

**Minutes of the Meeting of the
ARKANSAS HOME INSPECTOR REGISTRATION BOARD**

Dept. of Labor & Licensing – 3rd Flr Training Room
Wednesday – May 5, 2021 @9:30 a.m.

I. CALL TO ORDER / ROLL CALL

Mr. Neal called the meeting to order at 9:35 am.

Board Members Present:

| | | |
|-------------------------------------|------------------------------|-------------------------------|
| Robert Neal, Chairman | Bob Downum <i>(via Zoom)</i> | WC McBride |
| Tom Allen, Vice Chairman | Daniel Burkhead | Marliese Kerr <i>(absent)</i> |
| Allen Trammell, Secretary/Treasurer | | |

Board Administrator: Charlotte London

Assistant Attorney General: Julie Chavis, Lacie Kirchner

New Applicants *(via Zoom)* Russell Baggett, Derek Bird, William Andrew Day, Robert Yochum

Others Present: Dan Smith-Complaint Investigator, Gayathri Arunachalam-ADLL Software Support Analyst, Monte Dean-Home Inspector

Hearing Attendees: Hearing Officer-Attorney, Peggy Matson; Court Reporter-Faith Grigsby; Chris Corbitt-Attorney representing Mr. Justin Hall-PE

II. APPROVAL OF May 5, 2021 MEETING AGENDA

Mr. Neal requested that the Hearings be moved up on the agenda as the next item and that a discussion about a pay increase for the Board Administrator be added during the Executive Session.

III. HEARING OF ROBERT NEAL (AHIB) vs JUSTIN HALL

Attorney, Ms. Peggy Matson called the hearing to order at 9:43 a.m. All participants to the hearing were introduced. The hearing was off record for a few minutes while Ms. Chavis distributed the complaint documents to each of the Board members for them to review.

At 10:02 a.m., Mr. Neal, Mr. Corbitt and Mr. Hall were sworn in by Ms. Grigsby. Ms. Matson asked Ms. Chavis if she had any opening comments to which Ms. Chavis answered no. Ms. Matson then asked Mr. Corbitt if he had any opening comments which he answered yes and then gave his opening statement. Ms. Chavis called Mr. Neal as her witness and proceeded to ask questions about the complaint that Mr. Hall had performed home inspections for a fee while not being a licensed home inspector. Mr. Neal provided examples of advertisements where Mr. Hall was advertising that he performs home inspections. Mr. Neal also played a short audio recording from the Arkansas Home Inspector Registration Board meeting held on January 3, 2018 where Mr. Hall admitted that he continued to perform home inspections for a fee in the State of Arkansas. Mr. Corbitt asked Mr. Neal several questions concerning if the documents and advertisements were currently being used by Mr. Hall.

Mr. Corbitt called his client, Mr. Hall as his witness, and proceeded to ask questions. Mr. Hall stated he is not currently advertising that he performs home inspections and is not performing home inspections. He stated he did not renew his Arkansas Home Inspector License after 2006 because of time constraints in completing the required 14 hours of continuing education classes. He also stated that his engineering business had grown to the point that he did not want to continue performing home inspections.

Ms. Matson asked Ms. Chavis to make her closing statement. Ms. Chavis said that Mr. Hall continued to perform home inspections for a fee without an Arkansas Home Inspector License.

Ms. Matson asked Mr. Corbitt to make his closing statement. Mr. Corbitt asked the Board to not fine Mr. Hall, but rather to issue him a letter of warning.

After the Board discussed evidence presented, Mr. McBride made a motion that Mr. Hall be fined \$1,000 for performing home inspections without a license and \$1,000 for advertising that he performs home inspections. His motion also included the provision that these fines would be reduced to \$250 each if Mr. Hall completes all the Arkansas requirements to become a licensed home inspector within 6 months of this hearing. The motion was seconded by Mr. Burkhead. All Board members voted aye in favor of the motion.

The Hearing concluded at 12:30 p.m.

BREAK FOR 5 MINUTES

IV. HEARING OF COMPLAINT NO. 202012-12 – LINDA BOLDS vs DAVID BENEDETTO, HI-1893

The hearing began with Ms. Matson calling the hearing to order at 12:40 p.m. Ms. Chavis distributed the complaint documents to each of the Board members so that they could review the documents. Ms. Chavis also asked if Mr. Benedetto was present and it was noted that he was not present in-person or via Zoom.

At 12:45 p.m., Mr. Smith was sworn in by Ms. Grigsby. Ms. Chavis asked Mr. Smith if Mr. Benedetto was currently licensed as a home inspector. It was noted that he was licensed at the time of the inspection for Ms. Bolds but he did not renew his license for 2021. Ms. Chavis asked about the first complaint against Mr. Benedetto. Mr. Smith stated that Ms. Bolds filed a complaint against Mr. Benedetto after discovering a leak in her roof. The roof had been inspected from the ground and the two-story section of the roof and flashings were not fully visible from the ground. The roof was reported to be “Satisfactory” when it actually had hail damage and granular loss. There was also a crack at the chimney flashing. Mr. Benedetto did not accurately state the condition of the roof in his inspection report.

Ms. Chavis then asked about Ms. Bolds’ second complaint against Mr. Benedetto. Mr. Smith stated that Ms. Bolds filed a second complaint against Mr. Benedetto stating that her furnace quit working and a HVAC technician reported it was old and the lines had corroded. Ms. Bolds’ complaint claimed that Mr. Benedetto did not tell her anything about the heater. Mr. Benedetto reported that the HVAC unit was old and there was flame distortion at the heat exchanger. The inspection report recommended evaluation of the entire HVAC system and repair as necessary. It was recommended that this complaint be dismissed.

Mr. Neal asked if the roof problem was with the report writing and not necessarily the physical inspection. Mr. Smith agreed with this and added that the report should have advised Ms. Bolds to have the roof reviewed by a roofing contractor since it was not fully visible from the ground.

Mr. McBride asked how long after the inspection did the leak occur and could there have been a hail storm during that time. Mr. Smith stated that the leak was reported five months after the inspection and that he did not know if there had been a hail storm during that period.

Mr. Smith stated that the granular loss would have been present during the inspection as well as the crack in the chimney flashing.

Mr. Downum asked for clarification about inspecting the roof from the ground and wasn't that okay since the report stated this as the inspection method. Mr. Smith agreed that it is acceptable to inspect the roof from the ground, but it is not acceptable to report the roof condition as "Satisfactory" when in fact there was damage and wear at the roof along with a crack in flashing. The client was not provided accurate information on the condition of the roof and flashing.

The Board decided to list Mr. Benedetto's license as being suspended. Mr. McBride made a motion that Mr. Benedetto be required to take four (4) hours of additional CE training that will include two (2) hours of Report Writing and two (2) hours of the Standards of Practice. His motion also included a \$250.00 fine. If Mr. Benedetto wants to reinstate his license, then all applicable fees will need to be paid in addition to this fine. The motion was seconded by Mr. Allen. All Board members voted aye to approve the motion.

The hearing concluded at 1:20 p.m.

V. APPROVAL OF MINUTES

1. October 7, 2020
2. February 3, 2021
3. March 3, 2021
4. April 7, 2021

A motion to approve the minutes from October, February, March and April was made by Mr. Trammell and seconded by Mr. Burkhead. All Board members voted aye in favor of the motion.

VI. FINANCIALS

1. November 2020 - Incomplete
2. December 2020 – Incomplete
3. January 2021 – Incomplete
4. February 2021 – Incomplete
5. March 2021 – Incomplete
6. April 2021 - Incomplete

A motion to table the approval of the Financials was made by Mr. Burkhead and seconded by Mr. Trammell. All Board members voted aye in favor of the motion.

VII. STATUS OF COMPLAINTS / APPEALS / HEARINGS

A motion to table discussion of complaints was made by Mr. Burkhead and seconded by Mr. Trammell. All Board members voted aye in favor of the motion.

VIII. REVIEW OF NEW APPLICANTS

1. Russell Baggett
2. Derek Bird
3. William Andrew Day
4. Marvin Dear
5. Roy White – *Application denied in April*
6. Robert Yochum

1) Mr. Trammell made a motion to approve licensing for applicants **#1 through #4 and #6**. This motion was seconded by Mr. Burkhead. All Board members voted aye in favor of the motion.

2) Mr. Burkhead made a motion to table the approval of applicant **#5-Roy White**, until all required documents have been received. The motion was seconded by Mr. Allen. All Board members voted aye in favor of the motion.

IX. 2021 REGISTRATION RENEWAL

1. Paul Crider, HI-2103

Mr. McBride made a motion for approval of Mr. Crider's license renewal with a second by Mr. Burkhead. After discussion by the Board, the motion was amended to require that Mr. Crider submit a Certificate of Abstinence along with the full late fees required. All Board members voted aye in favor of the amended motion.

X. CONTINUING EDUCATION / PRE-REGISTRATION COURSES

A. CONTINUING EDUCATION

1. ABC Home Inspection Institute – Three (3) Classroom CE Courses

| COURSE NAME | Hrs |
|---|------------|
| a. Standards of Practice and Electrical Inspections | 6 |
| b. How to Inspect Heating Systems | 2 |
| c. How to Perform a Plumbing Inspection | 6 |

A motion to approve the CE classes from ABC Home Inspection Institute was made by Mr. McBride with a second by Mr. Burkhead. All Board members voted aye in favor of the motion.

2. All-American Training Institute (AATI) – One Classroom CE Course

| COURSE NAME | Hrs |
|--------------------|------------|
| a. Report Writing | 8 |

Approval of the CE class from All-American Training Institute was tabled until the next Board meeting so the number of hours for this course could be researched.

B. PRE-REGISTRATION

1. All-American Training Institute (AATI) – Renewal of 80 Hr Pre-Registration Training

A motion to approve Pre-Registration training by All-American Training Institute was made by Mr. McBride with a second by Mr. Allen. All Board members voted aye in favor of the motion.

XI. NEW BUSINESS

A motion was made by Mr. Neal with a second by Mr. Trammell to suspend discussion of New Business until the next Board meeting. All Board members voted aye in favor of the motion.

XII. OLD BUSINESS

Office Security – Email about office door lock sent to Chief of Staff on Friday, February 26, 2021. Mr. Neal told the Board he sent additional emails to Department of Labor & Licensing asking when keys to the AHIB office will be provided. He also sent emails asking about the pay increase issue for the AHIB Administrator and asking when someone could attend a AHIB Board meeting to explain the financials. He said he received no response to his emails.

XIII. ADMINISTRATOR’S UPDATE to BOARD MEMBERS

Due to time constraints, Mr. Neal asked that portions of the agenda for the Administrator’s Update be suspended until the next meeting. Ms. London gave a brief update on bank deposits saying she is now doing the deposits again and will begin processing payments again in June.

XIV. SCHEDULE NEXT MEETING

The next Board meeting will be a teleconference and is scheduled for Wednesday, June 9, 2021 at 7:30 a.m.

XV. EXECUTIVE SESSION

Mr. Neal announced the Board was going into Executive Session to discuss the annual performance evaluation of the Administrator.

XVI. ELECTION OF NEW OFFICERS FOR AHIRB

Mr. Burkhead made a motion to open the floor for nominations. Mr. McBride seconded and all Board members voted aye to approve the motion.

1. Mr. Downum nominated Mr. Daniel Burkhead for Chairman. Nominations close and Mr. Burkhead is the Board's Chairman.
2. Mr. Allen nominated Mr. Allen Trammell for Vice Chairman. Nominations close and Mr. Trammell is the Board's Vice Chairman.
3. Mr. Neal nominated Mr. W.C. McBride for Secretary/Treasurer. Nominations close and Mr. McBride is the Board's Secretary/Treasurer with all administrative duties deferred to the Board's Administrator.

XVII. ADJOURNMENT

The meeting adjourned at 2:45 p.m.