

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

NOVEMBER 6, 2008

The Connecticut Home Inspection Licensing Board met on Thursday, November 6, 2008 at 9:41 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*)
 David B. Sherwood (*Home Inspector*)
 William Stanley, Jr. (*Home Inspector*)

Board Members
Not Present: Susan A. Connors, Esq., Chairperson (*Public Member*)
 Lawrence R. Willette (*Home Inspector*)

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 Division

Others Present: Mr. Jose A. Mercado
 Mr. Emil Serrano

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.

The Board voted unanimously to elect Mr. William Stanley, Jr. as the Acting Chairperson of today's meeting in Ms. Susan A. Connors absence. (O'Neill/Kobylenski) Mr. Stanley called the meeting to order at 9:41 AM.

2. Review of minutes of the September 25, 2008 meeting of the Board. It was noted that on page six, paragraph two, line three; after the word "radon", a comma shall be inserted. After a thorough review, *the Board voted, unanimously, to accept the minutes as amended herein. (O'Neill/Kobylenski)*

3. Review of Final Decisions and Orders.

Chairperson William Stanley, Jr. acknowledged that there are none before the Board today.

4. Applications for review.

A. Application of Mr. Jose A. Mercado for a Home Inspector's License.

Mr. Mercado with the assistance of his nephew, Mr. Emil Serrano, addressed the Board. Mr. Kuzmich explained that Mr. Mercado has applied for a Home Inspector license on the basis of waiver of examination by virtue of holding a similar license outside of Connecticut. Upon review of the application, Mr. Mercado was sent a letter by the Department stating that he must identify his out-of-state license or otherwise comply with the current internship requirements.

It was determined that Mr. Mercado in fact holds a certification from a private organization and not a State issued license to inspect homes. Mr. Stanley explained the requirements to qualify for a home inspector's license in Connecticut to Mr. Mercado. He noted that this can be accomplished by both completing an internship and passing the State examination or by holding a license from another State with equivalent standards of qualification for the same as that of Connecticut.

The Board is looking for Mr. Mercado's compliance with the elements of training that a Connecticut license home inspector must have. A major requirement of an application for license by reciprocity is holding a license from another State which Mr. Mercado does not. Board members noted that

would be very difficult for them to verify Mr. Mercado's credentials since they were essentially acquired out of this country. Mr. Stanley cited the current Connecticut Statutory requirements for an applicant applying by waiver of examination/reciprocity.

After more extensive discussion, it was determined that Mr. Mercado lacks the required supervised field experience in the United States. The problem of finding supervised experience was recognized by the Board but remains a necessary element that must be completed. They also believe that in the current environment, this requirement should not be difficult to complete since there are many home inspectors at present who are not very busy. There will most likely be a cost on the part of the applicant for this supervision.

Mr. Stanley summarized that the only way for Mr. Mercado to get his Home Inspector License is to complete the classroom courses, take and pass the State licensing examination, and complete the required supervised internship with one or more licensed Connecticut Home Inspectors. The Board will credit Mr. Mercado for the pre-licensing course requirement based upon the courses he has already completed.

5. Applicants appearing before the Board.

A. Mr. Jose Mercado in reference to his application before the Board today for a Home Inspector's License. This item is addressed under Agenda Item 4(A) above.

6. Formal Hearings to be held.

Chairperson William Stanley, Jr. 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

It was agreed that both Mr. Stanley and Mr. Schaefer will review additional course material received from this school applicant subsequent to today's Board meeting and e-mail their review of the same to Mr. Kuzmich. Mr. Kuzmich will then transmit this information to all other Board members for their approval by e-mail. (O'Neil/Kobylenski)

B. Continuation of discussion concerning the Regulation for Home Inspectors; specifically, the Code of Ethics as it pertains to subsection (h) – “inspection work shall not be used as a vehicle for the inspector to **deliberately** obtain work in another field.”

Mr. Stanley noted that he and Mr. Willette had an extensive discussion about the above language. And it was determined that at present there isn't much guidance for inspectors in the field regarding what they can and can not do. Mr. Willette developed a draft of some proposed language subsequent to their discussion which states “the inspection work shall not be used as a vehicle for the inspector to perform repair, correction, or other improvement work on components or systems that are within the scope of the home inspection as outlined in said home inspection regulations.”

This language proposes, in essence, that the home inspector is precluded from doing any repair work on components as stated in the law that are a part of the home inspection itself. He or she can, however, perform work on other areas not specifically defined. Mr. O'Neill noted that he thought it was determined from the Board's previous discussions, that there really is no way to amend the language to truly address this issue and he is not sure if this new proposal really accomplishes this goal.

Mr. Sherwood believes that this proposed language does really protect the consumer. It also leaves an opening for a qualified Home Inspector to do, as an example, a pest inspection, should they spot the damage from the same so the language does cover “both sides” of the issue.

After more extensive discussion and addressing Mr. O'Neill's concern that this new proposal still may not be direct enough as to what it is addressing, Mr. Stanley suggested that perhaps the amendment shall read “A Home Inspector shall not perform repair, correction, or home improvement work on components or systems that are within the scope of a home inspection on a home that he or she has inspected within the last year.” It was decided that this discussion shall be continued at the Board's next meeting. In the interim period, Board members can determine any modifications they may wish to make to this proposal and bring these in written form to this meeting. Mr. Kuzmich will e-mail the latest

version of this proposed amendment as it was left today to all Board members for their review prior to the next meeting.

8. New Business

A. Update from Consumer Protection Legal Division regarding any Home Inspection issues. Ms. Bullock was not present at today's meeting and there were no other items discussed on this agenda item.

9. Other Business

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

1. Mr. Schaefer asked the question regarding Home Inspectors who do their inspection and wait for their payment when the house sells and asked if this is a conflict. It was determined that this is a business decision on the part of the inspection company.

2. Mr. Stanley, from a discussion he had prior to today's meeting with Mr. Willette, raised the topic of continuing education subject matter in ancillary areas such as environmental issues. He suggested that perhaps the percentage of CE courses that are non-specific to Home Inspection such as radon should be limited. The Board will continue this discussion at their next meeting. In addition, the Board will also discuss home inspection business related courses as a permitted subject matter.

The meeting adjourned at 10:55 AM. (Kobylenski/O'Neill)

Note: the next regular meeting of the Board is scheduled for February 5, 2009 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