

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

Friday, March 5, 2010  
9:00 AM  
Office of the LSBHI  
4664 Jamestown Ave., Suite 220, Baton Rouge

Board Members in Attendance:

District 1 – Terry Hardouin  
District 2 – Roy E Burst III  
District 3 – Cal Grevemberg

District 4 – Foxe Smothers  
District 5 – Michael Burroughs  
District 6 – Michael LeBas, P.E.  
District 7 – Ceil Fuselier

**I**

Those members being in attendance, Chairman Michael LeBas called the meeting to order at 9:00 AM followed by the Pledge of Allegiance.

Vice Chairman, Terry Hardouin motions to modify the agenda. Mr. Hardouin motions to conduct the Executive session during the lunch break and to move agenda items XI, XII, and XIV to directly following lunch. Ceil Fuselier seconded the motion and the motion was carried unanimously.

The Board reviewed the minutes from the previous Board Meeting. Mr. Cal Grevemberg motioned to approve the minutes as written. Mrs. Fuselier seconded and the motion carried unanimously.

**II**

C-09-003 Thomas v. van der Meulen LHI#10230 – both parties were present. This complaint was tabled from the prior Board Meeting pending SIE findings. SIE, Terry Hardouin investigated the windows on the house and determined that there were no single pane windows. Foxe Smothers motioned to find Mr. van der Meulen in violation of SOP §303 Failure to properly report. Seconded by Mrs. Fuselier. The motion failed. After further discussion it was noted that the original complaint alleged the home inspector was in violation of SOP §315 and §313. Based on the original complaint, Mr. Smothers motions that Mr. van der Meulen was not in violation of SOP §315 and §313. Seconded by Mrs. Fuselier. The motion carries with a 4-1 vote. Mike Burroughs apposed. Mr. Hardouin abstained.

C-09-012 Levy v. Hallford LHI#10513 – appeal - Mr. Hallford was not present. Mr. Hallford submitted a letter appealing the penalties set forth by the Board from the previous Board Meeting. The Board reviewed the letter of appeal and Mr. Burroughs motioned to deny Mr. Hallford's appeal based on the fact that he was not present to defend himself and the tone in which the letter was written. There was also no new evidence to reverse the previous findings. Mr. Smothers seconded the motion and the motion was carried with a unanimous vote.

C-09-014 Bullock LHI#N/A – This complaint was tabled from the previous board meeting. SIE, Mr. Ray Treadaway found that this house was un-occupied and was able to contact any owners. There was not enough evidence to support the allegations the Mr. Bullock performed a home inspection on this property without a license. The complaint was dismissed without prejudice.

C-09-022 Sanchez v. Hufft LSHI#10084 – Lack of license number on Julie Hufft's business card, wife of LHI Ron Hufft. The business card does not state it is for home inspection services. Mrs. Fuselier motioned that there was no violation, Mr. Hardouin seconded. The motion was carried unanimously.

C-09-025 LSBHI v. Driskill LHI# n/a- Appeal-Mr. Driskill was not present. Mr. Driskill submitted a letter appealing the penalties set forth by the Board from the previous Board Meeting which found Mr. Driskill in violation of 46LAC XL.139.A (4,9,10 &11). The Board reviewed the letter of appeal and Mr. Hardouin motioned to reduce his penalty from \$4000.00 to \$1000.00. Ceil seconded the motion. Mr. Grevemberg motioned to amend the current motion and motioned to reduce the penalty to \$200.00. The amended motion was seconded by Mr. Smothers. All were in favor of the amendment and the motion was carried. The Board instructed the COO to inform Mr. Driskill that is allowed to put his license number on his letterhead as long as he had inclusive dates next to the number.

C-09-026 LSBHI v. Reddoch LHI#10586- Mr. Reddoch was not present. This complaint was tabled from the previous Board Meeting. Mr. Nicaud, the Board attorney discussed a pre-hearing resolution for the Reddoch complaint. Mr. Smothers motioned to accept the pre-hearing resolution of a \$500.00 penalty and admission of guilt by Mr. Reddoch. The motion was seconded by Mr. Burroughs, and the motion was carried while Mr. Grevemberg abstains.

C-09-028 Hoke v. Wallace LHI#10370- Mr. Wallace was present –Mr. Hoke was not present. Ray Treadaway was the SIE on this complaint. Mr. Treadaway went through his SIE report in detail and gave thorough explanation. Mike Burroughs motioned to dismiss without prejudice all items that the SIE suggested showed no cause. Mr. Hardouin seconded the motion. All was in favor of the motion and the motion was carried. The Board then addressed each alleged violation that the SIE did find cause, individually.

- Mr. Hardouin motioned to dismiss 46LAC XL.321.A.5 for insufficient evidence. Mr. Foxe Smothers seconded and the motion was carried.
- Mr. Hardouin motioned to dismiss 46LACXL.313.A for insufficient evidence. Mrs. Ceil Fuselier seconded and the motion was carried.
- Mr. Hardouin motioned to dismiss 46LACXL.329.A for insufficient evidence. Mr. Smothers seconded and the motion was carried.
- Mr. Grevemberg motioned to dismiss 46LACXL.325.A for insufficient evidence. Mrs. Fuselier seconded and the motion was carried.
- Mrs. Fuselier motioned to dismiss 46LACXL.321 for insufficient evidence. Mr. Smothers seconded and the motion was carried.
- Mr. Roy Burst motioned to dismiss 46LACXL.319.A.4 for insufficient evidence. Mr. Burroughs seconded and the motion was carried
- Mr. Grevemberg motioned to dismiss 46LACXL.325.A.3 for insufficient evidence. Mr. Smothers seconded and the motion was carried.

Mr. Wallace was not found in violation due to insufficient evidence and the complaint was dismissed.

C-09-030 Helmer v. Rachal LHI#10588- Neither party was present. Mr. Burroughs was the SIE on this complaint. Mr. Burroughs briefed the Board on his findings. Mr. Smothers motioned that Ms. Rachal be found in violation of 46LAC XL.305.B.3.a, 313.A, 315.A(1,3,5) B (1&2), 317.A (1&2) C, 325.A (4&5) B.1(a 2,3 &4). It is also motioned that Ms. Rachal be fined \$2750.00 for these violations and must Cease

and Desist immediately. Mrs. Fuselier seconded the motion. Mr. Hardouin amended the motion to increase the fine from \$2750.00 to \$5500.00 for being excessively delinquent. Mr. Grevemberg seconded the motion and the motioned was carried. Mr. Burroughs abstained.

C-09-032 LSBHI v. McGregor LHI#10578- Mr. McGregor was not present. Mr. Mike Burroughs motioned to table this complaint to the next Quarterly Board Meeting and the motion was seconded by Mrs. Fuselier. The motion was carried. The COO of the Board appointed Mr. Mike Burroughs as the SIE on this complaint. The Board requested that the COO issue a subpoena to Mr. McGregor to be present at the next Quarterly Board Meeting.

At this time Mr. Foxe Smothers motioned to amend the agenda, moving complaints C-10-012 through C-10-015 ahead of complaints, C-10-007 and C-10-008. Terry Hardouin seconded the motion and the motion was carried.

C-10-001 LSBHI v. Graham LHI#10440- Complaint was withdrawn by complainant prior to the Board meeting.

C-10-003 LSBHI v. Gustafson LHI#10678- Mr. Cal Grevemberg motioned to approve the pre-hearing resolution of a \$100.00 fine plus properly displaying license number within 30 days. Seconded by Mrs. Fuselier and the motion carried.

C-10-004 LSBHI v. Armshaw LHI#10252- Mr. Cal Grevemberg motioned to approve the pre-hearing resolution of a \$100.00 fine plus properly displaying license number within 30 days. Seconded by Mrs. Fuselier and the motion carried.

C-10-005 LSBHI v. Morrison LHI#10009- Mr. Cal Grevemberg motioned to approve the pre-hearing resolution of a \$100.00 fine plus properly displaying license number within 30 days. Seconded by Mrs. Fuselier and the motion carried.

C-10-006 LSBHI v. Maxcy LHI#10349- Mr. Cal Grevemberg motioned to approve the pre-hearing resolution of a \$100.00 fine plus properly displaying license number within 30 days. Seconded by Mrs. Fuselier and the motion carried.

C-10-012 LSBHI v. van der Meulen LHI#10230- Mr. Cal Grevemberg motioned to approve the pre-hearing resolution of a \$25.00 fine plus payment of late fees associated with monthly reporting. Seconded by Mrs. Fuselier and the motion carried.

C-10-013 LSBHI v. Gurtler LHI#10085- Mr. Cal Grevemberg motioned to approve the pre-hearing resolution of a \$25.00 fine plus payment of late fees associated with monthly reporting. Seconded by Mrs. Fuselier and the motion carried.

C-10-014 LSBHI v. Moyer LHI#10365- Mr. Cal Grevemberg motioned to approve the pre-hearing resolution of a \$25.00 fine plus payment of late fees associated with monthly reporting. Seconded by Mrs. Fuselier and the motion carried.

C-10-015 LSBHI v. Statham LHI#10634- Mr. Cal Grevemberg motioned to approve the pre-hearing resolution of a \$25.00 fine plus payment of late fees associated with monthly reporting. Seconded by Mrs. Fuselier and the motion carried.

C-10-007 LSBHI v. Reddoch LHI#10586- A pre-hearing resolution was previously discussed under complaint docket number C-09-026.

C-10-008 McClung v. Rhea LHI#10066- Both parties were present. Mr. Mike Burroughs was dismissed as he is an expert witness on the case. Mr. Foxe Smothers was the SIE on the complaint. Mr. Smothers went through his SIE report in detail and gave thorough explanation. The Board then addressed each alleged violation addressed in the complaint, individually.

- Mrs. Fuselier motioned that Mr. Rhea was in violation of 46LAC XL.305.B.1 Mr. Hardouin seconded and the motion was carried. Mr. Burroughs and Mr. Smothers abstained.
- Mr. Hardouin motioned that Mr. Rhea was in violation of 46LAC XL.311.B.6 Mrs. Fuselier seconded and the motion was carried. Mr. Burroughs and Mr. Smothers abstained.
- Mr. Hardouin motioned that Mr. Rhea was not in violation of 46LAC XL.315.B.1 and 510.B.10, dismissing this complaint. Mrs. Fuselier seconded and the motion was carried. Mr. Burroughs and Mr. Smothers abstained.
- Mrs. Fuselier motioned that Mr. Rhea was not in violation of 46LAC XL.313.A.6, dismissing this complaint. Mr. Grevemberg seconded and the motion was carried. Mr. Burroughs and Mr. Smothers abstained.
- Mr. Hardouin motioned that Mr. Rhea was in violation of 46LAC XL.313.A.1 Mr. Grevemberg seconded and the motion was carried. Mr. Burroughs and Mr. Smothers abstained.
- Mr. Hardouin motioned that Mr. Rhea was not in violation of 46LAC XL.317.B.4&5, dismissing this complaint. Mrs. Fuselier seconded and the motion was carried. Mr. Burroughs and Mr. Smothers abstained.
- Mr. Hardouin motioned that Mr. Rhea was not in violation of 46LAC XL.311.A.2, dismissing this complaint. Mr. Grevemberg seconded and the motion was carried. Mr. Burroughs and Mr. Smothers abstained.
- Mr. Hardouin motioned that Mr. Rhea was not in violation of 46LAC XL.321.A.5, dismissing this complaint. Mrs. Fuselier seconded and the motion was carried. Mr. Burroughs and Mr. Smothers abstained.
- Mr. Grevemberg motioned that Mr. Rhea was in violation of 46LAC XL.317.A.3 Mrs. Fuselier seconded and the motion was carried. Mr. Burroughs and Mr. Smothers abstained.
- Mr. Hardouin motioned that Mr. Rhea was not in violation of 46LAC XL.317.A.2, dismissing this complaint. Mrs. Fuselier seconded and the motion was carried. Mr. Burroughs and Mr. Smothers abstained.
- Mr. Grevemberg motioned that Mr. Rhea was in violation of 46LAC XL.319.A.2,3&4. Mrs. Fuselier seconded and the motion was carried. Mr. Burroughs and Mr. Smothers abstained.
- Mr. Hardouin motioned that Mr. Rhea was not in violation of 46LAC XL.321.A.1-6 &B2, dismissing this complaint. The motion failed. Mrs. Fuselier then motioned to find Mr. Rhea in violation of 46LAC XL.321.A.1-6 &B2. Mr. Burst seconded. The motion carried with a 3-1 vote as Mr. Smothers and Mr. Burroughs abstained.
- Mrs. Fuselier motioned that Mr. Rhea was not in violation of 46LAC XL.329.A.1&4, dismissing this complaint. Mr. Hardouin seconded and the motion was carried. Mr. Burroughs and Mr. Smothers abstained.
- Mr. Grevemberg motioned that Mr. Rhea was not in violation of 46LAC XL.317.A.1&B, dismissing this complaint. Mrs. Fuselier seconded and the motion was carried. Mr. Burroughs and Mr. Smothers abstained.
- Mr. Grevemberg motioned that Mr. Rhea was not in violation of 46LAC XL.325.A.4, dismissing this complaint. Mrs. Fuselier seconded and the motion was carried with a 3-1 vote as Mr. Smothers and Mr. Burroughs and Mr. Smothers abstained.

- Mr. Hardouin motioned that Mr. Rhea was not in violation of 46LAC XL.501.A, B 1 & 8.2, dismissing this complaint. Mrs. Fuselier seconded and the motion was carried. Mr. Burroughs and Mr. Smothers abstained.

Next the Board discussed the penalties associated with each violation. Mrs. Fuselier motioned to fine Mr. Rhea \$1200.00 as well as attend the Standard of Practice Seminar given by Mr. Grevemberg within the next 3 months. Mr. Hardouin seconded and the motion carried while Mr. Smothers and Mr. Burroughs abstained.

1:43- Meeting was adjourned for a brief lunch break and the Board went into Executive Session.

2:15- Chairman, Michael LeBas calls the meeting back to order.

Mr. Foxe Smothers motioned to raise Ms. Dampier's annual income to 40k. This would become effective on her next full pay period. Mrs. Fuselier seconded and the motion was carried.

The Board amended the agenda at the beginning of the meeting moving agenda items XI, XII, and XIV. They were addressed immediately following the lunch break addresses each item in the following order, XIV, XI and XII.

#### ***XIV***

The Board discussed "Relo" inspections and whether these are considered a Home Inspection. The Board then decided to table this agenda item to the next Board meeting. The Board appointed Mr. Roy Burst and Mr. Mike Burroughs to form a committee that would discuss these details.

#### ***XI***

The Board then discussed the proposal of legislation to extend the 12 month period of re-admission after a license expires. Mrs. Fuselier motioned to adopt the changes made below and Mr. Grevemberg seconded and the motion was carried.

LSA-R.S. 37:1479

### **§ 1479. License issuance and renewal; appearance on documents**

A. Licenses shall be issued for a period of one year and shall expire on the last day of the month of issuance in the preceding year. Licenses which are not timely renewed shall be considered to be expired, and any home inspections performed after expiration of the license shall be deemed a violation of this Chapter.

B. Any licensee who fails to timely renew his license may thereafter renew by paying the appropriate renewal and delinquent fees, filing a renewal application, and completing all continuing education requirements accruing during the period of delinquency. The period for delinquent renewal of an expired license shall be limited to the twelve-month period immediately following the expiration date of the active license. Failure to renew an expired license during such twelve-month period shall ~~result in forfeiture of renewal rights and shall require the former licensee to apply as an initial applicant and meet all requirements of an initial applicant.~~ require the licensee to pass the Board approved licensing examination in addition to paying the appropriate renewal and delinquent fees, filing a renewal application, and completing all continuing education requirements accruing during the period of delinquency. Failure to renew an expired license within the 36 month period immediately following the expiration date of the active license shall, in addition to the above requirements, require the licensee to retake and pass 90 hours of classroom education and attend the Standards of Practice Seminar as set forth in the Board Rules.

C. Licenses shall be in a form prescribed by the board.

D. The term "licensed home inspector" along with the license number of the inspector shall appear on all advertising, correspondence, and documents incidental to a home inspection.

### **XII**

The Board moved on to discuss prescriptive statute 9:5608. Mr. Smothers motioned to propose to the legislation to have the prescriptive period change to 1 year from the date of negligent act or omission. Mr. Burroughs seconded and the motion was carried.

### **III**

Mr. Foxe Smothers motioned to table all pre-licensing education and continuing education applications to the next Quarterly Board Meeting. Mr. Burroughs seconded and the motion was carried.

### **IV**

Next we had Mr. Rowley's request for approval from the board to have his license renewed. Mr. Rowley allowed his Home Inspection license to expire and was forced to re-start to pre-licensing requirements. Mr. Rowley completed all requirements by the board and re-submitted his application for Licensure. Mrs. Fuselier motioned to approve Mr. Rowley's application and Mr. Grevemberg seconded and the motion was carried. The Board decided that Mr. Rowley would be re-issued his same License number.

### **V&VI**

The Board did not review the proposed changes presented by the CE Committee and Standards of Practice Committee. The Board decided to submit the proposed changes to the Board Attorney, Mr. Nicaud to have him legalize the wording. The Board will then vote on the changes at the June Quarterly Board meeting.

### **VII**

The Annual Home Inspection Report Program proposal by Foxe Smothers was tabled to the next Quarterly Board Meeting.

### **VIII**

Discussion by the Board on raising renewal fees was tabled to the next Quarterly Board Meeting.

### **IX**

Website progress and updates- The Board COO, Ms. Dampier briefed the Board on the updates of the new LSBHI website. The website will be up and running within the next couple of weeks.

### **X**

Suggestions for an In-field training committee and a round table date to establish written policies and procedure for Infield-trainers was discussed. Mr. Burroughs volunteered to put together a proposal to be brought up at the next Quarterly Board meeting.

### **XIII**

Ms. Dampier presented updated forms for the website to be approved by the Board. The Board approved all updated forms such as, new complaint form, renewal form, monthly reporting form, and building inspection agreement.

## **XV**

HUD received notification from the LSBHI stating that we do have a licensing law and it has been brought to our attention that Home Inspections were being performed by un-licensed Home Inspectors. The Board decided that the LSBHI office should compose a letter to HUD inspectors on an individual basis explaining our rules versus HUD's rules if an issue arises.

## **XVI**

The Board discussed implementation of penalties/fines by the COO. The Board agreed that the COO would be able to implement standard fines in a letter that stated, "Pending Board approval." These fines would be voted on at the next available Board meeting.

## **XVII**

The Board reviewed the Budget presented by Ms. Dampier. The Board was given a Year to Date comparison as well as an Actual v. Proposed.

### **Meeting Adjourned 4:34 P.M.**

Mrs. Fuselier motioned to adjourn, Mr. Smothers seconded and the motion was carried.

Other attendees: Albert Nicaud, Board Attorney; COO, Morgan Dampier; Joe Cook; Michael Burroughs; Ashley van der Meulen; Shelley Thomas; Rhys Malen; Michael McClung; Elizabeth McClung; Dan Dormady; Kary Stevens; Sidney Chaisson Jr.; George Rhea; Dick Chance; Ron Morrison; William Wallace; Ray Treadaway Jr.; Aaron Mayers; Sidney Holmes; Douglas Frickey; Mike Jordan; Ed Rowley

Minutes recorded by: COO