

MINUTES

Arizona State Board of Technical Registration
1110 W. Washington Street, Suite 240
Phoenix, Arizona 85007

HOME INSPECTOR RULES AND STANDARDS COMMITTEE

April 9, 2019 – 9:30 a.m.

1. **CALL TO ORDER** - 9:33am
2. **ROLL CALL - Present:** Andrew Everroad, Peter Leeds, Jason Madison, David Swartz, Paul Staron
Staff: Melissa Cornelius, Patrice Pritzl, Robert Stam, Douglas Parlin, Dolly Lucero
AG: Scott Donald

3. **CALL TO THE PUBLIC**

No one appeared before the Board.

4. **ADOPTION OF MINUTES**

Review, Consideration and Possible Action on the following:

- A. Approve, modify and/or reject February 19, 2019 minutes.

Mr. Leeds moved and Mr. Staron seconded to approve the minutes with some minor scrivener changes; motion

5. **REVIEW, DISCUSSION AND POSSIBLE ACTION ON THE FOLLOWING:**

- a. Clarification on the Standards of Professional Practice for Arizona Home Inspectors related to Structural Components

Mr. Leeds explained that Home Inspectors were not reporting on, or incorrectly reporting on, the condition of the structure of the homes in their home inspection reports when structural components were not visible. Mr. Madison asked what a home inspector should report if a structural component was not visible. Mr. Swartz answered that the home inspector should report on the condition of the structure, to the best of his ability, regardless of whether its components were visible. Mr. Madison explained that the Board recently dismissed a case because the Board agreed with the Respondent that a home inspector did not need to report on a structural component if it was not visible. Mr. Leeds stated that a home inspector should state more than 'not visible' in their report. Mr. Hunt stated that the individual who put forth this clarification wanted to know what took precedence, the home inspector standards or

checklist. Mr. Leeds stated that the checklist addressed gray areas in the standards and it was therefore impossible to be following the checklist and not the standards because the checklist was the Committee's interpretation of the Standards. Ms. Cornelius stated that a policy statement might be needed. Mr. Swartz stated he would begin drafting a policy statement.

No action taken.

- b. Clarification on the use of the term "appears serviceable" in a home inspection report.

Keith Smith appeared before the Committee.

Mr. Leeds explained that the term 'appears serviceable' was an acceptable term to use in a home inspection report and that it implied a positive connotation. Mr. Everroad stated that, as a layperson, the term was confusing. Committee members explained that there were a number of ways to indicate on a home inspection report that the term was positive.

Keith Smith stated that the Board returned a student submitted home inspection report when the student used the term 'appears serviceable' in their report. The Committee stated that someone should reeducate the evaluator. Mr. Donald cautioned the Committee from endorsing terms that the Board, or a future Board, could find violates a Board rule or statute.

No action taken.

- c. Clarification as to whether the definition on Spa includes above ground/movable hot tubs.

Mr. Parlin asked if above ground/movable hot tubs were considered a permanently installed component of a home. Committee members answered 'yes.' Committee members confirmed that the Board does not mandate that home inspectors report on pools and spas.

No action taken.

- d. Proposed new Substantive Policy statement regarding multi-pane window interior defects.

Mr. Swartz explained that it was difficult for home inspectors to report on multi-pane window defects with regard to the Standards of Professional Practice for Arizona Home Inspectors provision 11.2 B and he presented a draft policy statement to the Committee. Committee members expressed their concerns that a policy statement might allow home inspectors to get around

inspecting multi-pane windows, but, after discussion, the Committee determined this concern to be unfounded. The Committee discussed Mr. Swartz's policy statement draft and made minor changes.

Mr. Leeds moved and Mr. Staron seconded to recommend the Board publish Policy Statement #19.

- e. Clarification of EAC complaint scope on items outside the Standards of Professional Practice.

Mr. Swartz explained that he received inquiries regarding whether an EAC could look for violations outside of the Standards of Practice and asked the Committee for their opinions. Mr. Donald stated that EAC members should only look for violations of the Board's rules and statutes. He further explained that if an EAC member were to be a witness at a formal hearing, it would be important that they explain what rule(s) and statute(s) the Respondent violated; EAC members should keep this in mind.

- f. Legislative Bills SB1448, HB2037, HB2231, HB2569 and HB2146

Ms. Pritzl updated the Committee on the Legislative Bills. Mr. Leeds inquired what would happen if both of HB2569 and HB2037 passed. Mr. Pritzl answered that the Board would have to seek an opinion from the AG's office.

- g. Non-compliant home inspection report distribution

Mr. Swartz explained that internet based home sellers were issuing what could be considered home inspections to potential homebuyers, which could be in violation of the Board rules and statutes. Mr. Donald stated that someone could submit a complaint to the Board if they believed there to be a violation, but cautioned against the Board warning an entity not to violate the Board rules and statutes, as it could be an overextension of the Board's authority.

- h. InterNACHI classes for licensing education

Mr. Swartz explained that InterNACHI created a home inspector educational course and asked if the Board should endorse the course. Ms. Pritzl informed the Committee that the Board did not endorse any education programs; it was the applicant's responsibility to prove they met the education requirements as stated in rule.

- i. Update on GRRC petition regarding parallel inspectors

Ms. Cornelius reported that GRRC determined that the Board noticed the public regarding the rule change but also determined the five-year requirement

to be a parallel inspector was arbitrary and therefore changed it to a three-year requirement. Mr. Cornelius further stated that she had inquired how the change would occur and was waiting for a response.

j. Review website redesign

The Committee reviewed the newly redesigned Board website.

k. Builder Restrictions on Home Inspectors

Mr. Staron explained that this matter was re-agendized to hear the AG's opinion. Mr. Donald stated that the Board could not take any action in this matter because homebuilders were not violating the Board's rules and statutes. Mr. Staron asked if the AG's office could take action. Mr. Donald answered only if a consumer submitted a complaint indicating the homebuilder's restriction on a home inspector somehow harmed them. Ms. Cornelius commented that if home inspections were required by law, homebuilders would probably be more amicable.

6. DIRECTOR'S REPORT

Ms. Cornelius reported on home inspector statistics.

7. COMMITTEE CHAIRMAN'S REPORT

Nothing to report

8. FUTURE AGENDA ITEMS

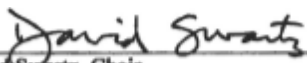
A, D, F, and I


9. FUTURE MEETINGS

June 11, 2019

10. ADJOURNMENT - 12:01pm

Signed this 9th day of August, 2019



David Swartz, Chair


Melissa Cornelius, Executive Director