

BEFORE THE MISSISSIPPI REAL ESTATE COMMISSION

IN RE: LICENSE OF CALEB GARDNER, HOME INSPECTOR

LICENSE No. HI-0752

ORDER

I.

THIS CAUSE came before the Mississippi Real Estate Commission (sometimes hereinafter, "Commission"), pursuant to the authority of Miss. Code Ann. §§ 73-60-1, *et seq.*, as amended, on a formal Complaint against Caleb Gardner (sometimes hereinafter, "Gardner," or, "Respondent").

II.

On February 13, 2024, the Commission conducted an administrative hearing pursuant to a Notice of Hearing duly served upon Respondent Gardner, to determine whether good cause existed for revocation or other action against the home inspector license of Respondent. The hearing commenced at approximately 11:00 a.m. at the Commission offices in Jackson, Mississippi. Respondent Gardner was present and testified. The Commission recognized its quorum and opened the hearing, which was conducted with witnesses being sworn, documentary evidence being submitted as exhibits, the right to cross examination of witnesses being observed and the statements of the participants being recorded verbatim by an official court reporter. Following the

conclusion of the hearing, the Commissioners withdrew to deliberate and vote on an outcome, after which the Commission issued this Findings of Fact, Conclusions of Law and Disciplinary Order as set forth herein, based evidence that was assessed to be clear and convincing.

FINDINGS OF FACT

III.

Respondent Caleb Gardner is an adult resident citizen of Mississippi whose last known address of record with the Commission is 11365 Whitmoore Place, Gulfport, Mississippi, 39503. Respondent Gardner holds a home inspector's license, #HI-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 inspection under Mississippi law.

IV.

In the process of completing the most recent renewal of Respondent Gardner's license, the Commission received the results of a criminal background history examination, required after the passage of Miss. Code §73-60-47, revealing that Respondent Gardner had one or more prior felony convictions, namely two counts of burglary of a dwelling, pursuant to the language of said criminal background statute, these circumstances would call into question the Respondent's ability to maintain public trust. Subsequent investigation revealed that Respondent Gardner had answered "no" on his initial application for licensure to the question of whether he had ever been convicted of a crime. In conjunction with this false answer, Respondent signed an Affidavit contained within to the subject application, swearing to the truthfulness of the information contained in the

application and acknowledging that “any omissions, inaccuracies or failure to make full disclosure” might be deemed sufficient reason to revoke the license, or subject Respondent to other disciplinary action allowed by law at the discretion of the Commission.

V.

At the hearing, Respondent Gardner admitted the acts resulting in his felony convictions, which occurred when he was 17 years old, and involved theft of a video game system, a phone and a small amount of cash from homes of individuals he knew. Gardner stated that upon the passage of the background check requirement for the renewal of a home inspector license, he did not reveal the prior felonies in hope that they were too old to remain on his record, and fearing that revelation of the felonies would result in the loss of his license, through which he had made a good life for his family.

CONCLUSIONS OF LAW

VI.

The Commission finds that the acts and omissions of Respondent Caleb Gardner, in knowingly concealing prior felony convictions during the process of his application for a home inspector license and subsequent renewals thereof, is sufficient to warrant disciplinary action by the Commission against Respondent’s license pursuant to Miss. Code §73-60-31, which authorizes the Commission to revoke a license or take other disciplinary action in its discretion, for any one or a combination of the following causes:

- (a) Violations of this chapter or the commission’s rules promulgated pursuant hereto;

...

- (f) Failure to submit to or pass a background investigation pursuant to Section 73-60-47.

DISCIPLINARY ORDER

VII.

1. Letter of Reprimand

The foregoing Order of the Commission shall be permanently placed in the Respondent's license file and serve as an official Letter of Reprimand. If a violation related to, or of a kind with, any of the subject matter discussed hereinabove were to be repeated by Respondent in the future and admitted by Respondent or duly proved at a hearing, the sanctions imposed by the Commission may be escalated.

THIS, the 16th day of FEBRUARY, 2024.

MISSISSIPPI REAL ESTATE COMMISSION

BY: _____


ROBERT E. PRAYTOR, Administrator