

## **BEFORE THE MISSISSIPPI REAL ESTATE COMMISSION**

**In Re: THE MATTER OF ERIC C. WOOLEY, HOME INSPECTOR; Case No. 005-1809**

### **ORDER**

This cause came before the Mississippi Real Estate Commission, sometimes hereinafter “Commission,” pursuant to the authority of Miss. Code Ann. §§73-35-1, *et seq.*, as amended, on this complaint against Eric Wooley, Home Inspector. By entering this Order, the Commission does hereby find and order the following:

#### **I.**

The Investigative Staff of the Mississippi Real Estate Commission (“Commission”) identified alleged violations by Eric Wooley, Home Inspector, of Miss. Code Ann. §§73-60-1, *et seq.* regarding certain licensable home inspector activity/activities. The Investigative Staff and legal counsel recommended that this matter be resolved informally, in lieu of proceeding to a formal Commission Complaint and administrative hearing before the Commission.

Further, upon express agreement by Eric Wooley, Home Inspector, to the recommended terms for resolution of this matter and express waiver of his rights to the issuance of a formal Complaint and administrative hearing, the Commission Administrator recommended a certain resolution and disposition of this matter, pending final approval by this Commission.

## II.

### VIOLATION

This Commission further finds that, on Wednesday, November 29, 2017, Eric Woolley, Home Inspector, conducted a home inspection at 116 John Allen Rd. in Vicksburg, MS. He did so without obtaining a pre-inspection agreement, a document required by his error and omission insurance policy as a condition of insurance *coverage*. Subsequently, upon a claim being filed with his E & O carrier by the home buyer/client, the claim was denied for the expressed reason of Eric Wooley, Home Inspector, not having that pre-inspection agreement. M. C. A. §73-60-13 requires that licensed home inspectors have such *coverage* in effect at the time of an inspection. M. C. A. §73-60-31(d) prohibits home inspectors operating without adequate insurance *coverage* required for licensees.

Additionally, Ashi® Code of Ethics for the Home Inspection Profession #2. states that Inspectors shall act in good faith toward each client and other interested parties and, further, that Inspectors shall be objective in their reporting *and not knowingly understate or overstate the significance of reported conditions*. Eric Wooley, Home Inspector, acknowledged in his response to the Commission that that he did not sufficiently explain why he gave a “rating” to the roof that subsequently leaked due to flashing installation errors.

The above and foregoing described acts and omissions constitute violation of Miss. Code Ann. §§73-60-1, *et seq* which provide, in relevant parts, duties of a home inspection licensee, and proscribed actions and omissions in the conduct of home inspection activities for which this Commission, pursuant to M. C. A. §73-60-31, has the power to sanction as deemed appropriate.

**III.**

**DISCIPLINE**

It was recommended and is now ORDERED that the following discipline be imposed against the license of Eric Wooley, Home Inspector as follows:

Payment by Eric Wooley to this Commission of a \$500 penalty; two (2) months of license suspension (said license suspension held in abeyance) plus 6 months of license probation, with the license suspension abeyance contingent upon both his future compliance with all Mississippi Home Inspection Statutes and the Ashi® Code of Ethics and also contingent upon him completing eight (8) hours of mandatory Continuing Education, to include an ethics class, during that first thirty (30) days following the date of this ORDER. Said education may be completed through Distance Education, in light of COVID restrictions. Further, these classes must be courses already approved by this Commission, be in addition to the regular hours of continuing education already required of Eric Wooley for license renewal and will not be the same classes from the same provider as those used by him in his last renewal period. Evidence of completion of these classes is to be provided to this Commission.

SO ORDERED, this the 10<sup>th</sup> day of August, 2021.

**MISSISSIPPI REAL ESTATE COMMISSION**

BY:

  
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ROBERT E. PRAYTOR, Administrator



Date: 08/10/2021