

MINUTES
CONNECTICUT HOME INSPECTION LICENSING BOARD
165 CAPITOL AVENUE
HARTFORD, CONNECTICUT 06106

FEBRUARY 7, 2008

The Connecticut Home Inspection Licensing Board met on Thursday, February 7, 2008 at 9:34 A.M. in Room 117 of the State Office Building, 165 Capitol Avenue, Hartford, CT 06106.

Board Members Present: Bernard F. Caliendo, Chairman (*Home Inspector*)
 Susan A. Connors, Esq. (*Public Member*)
 Richard J. Kobylenski (*Home Inspector*)
 Bruce D. Schaefer (*Home Inspector*)
 William Stanley, Jr. (*Home Inspector*)
 Lawrence R. Willette (*Home Inspector*)
 James J. O'Neil (*Public Member*)

Board Members
Not Present: Eric Curtis (*Public Member*)

Board Member Vacancies: None

Board Counsel: Not present, as requested.

DCP Staff Present: Robert M. Kuzmich, License and Applications
 Specialist
 Richard M Hurlburt, Director
 Occupational & Professional Licensing
 Vicky Bullock, Administrative Hearings Attorney
 Linda Roberts, Commissioner's Office
 Keith Lombardi, Investigator

Others Present: None

Note: The administrative functions of this Board are carried out by the Department of Consumer Protection, Occupational and Professional Licensing Division. For information, call Richard M. Hurlburt, Director, at (860) 713-6135.

1. Call to order by Chairman Bernie Caliendo.

Mr. Caliendo called the meeting to order at 9:34 AM.

2. Review of minutes of the November 8, 2007 meeting of the Board. It was noted that the minutes stated that the discussion regarding home inspector insurance is to be continued by the Board. This matter was clarified by Mr. Kuzmich and several Board members and noted under *Agenda Item 7(D)* in these minutes. After a thorough review, *the Board voted, unanimously, to accept the minutes as submitted herein. (Schaefer/Kobylenski)*

3. Review of Final Decisions and Orders.

Chairman Bernie Caliendo acknowledged that there are none before the Board today.

4. Applications for review.

Chairman Bernie Caliendo acknowledged that there are no applications before the Board today.

5. Applicants appearing before the Board.

Chairman Bernie Caliendo acknowledged that there are no applicants appearing before the Board today.

6. Formal Hearings to be held.

Mr. Caliendo noted that there are no Formal Hearings scheduled for today's meeting.

7. Old Business

A. Home Inspection Course Application for Pre-Licensing;

Course: National Online Home Inspection Course

School: Kaplan Professional Schools Inspection Training Associates
1050 Los Vallecitos Boulevard Suite 109
San Marcos, California 92069

Mr. Kuzmich noted that Board members Bruce Schaefer and Bill Stanley are reviewing this course and are awaiting some missing course components. Mr. Kuzmich noted that he spoke with the provider and the modules have not been submitted to date. Mr. Stanley noted he is missing an Instructor/Lecture Guideline and quizzes, exams, and answer keys. Mr. Stanley noted that perhaps this material is available on DVD's. As such the Board postponed further action on this item until their submission is complete.

B. Continuation of discussion regarding Continuing Education requirements for Home Inspectors. Mr. Caliendo noted that the continuing education revisions were voted upon at the last Board meeting and that he has additional proposals he thinks should be added to the Department's legislative package and are noted under Agenda Items 8(B) and 8(C).

C. Update from the Department of Consumer Protection regarding the audit of Home Inspector license renewals submitted for the 2007-2009 license period for compliance with continuing education credits earned between July 1, 2005 and June 30, 2007. Mr. Kuzmich noted that he has received approximately eighty percent of the audit letters back. Of the returned letters, approximately 12 have been accompanied by checks for civil penalties. It was noted that these licensees have at present completed their continuing education but were not compliant at the time of their renewal. Mr. Kuzmich also noted that the Department received approximately 6 submittals with no documentation or just unsigned cover letters. He also stated that the approximately four individuals have surrendered their licenses and mailed in their wallet cards.

Mr. Kuzmich noted that he has approximately 40 submittals left to review and then go over with Mr. Hurlburt as he has with all the previous submittals. He then will submit the recalcitrants to the legal department for action by them.

Mr. Kuzmich noted that the vast majority of the auditees are in compliance and that the majority of the courses he has seen are from providers such as CAHI and ASHI. Mr. Hurlburt explained the legal process ahead for those

individuals who are in some form of non-compliance. He also noted that the Board should be pleased with the results of this as their very first audit and that a clear message has been sent to the licensees that continuing education is required and will be enforced. Mr. Caliendo stated that his main concern with the process is the fact that licenses were handed out before compliance was proved.

Mr. Hurlburt noted that the Department is working on a computer program involving the providers of CEU to enter all their participants in an exclusive database accessible through a web site using approved provider codes. This database can be cross referenced in the future with renewals the Department has received and individuals not appearing on in either database will then be audited. This will be a time saving resource.

In response to some questions from Mr. Willette regarding other documentation sent out by the Department with the audit letters, Mr. Caliendo noted that only the Disclosure Statement to the Consumer, the Standards of Practice, and the Code of Ethics are required to be given to the Consumer.

D. Continuation of discussion concerning the potential for an Errors and Omissions Insurance requirement for Connecticut Home Inspectors. Ms. Connors stated that she looked at over sixty cases and believes strongly in having an insurance requirement. Unfortunately, her research didn't support her beliefs in large part because these cases do not reach an ultimate level in the legal system and are settled along the way. The time frame she research was since licensing in Connecticut became effective or approximately seven years. As such, the consensus of the Board is to put this issue to rest and close this matter. The question was asked how a claim is pursued relative to the Department. It was noted that a complaint must first be filed with the Department at which point their investigator would try and settle the matter before it reached the Board or it would come before the Board for further action based upon the Boards statutory authority.

8. New Business

A. Swearing-in of Mr. James J. O'Neil as a newly appointed Public member of the Home Inspection Licensing Board. Department Attorney Vicky Bullock swore in new Board Member James J. O'Neil. Both staff and fellow Board Members introduced themselves and welcomed Mr. O'Neil and look forward to working with him in the future.

B. Proposed change to Regulation **Section 20-491-13. General Limitations and Exclusions.** (d)(12). This item refers to an error in language regarding the inspection of radon, asbestos, lead paint and lead solder. The original draft included these items because a legislator believed that if these topics were allowed for continuing education, than an inspector should inspect for these items. These items were supposed to be omitted from the draft otherwise an exception in an exclusionary clause means that the items must be done. In October of 2002, a Department letter was issued to licenses explaining this error in language. Mr. Caliendo would like to take advantage of the Board's proposed legislative action and clean-up this item as a part of the same. *The Board agreed with Mr. Caliendo and voted unanimously to include this Item in the Department's package. (Schaefer/Kobylenski).*

C. Proposed change to Statute **Section. 20-492c. Licensure of out-of-state licensees. Fee.** concerning a change of fee for out-of-state licensee applicants. Mr. Caliendo stated that he believes that the \$100.00 fee that these applicants are charged is much less than what surrounding State charge for their initial license. It was noted that action on this item requires a statutory change and the other changes the Board is proposing are regulatory. Mr. Kuzmich noted that the amount of out-of-state licensees applying for a Connecticut Home Inspector license is fairly low; he estimates the number to be approximately twelve.

Mr. O'Neil suggested that an application fee be charged and the license fee be prorated and then refer it to the Department's Legislative Liaison to see if can be included in a legislative package. *After, more extensive discussion, it was decided by the Board that no action is necessary at this time.*

D. Update from Consumer Protection Trade Practices Division regarding any Home Inspection Licensing Board matters. Mr. Lombardi reported that there are currently two open cases, a closed case with a referral, and five closed cases. The Board asked for a brief synopsis of the nature of the complaints and their method of settlement in the future. Ms. Connors noted that this information could assist the Board's subcommittee on the issue of insurance. Ms. Bullock will address this issue

E. Legislative update from Consumer Protection Legal Division regarding any Home Inspection issues. Ms. Bullock noted that the legislative liaison is not here at present and may not be able to attend today due to his activity with the legislature.

9. Other Business

A. Any correspondence and/or business received in the interim.

1. Mr. Kuzmich distributed a PSI Examination Services Connecticut Occupational Trades Examination Results for the Board's information for the time period January 2008.

2. Ms. Connors raised the topic of Home Inspector's doing a pre-sale walk through versus an actual home inspection resulting from a call from a friend who represents a Home Inspector. The discussion centered on the legal definition of a Home Inspection. She noted that this walk through is becoming a trend in the industry as a new way of making money. The term written evaluation of two or more components was discussed. Mr. Caliendo believes that regardless of a written report, the inspection aspect of the components constitutes a legal inspection. Mr. Stanley noted that he believes that it is not providing that there is no written report and provides this service to clients.

The question of liability of these walk-through inspections relative to contracts for the same and how the Department would handle complaints related to this issue was discussed. Ms. Connors noted from a legal standpoint, if the Board was advising home inspectors that want to partake in this type of evaluation, they would advise that they consider themselves consultants and do not provide anything to their client in writing. Ms. Connors is concerned about the definition of a report which is defined as any communication in writing in the Statutes. She noted that at this point, the seller as the recipient of the walk-through services has not really been harmed and the home inspector's liability is minimal.

Mr. Stanley noted that he sometimes sends his clients letters stating that his walk through is not a Home Inspection and will give this evaluation as of this date and time. He noted from a common sense point of view that most sellers want to know ahead of time and don't want to pay the cost of a full blown home inspection. Ms. Connors noted that most sellers probably rely on their real estate agents for advice. She noted that the reason she raised this issue is that she doesn't want Home Inspectors breaking the law by doing a walk-through and it is now clear to her from today's discussion that they are not again referring to the statutory definition of a home inspection being comprised of at least two components and a written report.

Mr. O'Neil suggested the Board consider putting a legislative package addressing their bigger issues for the 2009 legislative session which is a longer session by calendar definition.

3. Mr. Caliendo expressed his thanks to all who participated in the PSI Examination workshop held December 12, 2007 in East Windsor. The Board was very pleased with the outcome of this work session.

4. Mr. Caliendo stated that he attended a Board Chairs Meeting with the Commissioner on January 16, 2008. The Commissioner reviewed changes with the Department including a push towards electronic documentation. Ms. Linda Roberts discussed the topic of Ethics and will be addressing the Boards, in person, on this topic in the future.

5. Mr. Willette suggested that the State's current Home Inspector Examination is generally, not very difficult. He suggested that the Board get together and develop more questions to be used that are more challenging. Mr. Caliendo suggested that this can be accomplished in future perhaps by the formation of a subcommittee. Ms. Connors noted that the test scores indicate that the current test does not appear too easy or difficult.

The meeting adjourned at 11:16 AM. (Kobylenski/Willette)

Note: the next regular meeting of the Board is scheduled for May 1, 2008 at 9:30 AM in Room No. 117 of the State Office Building, 165 Capitol Avenue, Hartford, Connecticut.

Respectfully submitted,

Robert M. Kuzmich, R.A.
License and Applications Specialist