

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

MAY 1, 2008

The Connecticut Home Inspection Licensing Board met on Thursday, May 1, 2008 at 9:34 A.M. in Room 117 of the State Office Building, 165 Capitol Avenue, Hartford, CT 06106.

Board Members Present: Susan A. Connors, Esq., Chairperson (*Public Member*)
Eric Curtis (*Public Member*)
Richard J. Kobylenski (*Home Inspector*)
James J. O'Neill (*Public Member*)
Bruce D. Schaefer (*Home Inspector*)
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, License and Applications
Specialist
Vicky Bullock, Administrative Hearings Attorney

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 Chairperson Susan Connors.

Ms. Connors called the meeting to order at 9:34 AM.

2. Review of minutes of the February 7, 2008 meeting of the Board. The following changes were noted by the Board. On page five, paragraph one, line six; delete *"There are no standards for"*. Capitalize the word *"these"* and delete the words *"and was"* after *"items"* and substitute *"were"*. On page seven, fifth paragraph, tenth line; delete the words *"the inspection"*. After a thorough review, *the Board voted, unanimously, to accept the minutes as amended herein. (O'Neil/Kobylenski)*

3. Review of Final Decisions and Orders.

Chairperson Susan Connors acknowledged that there are none before the Board today.

4. Applications for review.

Chairperson Susan Connors acknowledged that there are no applications before the Board today.

5. Applicants appearing before the Board.

Chairperson Susan Connors acknowledged that there are no applicants appearing before the Board today.

6. Formal Hearings to be held.

Chairperson Susan Connors noted that there are no Formal Hearings scheduled for today's meeting.

7. Old Business

A. 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. Ms. Bullock noted that she sent three letters to licensee's for apparent non-compliance who have since submitted documentation showing that they are now in compliance. The Department now has 100% compliance which pleases the Board and Department very much. Some discussion took place regarding civil penalty checks for non-compliance (at the time) received from licensees with subsequent further explanation and clarification from Ms. Bullock. Compliance of home inspectors with the continuing education mandate compared to the same of other professions the Department regulates was briefly discussed.

8. New Business

A. Swearing-in of Mr. David B. Sherwood as a newly appointed Home Inspector Member of the Home Inspection Licensing Board. Ms. Bullock swore-in new Board Member David Sherwood. The Board and Department welcomed him and look forward to working with him in the future.

Mr. Kuzmich stated that Mr. Sherwood was appointed in succession to Mr. Bernard F. Caliendo who is no longer on the Board. In addition, the Governor's Office has appointed Board Member Susan A. Connors as the new Chairperson. Ms. Connors accepted the appointment.

B. E-Mail from Mr. Lawrence E. Merlin, Esq., dated March 31, 2008, concerning Home Energy Audits; items inspected during home energy audits were discussed and it was noted that most likely, at least two qualifying components, in accordance with the statutory definition of a home inspection, would be inspected as a part of a home energy audit. If a written report is given, then the report constitutes a home inspection.

Considerable discussion ensued regarding various situations where individuals in the course of doing their primary business may be stepping into the home inspection profession as an aside to their main duties such as home improvement contractors hired to do a specific job. The intent of the statutes was discussed and it was agreed that their language was not intended to be a "trap" for other professions doing illegal home inspections. Mr. Kobylenski and Ms. Connors believe that the work of home energy auditors should not fall under home inspection and this Board should not keep these individuals from doing their job.

After reading the question being asked of the Board initially, Ms. Connors questions whether this Board is the right entity to answer this gentleman's question or should it be referred to the Legal Division. Ms. Bullock will

provide a response to Mr. Merlin stating that the consensus of the Board is to adhere to the language of the statutes and apply the same as determined by the work being done by his client. Mr. Kuzmich also added the fact the statutes for occupational licensing provide exemptions for other trades to allow trades people to work in other areas for which they are not licensed provided that they work within the scope of their profession.

Ms. Connors stated that the Board, in the future, should consider this discussion to better define a "Home Inspection" as part of other statutory changes they may wish to undertake. This would help eliminate other areas of confusion that Attorneys are running into with their clients.

Mr. Schaefer noted that with the current downward state of the economy, people are looking to tap into other areas such as energy audits, radon mitigation, and termite treatment as possible sources of additional income and a refinement of the Statutes can accommodate such actions.

In conclusion, the Board decided to form a subcommittee comprised of Jim O'Neil, Bill Stanley, Larry Willette, and Susan Connors to begin discussions on proposed statutory changes for the 2009 Legislative Session. Mr. Kuzmich will distribute an updated Board member list by e-mail to all.

C. Amended Regulation Section 20-491-6 for publication in the Connecticut Law Journal; Ms. Connors acknowledged this information on behalf of the Board.

D. E-Mail from J. L. Bissonnette dated April 8, 2008 and associated response from the Department of Consumer Protection dated April 8, 2008; Ms. Connors acknowledged this information on behalf of the Board. Ms. Bullock noted that perhaps there was a letter writing campaign based upon the number of the exact same letters the Department received. She also noted that the Department does not notify individuals of Regulation changes as a matter of practice but the changes made reference to in the aforementioned e-mail are on the Department's website.

E. Press release, dated February 18, 2008, from Thelen Reid Brown Raysman & Steiner LLP; Ms. Connors acknowledged this information on behalf of the Board. She noted that the material concerns a roofing contractor and what claims he could bring against a homeowner under California law.

F. Update from Consumer Protection Trade Practices Division regarding any Home Inspection Licensing Board matters. Mr. Kuzmich noted that he contacted the Department's investigator and he has no matters, at present, to

bring before the Board. Ms. Bullock speculates that most consumers realize that the best way to settle claims against homeowners is to go to court. She noted that many home inspectors have clauses in their contracts that limit the consumer's claims to the cost of the inspection.

G. Legislative update from Consumer Protection Legal Division regarding any Home Inspection issues. Mr. Kuzmich noted that he spoke with the Department's Legislative Liaison and, at present, there are no issues to bring before the Board.

9. Other Business

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

1. Mr. Willette asked the Department if their letter sent out in 2002 clarifying an error in the Regulation was on their website and is this letter given to new licensees at the time their initial license is granted? Mr. Kuzmich will verify that this letter is posted and if not, will attend to getting this document posted immediately. In addition, he confirmed that the newly licensed Home Inspectors receive a copy of this document.

2. The Department received correspondence dated May 1, 2008 from Bernie Caliendo, George Neil Scott, and Warren Tomek, representing the Connecticut Association of Home Inspectors, the Coastal Chapter of the American Society of Home Inspectors, and the Southern New England Chapter of the American Society of Home Inspectors. Essentially, their letter to the Commissioner of the Department of Consumer expresses their concern over correspondence they received from the Department's Examination Vendor PSI regarding registering each continuing education courses with them and the time and money involved with the same. The letter makes a request under the Freedom of Information Act to get copies of all the correspondence between the Department and PSI related to this matter. Ms. Bullock will handle this request.

Mr. Stanley and Mr. Kuzmich summarized these associations concerns noting that PSI sent letters to CE providers requiring that they and their courses register with them for purposes of establishing a data base which will assist the Department when home inspectors are audited for continuing education compliance. Mr. Stanley has heard from others that the methods of registration are very burdensome.

Mr. Stanley has not seen this correspondence and from the perspective of a Board Member, he would like to know exactly what PSI has requested from the

providers and exactly what they are allowed to do under their contract. Mr. Schaefer agrees. Ms. Connors questioned if the Board has any authority in this matter? Some Board members thought that the Department was to be keeping track of CEU in house. *Ms. Connors asked that this item be continued on the agenda for the next Board meeting and, if possible, that the Board be provided with a copy of the letter that was sent to the providers. In addition, as noted earlier, Ms. Bullock will respond to Mr. Caliendo, Mr. Scott, and Mr. Tomek stating that she will respond to their Freedom of Information Request including a copy of the request for proposal and copies of their contract and all related correspondence between the DCP and PSI. At the request of the Board, Ms. Bullock will also note in her letter that the Board has requested from the Department and explanation of what PSI has been contracted to do. Upon receipt of this information, they will address the other issues mentioned in their letter.*

3. The Board discussed the possibility of moving their August meeting to a date to be determined in September 2008. Mr. Kuzmich will E-Mail the Board with dates for September.

The meeting adjourned at 10:37 AM. (Kobylenski/O'Neil)

Note: the next regular meeting of the Board is scheduled for September 25, 2008 at 9:30 AM in Room No. 119 of the State Office Building, 165 Capitol Avenue, Hartford, Connecticut.

Respectfully submitted,

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