

BEFORE THE MISSISSIPPI REAL ESTATE COMMISSION

MISSISSIPPI REAL ESTATE COMMISSION

COMPLAINANT

VS.

NO. 05-1907

DAVID L. MOON, HOME INSPECTOR,
LICENSE NO. 0464

RESPONDENT

AGREED ORDER

THIS CAUSE came before the Mississippi Real Estate Commission, sometimes hereinafter "Commission," pursuant to authority of Miss. Code Ann. §73-60-1, *et seq.*, on a formal Complaint brought against David L. Moon, Home Inspector. Prior to hearing before the Commission, the parties announced their agreement as to the allegations of the Commission Complaint and disciplinary action for Respondent, all as set forth herein. By entering into this Agreed Order, Respondent waives his right to a hearing with full due process and any right that might be available at law for appeal of any adverse decision which may have resulted from that hearing. Having reached an agreement with Respondent in this matter, the Commission issues its Findings of Fact, Conclusions of Law and Disciplinary Order as follows:

FINDINGS OF FACT

I.

Complainant, the Mississippi Real Estate Commission, sometimes hereinafter "Commission" is charged with the administration and enforcement of the statutes and rules governing the licensure and practice of home inspectors under Mississippi law, Miss. Code Ann. §73-60-1, *et seq.*

II.

Respondent David L. Moon, sometimes hereinafter “Respondent” or “Moon” is an adult resident citizen of Mississippi whose last known address of record with the Commission is 10231 Shallow Creek Dr., Collinsville, Mississippi 39325. Respondent currently holds a Mississippi home inspector’s license, No. 0464 issued by the Commission pursuant to Miss. Code Ann. §73-60-1, *et seq.*, and, as such, he is subject to the provisions, rules and statutes governing the practice of home inspections under Mississippi law and to the jurisdiction of the Mississippi Real Estate Commission. Respondent David Moon conducts home inspections as a member of Certified Home Inspections, LLC, a Mississippi limited liability company.

III.

The Commission received information that Respondent was performing home inspection services on new construction without the new home construction inspection license designation (“NH”) required by Mississippi law. Thereafter, the Commission opened its investigation into the matter and requested a response from Respondent.

IV.

During the Commission investigation, the Commission obtained evidence from Respondent evidencing Respondent’s performance of inspection services on new construction without the new construction inspection license designation (“NH”) required by Mississippi law.

V.

CONCLUSIONS OF LAW

The Commission and Respondent agree that the above and foregoing described acts and omissions of Respondent, if proved at a Commission hearing upon clear and convincing evidence, could constitute violations of Miss. Code Ann. §73-60-1, *et seq.*, and, more specifically, Miss Code

Ann. §73-60-27 which prohibits the performance of new construction inspection services without having obtained the licensure designation from the Commission authorizing such new construction inspection services, and providing in relevant part:

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

Upon agreement and consent of Respondent as to disciplinary terms and disposition of this matter in lieu of a hearing before the Commission and, having issued its Findings of Fact and Conclusions of Law, the Commission hereby issues its Disciplinary Order as follows:

1. The license of Respondent David L. Moon shall be suspended for a period of one (1) month (thirty days) beginning April 1, 2020.
2. Following the period of suspension, the license of Respondent shall be placed on probation for a period of eleven (11) months.
3. Prior to the expiration of the period of suspension, Respondent Moon shall complete an ethics course for home inspectors. The course shall be approved by the Commission and written evidence of satisfactory completion of said course shall be provided to the Commission. The course hours for this required course shall be in addition to any continuing education hours necessary for the next renewal of Respondent's license.
4. Respondent shall be liable for an administrative fine of One Thousand Dollars (\$1000.00) payable to the Mississippi Real Estate Commission pursuant to Miss. Code Ann. §73-60-27(1). Said administrative fine shall be paid by money order or other certified funds within ninety (90) days of the effective date of this Agreed Order.

5. This Agreed Order shall be effective upon the date it is executed by the Commission.

THIS the 10th day of MARCH, 2020.

MISSISSIPPI REAL ESTATE COMMISSION

BY: 
ROBERT E. PRAYTOR, Administrator

AGREED:

David L. Moon DATE 3-4-20
DAVID L. MOON