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HOME INSPECTION ADVISORY COMMITTEE Minutes of July 23, 2013 Public Session

CALL TO ORDER

The Home Inspection Advisory Committee was called to order by Vice-Chairman Del Greco at 9:45 a.m. in the Monmouth Conference Room, seventh floor, 124 Halsey Street, Newark, New Jersey. All parties were duly notified of the time, date and place and all pertinent material had been provided.

SUNSHINE LAW ANNOUNCEMENT

Joseph Grabowy read the statement required by Chapter 231, Laws of 1975, known as the Open Public Meetings Act, and announced that notice of the meeting was prepared in the office of the Committee and mailed to the Secretary of State, the Star-Ledger, the Courier Post, the Bergen Record and the Atlantic City Press.

ROLL CALL

CMS present: Michael Del Greco

CMs absent: F. Michael Fitzpatrick
Daniel Casper

Others present: Karl W. Reidel, Executive Director, Olga Bradford, Deputy Attorney General, Joseph Grabowy, Committee Staff, and nine members of the public.

ANNOUNCEMENTS

Due to the absence of two Committee members a quorum of Committee members was not formed. As a result, all Committee actions will need to be ratified and approved at the September 10, 2013 meeting,

APPROVAL OF MINUTES

May 21, 2013

Vice-Chairman Del Greco recommended approval of the minutes of May 21, 2013.

REPORT OF THE EXECUTIVE DIRECTOR

Executive Director, Reidel requested that any licensees interested in serving on the Committee as a volunteer, is encouraged to forward a resume to the Board office.

The Committee noted the following statistics as of July 11, 2013.

a. Licensing Statistics:

- Licensed Home Inspectors - Active	693
- Home Inspectors - Expired	259
- Home Inspectors - Inactive	<u>183</u>
Total	1,135

b. Incoming Correspondence:

Joseph P. Serine (24GI00056800)
June 27, 2013
Re: Licensing Requirements

Mr. Serine inquired if he would be permitted to mentor his son's schooling and training and satisfy the Committee's licensing requirements.

The Vice-Chairman reviewed this matter and will recommend that Mr. Serine's son can perform two hundred fifty (250) fee-paid home inspections in the presence of and under the direct supervision of his father, a licensed home inspector, who oversees and takes full responsibility for the inspection and any report produced pursuant to N.J.S.A. 45:8-68.

In addition, it will be recommended that Mr. Serine be advised to conform to the Committee's statutes and regulations regarding its licensure requirements.

Jaime Sanchez
May 29, 2013
Re: Licensing Requirements

Mr. Sanchez inquired if his life experience working with the government would satisfy the Committee's licensure requirements.

After reviewing this matter Vice-Chairman Del Greco will recommend to the Committee that Mr. Sanchez must comply with the Committee's licensing statutes and regulations before applying.

- c. S2727 - Establishes "Study Commission on E-Licensing"

Vice-Chairman Del Greco noted this legislation for the record.

- d. ED Reidel stated that the amendment to the proposed regulation increasing the number of continuing education credits from correspondence, Internet, or other distance learning courses from ten (10) to twenty (20), per biennial registration period, has been adopted, and is codified at N.J.A.C.13:40-15:14(d)3.
- e. ED Reidel announced that the Committee will be conducting a random continuing education audit of 10% of the licensees pursuant to N.J.A.C.13:40-15.14(e).

APPLICATIONS FOR REVIEW

None

REVIEW OF CONTINUING EDUCATION COURSES:

None

REINSTATEMENTS

None

INFORMATIONAL ITEMS

None

COMPLAINTS

John Gutierrez Vs. Arturo Lopez, #91036

A complaint was received from John Gutierrez regarding the unlicensed practice of home inspection. In his complaint, Mr. Gutierrez alleged that Mr. Lopez (unlicensed) is advertising as a licensed home inspector when he is not licensed. A complaint filed by

Mr. Gutierrez (#61951 in November 2008) which is identical to this complaint, was administratively closed based upon the recommendation of DAG Bradford.

Letters dated March 6, 2013 were sent to the complainant and to Mr. Lopez seeking his response to the allegations within fifteen (15) business days.

In a March 19, 2013 correspondence, Mr. Lopez requested a copy of the complaint which was promptly sent to him. To date a response has not been received from Mr. Lopez regarding the allegations in this complaint.

At its April 9, 2013 meeting the Committee reviewed this matter and on a motion by Vice-Chairman Del Greco, seconded by Chairman Fitzpatrick, concluded to have a cease and desist letter sent with the following terms:

1. Admit that Mr. Lopez engaged in the unlicensed practice of home inspection in New Jersey and agree to immediately cease and desist from offering/advertising and/or practicing home inspection services or otherwise holding yourself out as a home inspector and/or an individual authorized to provide or perform home inspection services in this State. This includes offering or performing any services defined as the practice of home inspection in the Home Inspection Professional Licensing Act, specifically, N.J.S.A. 45:8-62, and the accompanying regulations, codified at N.J.A.C. 13:40-15.1 et seq., unless and until you hold a valid and active license issued by the Committee.

2. Agree to immediately remove your Internet advertisement offering to provide home inspection services within fifteen (15) days of the date of this letter and provide written proof of the successful removal of this advertisement to Karl Reidel, Executive Director, of the Committee, at 124 Halsey Street, Post Office Box 45043, Newark, New Jersey 07101.

3. Agree to pay a civil penalty of \$5,000.00, payment of which shall be stayed for a period of five (5) years. If no further violations are found during that period, the penalty shall be rescinded. Mr. Lopez further agree that if during the period, you are found to have violated the terms of this agreement or any provisions of the Home Inspection Professional Licensing Act or regulations promulgated under that Act, the \$5,000.00 penalty will become due. You acknowledge and understand the Committee will pursue additional sanctions, including enhanced penalties, costs, attorney's fees and contempt based on any new violation.

4. Agree that should Mr. Lopez make an application for licensure, you will appear before the Committee to discuss your activities prior to licensure. Mr. Lopez further agree and understand that should your application for a license be granted, the Committee specifically reserves the right to impose restrictions on your practice as may be necessary to ensure the public health, safety, and welfare.

An April 15, 2013 dated Offer of Settlement was sent to Mr. Lopez.

At its May 21, 2013 meeting the Committee tabled this matter.

At its July 23, 2013 meeting the Committee noted that Mr. Lopez signed the

settlement letter previously issued to him.

PUBLIC COMMENTS

David Goldstein, representing a coalition of home inspector organizations (Coalition), spoke about the need for regular audits regarding the completion of continuing education credits by licensees after each renewal period.

MOVE TO EXECUTIVE SESSION

The Committee moved into Executive Session to consider new consumer complaints and new and pending disciplinary matters.

RETURN TO PUBLIC

On a motion contained in the Executive Session minutes, the Committee re-entered into Public Session for the purposes of adjournment.

ADJOURNMENT

Vice-Chairman Del Greco adjourned the meeting at 1:00 PM.

APPROVED BY:

Michael Del Greco
Vice-Chairman

Karl W. Reidel
Executive Director