



Commonwealth of Massachusetts
Division of Occupational Licensure
BOARD OF REGISTRATION OF HOME INSPECTORS
1000 Washington Street • Boston • Massachusetts • 02118

Minutes of May 11, 2022
Tele-Meeting via Microsoft Teams
Time: 10:00 a.m.

Members Present: Elizabeth Martin, <i>Industry Member</i> Michael Healy, <i>Industry Member</i> Ronald Rocha, <i>Industry Member</i>	Administrative Staff Present: Keith Gleason, <i>Executive Director</i> Tamara Smith, <i>Program Coordinator</i> Milla Lewis, <i>Administrative Assistant</i> Jenna Hentoff, <i>Board Counsel</i>
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INFORMATIONAL NOTE: All votes were taken by roll call. Where a motion is noted to pass unanimously, each member voted in favor.

Call to Order – Board Chair Michael Healy opened the meeting at 10 A.M.

1. **Vote on Minutes of April 13, 2022** – Motion was made by M. Healy, seconded by E. Martin and the Board unanimously voted to approve the minutes as presented.
2. **Report on Board and administration activities** –
 - Executive Director Keith Gleason reported on administrative activities and website updates.
3. **Reviewed/Discussed Applications for licensure by Endorsement** –The Board reviewed applications for licensure pursuant to G.L. c. 112, § 224 under which the Board may issue a license to an individual who holds a license issued by another jurisdiction if the Board finds that their standards are substantially equivalent to the Board’s licensure standards. After discussion, the Board determined the following:
 - (a) **Adam Anderson** -
Motion was made by M. Healy, seconded by E. Martin and the Board unanimously voted to deny the applicant for licensure on grounds that the applicant did not provide a complete list of supervised inspections and has not held the license upon which he was applying for licensure by endorsement for at least one year consistent with Board licensure requirements for a home inspector license.
4. **Reviewed/Discussed Board Correspondence**
 - (a) Email from A.N. regarding mock inspections
 - The Executive Director read the communication to the Board regarding the individual’s difficulty finding a licensed person to supervise inspections. The

Board Chair stated that persons may find it difficult to find a licensee willing to act as a supervisor as it is the nature of the small industry of Home Inspectors in MA. Board members recommended reaching out to professional organizations. Staff was directed to respond accordingly.

5. Discussed walkthroughs/consultations inspections

- The Executive Director and Board Counsel began the discussion by mentioning that the subject has become a hot button issue in the profession. Staff provided correspondence sent to the Board office on the subject to Board members for review and discussion. The Board Chair then opened the discussion to members of the public.
 - ~ Jay Rizzo of Tiger Home Inspections addressed the Board stating that Licensed Home Inspectors would like for the Board to provide guidance as to the definition of “pursuant to a sale” as it relates to the growing trend of “walkthrough inspections/consultations.”
 - ~ Stephen Verbeek addressed the Board with his concerns that the trend is causing the time allowed for an inspection to be dictated by the seller. He stated that he consulted his own counsel in the matter and received advice that errors and omissions policies do not cover these “walkthrough inspections/consultations.” He went on to contend that the trend constitutes deceptive advertising and violates the requirements that a Home Inspector must abide by the standards of practice in 266 CMR, that licensees cannot conduct consultations pursuant to the sale of a home, and cannot limit their liability. He mentioned that past Board member James Brock and ASHI New England Chapter president Alex Steinberg have been quoted in the media as endorsing limited consultation inspections as a compromise to the industry trend. He concluded by asking the Board to issue an advisory in regards to Home Inspectors advertising for these types of services.
 - ~ James Brock addressed the Board commenting that he felt 266 CMR 6.03 covers limited inspections in that the regulations require licenses to identify in the report any items not inspected by the Home Inspector.
- The Board Chair stated that the Board’s regulations clearly define a Home Inspection and any licensee choosing not to conduct a Home Inspection as so defined is making a business decision. He did not think a policy statement would serve consumer protection interests.
- E. Martin asked Counsel to clarify the definition of Home Inspections. Counsel Hentoff answered that an inspection could not be so called if it did not meet the statutory definition for Home Inspection. E. Martin concluded that consultations did not meet the statutory definition and if allowed to continue would not be in the best interest of consumer protection.
- R. Rocha expressed that the consultations should be construed as Home Inspections and persons conducting Home Inspections under another name are trying to skirt the regulations.
- M. Healy stated he felt without a filed complaint, he did not feel that the Board had enough facts to issue a determination. The Board Chair recognized additional members of the public for comment.
 - ~ Jameson Malgeri addressed the Board and stated that Inspector Pro Insurance were of the opinion that consultations are conducted with a

view to a full Home Inspection to follow and that there is no liability according to the contract they provide for Home Inspectors to use, which would not meet Massachusetts standards. He asked that the Board issue a statement against the consultations.

~ Ken Ray addressed the Board indicating that he also believed that Home Inspectors should follow the Board's standards and not perform consultations.

~ Morgen Cohen addressed the Board requesting that the Board issue a statement emphasizing the definition of a Home Inspection and guidelines as buyers are not aware of what should be inspected because they do not know the regulations.

– M. Healy asked whether Counsel would draft a public statement. Counsel agreed to draft a policy for the Board's consideration.

6. Reviewed/Discussed Education Program proposals and CE.

(a) HIU CE proposals

– M. Healy stated he reviewed the proposal, but the offering did not meet the Board's regulations and so he would not be in favor of the proposal in its entirety.

– The Executive Director offered to communicate the deficiencies to the Provider and emphasize that they should not submit any CE offerings that are outside of the regulation requirements.

Motion was made by M. Healy, seconded by E. Martin and the Board unanimously voted to table consideration pending a resubmittal that is tailored to the Board's regulations.

7. Reviewed/Discussed Online Education for Primary Training programs and Continuing Education Policies

– The Board members discussed the expiring continuing education policy that allows for online/distance classes. The Board Chair discussed the benefits of in-person collaboration. E. Martin thought the hybrid model presents a median between the benefits of in-person collaboration and the convenience of remote attendance.

– The Board Chair allowed for public comment. James Brock suggested that the Board consider online/distance continuing education courses on a case-by-case basis. Board Staff confirmed that existing Providers' offerings are screened by staff based on the Board's guidelines and precedents and any questionable items are brought to the Board Chair/full Board for consideration.

Motion was made by M. Healy, seconded by R. Rocha and the Board unanimously voted to permanently extend the previously approved online CE policy. Counsel will provide a draft for review at the next meeting.

8. Discuss other matters not reasonable anticipated 48 hours in Advance of meeting

– no matters presented

At 11:29 A.M., M. Healy made a motion, R. Rocha seconded, and it was unanimously voted to go into closed investigative conference. While the Board reserved the right to re-enter open session at any time, the Board did not anticipate returning to open session except to adjourn.

9. Complaints / Investigative Conference, Closed Session per M.G.L. c. 112, s. 65C:

a) Discussion of complaints prior to the issuance of an order to show cause

- Docket	Order
2021-000496-IT-ENF	Investigative follow-up
2021-000613-IT-ENF	Dismiss w/advisory
2021-000826-IT-ENF	Table
2021-000898-IT-ENF	Dismiss
2021-000982-IT-ENF	Table

b) Discussion of the terms of a negotiated settlement of a complaint

i. 2021-000051-IT-ENF – The Board provided guidance to the Prosecutor.

10. Executive Session – Closed Session under MGL Ch. 30A, Section 21 - Good Moral Character – no matters presented.

11. Quasi-Judicial: Closed Session under MGL Ch. 30A, Section 18 – no matters presented.

12. Adjournment - M. Healey made a motion, R. Rocha seconded, and it was unanimously voted to adjourn the meeting at 12:34 P.M.

List of Documents:

- 1. Agenda*
- 2. Draft Minutes of the meeting April 13, 2022*
- 3. Application documents*
- 4. Correspondence from A.N.*
- 5. Correspondence from J.R.*
- 6. Correspondence from S.V.*
- 7. Provider Application documents*
- 8. Online CE policy*