



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

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March 21, 2013

Karen E. Waddell
APA Coordinator
1201 Mail Service Center
Raleigh, NC 27699-1201

Re: 11 NCAC 08 .1116

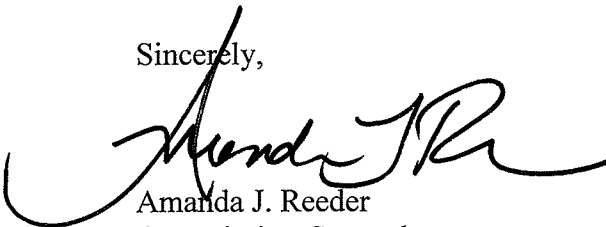
Dear Ms. Waddell:

At its March 21, 2013 meeting the Rules Review Commission extended the period of review on the above-captioned rules in accordance with G.S. 150B-21.13.

The Commission extended the period of review because it believes that the language in (e)(2), "similar arrangement," should be worded more clearly to indicate the precise nature of the arrangement that will not be allowed. At the meeting, the Board's attorney indicated it would provide that clarification by adding language to the rule to clarify the regulatory intent.

If you have any questions regarding the Commission's action, please let me know.

Sincerely,



Amanda J. Reeder
Commission Counsel

Administration
919/431-3000
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Division
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ORIGINAL

1 **11 NCAC 08 .1116 IS AMENDED WITH CHANGES AS PUBLISHED IN 27:12 NCR 1145 AS FOLLOWS:**

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3 **11 NCAC 08 .1116 CODE OF ETHICS**

4 (a) Licensees shall discharge their duties with fidelity to the ~~public, their clients, and~~ public and to their clients, with
5 fairness and impartiality to all.

6 (b) Opinions expressed by licensees shall ~~only~~ be based only on their education, experience, and honest convictions.

7 (c) A licensee shall not disclose any information about the results of an inspection without the approval of the client for
8 whom the inspection was performed, or the client's designated representative.

9 (d) No licensee shall accept compensation or any other consideration from more than one interested party for the same
10 service without the consent of all interested parties.

11 ~~No licensee shall accept or offer commissions or allowances, directly or indirectly, from other parties dealing with~~
12 ~~the client in connection with work for which the licensee is responsible. No licensee shall directly or indirectly~~
13 ~~compensate~~ compensate, either financially or through other services or benefits, realty agents, agents or other parties
14 having with a financial interest in closing or settlement of real estate transactions, transactions for the following: referral

15 (1) Referral of inspections inspections; or for inclusion

16 (2) Inclusion on a list of recommended inspectors, preferred providers, or a similar arrangements. arrangement.

17 (f) No licensee shall express, within the context of an inspection, an appraisal or opinion of the market value of the
18 inspected property.

19 (g) Before the execution of a contract to perform a home inspection, a licensee shall disclose to the client any interest he
20 or she has in a business that may affect the client. No licensee shall allow his or her interest in any business to affect the
21 quality or results of the inspection work that the licensee may be called upon to perform.

22 (h) A licensee shall not solicit for repairs of systems or components found defective in the course of a home inspection
23 performed by the licensee or that licensee's company.

24 (i) Licensees shall not engage in false or misleading advertising or otherwise misrepresent any matters to the public.

25 (j) Licensees shall not inspect properties under contingent arrangements whereby any compensation or future referrals
26 are dependent on reported findings or on the sale of a property.

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28 *History Note: Authority G.S. 143-151.49;*

29 *Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15,*
30 *1996;*

31 *Temporary Adoption Eff. October 24, 1996;*

32 *Eff. July 1, 1998;*

33 *Amended Eff. April 1, 2013; October 1, 2010; July 1, 2000.*

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