

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

Friday, June 7, 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 9:08 AM followed by the Pledge of Allegiance.

The Board reviewed the minutes from the previous Quarterly Board Meeting and a motion was made (William Paternoster) and seconded (Paul Brunet) to approve the minutes as written.

**II**

Message from the Chair:

“The primary responsibility of the board chair is to facilitate board meetings and supervise the chief executive officer, all while adhering to the best governance practices. As per Chapter 1 General Rules §103. Paragraph C. The chairman shall preside at all meetings, approve the agenda and shall be the official custodian of all records.

As stated on our website, The Louisiana State Board of Home Inspectors, established in 1999, consists of one member from each congressional district and one at-large member appointed by the governor and confirmed by the Senate. The board is domiciled in Baton Rouge and may convene at other locations within the state as determined necessary. A quorum, defined as a majority of voting members, is required for the board to conduct business, including licensing, rulemaking, and adjudicative functions. The board is governed by the Open Meetings Law (R.S. 42:11 - R.S. 42:28), which mandates transparency and public participation in governmental decisions.

However, the term “Open Meeting” might be misunderstood. The board meets quarterly to address relevant topics and conduct disciplinary hearings as per the agenda. The Open Meetings Law ensures that government decisions are made openly, aligning with Louisiana’s Public Records Law to uphold Article XII, Section 3 of the Louisiana Constitution, which guarantees public access to governmental deliberations and documents. The purpose of open meetings is to allow the public to observe and participate in public body deliberations, enhancing state integrity and public trust.

Public meetings must be open unless a statutory exception allows for a closed session (R.S. 42:16 – 42:18). Public bodies must provide an opportunity for public comment before voting on agenda items and can set reasonable rules for the comment period. Notably, members of the public cannot add items to the agenda directly. They must contact either their respective board

representative or any other board member to propose an item for consideration. If a board member agrees and believes the item should be added to the agenda, he or she may do so. The board member can invite the individual to speak on the item for clarification. However, only board members may make a request to add items to the meeting's agenda.

All meetings must allow for some means of public comment; R.S. 42:14(D) requires each public body (except school boards) conducting a meeting that is subject to the notice requirement of R.S. 42:19(A), to allow a public comment period prior to action on an agenda item upon which a vote is to be taken. The governing body may adopt reasonable rules and restrictions regarding this comment period.

In closing, It is not the position of this Board to silence any members of the public or the industry but merely follow protocol when it comes to our meetings. Which in my opinion we have been a little lacked. Therefore, as Chair, I would respectfully ask that we follow protocol as it pertains to agenda items.”

Key Points:

1. Board Composition and Quorum: The board includes members from each congressional district and an at-large member. A majority constitutes a quorum.
2. Meeting Locations: Primarily domiciled in Baton Rouge but can meet elsewhere in the state.
3. Governance: Adheres to the Open Meetings Law, ensuring transparency and public access.
4. Public Participation: Open meetings allow for public observation and participation, with rules for public comment periods.
5. Agenda Items: Only board members can add items to the agenda, though the public can suggest items through board members.

### III

Specify the suspension detail of the ruling of C-22-004.

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 LAC46XL501B.8 and 501B.12 and he was placed on probation. As a condition of probation, if he were to be found guilty of violating any provision of the Licensing Law or administrative rules his ability to act as a continuing education provider would be suspended. Because Mr. Burroughs's actions in the above-captioned complaint occurred within his probationary period, the board suspended Mr. Burroughs from his role as a continuing education provider.

Robert Smith motioned that the suspension as a continuing education provider would expire in March 2025. At that time, you will be able to re-apply. Seconded by William Paternoster the motion carried unanimously.

### IV

William Paternoster proposed a possible law change (§1474.B) that would remove any non-active nominating entities and possible allow licensed home inspectors to nominate for open board seats. The Board will review current rules to make sure everything is up to date, then revisit. This change would have to be done through legislation.

## V

William Paternoster proposed updating the continuing education provider auditor requirements. Mr. Paternoster stated: The purpose of this is to provide the board with clear requirements for those seeking to become a CE Auditor with a fair and equal chance to do so.

As of now to become a CE provider, the applicant must be a licensed home inspector for at least 3 years, have performed 500 home inspections and had no violations in the last 5 years. I feel that those who audit need to be above this standard as they are helping the board with a higher standard of CE providers.

Since we are trying to make CE classes better and ensure that they are properly giving CE classes and hours, I propose the following requirements for the **auditor**:

- Must be a licensed home inspector for a minimum of five years.
- Have performed 750 Home Inspections
- Has had no violations for the last 5 years.
- The auditor can be either INACTIVE or ACTIVE at the time of application as long as these requirements have been previously met.

William Paternoster motioned to adopt the proposal, Paul Brunet seconded and the motion was carried unanimously.

## VI

Joe Cook discussed with the Board the possibility of the LSBHI regulating other inspections that are commonly performed by LHIs (commercial inspections, mold inspections, pool inspections, etc.). Attorney Albert Nicaud stated this kind of request would require a Law change that would have to go through the Legislature. Mr. Nicaud was of the opinion that mold and commercial inspections would fall within the purview of other licensing boards and would more than likely be met with strong opposition.

## VII

Joe Cook discussed 3 questions regarding the rules and procedures of the Board.

1. Are we able to provide LHIs with a copy of the “cheat sheet” that report reviewers use when performing yearly reviews for the board?

Yes, the spreadsheet can be shared.

2. In our SOP, §305.B.1.d. it states that “home inspectors shall provide the client with a written pre-inspection contract, whenever possible, which shall contain copies of the SOP and COE.” When this rule was originally written, digital delivery of reports and contracts did not exist. Historically, the board’s position has been that a hyperlink to the SOP/COE does not satisfy the rule requiring the LHI to provide a copy of the SOP/COE to the client. Can the board consider changing this precedent, given that opening an attached PDF of the SOP/COE and clicking on a hyperlink that opens a PDF of the SOP/COE produce the same result on the client’s device? And, as this is not specifically enshrined in the rules/law, would a change in policy become effective immediately?

The Pre-inspection agreement requires that the SOP and COE be included. A hyperlink to

the SOP is NOT acceptable. It must either be physically given or attached to an email.

3. Can we require that LHIs notify the board office when they schedule their NHIE exam (and provide a copy of their pass/fail paperwork) so that the board can gather data on the effectiveness of approved pre-licensing education providers (which could then be disseminated to potential trainees)?

No, this would be unnecessary.

## **VIII**

Attorney, Albert Nicaud gave a quick update on the status of the current rule changes. The first set of rule changes will be published at the end of June and the second set is scheduled to be published at the end of September.

Legislative update:

HB 716 <https://legis.la.gov/legis/BillInfo.aspx?i=246567>

Act 568-Signed by the Governor

*Provides for universal recognition of occupational licenses*

Allows Inspectors licensed in other states to move to Louisiana and obtain a license in Louisiana. (with stipulations)

SB 60 <https://legis.la.gov/legis/BillInfo.aspx?i=245866>

Act 253-Signed by Governor

Allows Inspectors licensed in other states to move to Louisiana and obtain a license in Louisiana. (with stipulations)

SB 462 <https://legis.la.gov/legis/BillInfo.aspx?i=247109>

Act 491-Signed by the Governor

*Provides for gubernatorial appointments.*

## **EXECUTIVE SESSION**

### **ADJOURN**

### **The meeting adjourned at 10:47 am**

Other attendees: Albert Nicaud, Board Attorney; Morgan Spinosa, COO; Barry Landry; Brandy Allain; Joe Cook; Scott Hearne; Emily Thibodeaux; Justin Edwards; Drex Gomes; Steven Cortez; Joe Heck; Dale Young; Gordon Atwell; Thad Jackson; Kenny Spinosa; Dustin D'Avy; Todd Hatch; Stanley Holliday; William Harris; Jake Morgan; Craig Leonard; Eric Burns

Minutes recorded by: C.O.O. Spinosa