

CRITERIUM[®] LALANCETTE ENGINEERS

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March 20, 2014

SENATE COMMITTEE ON GOVERNMENT OPERATIONS **Senator Jeanette K. White, Chair**
Senator Anthony Pollina, Vice Chair
Senator Claire Ayer
Senator Eldred French, Clerk
Senator Norm McAllister

Re: H.227 licensing and regulating property inspectors

Dear Ms. White, Mr. Pollina, Ms. Ayer, Mr. French, and Mr. McCallister:

I understand that before you is the above captioned bill regarding the licensing and regulation of property inspectors. I have been engaged in the business of property inspection in the state of Vermont for over 26 years. In fact, it has been the sole source of my livelihood.

I am a licensee of Criterium- Engineers, a nationwide network of engineers performing property inspections nationwide. My practice, headquartered in Rutland, is limited to Vermont and New Hampshire. Currently my firm employs two Professional Engineers on a full time basis, two Professional Engineers on a part time basis, a full time engineering intern, three full time office professionals, and will soon welcome back, for a second year, our summer intern during her engineering college break.

I mention this only so that you may understand my background and experience in this field, which I have, of course, followed closely over the years.

H.227 licensing and regulating property inspectors bill states its purpose as follows (emphasis added):

§ 1051. PURPOSE AND EFFECT

In order to safeguard the life and health of the people of this State, no person shall practice, or offer to practice, property inspecting unless currently licensed under this chapter.

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§ 1052. DEFINITIONS

(3) “Practice of property inspecting” means performing or offering to perform services involving ***the physical inspection of real property structures*** and other improvements for a fee or other compensation in order to ***evaluate the condition of the property***, including any safety issues or material defects.

I believe that this is a noble cause. As a Professional Engineer the safeguarding of life, health, or property is integral to my practice. It is the very definition of "Professional engineering".

According to 26 V.S.A. Professions and Occupations Chapter 20 Professional Engineering (emphasis added):

§ 1161. Definitions

(2) "***Professional engineering***" means any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences and the principles and methods of engineering analysis and design acquired by engineering education and engineering experience, ***insofar as the service or work involves safeguarding life, health, or property. This includes consultation, investigation, evaluation, planning,*** and design of engineering works and systems, planning the use of land, air, and water and accomplishing engineering surveys and studies, any of which embraces such services or work, either public or private, ***in connection with any utilities, structures, buildings,*** machines, equipment, processes, work systems, control systems, fire protection systems, communication systems, transportation systems, projects, and equipment systems of a mechanical, electrical, hydraulic, pneumatic, chemical, or thermal nature.

It appears to me that H.227 licensing and regulating property inspectors, as written, fails to acknowledge or differentiate in any way the “practice of property inspecting” and “professional engineering.” From a reading of the existing law, it appears that any consultation, investigation, or evaluation of buildings wherein the safeguarding of life, health, or property is involved constitutes engineering. Further, according to According to 26 V.S.A. Chapter 20 (emphasis added):

§ 1162. Prohibition; enforcement

(a) ***No person shall engage in the practice of professional engineering in this State unless the person is licensed under or exempt from this chapter.***

According to 26 V.S.A. Chapter 20 (emphasis added) there are certain exemptions. It is these exemptions to which the H.227 licensing and regulating property inspectors bill may be applicable:

§ 1163. Exemptions

(a) Persons exempt. Section 1162 of this chapter does not prohibit acts constituting the practice of engineering performed as a necessary part of the duties of:

(2) engineering of a building which is not a public building as defined in 20 V.S.A. § 2730;

(3) engineering a building, which contains only *one, two, or three dwelling units and any outbuilding accessory to those units*;

Reviewing the eligibility requirement for property inspection licensure, there appears to be a significant discrepancy with regard to education and experience. The proposed bill states the following requirements for licensure as a property inspector:

§ 1091. ELIGIBILITY FOR LICENSURE

Each applicant for licensure as a property inspector shall meet the following minimum requirements:

- (1) Be at least 18 years of age and have successfully completed high school or its equivalent.
- (2) Complete no less than 80 hours of education approved by the Director covering all of the following real property core components:
 - (A) heating systems;
 - (B) cooling systems;
 - (C) plumbing systems;
 - (D) electrical systems;
 - (E) structural components;
 - (F) foundations;
 - (G) roof coverings;
 - (H) exterior and interior components; and
 - (I) site aspects as they affect the building.
- (3) Pass an examination required for licensure. The Director shall identify by rule an eligibility examination required for licensure that is an independent, nationally recognized proctored examination.
- (4) Complete a minimum number of property inspections incidental to a program of study in a property inspection training program administered by an independent, nationally recognized organization. The Director shall identify by rule the minimum number of inspections and acceptable organizations required by this subdivision.
- (5) Provide proof of certification issued by an independent, nationally recognized organization that provides certification for property inspectors. The Director shall identify by rule acceptable organizations for certification.

Whereas 26 V.S.A. Chapter 20 requires the following for licensure as a professional engineer (emphasis added):

§ 1182a. Licensing standards

- (a) Licensing standards and procedures adopted or used by the Board shall be fair and reasonable. The standards and procedures shall be designed and implemented to ensure that all qualified applicants are admitted to practice ***unless there is good reason to believe that practice by a particular applicant would be inconsistent with the public health, safety, and welfare.*** Licensing standards shall not be designed or implemented for the purpose of limiting the number of licensees.
- (b) The Board recognizes the following routes to licensure:
 - (1) Individuals with a bachelor's degree in engineering. A professional engineering license shall be issued to a person who:
 - (A) satisfactorily completes a bachelor's level engineering curriculum accredited by the Accreditation Board for Engineering and Technology ("ABET");
 - (B) attains a passing score set by Board rule on a fundamentals of engineering examination recognized by Board rule;
 - (C) completes four years or more of progressive engineering experience after graduation of a grade and character which indicate to the Board that the applicant may be competent to practice engineering, at least two years of which shall be in the specialty discipline for which the license is sought. A master's degree in engineering may be counted as one year of experience;
 - (D) attains a passing score on a specialized examination recognized by Board rule testing the principles and practices of engineering in the specialty discipline sought; and
 - (E) satisfies all requirements set forth in the Board's rules.
 - (2) Individuals with a master's degree in engineering. A professional engineering license shall be issued to a person who:
 - (A) satisfactorily completes a bachelor's level curriculum in a technical field related to engineering and master's level engineering curriculum accredited by ABET;
 - (B) attains a passing score on a fundamentals of engineering examination recognized by Board rule;
 - (C) completes four years or more of progressive engineering experience after graduation from the master's degree program of a grade and character which indicate to the Board that the applicant may be competent to practice engineering, at least two years of which shall be in the specialty discipline for which the license is sought;
 - (D) attains a passing score on a specialized examination recognized by Board rule testing the principles and practices of engineering in the specialty discipline sought; and
 - (E) satisfies all requirements set forth in the Board's rules.
 - (3) Individuals with a bachelor's degree in engineering technology. A professional engineering license shall be issued to a person who:

- (A) satisfactorily completes a bachelor's level engineering technology curriculum accredited by ABET;
 - (B) attains a passing score on a fundamentals of engineering examination recognized by Board rule;
 - (C) completes eight years or more of progressive engineering experience after graduation of a grade and character which indicate to the Board that the applicant may be competent to practice engineering, at least four years of which shall be in the specialty discipline for which the license is sought;
 - (D) attains a passing score on a specialized examination recognized by Board rule testing the principles and practices of engineering in the specialty discipline sought; and
 - (E) satisfies all requirements set forth in the Board's rules.
- (4) Twelve years of engineering experience. A professional engineering license shall be issued to a person who:
- (A) attains a passing score on a fundamentals of engineering examination recognized by Board rule;
 - (B) completes 12 years or more of progressive engineering experience of a grade and character which indicate to the Board that the applicant may be competent to practice engineering, at least six years of which shall be in the specialty discipline for which the license is sought;
 - (C) attains a passing score on a specialized examination recognized by Board rule testing the principles and practices of engineering in the specialty discipline sought; and
 - (D) satisfies all requirements set forth in the Board's rules.
- (5) Sixteen years of engineering experience. A professional engineering license shall be issued to a person who:
- (A) completes 16 years or more of progressive engineering experience of a grade and character which indicate to the Board that the applicant may be competent to practice engineering, at least eight years of which shall be in the specialty discipline for which the license is sought;
 - (B) attains a passing score on a specialized examination recognized by Board rule testing the principles and practices of engineering in the specialty discipline sought; and
 - (C) satisfies all requirements set forth in the Board's rules.
- (6) Alternate route to licensure. A professional engineering license may be issued to a person who:
- (A) attains a passing score on a fundamentals of engineering examination recognized by Board rule;
 - (B) completes education and experience that, in the judgment of the Board, demonstrates a substantially equivalent level of preparation for engineering practice as required by subdivision (b)(1), (b)(2), or (b)(3) of this section;

(C) attains a passing score on a specialized examination recognized by Board rule testing the principles and practices of engineering in the specialty discipline sought; and

(D) satisfies all requirements set forth in the Board's rules. (Added 2013, No. 27, § 11.)

Clearly, there is a substantial difference in education and experience required to obtain a license for property inspection and a license for professional engineering. The term “evaluate” in the definition of property inspection requires one to render a professional opinion based on education and experience. Yet, there is no distinction in H.227 licensing and regulating property inspectors regarding the work that may be performed.

I bring this to your attention and ask that these discrepancies be considered prior to finalizing of the bill. The existing bill could be modified to recognize the exemptions stated in 26 V.S.A. Chapter 20.

If the purpose of this legislation is truly to “... *safeguard the life and health of the people of this State*”, I believe that these distinctions should be recognized and addressed prior to finalizing this bill. Perhaps it would be helpful to solicit input from the Board of Professional Engineering as some changes to 26 V.S.A. Chapter 20 may be required.

Thank you for your time and consideration in this matter.

Sincerely,



Richard Lalancette
Board Certified Building Inspection Engineer

RL/bcl
Attachment

Professional Qualifications and Experience

Richard L. Lalancette, P.E.

Area of Expertise

Richard Lalancette is a licensed, Professional Engineer in Vermont specializing in building technology and construction. His knowledge of construction is extensive as he has been employed in positions ranging from pipefitter to project manager on a wide variety of construction projects. In addition, Richard worked as the maintenance superintendent of a large Vermont manufacturing firm and as such was responsible for preventative and repair maintenance of all facilities.

In 1988, he founded Criterium-Lalancette Engineers. Criterium-Lalancette Engineers is one of 70 offices of Criterium Engineers, the largest engineering group in the nation specializing in pre-purchase home and building inspections, having inspected more than 500,000 structures.

Richard has conducted over 6,500 inspections personally, and has overseen the work of over 20,000 inspections conducted by licensed, Professional Engineers working for the firm. Richard has also taught many seminars and given numerous talks to real estate agents, attorneys, bankers, and first-time home buyers over the past 20 years.

Qualifications

Before owning and operating his own engineering consulting firm, Richard was employed by Omya, Inc. of Florence, Vermont as Maintenance Superintendent. He was responsible for a \$2 million maintenance effort including both physical plant and process equipment. In addition to the direct supervision of a 15 member maintenance staff, he also performed engineering as required to support this effort.

Prior to this assignment, Richard worked for Elling Brothers Mechanical Contractors of Somerville, New Jersey, where he had total responsibility for construction projects ranging from a small cogeneration facility to major plant expansions for Fortune 500 companies.

Richard began his career with Pizzagalli Construction Company of South Burlington, Vermont. His duties with Pizzagalli ranged from estimating and scheduling, to the management of several large projects in the Virgin Islands.

Education & Memberships

Richard is a licensed, Professional Engineer in Vermont, Board Certified by the Building Inspection Engineering Certification Institute (BIECI), a Certified American Society of Home Inspectors (ASHI) Inspector, and an approved HUD Fee Inspector. He holds memberships in the National Academy of Building Inspection Engineers (NABIE), the National Society of Professional Engineers (NSPE), and Community Associations Institute (CAI). Richard is also a member of the Rutland South Rotary Club (Club President, 2007-2008).

Richard holds a Bachelor of Science degree in Mechanical Engineering, with honors, from the University of Vermont.

