

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

Friday, December 2, 2011
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 Mike Burroughs called the meeting to order at 9:05 AM followed by the Pledge of Allegiance.

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

II

C-11-027 LSBHI v. Tripp- Mr. Tripp was present at the time of the Board meeting. Board C.O.O., Morgan Spinosa filed a complaint against Mr. Tripp for continuing to perform inspections with an expired license. Mr. Tripp admitted to completing inspections while holding an expired license. Mr. Tripp's license was expired for twenty two days and 16 inspections were performed during that time frame. Mr. Grevemberg stated that he did not feel that Mr. Tripp's intentions were to defraud the public; however, he did feel that Mr. Tripp did violate the rules. Mr. Grevemberg motioned to find Mr. Tripp in violation of LA46XL.115 and set a fine of \$100.00. Mr. Hardouin seconded and the motion was carried.

C-11-020 Denoux v. Swain- Both Mr. Denoux and Mr. Swain were present for the Board meeting. Mr. Denoux briefed the Board on his complaint against Mr. Swain. Mr. Swain admitted to performing the inspection for Mr. Denoux as an unlicensed Home Inspector in the State of Louisiana. Mr. Swain was performing inspections in Louisiana using a deceased Home Inspectors license number. Mr. Swain stated that he moved to Louisiana to help George Swain perform inspections while George's health deteriorated, and that he only performed this one inspection as a favor for Mr. Denoux whom he claimed was his friend. At this time Mr. Smothers asked the Board attorney if it were illegal for individuals to assist in the performance of an inspection without being licensed. Mr. Nicaud stated that doing so would be a violation of our Laws. Mr. Denoux presented to the Board another inspection report that was completed by Mr. Swain in March 2011. Mr. Swain did not recall performing this inspection. Mr. Grevemberg stated the Mr. Swain has clearly taken someone's identity and used it.

Mr. Smothers motioned for a 10 minute recess. Mr. Burst seconded and the motion was carried.

The meeting was called back into order after a 10 minute recess. The Board requested that the Board office contact the home owner of the second report to verify whether or not Mr. Swain performed the inspection.

Mr. Denoux noted that he in no way knows Mr. Swain. He was hired by the Board to investigate the matter as a licensed private investigator.

Mr. LeBas stated that the LSBHI is a licensing Board and that carries a lot of weight. He also stated that the State depends on the Board to uphold the law and rules and this matter slaps the LSBHI in the face and screams disregard to the Home Inspection industry.

Mr. Smothers motioned to find Mr. Swain in violation of LA46XL.117B and Mr. Grevemberg seconded the motion and the motion was carried.

Mr. Smothers motioned to find Mr. Swain in violation of LA46XL.117B.1 and Mrs. Fuselier seconded the motion and the motion was carried.

Mr. Smothers motioned to find Mr. Swain in violation of LA46XL.127A and Mr. Grevemberg seconded the motion and the motion was carried.

Mr. Smothers motioned to find Mr. Swain in violation of LA46XL.139B.2 and Mr. Grevemberg seconded the motion and the motion was carried.

Mr. Smothers motioned to find Mr. Swain in violation of LA46XL.139B.3 and Mr. Grevemberg seconded the motion and the motion was carried.

The Board then moved into the penalty phase. Mr. Grevemberg motioned that a fine of \$1000.00 for each violation be levied. Mr. Hardouin seconded and the motion was carried. Mr. Smothers also motioned the Mr. Swain be responsible for all expenses incurred by the Board to obtain the Private Investigator. Mr. Hardouin seconded the motion and the motion was carried. Mr. Swain's total fine was set at \$6415.50.

C-11-021 Duplissey v. Joyner- Both parties were present. Ms. Duplissey briefed the Board on her complaint. Mr. Joyner then briefed the Board on his response to the complaint. The Board then asked several detailed questions and reviewed the pictures presented with the complaint. Mr. Grevemberg noted that Mr. Joyner did recommend further investigation in his report. Mr. Joyner did meet the requirements of our Standards however he could have been more specific or aggressive. Mr. Smothers agreed with Mr. Grevemberg but suggested the Mr. Joyner should have pointed out the recommendations that were made in the report a made them more clear. Mr. Smothers motions to dismiss the complaint. The Home Inspector did meet the Standards by pointing out the details twice in his report. Mr. Grevemberg seconded the motion and the motion was carried. Mrs. Fuselier stated that in the future Mr. Joyner should exceed the minimum Standards.

C-11-023 Cross v. Donaldson Education- Both parties were present. A course syllabus was presented to the Board from the June 2011 courses given by Donaldson. The syllabus was for 80 hours not the required 90 hours. Mr. Donaldson admitted the syllabus was indeed their syllabus and agreed that it was short on hours. Mr. Grevemberg motioned that they syllabus did not meet the 90 hour requirements set forth by the Louisiana State Board of Home Inspectors. Mr. Smothers seconded the motion and the motion was carried. Next the Board moved into the penalty phase. Mr. LeBas motioned that Donaldson's approval as a pre-licensing provider Cease and Desist until Donaldson Educational Services can meet the requirements and provide the Board with proof. Mrs. Fuselier seconded the motion and the motion was carried. Donaldson Educational Services must re-apply with the Board and provide proof that they are in compliance with the Louisiana State Board of Home Inspectors Laws.

C-11-024 Matthew v. Binkley- Both parties were present. Mr. Burroughs and Mr. Hardouin recused themselves from the hearing. Ms. Matthews briefed the Board on the complaint. Mr. Binkley also briefed the Board on each individual complaint. The Board then asked both Mr. Binkley and Ms. Matthews several questions in regards to the complaint. The Board addressed each complaint individually:
LA46XL.501A&B.1- Mrs. Fuselier motioned to dismiss Mr. LeBas seconded and the motion was carried.
LA46XL.501A&B.4- Mr. Grevemberg motioned to dismiss, Mrs. Fuselier seconded and the motion was carried.

LA46XL.501A&B.8- Mr. LeBas motioned to dismiss, Mr. Grevemberg seconded and the motion was carried.

LA46XL.501A&B.9- Mrs. Fuselier motioned to dismiss, Mr. Grevemberg seconded and the motion was carried.

LA46XL.501A&B.10- Mrs. Fuselier motioned to dismiss, Mr. Grevemberg seconded and the motion was carried.

LA46XL.501A&B.12- Mr. Grevemberg motioned to dismiss, Mrs. Fuselier seconded and the motion was carried.

LA46XL.501A&B.130 Mrs. Fuselier motioned to dismiss, Mr. Grevemberg seconded and the motion was carried.

LA46XL.305Ba- Mr. LeBas motioned to dismiss, Mrs. Fuselier seconded and the motion was carried.

LA46XL.311A.1- Mr. Grevemberg found Mr. Binkley in violation. Mr. Grevemberg stated that he needed to be more specific on his reports especially in areas of concern. If one cannot access something then one cannot inspect it. Mrs. Fuselier seconded the motion and the motion was carried.

LA46XL.311B.1- Mr. Grevemberg motioned to dismiss, Mr. LeBas seconded and the motion was carried.

LA46XL.311C.2,3 &4- Mr. LeBas motioned to dismiss, Mrs. Fuselier seconded and the motion was carried.

LA46XL.313A.1- Mr. Grevemberg motioned to dismiss, Mrs. Fuselier seconded and the motion was carried.

LA46XL.313B.1- Mrs. Fuselier motioned to dismiss, Mr. LeBas seconded and the motion was carried.

The Board now moved into the penalty phase for the violation of LA46XL.311A.1. Mr. Smothers stated that the report seemed very vague and should have been much more specific. Mr. LeBas motioned that a fine of \$100.00 for levied for violation LA46XL.311A.1. Mrs. Fuselier seconded and the motion was carried.

C-11-025 Hussey v. Maxcy- Mr. Maxcy filed a continuance and this complaint will be heard at the March 2, 2012 Board meeting.

C-11-026 Slater v. Wallace- Mr. Wallace was present. Mr. LeBas motioned to dismiss the complaint because the complainant failed to appear for the hearing and also failed to file a continuance. Mr. Grevemberg seconded and the motion was carried.

III

Review In-field Trainer applications:

Roy Burst - Mr. LeBas motioned to approve Mr. Burst; Mrs. Fuselier seconded and the motion was carried. Mr. Burst abstained.

Lunch Break- 12:00-12:45pm

IV

Revisions to Continuing Education rules- The Board reviewed a few Continuing Education changes that did not make it into the State Register. The Board tightened up some language before entering the additional changes. Mr. Smothers motioned to accept the continuing education revisions as written. Mrs. Fuselier seconded and the motion was carried.

V

Update on LREC meetings- Mike Burroughs briefed the Board on previous meetings that were held with the LREC. The Board Attorney will compose a letter that will be voted on at the next Board meeting. The letter will talk about inspection report sharing and putting a proper protocol in place. Once the Board approves the letter the letter will be sent to the LREC for their approval. Once both entities approve the letter it will be sent out to all Home Inspectors and Realtors in the State.

VI

Sidney Chaisson addressed the Board. Mr. Chaisson would like to see the continuing education requirements be raised to 32 hours a year. Mr. Chaisson stated he would like make sure that Home Inspectors are more educated that they are now. Mr. Smothers motioned to rains CE to 24 hours. The motion dies.

VII

Reports and Cost Repair Findings- Mr. Smothers motioned to table this item to the next Quarterly Board meeting. Mr. LeBas seconded the motion and the motion was carried.

VIII

Relocation Reports- There were mixed opinions about Relocation Reports. The Board agreed that they need to find out the intent of Relocation reports before they can move forward.

IX

Expiring Board members- The Board took a moment to Thank Mrs. Ceil Fuselier for all her years of hard work and dedication and presented her with a plaque.

X

Election of new officers- nominations were open for Chairman. Mr. Foxe Smothers was nominated for Chairman of the Board. Nominations were closed. Mr. LeBas motioned to accept Mr. Smothers as the Board Chairman. Mrs. Fuselier seconded and the motion was carried. Next nominations for Vice Chairman were open. Mr. Roy Burst was nominated. Nominations were closed. Mr. Hardouin motioned to accept Mr. Burst as the Vice Chairman. Mrs. Fuselier seconded and the motion was carried.

2012 Officers

Chairman- Foxe Smothers
Vice Chairman- Roy Burst

Executive session 2:24 P.M.

Open session 2:30 P.M.

Meeting adjourned 2:30P.M.

Mr. Burst motioned to adjourn. Mr. LeBas seconded and the motion was carried.

Other attendees: Albert Nicaud, Board Attorney; Morgan Spinosa, COO; Robert Cross; Fred Rittler; Sidney Chaisson; Joe Cook; Chris Donaldson; Richard Campbell; Bill Wallace; Dave Hartmann; Fritz Gurtler; Donald Makofsky; Michael Kendrick; Charles Carew; Johnny Joyner; Randall McDaniel; Kelsey Matthews; Hunter Bridges; Bill Hatchett; Herbert Stogner; James Denman; Brandi Duplissey; William David Wallace; Debra Milligan; Greg Tripp; Paul Binkley; Nathan Lemoine; Robert Swain; Jim Lonigro; Morgan Wood; Larry Herbert; Ron Hufft; Peter Barilaro; John Tusia; Bart Mormino

Minutes recorded by: COO