

**Minutes of the Meeting of the
Arkansas Home Inspector Registration Board
Attorney General's Building, Little Rock
February 6, 2019**

Board Members:

Wayne Pace, Chairman	Robert Neal	Bob Downum (<i>Absent</i>)
Tom Allen, Vice Chairman	Allen Trammell	Marliese Kerr
WC McBride, Secretary/Treasurer		

Board Administrator:	Charlotte London
Assistant Attorney General:	Julie Chavis
Governor's Liaison:	Gail Ragland
Others Present:	Justin Hall, Kim Martin, Dan Smith, Tammy Young

I. Agenda Item I: Call to Order/Roll Call

Mr. Pace called the meeting to order at 9:30 a.m.
Roll call - All Board members are present except for Mr. Downum.

II. Agenda Item II: Approval of February 6, 2019 Meeting Agenda

Motion was made by Mr. Allen to approve the agenda and seconded by Mr. Trammell.
All Board members voted aye in favor of the motion to approve the Agenda.

III. Agenda Item III: Approval of Minutes

October 31, 2018, December 12, 2018 and January 16, 2019: The December and January minutes were incomplete. Mr. McBride made a motion to approve the October Minutes and Mr. Trammell seconded. All Board members voted in favor of the motion with aye. The December and January minutes were tabled until the next Board meeting.

IV. Agenda Item IV: Financials

The Board reviewed the Financials for January.

January Available Cash	\$422,689.58
US Bank Rebate	\$8.14
Expense - Salary	(\$4,057.95)
License Cards	(\$341.67)
Utilities & Rent	(\$625.00)
Temporary Employee	(\$859.50)
Background Checks	(\$132.00)
Office Supplies	(\$416.01)
Postage/Office Phone	(\$413.64)
Travel & Subsistence	\$0.00
Total of Expense	(\$2,787.82)
Burn Rate of	(\$398.26)

The January Financials were reviewed by the Board. Mr. Trammell made a motion to approve the minutes. Mr. Allen seconded and all Board members voted in favor of the motion with aye.

V. Agenda Item V: Review of New Applicants / Registration Renewals

The Board reviewed three (3) new applicants.

1. Nicholas Hubach
2. Doug Wortman
3. Rick L. Zink, Jr.

Applicant #1 – Nicholas Hubach: Mr. Neal made a motion to approve Mr. Hubach and Mr. Tramell seconded. All Board members voted aye in favor of approving the application of Mr. Hubach.

Applicant #2 – Doug Wortman: Mr. Neal made a motion to approve Mr. Wortman and Mr. McBride seconded. All Board members voted aye in favor of approving the application of Mr. Wortman.

Applicant #3 – Zink: Mr. Neal made a motion to approve Mr. Zink and Mr. Allen seconded. All Board members voted aye in favor of approving the application of Mr. Zink.

2019 Registration Renewals

1. **Fred Bollinger** - Mr. Neal made a motion to approve Mr. Bollinger and Mr. McBride seconded. All Board members voted aye in favor of approving the renewal of the license of Mr. Bollinger.
2. **Billy Bramlett** - Mr. Neal made a motion to approve Mr. Bramlett and Mr. Trammell seconded. Mr. Neal amended the motion to require Mr. Bramlett to pay a \$100.00 late fee. Mr. Trammell seconded and all Board members voted aye in favor of approving the renewal of the license of Mr. Bramlett contingent upon receipt of the \$100.00 late fee.
3. **James Luginbill** - Mr. Neal made a motion to approve Mr. Luginbill and Mr. Allen seconded. All Board members voted aye in favor of approving the renewal of the license of Mr. Luginbill.

VI. Agenda Item VI: Justin Hall

Mr. Hall requested to speak to the Board about a complaint against him and to request a waiver of the education requirements in order to obtain a home inspector license. He asked who the complainant was for him to be fined \$1,000.00. Mr. Neal told him that years ago, when he (Mr. Hall) was licensed as a home inspector, he allowed his license to lapse and continued to perform home inspections. Mr. Hall said that he thinks it is excessive for him to have to complete 105 CE hours in order to get his license when he knows more about homes than a lot of the current home inspectors. Mr. Neal told Mr. Hall that he still advertises as a home inspector even though the Board had asked him to remove the ads during a previous meeting. Mr. Hall had agreed to remove the ads during that meeting. Mr. Neal asked him to submit documentation about his CE and other education requirements. Ms. Chavis told Mr. Hall that he has the burden of proof to show the Board documentation of the education that he says will qualify him as a home inspector. She explained to him about having a checklist of documentation that he needs to submit to the Board. Mr. Hall then exited the meeting.

BREAK –10:39 – 10:49

VII. Agenda Item VI: Status of Complaints

1. OLD COMPLAINTS

- a. **Richard Kaegi vs Tim Hennelly, HI-1179** (*August, 2017*) Notification to HI mailed 9/19/2017, Response from HI received by email dated 9/26/2017. Mr. Neal Recommended dismissal of this complaint.

- b. **Isaiah Thompson vs Clint Ledbetter, HI-1863** (March 2018) Notification to Mr. Ledbetter mailed 3/20/2018. Response from Mr. Ledbetter received 3/27/2018. Mr. McBride recommended dismissal of this complaint
- c. **Stephen M. Ligon vs Phil Biggers, HI-1670** (May 2018) Notification to Mr. Biggers mailed May 23, 2018. Response from Mr. Biggers received by email on June 5, 2018. Mr. McBride said that his findings were that the home inspector was wrong and should be issued a Consent Agreement because of fraudulent information in the home inspection report. Mr. McBride made a motion that a Consent Agreement be issued to the home inspector requiring him to have additional training. Mr. Allen seconded and all Board members voted aye in favor of the motion.
- d. **Thomas Meyers vs Lee Fesmire, HI-1752** (June 2018) Notification mailed to Mr. Fesmire on June 25, 2018. Certified Letter was received on 6/27/2018. Response from Mr. Fesmire received on July 12, 2018.
Mr. Neal made a motion to levy a \$500.00 Civil Penalty fine against Mr. Fesmire due to deficiencies in his home inspection report. Mr. Allen seconded and all Board members voted aye in favor of the motion. Mr. McBride made a motion to have a Consent Agreement sent to Mr. Fesmire. Mr. Neal seconded and all Board members voted aye in favor of the motion.
- e. **Addie Holmes vs David Miller, HI-1726** (June 2018) Notification mailed to Mr. Miller on June 25, 2018. Response from Mr. Miller received 7/2/2018. Mr. Pace is reviewing this complaint.
- f. **Steven & Tammy Lea vs Monty Freel, HI-1341** (July 2018) Mr. Neal made a motion that this complaint be dismissed. Mr. Trammell seconded and all Board members voted aye in favor of dismissing the complaint.
- g. **Kim Martin vs Sean Ryan, HI-1664** (July 2018) Notification mailed to Mr. Ryan on November 2, 2018.
Due to Mr. Ryan's lack of response to any of the complaints, Mr. Allen made a motion to levy a fine of \$1,000.00 and a Consent Agreement that he will no longer work as a home inspector in Arkansas. Mr. Neal seconded and all Board members voted aye in favor of the motion.
- h. **Cameron Beckett vs Sean Ryan, HI-1664** (August 2018) Notification mailed to Mr. Ryan on November 2, 2018. Mr. Allen made a motion to levy a fine of \$250.00 for failure to follow the Standards of Practice for Arkansas and agree that he will no longer work as a home inspector in Arkansas. Mr. Neal seconded and all Board members voted aye in favor of the motion.
- i. **Tammy Young vs Sean Ryan, HI-1664** - Mr. Allen made a motion to levy a maximum fine of \$1,000.00 for incompetence, gross negligence and failure to follow the Standards of Practice for Arkansas and agree that he will no longer work as a home inspector in Arkansas. Mr. Neal seconded and all Board members voted aye in favor of the motion.
- j. **Logan & Shelby Drake vs Tim Cooper, HI-1852** (August 2018) Notification mailed to Mr. Cooper on November 2, 2018.
- k. **Earlene Horton vs Daniel Broughton, HI-1076** – (November 2018) Notification sent by Certified Mail & regular mail on 1/23/2019. Certified Letter was received by Mr. Broughton on 1/25/2019.

To reduce the backlog of complaints, Board members have divided the complaints among each other for review.

VIII. Agenda Item VII: Continuing Education/Pre-Registration Courses

Continuing Education Courses

PRE-REGISTRATION TRAINING

IX. Agenda Item VIII: New Business

1. **Proposal for reviewing complaints** – Mr. Pace asked Mr. Smith about the fees that he would require for reviewing complaints. Mr. Smith replied that the fees would be \$125.00 per complaint and \$175.00 for each hearing that he would be required to attend. Mr. McBride made a motion to hire Mr. Smith to perform the additional duty of reviewing complaints at the fees requested. Ms. Kerr seconded and all Board members voted aye in favor of the motion.
2. **Update on the progress of UALR compiling data on home inspectors** – Mr. Smith said that UALR is in the process of merging the home inspector’s names and addresses with their home inspection reports. The home inspectors can then be sent a report about their home inspections. Mr. Smith also told Board members that he is also working on a database that will have stats on the turnover of home inspectors and why they have chosen to leave the business or go on Inactive Status.
3. **Update on the publication of Board findings and actions taken on claims against home inspectors** – Mr. Allen said that has to be a way to publicize the findings once a complaint has been adjudicated by the Board. That information should include the reason the consent agreement was issued and the level of the findings. He said that each complaint reviewer should be prepared to complete a form that will have the information for the website.
4. **Legislative Bills** – Board members reviewed copies of bills that will be presented to the legislature. If the bills are passed, they could possibly affect some of the Board’s Rules.
5. **Apprenticeship Training** – There were no updates on the apprenticeship program.

X. Agenda Item IX: Old Business

X. Agenda Item X: Schedule Next Meeting

1. The next Board meeting will be on Wednesday, April 3, 2019 at 9:30 a.m.

XI. Agenda Item XI: Adjournment

The meeting adjourned at 12:20 p.m.