

STATE OF CONNECTICUT

HOME INSPECTION LICENSING BOARD

TEL. NO. (860) 713-6135

-MINUTES-

MAY 27, 2015

The Connecticut Home Inspection Licensing Board held a meeting on Wednesday, May 27, 2015 which was called to order at 9:27 A.M. in Room 117 of the State Office Building, 165 Capitol Avenue, Hartford, CT 06106.

Board Members Present: Richard J. Kobylenski (*Home Inspector*)
James J. O'Neill (*Public Member*) (participation by telephone conference call)
William Stanley, Jr. (*Home Inspector*)

Board Members Not Present: Bruce D. Schaefer (*Home Inspector*)
Daniel Scott (*Public Member*)
David B. Sherwood (*Home Inspector*)
Lawrence R. Willette (*Home Inspector*)

Board Member Vacancies: One (*Public Member*)

Board Counsel: Not present, as requested.

DCP Staff Present: Robert M. Kuzmich, Department of Consumer Protection

Others Present: Eileen M. Meskill, Attorney General's Office

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: dcp.occupationalprofessional@ct.gov

1. Call to order: by Chairman.

Mr. Stanley called the meeting to order at 9:27 AM.

2. Review of minutes of the November 19, 2014 meeting the Board.

The Board voted to accept the minutes as submitted. (O'Neill/Stanley) The minutes will be posted to the Department's website.

3. Comments or Concerns of any Person Present Today.

There were no comments or concerns noted from anyone present at this meeting.

4. Review of Final Decisions and Orders:

None before the Board today.

5. Applications for review:

None before the Board today.

6. Applicants appearing before the Board:

None before the Board today.

7. Formal Hearings to be held:

None before the Board today.

8. Old Business

A. Home Inspection School Application for Pre-Licensing.

School (Pre-Licensing):

Amerispec Home Inspector Technical Academy
6399 Shelby View, Suite 109
Memphis, Tennessee 38134

Course (Pre-Licensing): *Amerispec Technical* (44 hrs.)

Mr. Stanley noted that both he and Mr. Willette have finished their review of this school submission and found it to be complete and recommended approval of the same by this Board. As such, the Board voted unanimously to approve Amerispec Home Inspector Technical Academy and their Amerispec Technical pre-licensing course.
(Stanley/O'Neill)

B. Continuation of discussion concerning proposed changes to the Regulation for Home Inspection; for discussion by the Board.

Mr. Stanley stated that the Connecticut Association of Home Inspectors (CAHI) is meeting monthly and spending approximately one hour at these meetings reviewing the various sections of the regulations. They will probably present this Board with a review of their findings later in the year. For the time being, their review is still in process.

9. New Business

A. Presentation by the Attorney General' Office (of the State) regarding the Supreme Court of the United States Ruling; North Carolina State Board of Dental Examiners v. Federal Trade Commission; for the Board's information.

Assistant Attorney General Eileen Meskill attended this meeting to provide legal advice regarding the following case: *Supreme Court of the United States, North Carolina State Board of Dental Examiners v. Federal Trade Commission*. Attorney Meskill provided the Board with a brief overview of this case noting that it involves a recent decision by the U.S. Supreme Court addressing the authority, role and scope of a State Regulatory Board. This case involved the North Carolina Dental Licensing Board, and was brought by the U.S. Federal Trade Commission. The facts of the case involve actions by the North Carolina Board to prohibit non-dentists from conducting teeth whitening services. The Supreme Court ruled against North Carolina, indicating that there was not sufficient involvement by the State to protect the actions of the Board from anti-trust claims.

Attorney Meskill elaborated on what "active state supervision" entails. She further clarified what may be implied by the Court's recent decision and that there has to be actual positive consideration of the record, and a written decision by someone in the State who is not on the Board or Commission. The Board can develop the record and propose a written decision, however, the decision needs to be reviewed by the State by appropriate personnel in some capacity, and the proposal must meet a clearly articulated State policy, whether a statute or regulation.

Ms. Meskill noted that this case in point is a “scope of practice case”. This case is brought to the attention of the Connecticut Boards and Commissions because the potential exists for the same situation to occur to them although the facts of such cases may differ in detail from those in the North Carolina matter. Ms. Meskill encouraged the Board to read summaries of this case which can be found on line or elsewhere.

The Office of the Attorney General is in the process of determining what this case means to the State Boards and Commissions. Ms. Meskill again noted that this matter does not pertain to systematic disciplinary issues, rather to scope of practice/work issues. The Attorney General’s Office will be meeting with the Governor’s Counsel regarding this decision and discuss the overall impact. At that point, it can be decided if anything needs to be addressed or changed within State agencies and Board/Commission procedures.

The Board is encouraged to call the Office of the Attorney General with any concerns regarding this matter. The Board thanked Ms. Meskill for bringing this matter to their attention.

B. Statute Section 21a-8 (Formerly Sec. 19-171g). Department’s and commissioner’s powers and duties re boards and commissions; for the Board’s information. Mr. Kuzmich noted that this information simply notifies the Boards and Commissions that they shall receive a report, through their Chairperson, from the Department comprised of a list of all complaints received within the previous month.

C. DCP Trade Practices Division Complaint Status Report; review of complaint report submitted by the DCP Trade Practices Division including open, closed, and dismissed cases. Mr. Kuzmich noted that there was no report received from the Department’s Trade Practices Division.

10. Other Business

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

1. Mr. O’Neill suggested that the Board and Department actively begin to pursue filling the current vacancies on this Board. Mr. Stanley has some recommendations for Professional Board Members. Mr. Stanley also noted that public member vacancies must also be filled. It was suggested that the Board work with the Department’s liaison, Ms. Allyn DeMaida, in filling these Board Member vacancies. Mr. Kuzmich will ask Ms. DeMaida to contact Mr. Stanley subsequent to today’s meeting.

The status of Board Members Daniel Scott (Public Member) and David B. Sherwood (Home Inspector) was discussed. Mr. Stanley noted that he received an e-mail from

Dave Sherwood on February 17, 2015 stating that it would be best for Mr. Sherwood to resign since his professional commitments have conflicted with many Board meeting dates and prevented him from attending these meetings. The e-mail also thanked the Board for their time and stated how well they have worked together.

Mr. O'Neill stated that he sent Mr. Scott an e-mail asking about his status on the Board but to date has not heard back from him.

11. Comments or Concerns of any Person Present Today.

No one scheduled before the Board today. In addition, there were no additional requests from anyone else.

The meeting adjourned at 9:54 AM. (O'Neill/Stanley)

Note: the next regular meeting of the Board is scheduled for Wednesday, August 26, 2015 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