brandon Mier-In-field Trainer - William Paternoster motioned to approve, and Paul Brunet seconded the motion. The motion carried with a 7-0 vote.

Brandon Mier- Continuing Education Provider- William Paternoster motioned to approve, and Paul Brunet seconded the motion. The motion carried with a 7-0 vote.

AHIT- Approval for Online Continuing Education- William Paternoster motioned to approve, Jean Picou seconded the motion. The motion was carried with a 7-0 vote.

IV

Chairman, Fred Williams proposed and drafted the following mission statement that was adopted by the Board with a 7-0 vote. The approved mission statement will serve as the Board’s official mission statement.

Mission Statement: The Louisiana State Board of Home Inspectors is dedicated to ensuring the highest standard of integrity, expertise, and professionalism in the home inspection industry. Our

mission is to require qualifying criteria in a professional field in which unqualified individuals may injure or mislead the public. We strive to protect and serve the public interest by promoting the safety, quality, and satisfaction of residential dwellings in accordance with Louisiana law and administrative rules.

V

The Board reviewed the CE provider checklist that was drafted to serve as a guide for anyone who performs a CE provider audit. The form was reviewed and approved by a 7-0 vote.

VI

Board attorney, Mr. Albert Nicaud gave a quick update on the status of the current rule changes. We hope to have the first set of changes published prior to the next board meeting.

The meeting adjourned at 10:02am

Other attendees: Albert Nicaud, Board Attorney; Morgan Spinosa, COO; Barry Landry; Mike Burroughs; Solomon Falgout; Brent Roberts; Mike Roberts; Kevin Dinkel; Richard Fontenot; Bart Mormino; Morgan Wood; James Jones; Justin Edwards; Ned Dufrene; Cheryl Howard; Shane Alexander; Craig Leonard; Roland LeBlanc; Andrew Polmer; Gordon Atwell; Chad Ryhard

Minutes recorded by: C.O.O. Spinosa