



Mississippi Real Estate Commission

ADMINISTRATOR
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April 10, 2024

Jason Brown, Home Inspector
409 Maime Street
Hattiesburg, MS 39401

RE: Case No. 2024-04

OFFICIAL LETTER OF REPRIMAND

Dear Mr. Brown:

Pursuant to your March 19, 2024 agreement as set forth in the *Notice of Alleged Violations and Opportunity for Informal Resolution by Letter of Reprimand with Waiver of Formal Complaint*, MREC's Commissioners voted unanimously at the April 9, 2024 Commission meeting to approve the *Informal Resolution* as offered and agreed, and to issue this Letter of Reprimand based upon the following violations of the statutes, standards of practice, and code of ethics governing the practice of home inspection in Mississippi, stemming from several property condition photos you included in a November 28, 2023 inspection report being duplicated by you in a second report representing the condition of the same property on January 23, 2024, when the duplicated photos no longer represented the present condition of the property.

The foregoing acts and omissions, while done with the gracious intent to charge a lesser fee for the second report which you believed was largely duplicative of the prior report, nonetheless resulted in the following violations deriving from Mississippi Code §73-60-17:

- Standards of Practice: Rule 2.1 PURPOSE AND SCOPE, which mandates that a home inspection reflect the condition of the property at the time of the home inspection (and not previous conditions that have changed), and
- Statements from the Code of Ethics concerning avoidance of acts which could compromise the integrity of the inspection and public confidence in the inspection and profession.

This Official Letter of Reprimand will be maintained in your permanent license file on record with the Commission. If the same or similar violation(s) are repeated in the future, sanctions may be escalated.

Sincerely,



Robert E. Praytor
Administrator
Mississippi Real Estate Commission

BEFORE THE MISSISSIPPI REAL ESTATE COMMISSION

MREC CASE NO. 2024-04

In the Matter of JASON BROWN, HOME INSPECTOR

**NOTICE OF ALLEGED VIOLATIONS AND OPPORTUNITY
FOR INFORMAL RESOLUTION BY LETTER OF REPRIMAND
WITH WAIVER OF FORMAL COMPLAINT**

March 5, 2024

Jason Brown, Home Inspector
409 Maime St.
Hattiesburg, MS 39401

Dear Mr. Brown:

PLEASE TAKE NOTICE that the Investigative Review Committee of the Home Inspector Division of the Mississippi Real Estate Commission (hereinafter, “the Commission”), upon concluding a thorough investigation of the above-noted case, has identified alleged violations of the Mississippi Home Inspectors law (Miss. Code Ann. §§73-60-1, *et seq.*) and/or the State of Mississippi Real Estate Commission/Home Inspector Division Standards of Practice and Code of Ethics regarding certain licensable home inspector activity, as set forth below in this Notice.

Recommended Informal Resolution:

The Investigative Review Committee recommends this matter be resolved informally, in lieu of proceeding to a formal Commission Complaint and administrative hearing before the Commission.

You are invited to agree to the below-stated terms for resolution of this matter (a Letter of Reprimand being placed in your license file directing you not to include photos in home inspection reports that do not reflect the contemporaneous condition of the property) and to waive your right to the issuance of a formal Complaint and administrative hearing wherein you could present explanations and defenses to the alleged violations described herein. If you choose to so agree and waive a formal Complaint, as stated, the Commission Administrator and Legal Counsel will recommend resolution of this case via a Letter of Reprimand, contingent on the final approval of the Commission. **NOTE: If you agree to the informal resolution of this matter as recommended, please sign/date where indicated below, and return this document to the Commission within ten (10) days. If you do not agree to informally resolve the matter, but instead want to proceed with the Complaint and hearing, do not sign below, but inform us of your intent within ten (10) days.**

Your Right to Proceed to Formal Complaint/Administrative Hearing:

You are not required to agree to an informal resolution of this matter as recommended. You have the right to have the Commission prepare a formal Complaint with notice of the allegations against you, with the accompanying disciplinary hearing before the Commission where you may respond to the specific allegations, present witnesses and other evidence in your defense, and be represented by counsel.

I.

ALLEGED LICENSEE VIOLATION(S) and MREC AUTHORITY

ALLEGED FACTS

It is alleged that Jason Brown, Mississippi Home Inspector license #NH 0411, conducted two home inspections for different clients (potential buyers) on residential property for sale at 95 Rawls Drive, Hattiesburg, Mississippi, on November 28, 2023, and on January 23, 2024. Documentary evidence obtained during the Commission's investigation will show:

Mr. Brown submitted substantively the same inspection report document to the January 23 inspection clients as was submitted to the November 28 clients, despite there being several significant changes (repairs, etc.) made to the property in the weeks between the first and second inspections. Consequently, the photos in the January 23 report (essentially, the duplicated November 28 photos) did not accurately reflect all conditions on the property on January 23, but instead conveyed false, misleading, or confusing information to the second set of clients, to wit:

1. Photo 12-2 in the January 23 report is undated, and thus, a reader would presume, from January 23 – but it is in fact a relic of the November 28 report. The November 28 condition, depicted in photo 12-2, no longer existed on January 23. There is neither an indication that photo 12-2 was from an earlier date (and the conditions depicted had been remediated) nor any justification whatsoever for the old photo to appear in the January 23 report. Two pages further into the January 23 report is text stating “*1/23/24 The crawl space has been improved with the following:*” but no reference is made specifically to the prior photo 12-2 to indicate that it has been improved as depicted in photos 14-1, 14-2 and 14-3. The relationship between photo 12-2 and the newer photos is confusing for a reader of the report, and the presence of photo 12-2 depicts a condition no longer present on January 23, thus being objectively false and likely misleading.

2. Photo 20-1 in the January 23 report presents an unflattering oil stain present on November 28 that was no longer present on January 23, because it had been scrubbed away by the homeowners. Though the photo was concerned with water stains, the oil stain was not identified as such in the report, introduces confusion, and could be misinterpreted as extensive water staining more severe than that addressed by the report.

3. Photo 20-4 in the January 23 report is another example of a condition that existed on November 28 that was no longer accurate (because it had been remedied) on January 23, yet was not removed from the report, and did not accurately reflect the property condition on January 23.

4. Photo 42-1 in the January 23 report depicts an air filter appearing thoroughly caked with dust. Mr. Brown agrees that the Complainant told him prior to the January 23 report that the air filter had been changed, but in responses submitted for this investigation, he has maintained (1) that it was unclear that it had been changed (between the November 28 photo and January 23), and (2) that it appears dirty in the Complainant's submitted photo. The Investigative Committee disagrees, assessing the photo sent by the complainant to clearly depict a very clean filter, compared to the dust-clumped filter photographed by Mr. Brown on November 28, and left in the duplicative January 23 report. In combination with the submitted texts, the Investigative Committee is satisfied that the evidence is sufficient on this point to move the case to a hearing.

5. Photo 52-2 in the January 23 report (i.e., the unreplaced November 28 report photo) was contradicted by a clear photo of the area sent by the Complainant in during the investigation. The Investigative Committee can discern no evidence of any water stain in the Complainant's photo, while the Respondent, having been sent the same photo for comment, claims in a submitted response that water stains are still visible (in the new photo). The Investigative Committee is satisfied with the sufficiency of the evidence that the November 28 photo, left in the January 23 report, did not depict the true property condition on January 23.

APPLICABLE LAW AND RULES

§ 73-60-17. Standards of practice and code of ethics

- (1) A licensed home inspector is required to follow the Standards of Practice and Code of Ethics as adopted and published by the commission.
- (2) A home inspection report must be issued by a home inspector to a client as specified in the Standards of Practice.

Standards of Practice, Rule 2.

PURPOSE AND SCOPE 2.1

The purpose of the Standards of Practice is to establish a minimum standard (Standard) for home inspections performed by home inspectors who subscribe to this Standard. Home inspections performed using this Standard are intended to provide the client with

information about **the condition of inspected systems and components at the time of the home inspection.** (emphasis added)

Code of Ethics

(Preamble)

Inspectors shall ... strive to uphold, maintain, and improve the integrity, reputation, and practice of the home inspection profession.

1. Inspectors shall avoid ... activities that compromise, or appear to compromise, ... objectivity, or inspection integrity.

...

3. Inspectors shall avoid activities that may harm the public, discredit themselves, or reduce public confidence in the profession.

ALLEGED VIOLATIONS

By issuing a report on January 23, 2024, that contained photos taken November 28, 2023, and no longer accurately reflected the condition of the property, the Respondent violated:

- Rule 2.1 PURPOSE AND SCOPE, which mandates that a home inspection reflect the condition of the property at the time of the home inspection (and not previous conditions that have changed).
- Statements from the Code of Ethics noted hereinabove. By including photos that no longer reflect the contemporaneous condition of the property, the reputation of the inspector, and integrity of the inspection are at risk, as is the objectivity of the inspection and public confidence in the inspection and profession.

These acts and omissions constitute a violation of the above-cited rules deriving from Mississippi Code section 73-60-17, and therefore subject Respondent Brown to discipline by the MREC.

II.

RECOMMENDATION AND OFFER FOR INFORMAL RESOLUTION

Following the review and consideration of the Investigative Review Committee, it is recommended and offered that this matter be resolved as follows:

- 1) Letter of Reprimand (to be delivered to you after your acceptance, and final approval by the Commission). A copy of the letter will be retained in your license file, as a flag indicating that if the same offense is repeated in the future, the penalty may be escalated.

III.

ACKNOWLEDGEMENT AND WAIVER

As evidenced by my [licensee's] signature below, and in accordance with my expressed acceptance of the recommendation for resolution of this disciplinary matter as proposed, I, JASON BROWN, acknowledge and agree as follows:

1. I understand and acknowledge that my home inspector's license is subject to sanction by the Mississippi Real Estate Commission for alleged violations of the Mississippi Code section §§73-60-1, *et seq.*) and/or of the Mississippi Standards of Practice and Code of Ethics, as set forth herein.

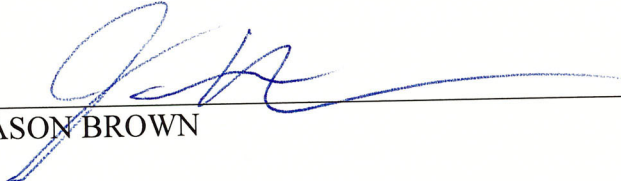
2. I am aware of my rights, both substantive and procedural, regarding the nature of the allegations brought against me.
3. I acknowledge that I have the right to refuse to accept the proposed informal resolution of this matter as presented herein, and that I may elect to have a formal Complaint issued by the Commission regarding the allegations brought against me, and thereby proceed to an administrative hearing with full due process.
4. After due consideration of my procedural and substantive rights, the possible adverse effect on my license that could result after an administrative hearing, and the likelihood of the Commission's Complaint Counsel prevailing in the presentation of proof of the violations alleged, I hereby expressly WAIVE my right to have a formal Complaint issued by the Commission in this matter, and waive my right to the consequent administrative hearing, and consent to proceed in this matter by informal adjudication and resolution (accepting a Letter of Reprimand) as offered and recommended herein.
5. I acknowledge that the resolution of this disciplinary matter shall be public record and included in the Minutes of the Commission as its official act and deed.
6. Inclusive of my WAIVER of the issuance of a formal Complaint and the consequent administrative hearing, I expressly WAIVE all objections or legal challenges I may have regarding or arising out of this matter, the entry of the final record of disposition of this matter as set forth herein, or any of its terms. Further, I WAIVE any objections

or legal challenges to the Commission in taking this matter up preliminarily for the purpose of considering and voting on whether to approve the informal resolution of this matter as recommended.

7. I acknowledge that should the Commission deny approval of the informal resolution of this matter, I remain entitled to a fair and impartial administrative hearing, with full due process, regarding the allegations set forth herein.

NOTE: If you agree to the informal resolution of this matter as recommended, please sign/date where indicated below, and return to the Commission within ten (10) days. If you do not agree to informally resolve the matter, but instead want to proceed with receiving a formal Complaint and defending the allegations at a hearing, do not sign below, but inform us within ten (10) days.

I, JASON BROWN, acknowledge and agree to the informal resolution of this matter as set forth herein.

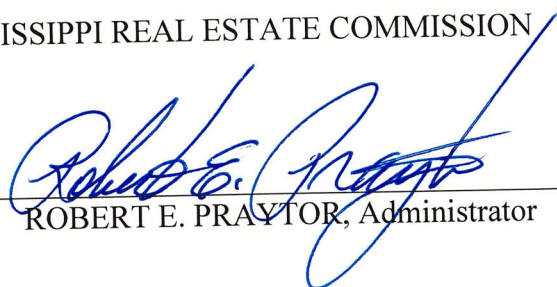


JASON BROWN Date: 3/19/24

* * *

APPROVED:

MISSISSIPPI REAL ESTATE COMMISSION

BY: 

ROBERT E. PRAYTOR, Administrator Date: 04/09/2024