

BEFORE THE MISSISSIPPI REAL ESTATE COMMISSION

MISSISSIPPI REAL ESTATE COMMISSION

COMPLAINANT

vs.

NO. 14-1912

CALEB GARDNER, HOME INSPECTOR

RESPONDENT

AGREED ORDER

This cause came before the Mississippi Real Estate Commission, hereinafter referred to as "Commission," pursuant to authority of M. C. A. §§73-60-1, et seq., on a formal Complaint brought against Caleb Gardner, Home Inspector, sometimes hereinafter "Respondent" or "Gardner". Prior to this matter being set for hearing before the Commission, the parties announced instead their agreement as to the disciplinary action. By entering this Agreed Order, Respondent Gardner waives his right to a hearing with full due process and the right to appeal any adverse decision resulting from that hearing. Having reached an agreement on this matter, the Commission issues its Findings of Fact and Disciplinary Order as follows:

I.

Respondent, Caleb Gardner (hereinafter "Gardner" or "Respondent"), is an adult resident citizen of Mississippi whose last known address of record with the Commission is 11365 Whitmore Place, Gulfport, MS 39503. Respondent Gardner holds a home inspector's license, No. 0752, issued by the Commission pursuant to Miss. Code Ann. §73-60-1, et seq., and, as such, he is subject to the provisions, rules, regulations and statutes governing the practice of home inspections under Mississippi law.

II.

The Commission received information that Respondent Gardner had performed one or more home inspections on new construction without the new home (NH) certification required for performing such new construction inspections. Upon this information, the Commission opened an investigation.

III.

Upon investigation, the Commission received evidence that Respondent Gardner had knowingly and willfully performed inspections on new construction property during the past years without the new home (NH) certification required by Mississippi law; and specifically, at:

58 Summit View Dr., McHenry, MS

15121 Longwood Lane, Gulfport, MS

17 Trace Dr., McHenry, MS

19495 Benson Pl., Saucier, MS

19521 Rudd Dr., Saucier, MS

19641 Waltrip Way, Saucier, MS 39574

501 Palm Breeze Dr., Ocean Springs, MS

IV.

The above and foregoing described acts of the Respondent Gardner constitute violations of Miss. Code Ann. §73-60-27, which states in relevant part:

(4) After October 1, 2001, no person licensed under this chapter shall offer to perform or perform inspection services on new construction for a fee without having first obtained a residential home builders license from the Mississippi Board of Contractors and certification by the Southern Building Code Congress or any other national professional code organization.

DISCIPLINARY ORDER

THEREFORE, by agreement and consent, the Commission **ORDERS** discipline as follows:

1. The license of Respondent Caleb Gardner shall be suspended for thirty (30) days, beginning February 01, 2020. The Respondent is further ordered to pay a fine of \$ 500.00.
2. Following the 30-day period of suspension, the license of Respondent Gardner shall be placed on probation for a period of eleven (11) consecutive months.
3. Prior to the expiration of the period of suspension, Respondent Gardner shall complete an ethics course for home inspectors. The course shall be approved by the Commission and this mandatory ethics course shall be completed in addition to those continuing education hours required for renewal of Respondent Gardner's home inspector license.

SO ORDERED, THIS THE 10TH DAY OF MARCH, 2020.



MISSISSIPPI REAL ESTATE COMMISSION

Robert E. Praytor

Robert E. Praytor, Administrator

date: 03/10/2020

Agreed: *Caleb Gardner*

Caleb Gardner, Respondent

date: 2-19-2020