

BEFORE THE MISSISSIPPI REAL ESTATE COMMISSION

MISSISSIPPI REAL ESTATE COMMISSION

COMPLAINANT

VS.

NO. 04-1805

RICKEY JOSEPH AUTHEMENT, HOME INSPECTOR

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 Rickey Joseph Authement, 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 Rickey Joseph Authement, sometimes hereinafter “Respondent” or “Authement” is an adult resident citizen of Mississippi whose last known address of record with the Commission is 1111 Iberville Dr., Ocean Springs, Mississippi 39564. Respondent currently holds a home inspector’s license, No. 0157NH 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.

III.

Respondent’s current license No. 0157NH, issued on or about February 22, 2019, evidences licensure by the Commission authorizing Respondent to perform inspection services on new construction pursuant to the statutory provisions of Miss. Code Ann. §73-60-27(4) which provides:

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.

IV.

Prior to February 22, 2019, and otherwise at all times relevant to the allegations of the Commission Complaint, Respondent Authement held a home inspector’s license, No. 0157, which license did not authorize Respondent to perform inspection services on new construction, Respondent having not yet satisfied the requirements for new home construction (“NH”) licensure pursuant to Miss. Code Ann. §73-60-27(4).

V.

On or about April 2018, the Commission received information that Respondent was performing home inspection services on new construction without the new home construction licensure required by Mississippi law. Thereafter, the Commission opened its investigation into the matter.

VI.

In its investigation, the Commission obtained evidence that Respondent had in fact performed several inspections of new construction properties prior to being issued a license authorizing him to perform new construction inspections. The Commission obtained evidence of at least nine (9) new construction inspections performed by Respondent prior to his being licensed to perform new construction inspections and Respondent did not deny he had performed additional new construction inspections prior to being so licensed by the Commission.

CONCLUSIONS OF LAW

VII.

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, would constitute violations of Miss. Code Ann. §73-60-1, *et seq.*, and, more specifically, Miss Code Ann. §73-60-27 which provides, 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 Rickey Joseph Authement shall be suspended for a period of six (6) months, held in abeyance. During the period of suspension held in abeyance, Respondent will be permitted to continue the practice of home inspections in Mississippi insofar as he complies with all statutes, rules and regulations governing the practice of home inspections in Mississippi and with all other terms of this Agreed Order.
2. Respondent shall be liable for an administrative fine of Four Thousand Five Hundred Dollars (\$4,500.00) 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.
3. This Agreed Order shall be effective upon the date it is executed by the Commission.

THIS the 11<sup>th</sup> day of FEBRUARY, 2020.

MISSISSIPPI REAL ESTATE COMMISSION

BY:   
ROBERT E. PRAYTOR, Administrator

AGREED:

  
RICKEY JOSEPH AUTHEMENT

DATE 2-7-20