

STATE OF CONNECTICUT

HOME INSPECTION LICENSING BOARD

TEL. NO. (860) 713-6135

-MINUTES-

MAY 05, 2011

The Connecticut Home Inspection Licensing Board held a meeting on Thursday May 5, 2011 which was called to order at 9:33 A.M. in Room 117 of the State Office Building, 165 Capitol Avenue, Hartford, CT 06106.

Board Members Present: Eric Curtis (*Public Member*)
Richard J. Kobylenski (*Home Inspector*)
James J. O'Neill (*Public Member*)
Bruce D. Schaefer (*Home Inspector*)
Daniel Scott (*Public Member*)
David B. Sherwood (*Home Inspector*)
William Stanley, Jr. (*Home Inspector*)
Lawrence R. Willette (*Home Inspector*)

Board Members

Not Present: None.

Board Member Vacancies: None.

Board Counsel: Not present, as requested.

DCP Staff Present: Robert M. Kuzmich
Vicky Bullock

Others Present: None

Note: The administrative functions of the Boards, Commissions, and Councils are carried out by the Department of Consumer Protection, Occupational and Professional Licensing Division. For information, contact Richard M. Hurlburt, Director, at (860) 713-6135 or Fax (860)-706-1255.

Agency Website: www.ct.gov/dcp

Division E-Mail: occtrades@ct.gov

1. Call to order: by Chairman.

2. Review of minutes of the February 3, 2011 meeting the Board. Mr. Stanley noted that the previous gathering of the Board held on February 3, 2011 may not be considered an official meeting due of the lack of a quorum. Mr. Kuzmich assembled notes from this unofficial meeting and has put them on the agenda for the Board's review and information.

3. Review of Final Decisions and Orders:

None before the Board today.

4. Applications for review:

None before the Board today.

5. Applicants appearing before the Board:

A. Application of Mr. Charles J. Sweed for a Home Inspector License by reciprocity; Mr. Sweed is scheduled to appear before the Board today. Mr. Sweed was not present at today's meeting. Mr. Stanley detailed the applicants experience in New York State and noted that fact that has been doing inspections in that State for five years. Mr. Stanley noted the statutory requirements as they currently read in Connecticut for reciprocity applications. Mr. Kuzmich explained that the Board's policy in all reciprocity applications has been proof that the applicant has essentially complied with all the elements of the internship program in Connecticut.

After considerable discussion, the Board voted to approve Mr. Sweed's application (in consideration of not having to make him wait another three months) subject to

*verification by the Department that the applicant has no pending actions against him.
(Curtis/O'Neill)*

6. Formal Hearings to be held:

None before the Board today.

7. Old Business

A. Home Inspection Course Application for Pre-Licensing:

Courses: InterNACHI's Pre-Licensing Curriculum (134 hrs.)

*School: InterNACHI
 1750 30th Street
 Boulder, Colorado 80301*

This application was discussed several meetings ago and Mr. Kuzmich updated the Board on its present status. He located the review sheet prepared by Mr. Sherwood from his initial review of the application and e-mailed the same to the school representatives. The Board is currently awaiting their response to the review.

B. Continuation of discussion from the Subcommittee concerning the definition of "home inspection". Mr. Stanley e-mailed a draft to the Board that he and Mr. O'Neill developed. Mr. Kuzmich questioned how many components now constitute a home inspection based upon the revised definition as written in the draft the Board has before them today. Mr. Stanley noted that it was his intent to include all components as stated in the draft. Mr. O'Neill noted that final draft is subject to change by the time the review process is completed and the final draft is composed by the Legislative Commissioner's Office. After much discussion, Mr. O'Neill suggested that the Board submit the definition they are comfortable with along with a detailed explanation of what they are trying to accomplish.

Mr. Stanley volunteered to revise his draft with an explanation of the Board's intent and then the Board can vote on this draft at their next meeting. He will try to e-mail the revisions to all the Board prior to their next meeting for their review and comment.

C. Continuation of discussion concerning Board Policy for Continuing Education and Continuing Education subject matter. Mr. Hurlburt authored an amendment draft to the regulations which was presented to the Board with gives them the control over subject matter of continuing education. Mr. Stanley noted that the Board voted in the

past on a policy which will be in place in conjunction with these proposed regulation changes which states that a home inspector can only do twenty five percent of his/her subject matter for CE in non-core related subject matter. The required business law course is in the regulation and for now must remain a requirement since its elimination requires a regulation change.

After more extensive discussion, the Board voted unanimously, to accept the changes to the regulation as outlined in the draft presented to them today as prepared by Mr. Hurlburt. (Sherwood/Willette)

Mr. Stanley noted to the Board that if they implement their 75/25 percent policy on CE subject matter, the 3 hour business law requirements is still on the books and would be considered three hours of non-core related subject matter leaving only two hours more of non-core subject matter left to take. As such, Mr. Stanley suggested that the Board hold-off on this 75/25 policy until they see how far along the change they just approved progresses.

Mr. Kuzmich noted the business law course is actually a core course which is a requirement. The Board could still implement their policy of 75/25 and when the regulation changes, it will be considered a non-core subject. Mr. Kuzmich suggested that the policy could be issued let the subject of the business and law course remain silent as is. Mr. Kuzmich and Mr. Stanley will work together on a draft to be presented to the Board.

8. New Business

A. The Department has set the following dates for the Home Inspection Licensing Board for the Calendar Year 2011:

February 3, 2011

August 4, 2011

May 5, 2011

November 3, 2011

All meetings will be held in Room No. 117 of the State Office Building, 165 Capitol Avenue, Hartford, Connecticut and begin at 9:30 AM.

The Board acknowledged this information.

9. Other Business

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

1. Mr. Jack Chomicz concerning the Clean Water Act of 1982 who operates JC Home Inspections out of Niantic and Old Saybrook. He noted to the Board that on numerous occasions, he performed lead in water tests in homes built prior to 1982. Some of these tests were for bank mortgages and some for government agencies such as FHA, VA, etc. When lead was found in the water, the sellers generally denied it and did nothing to correct the situation such as having an electrician remove the ground wire from the pipes and placing the same outside the home in compliance with local codes.

He asked the Board when the buyer will do nothing about the condition and the seller walks away from the sale, should the seller's realtor now have to state "lead in the water" in the seller's disclosure agreement? He also noted that all parties involved, including banks, lending brokers, realtors, home inspectors, and septic tank companies have a clear understanding of this Federal Law.

He also noted that the code now requires that when water softening systems are installed in a home, the system requires a separate drain or field for the water to go to in the cases of septic tanks. This requirement is seldom enforced although he makes the selling realtor aware of the situation. He is asking the Board for documentation to give the appropriate parties that enforces this requirement. Mr. Willette has the documentation and will send the same to Mr. Chomicz. Mr. Stanley noted that this information is not enforced by the Home Inspection Licensing Board but instead by the Department of Public Health he believes. Mr. Willette noted that the responsibility for this enforcement has bounced around quite a bit in recent times between the Health Department and the Department of Environmental Protection. Mr. Willette stated that although the Home Inspector has no obligation to do so, he might state that the reasons why the drain lines need to be moved.

Mr. Willette will e-mail all the Board members and Mr. Chomicz his documentation from the State of Connecticut regarding backwash from water softening systems at the request of Mr. Stanley. In summary, Mr. Stanley stated to Mr. Chomicz that the Board will get him the documentation to give to his clients which is all the Board can do at this point.

Mr. Chomicz now discussed the issue of lead in water with the Board and the unfamiliarity of this test by the public. He performs this test for his clients when he sees an electrical ground wire attached to the water main on the inside of the house and has documentation from the State supporting this action. The Board suggested to Mr. Chomicz that perhaps he is offering too much to his client to the point where it is causing him problems. They reminded Mr. Chomicz that the work he is discussing today is outside the duties as defined in the law of what a home inspector must perform. They are not telling him to ignore the tests but to keep in mind that the work is outside of the definition of home inspection. The Board unofficially suggested some options, on a casual basis, on what he can advise his clients. Again, they reminded Mr. Chomicz to develop a level of comfort on how far he wants to go with his clients.

B. Mr. Sherwood addressed the Board concerning the requirement of client acknowledgement of receipt of the Standards of Practice and Regulation and asked the Board if this transmission could be done electronically. This change would be consistent with current industry trends. The issue of electronic transmission now raised the issue that the consumer would not actually sign for the receipt of these documents. The contract could include a checkbox acknowledging receipt of the documentation by the consumer. An electronic receipt is also a possibility when the document is received by the consumer.

Mr. O'Neill raised the point that as long as the consumer acknowledges receipt, the transmission method really doesn't matter. After more extensive discussion, the Board agreed that the checkbox acknowledgment in the contract is an acceptable as proof that the consumer has received the material.

Mr. O'Neill made a motion that acknowledgment of receipt of these materials within the contract is acceptable and that electronic transmission of the same is an acceptable method. Mr. Schaefer seconded the motion. The motion passed unanimously.

The meeting adjourned at 11:02 AM. (Stanley/Kobylenski)

Note: the next regular meeting of the Board is scheduled for August 4, 2011 beginning 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