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CALIFORNIA REAL ESTATE INSPECTION ASSOCIATION Standards of Practice

Originally Adopted September 13, 1983

Revisions herein effective April 15, 1999

Table of Contents

*Note: *Italicized* words in this document are defined in the Glossary of Terms

I. Definitions and Scope

II. Standards of Practice

MANDATORY SECTIONS:

1. Foundations, Basements, and Under-floor Areas
2. Exteriors
3. Roof Coverings
4. Attic Areas and Roof Framing
5. Plumbing
6. Electrical Systems
7. Heating Systems
8. Central Cooling Systems
9. Fireplaces and Chimneys
10. Building Interior

OPTIONAL SECTIONS:

11. Other Built-in Appliances and Systems
12. Pools and Spas

III. Limitations, Exceptions and Exclusions

IV. Glossary of Terms

I. Definitions and Scope

- A. A Real Estate *inspection* is a non-invasive physical *examination*, performed for a fee, designed to identify *material defects* in the *systems, structures, and components* of a *building* as they exist at the time of the *inspection*. The specific *systems, structures and components* of a *building* to be examined are listed in these Standards of Practice.
- B. A *material defect* is a *condition* that significantly affects the value, desirability, habitability, or safety of the *building*. Style or aesthetics shall not be considered in determining whether a specific *system, structure, or component* is defective.
- C. These Standards provide *inspection* guidelines, make public the services provided by private fee paid *inspectors*, and define certain terms relating to these *inspections*.
- D. Sections 1 through 10 of these Standards are a mandatory part of all such *inspections*. Sections 11 through 12 are optional.
- E. Unless otherwise agreed between the *inspector* and client, these Standards shall apply to the *primary building* and its associated *primary parking structure*. The *inspection* shall be limited to those specific *systems, structures and components* that are present and visually *accessible*. *Components* and *systems* shall be *operated* with *normal user controls* only and as *conditions* permit. *Inspections* performed in accordance with these Standards are not intended to be technically exhaustive.
- F. *Inspection reports* shall describe and identify in written format the inspected *systems, structures, and components* of the *building* and shall identify *material defects*.
- G. *Inspection reports* may contain recommendations regarding *conditions* reported or recommendations for *further evaluation* by *appropriate persons*.

II. Standards of Practice

SECTION 1 - Foundations, Basements, and Under-floor Areas

A. Items to be identified and reported:

1. Foundation and other support *components*.
 2. Under-floor ventilation.
 3. Location of under-floor *access* opening(s).
 4. Wood separation from soil.
 5. Presence of drainage *systems* or sump pumps within foundation footprint.
 6. Presence or absence of seismic anchoring and bracing *components*.
- B. The *inspector* is not required to:
1. *Enter* under-floor areas that are not *accessible* or where entry could cause damage or pose a hazard to the inspector.
 2. Move stored items, vegetation or debris, or perform any excavations or other *intrusive* testing to gain *access*.
 3. *Operate* or *evaluate* adequacy of sump pumps or drainage *systems*.
 4. Identify size, spacing, location or adequacy of foundation bolting and bracing *components* or reinforcement *systems*.
 5. Perform any *intrusive examination* or testing, or use any *special equipment* such as, but not limited to, levels, probes or meters.

SECTION 2 - Exteriors

A. Items to be identified and reported:

1. Surface grade, hardscaping and drainage within six feet of the inspected *building* or associated *primary parking structure*.
 2. Wall cladding, veneers, flashing, trim, eaves, soffits and fascias.
 3. Exterior portions of a *representative sampling* of doors and windows.
 4. Attached decks, porches, balconies, stairs, columns, walkways, guard-rails and handrails.
- B. The *inspector* is not required to:
1. *Operate* or *evaluate* any mechanical, electro-mechanical, or underground drainage *systems*.
 2. *Operate* or *evaluate* storm windows, storm doors, screening, shutters or awnings.
 3. *Operate* or *evaluate* remote-control devices.
 4. *Examine* detached buildings and structures (other than the *primary parking structure*), patio enclosures, fences, and retaining walls.
 5. *Examine* items not visible from a readily accessible walking surface.

SECTION 3 - Roof Coverings

A. Items to be identified and reported:

1. Roof coverings.
 2. Flashing, vents, skylights and other penetrations.
 3. Roof drainage *systems*.
- B. The *inspector* is not required to:
1. Walk on the roof surface if, in the opinion of the inspector, there is a possibility of damage to the surface or a hazard to the *inspector*.
 2. Perform a water test, warrant or certify against roof leakage or predict life expectancy.

SECTION 4 - Attic Areas and Roof Framing

A. Items to be identified and reported:

1. Framing and sheathing.
 2. *Access* opening(s) and *accessibility*.
 3. Insulation material(s).
 4. Ventilation.
- B. The *inspector* is not required to:
1. *Enter* attic areas that, in the opinion of the inspector, are not *accessible* or where entry could cause damage.
 2. Remove insulation materials or identify composition or "R" value of insulation material.
 3. Activate thermostatically operated fans.

SECTION 5 - Plumbing

A. Items to be identified and reported:

1. Supply, waste, and vent piping.

2. Fixtures, faucets and drains.
3. Water heating equipment, including combustion air, venting, connections, energy sources, seismic bracing, and temperature-pressure relief valves.
4. *Functional flow* of water supply and *functional drainage* at fixtures.
5. Gas piping and connectors.
6. *Cross-connections*.
- B. The *inspector* is not required to:
 1. *Operate* any valve other than fixture faucets and hose faucets attached to the *building*.
 2. *Operate* any *system*, *fixture* or *component* which is *shut down* or *disconnected*.
 3. *Examine* or verify operation of water supply or pressure assistance *systems*, including, but not limited to: wells, pumps, tanks, and related equipment.
 4. Verify *functional flow* or pressure at any *fixture* or faucet where the flow end is capped or connected to an *appliance*, or measure pressure, volume or temperature.
 5. *Examine* or *operate* any sewage disposal *system* or component including, but not limited to: septic tanks and/or any underground *system* or portion thereof, or ejector pumps for rain or waste.
 6. *Examine* the overflow device of any fixture.
 7. *Evaluate* the potability of water, compliance with local or state conservation or energy standards, or proper design or sizing of any water, waste, and venting *components*, *fixtures*, or piping.
 8. Identify whether water supply and waste disposal *systems* are public or private.
 9. *Evaluate* time to obtain hot water at fixtures, or perform testing of any kind to water heater elements.
 10. *Examine* ancillary *systems* or *components* such as, but not limited to: those relating to solar water heating, hot water circulation, yard sprinklers, water conditioning, swimming pools or spas and related equipment, and fire sprinklers.
 11. Test shower pans for leakage or fill any fixture with water during *examination*.
 12. *Evaluate* the gas supply *system* for leaks or pressure.
 13. *Determine* effectiveness of anti-siphon, back-flow prevention, or drain-stop *devices*.
 14. *Determine* whether there are sufficient clean-outs for effective clearing of drains.
 15. *Evaluate* gas, liquid propane, or oil storage tanks.

SECTION 6 - Electrical Systems

A. Items to be identified and reported:

1. Service conductors, equipment, and capacity.
2. Panels and overcurrent protection devices.
3. Service and equipment grounding.
4. Wiring types and methods.
5. A *representative sampling* of switches, receptacles, and light *fixtures*.
6. Ground-fault circuit-interrupters.
- B. The *inspector* is not required to:
 1. *Operate* electrical *systems* or *components* which are *disconnected* or *shut down*.
 2. Disconnect any energized *system* or *appliance*.
 3. Remove deadfront covers where not *accessible*, or if removal could cause injury or damage to persons or property, or remove *device* cover plates.
 4. *Operate* overcurrent protection devices, or *evaluate* compatibility of overcurrent protection devices with the panelboard manufacturer.
 5. *Examine* or test smoke detectors.
 6. *Operate* ground-fault circuit-interrupter devices by other than the manufacturer's test button.
 7. *Examine* de-icing equipment, or private or emergency electrical supply sources, including

but not limited to: generators, windmills, photovoltaic solar collectors, or battery or electrical storage facilities.

SECTION 7 - Heating Systems

A. Items to be identified and reported:

1. Heating equipment and operation using *normal user controls*.
2. Venting *systems*.
3. Combustion and ventilating air.
4. Energy source and connections.
5. Heating distribution *system(s)* including a *representative sampling* of ducting, duct insulation, outlets, radiators, piping *systems* and valves.
- B. The *inspector* is not required to:
 1. *Examine* or *evaluate condition* of heat exchangers.
 2. *Determine* uniformity, temperature, airflow or balance of heat supply to any room or *building*, or *examine* for warming at any heating *system* distribution *component* when *access* would require steps or a ladder, or *determine* leakage in any ductwork.
 3. *Examine* electric heater elements or heat pump fluid/gas materials, or *examine* below round/slab *systems*, ducts, fuel tanks and related *components*.
 4. *Determine* or *examine* thermostat calibration, heat anticipation, or automatic setbacks or clocks.
 5. *Examine* radiant or geothermal heat pump *systems*.
 6. *Examine* any solar-energy heating *systems* or *components*.
 7. *Examine* electronic air filtering *systems*.
 8. *Operate* heat pump *systems* when the ambient air temperature may damage the equipment, or *operate* any heat pump *system* in "emergency" heat mode.
 9. *Examine* humidity control *systems* and *components*.

SECTION 8 - Central Cooling Systems

A. Items to be identified and reported:

1. Cooling equipment and operation using *normal user controls*.
2. Cooling distribution *system(s)* including a *representative sampling* of ducting, duct insulation, outlets, piping *systems* and valves.
3. Energy source and connections.
4. Condensate drains.
- B. The *inspector* is not required to:
 1. *Determine* uniformity, temperature, airflow or balance of cool air supply to any room or *building*, or *examine* for cooling at any cooling *system* distribution *component* when *access* would require steps or a ladder, or *determine* leakage in any ductwork.
 2. *Examine* electrical current, coolant fluids or gases, or coolant leakage.
 3. *Examine* electronic filtering *systems*.
 4. *Determine* or *examine* thermostat calibration, cooling anticipation, or automatic setbacks or clocks.
 5. *Examine* any non-central cooling unit(s) or gas-fired, solar or geothermal cooling *system* or food, wine or similar storage cooling *system*.
 6. *Examine* humidity control *systems* and *components*.

SECTION 9 - Fireplaces and Chimneys

A. Items to be identified and reported:

1. Chimneys, flues, dampers and associated *components*.
2. Fireboxes, hearth extensions and *permanently installed accessory components*.
3. Manufactured solid-fuel or gas-burning *appliances*.
- B. The *inspector* is not required to:
 1. *Determine* adequacy of draft, perform a smoke test, or *dismantle* or remove any *component*.
 2. *Examine* the structural integrity of fireplaces and chimneys.
 3. *Examine* or *operate* ancillary or non-*permanently installed components*.

SECTION 10 - Building Interior

A. Items to be identified and reported:

1. Walls, ceilings and floors.
2. Security bars, ventilation *components*, and a *representative sampling* of doors and windows.
3. Stairs, handrails, and guardrails.
4. *Permanently installed* cabinet and countertop surfaces.
5. Safety glazing in locations subject to human impact.

B The *inspector* is not required to:

1. *Operate* or *evaluate* security bar release and opening mechanisms, whether interior or exterior, including compliance with local, state, or federal standards.
2. *Determine* whether a *building* is secure from forcible or unauthorized entry.
3. *Evaluate* the *condition* of floor, wall or ceiling finishes or coverings, or other surfaces for other than *evidence* of moisture damage.
4. *Examine* window or door coverings or treatments.
5. *Evaluate* fastening of countertops, furniture or cabinets supported by floors, ceilings and/or walls.
6. *Evaluate* separation walls, ceilings, and floors, including, but not limited to, the fire-resistivity or acoustical characteristics, between dwelling units.
7. *Examine* the interior concrete slab-on-grade when concealed by any floor coverings.
8. *Operate* or *evaluate* safety features of any garage door opener unless included as an inspection option per Section 11.

SECTION 11 (OPTIONAL) - Other Built-In Appliances and Systems

The *inspector* may *examine* any of the following at his/her discretion, as agreed with client: Attic power vents, central vacuum, cook-tops and exhaust fans, dishwashers, food waste disposers, garage door openers, hydrotherapy tubs, ovens, microwave ovens, refrigerators, freezers, trash compactors, or whole-house fans.

A. Items to be identified and reported:

1. Optional *systems*, *components* and *appliances* specifically *examined* during the *inspection*.
2. *Basic operation* of optional *systems*, *components* and *appliances* specifically included in the *inspection*.

B. The *inspector* is not required to:

1. Activate any *system* or *appliance* that is *shut down*.
2. *Operate* or *evaluate* any *system*, *component*, or *appliance* that does not respond to *normal user controls*.
3. *Operate* any gas appliance that requires the use of a match or other remote burner lighting device.
4. *Operate* any *system* or *appliance* that requires the use of special codes, keys, combinations, or devices.
5. *Operate* any *system*, *component*, or *appliance* where damage may occur.
6. *Determine* thermostat(s) calibration, adequacy of heating elements, *operate* or *evaluate* self-cleaning oven cycles, signal lights, or automatic setbacks or clocks.
7. *Determine* leakage from microwave ovens.
8. *Determine* the presence or *operation* of backdraft damper devices in exhaust devices.
9. *Examine* any sauna, steam-jenny, kiln, clothes washing or drying machine, toaster, icemaker, coffee-maker, can-opener, bread-warmer, blender, instant hot water dispenser, or any other similar small, ancillary or non-built-in *appliances*.

SECTION 12 (OPTIONAL) - Pools and Spas

The *inspector* may *examine* the following at his/her discretion, as agreed with client:

A. Items to be identified and reported:

1. Location and type of pool or spa *examined*.
2. *Conditions* limiting or otherwise inhibiting *inspection*.
3. Enclosure and related gates.
4. Hardscaping and drainage related to the inspected pool or spa.
5. *Condition* of visible portions of *systems*, *structures*, or *components*.

nents.

6. Normally necessary and present equipment such as: lights, pumps, heaters, filters, and related mechanical and electrical connections.

B. The *inspector* is not required to:

1. *Examine* any above-ground, movable, freestanding or otherwise non-*permanently installed* pool or spa, or self-contained equipment.
2. Come into contact with pool or spa water to *examine* the *system*, *structure*, or *components*.
3. Determine adequacy of spa jet water force or bubble effect.
4. *Determine* structural integrity or leakage of any kind.
5. *Evaluate* thermostat(s) or their calibration, heating elements, chemical dispensers, water chemistry or conditioning devices, low voltage or computer controls, timers, sweeps or cleaners, pool or spa covers and related *components*.
6. *Operate* or *evaluate* filter backwash *systems*.
7. *Examine* accessories, such as, but not limited to: aerators or air-blowers, diving or jump boards, ladders, skimmers, slides or steps.

III. LIMITATIONS, EXCEPTIONS AND EXCLUSIONS

*Note: All limitations, exceptions and exclusions apply equally to mandatory and optional Sections.

A. The *inspector* may exclude from the *inspection* any *system*, *structure*, or *component* of the *building* which is *inaccessible*, concealed from view, or cannot be *inspected* due to circumstances beyond the control of the *inspector*, or which the client has agreed is not to be *inspected*. If an *inspector* excludes any specific *system*, *structure*, or *component* of the *building* from the *inspection*, the *inspector* shall confirm in the *report* such specific *system*, *structure*, or *component* of the *building* not *inspected* and the reason(s) for such exclusion(s).

B. The *inspector* may limit the *inspection* to individual specific *systems*, *structures*, or *components* of the *building*. In such event, the *inspector* shall confirm in the *report* that the *inspection* has been limited to such individual specific *systems*, *structures*, and *components* of the *building*.

C. The following are excluded from the scope of a *real estate inspection* unless specifically agreed otherwise between the *inspector* and the client:

1. *Systems*, *structures*, or *components* not specifically identified in these Standards.
 2. Environmental hazards or conditions, including, but not limited to, toxic, reactive, combustible, corrosive contaminants, wildfire, geologic or flood.
 3. *Examination* of *conditions* related to animals, rodents, insects, wood-destroying insects, organisms, mold, and mildew.
 4. Geotechnical, engineering, structural, architectural, geological, hydrological, land surveying or soils-related *examinations*.
 5. Certain factors relating to any *systems*, *structures*, or *components* of the *building*, including, but not limited to: adequacy, efficiency, durability or remaining useful life, costs to repair, replace or operate, fair market value, marketability, quality, or advisability of purchase.
 6. *Systems*, *structures*, or *components*, of the *building* which are not *permanently installed*.
 7. *Determination* of compliance with installation guidelines, manufacturers' specifications, building codes, ordinances, regulations, covenants, or other restrictions, including local interpretations thereof.
 8. Common areas, or *systems*, *structures*, or *components* thereof, including, but not limited to, those of a common interest development as defined in California Civil Code Section 1351 et seq.
- D. The *inspector* is not required to perform any of the following as part of a *real estate inspection*:

1. Move any personal items or other obstruction(s) such as, but not limited to: furniture, floor or wall coverings, window coverings, snow, ice, water, debris, and foliage which may obstruct visibility or *access*.
2. Determine causes for the need of repair or replacement, or specify repair or replacement procedures or materials.
3. Determine existence of latent deficiencies or defects.
4. *Dismantle* any *system*, *structure*, or *component*, or perform any *intrusive* or *destructive examination*, test or analysis.
5. Obtain or review information from any third-parties including, but not limited to: government agencies (such as permits), *component* or *system* manufacturers (including product defects, recalls or similar notices), contractors, managers, sellers, occupants, neighbors, consultants, homeowner or similar associations, attorneys, agents or brokers.
6. Activate or *operate* any *system* or *component* that is *shut down* or does not respond to *normal user controls*, nor *access* any area or *operate* any *component* or *system* which may jeopardize the safety of the *inspector*, or any other person or thing.
7. Research the history of a property, *report* on its potential for alteration, modification, extendibility, or its suitability for a specific or proposed use or occupancy.
8. Offer any form of guarantee or warranty.
9. *Examine* or *evaluate* the acoustical or other nuisance characteristics of any *system*, *structure*, or *component* of a *building*, complex, adjoining properties, or neighborhood.
10. *Operate* or *evaluate* any recreational *system*, *structure* or *component*.
11. *Operate* or *evaluate* low voltage electrical (less than single-phase line voltage, typically 120-volts), antennas, security *systems*, cable or satellite television, telephone, remote controls, radio controls, timers, intercoms, computers, photo-electric, motion sensing, or other such similar non-primary electrical power devices, *components*, or *systems*.
12. Use any *special equipment* to *examine* any *system*, *structure*, or *component* of a *building*.
13. Probe or exert pressure on any *component*, *system* or *structure*.
14. *Examine* or *evaluate* fire-resistive qualities of any *system*, *structure* or *component* of the *building*.
15. *Examine* every individual *component* of a *system* or *structure*, where such *components* are typically replicated, including, but not limited to: doors, windows, switches and receptacles. A *representative sampling* may be performed in order to *examine* such *systems*, *structures*, or *components* of a *building*.
16. Determine the age of construction or installation of any *system*, *structure*, or *component* of a *building*, or differentiate between original construction or subsequent additions, improvements, renovations or replacements thereto.

IV - GLOSSARY of TERMS

*Note: All definitions apply to derivatives of these terms when italicized in the text.

Accessible: Can be approached or entered by the *inspector* safely without difficulty or damage to the *system*, *structure*, or *component*.

Appliance: See "*Component*."

Appropriate persons: An individual other than *inspector* herein, qualified by virtue of special knowledge, training or resources to further *examine* a *system*, *structure*, or *component*, as in the manner of a specialist.

Basic operation: The fundamental *function* of a *component* or *appliance* (e.g., the bake and broil elements of an oven), but not those ancillary to its use (e.g., an oven self-cleaning cycle or timer, thermostat or clock).

Building: The *primary building* subject of the *inspection*, designed and erected for the purpose of human occupancy or use (e.g.

dwelling).

Built-in: See "*Permanently installed*."

Component: A *permanently installed appliance*, *fixture*, element, or part of a *system*.

Condition: The plainly visible and conspicuous state of being of a material object or thing.

Cross-connection: A connection between two otherwise separate systems, one of which is potable water and the other waste, sewage or other source of contamination.

Destructive: To demolish, damage, or probe any *system*, *structure*, or *component*, or to *dismantle* any *system* or *component* that would not be taken apart by an ordinary person in the course of normal maintenance.

Determine: To arrive at an opinion or conclusion pursuant to *examination*.

Disconnected: See "*Shut down*."

Dismantle: See "*Destructive*."

Functional Drainage: The emptying of a plumbing fixture in a reasonable amount of time, without overflow when another fixture is drained simultaneously.

Enter: See "*Accessible*."

Evaluate: To assess the *systems*, *structures*, or *components* of a *building*.

Evidence: Plainly visible and conspicuous material objects or other things presented to the senses that would tend to produce conviction in the mind of an ordinary person as to the existence or non-existence of a fact.

Examine: To visually look for and identify *material defects* in *systems*, *structures*, or *components* of a *building* through a non-invasive, physical *inspection*.

Fixture: See "*Component*."

Function: Performing its normal, proper and characteristic action.

Functional flow: A reasonable flow of water supply at the highest and farthest fixture from the building main when another fixture is operated simultaneously.

Further evaluation: A degree of *examination* beyond that of a typical and customary non-invasive physical *examination*.

Inspection: The act of performing a *real estate inspection*.

Inspector: One who performs a *real estate inspection*.

Intrusive: See "*Destructive*."

Malfunction: Failure to perform its normal, proper and characteristic action.

Material defect: (Refer to Section I, "Definitions and Scope" Paragraph B).

Normal user controls: Devices that would be operated by the ordinary occupants of a *building*, requiring no specialized skill or knowledge.

Operate: To cause *systems* or equipment to *function* with *normal user controls*.

Operational: Systems or components capable of being safely operated.

Permanently Installed: Fixed in place (e.g. screwed, bolted, or nailed), as distinct from *components*, *systems*, or *appliances* considered portable or freestanding.

Primary building: A *building* that an *inspector* has agreed to *inspect*, excluding all accessory buildings with the exception of the *primary parking structure*.

Primary parking structure: A *building* for the purpose of vehicle storage associated with the *primary building*.

Real Estate Inspection: (Refer to Section I, "Definitions and Scope" Paragraph A).

Report: The *inspection report* is a written document prepared for a fee and issued after a *real estate inspection* identifying and describing the *inspected systems*, *structures*, and *components*

of the *building* and identifying *material defects* discovered therein.

Representative sampling: A small quantity of *components* of any *system* or *structure* enough like others in its class or kind to serve as an example of its class or kind.

Shut down: Turned off, inactive, not in-service, non-*operational*.

Special equipment: Any tools or devices other than those normally used by an *inspector* to perform a typical and customary non-invasive physical *examination* of the *systems*, *structures*, and *components* of a *building*, including, but not limited to: levels, probes, meters, video or audio devices and measuring devices.

Structure: An assemblage of various *systems* and *components* to *function* as a whole.

System: An assemblage of various *components* to *function* as a whole.

Technically exhaustive: A comprehensive and detailed *examination* beyond the scope of a *real estate inspection* which would include, but would not be limited to: specialized knowledge or training, *special equipment*, measurements, calculations, testing, research, or analysis.

CREIA CODE OF ETHICS - SECTION A

PREAMBLE

The members of the California Real Estate Inspection Association (CREIA) are committed to providing quality and professional service to the public. This Code of Ethics sets forth principles and rules of conduct enforced by CREIA through specific procedures contained in Section B, Judicial Procedures. This Code of Ethics is applicable to all CREIA members as defined in the CREIA bylaws.

PRINCIPLE 1: QUALITY OF CARE

Members shall commit to ongoing professional development and education as established by the CREIA Board of Directors and the CREIA bylaws.

PRINCIPLE 2: INDIVIDUAL RIGHTS

Member shall strive to recognize and respect the rights, dignity and individuality of all persons. A member shall not unlawfully discriminate or knowingly permit unlawful discrimination on the basis of race, national origin, sex, sexual orientation, religion, age or disability.

PRINCIPLE 3: REPRESENTATION OF CARE AND FEES

Members shall make no representations regarding their services or qualifications that are false or misleading in any material respect.

Members shall fully disclose all applicable charges for services, as well as the general scope of the services prior to conducting an inspection or providing other services. Members shall not inspect for a fee any property in which the inspector, or the inspector's company, has any financial interest or any interest in the transfer of the property.

Members shall not offer or deliver any compensation, inducement, or reward to the owner of the inspected property, the broker, or agent, for the referral of any business to the inspector or the inspection company.

PRINCIPLE 4: CONFLICTS OF INTEREST

Members shall avoid conflicts of interest with regard to their professional activities, financial considerations or other interests. At such time as a member becomes reasonably aware that an actual, apparent or potential conflict of interest exists, the member shall refrain from providing services or opinions until full disclosure has been made, and the conflict waived in writing by the appropriate parties.

Members shall not perform or offer to perform, for an additional fee, any repairs or associated services to a structure on which the inspector, or the inspector's company, has prepared a

home inspection report.

PRINCIPLE 5: CONDUCT OF MEMBERS

Members shall refrain from making derogatory comments regarding other Members or other persons involved in the real estate or home inspection professions, including the CREIA staff. Members shall pledge themselves to the continued pursuit of increasing their knowledge, education, training and experience so that consumers of home inspection services can rely upon the competence of home inspectors.

Members shall not engage in any conduct that is detrimental to the reputation or the best interests of CREIA or the home inspection industry.

CREIA CODE OF ETHICS - JUDICIAL PROCEDURES - SECTION B

PREAMBLE

The Ethics Committee is comprised of the Ethics Chairperson and the CREIA Executive Committee. It is the duty of each CREIA member to promptly and confidentially report, in writing, any evidence of another member engaging in unethical practices or other violations of this code of Ethics. The report shall cite the specific applicable principle of the Code of Ethics that has allegedly been violated. Members shall submit in writing all questions and disputes regarding interpretation of the Code of Ethics for investigation and resolution. This submittal shall cite specific principles of the Code of Ethics that are in question or dispute.

1. PROFESSIONAL CONDUCT: The professional conduct of the Members shall be governed by the CREIA Code of Ethics.
2. PLEDGE: Every member by joining or renewing membership in CREIA pledges to adhere to this Code of Ethics.
3. CONDUCT SUBJECT TO DISCIPLINE: A member may be subject to disciplinary sanctions, if the member has:
 - a. Been convicted by a court of competent jurisdiction of committing a felony while holding membership in CREIA.
 - b. Violated CREIA'S Code of Ethics, policies, rules, regulations or bylaws as determined by the Ethics Committee.
 - c. Had a civil judgment entered against them for negligence arising out of their performing a home inspection or related services. In the event of (a) or (c) above, the Member shall have an affirmative obligation to notify the Ethics Committee in writing in an expeditious manner about said occurrence.
1. INITIATION OF COMPLAINTS: Complaints raising disciplinary considerations against a member may be made by any interested party. All complaints must be submitted to the Ethics Committee in writing and supported by credible and relevant evidence.
2. PRELIMINARY INVESTIGATION OF COMPLAINTS: The Ethics Committee shall make an initial investigation into all written complaints. It shall collect credible and relevant evidence related to the complaint. It shall determine the precise nature of the conduct that is the subject of the complaint, whether there is any factual basis to support the alleged misconduct, and whether such conduct, if proven by a preponderance of the evidence, would constitute a violation of the Code of Ethics. The member against whom a written complaint has been made shall be informed that a preliminary investigation is being conducted and that he/she will be informed of its results. The complained against member may be asked to comment, orally or in writing, to the Committee. After the completion of the preliminary investigation, the Committee will determine whether the information obtained can reasonably be interpreted to constitute a violation of the Code of Ethics. A decision not to commence any disciplinary proceedings against a member shall be made known to the member in question and the complaining party.

3. **DUE PROCESS:** A decision to commence disciplinary proceedings will initiate the following mandatory requirements: written notice of all charges to the parties, 30 days advanced written notice of a hearing, and a hearing before the Ethics Committee where the parties will be provided a reasonable opportunity to present their respective charges and defenses. After considering the evidence, the Committee will make a decision by majority rule on whether the charges against the Member were proved by a preponderance of the evidence.
4. **CONFIDENTIALITY:** Confidentiality by the members of the Ethics Committee is to be strictly maintained during the judicial proceedings except to the extent reasonably necessary for a full review of the facts.
5. **DISCIPLINE:** The Ethics Committee may impose any of the following sanctions in the event the Committee finds that a Member violated the Code of Ethics after conducting a due process hearing.
 - a. **Censure:** a written record of censure shall be placed in the permanent record of the Member and a copy shall be sent by first class mail, return receipt requested. The returned receipt shall be placed in the member's permanent record.
 - b. **Suspension:** means that all membership rights and privileges are forfeited during the suspension period. Suspension shall be unconditional and for a specified period at the termination of which full membership rights and privileges will be reinstated. A written record of suspension shall be placed in the permanent record of the Member and a copy shall be sent by first class mail, return receipt requested. The returned receipt shall be placed in the member's permanent record.
 - c. **Expulsion:** means that all membership rights and privileges are revoked unconditionally. A written record of expulsion shall be placed in the permanent record of the Member and a copy shall be sent by first class mail, return receipt requested. The returned receipt shall be placed in the member's permanent record. Upon written application, for good cause shown, and in the sole discretion of the Ethics Committee, an expelled individual may be reinstated to all rights and privileges as a Member in good standing.
1. **DECISION:** The decision of the Ethics Committee, following the hearing shall be subject to the ratification of the Board of Directors. Every decision, whether for acquittal, censure, suspension, or expulsion, shall be presented in writing and shall specify the charges made against the member, the facts presented in substantiation and/or refutation of the charges, the verdict rendered, and the penalty, if any, imposed. Following the review of the Board of Directors, notice of the decision shall be sent by return receipt requested mail to the member. Such notice shall also inform the member of the right of appeal. The findings of the Ethics Committee, as ratified by the Board of Directors, shall be final and binding on the affected parties. The decision, as ratified by the Board of Directors, may be made public in the sole discretion of the Ethics Committee.
2. **APPEAL:** The member may appeal the decision of the Ethics Committee and the Board of Directors by filing a statement of particulars with the Executive Director of CREIA, no later than sixty (60) days after the mailing decision accompanied by a request for a hearing before the Appeals Board.
3. **APPEALS BOARD:** The Appeals Board shall be composed of three (3) members to be selected by the current President of CREIA. This Board shall be comprised of Past-president, past-Board members and/or past-Ethics Committee members. All decisions shall be stayed pending appeal. All notice and hearing requirements shall be applicable to appeals to the Appeals Board. When feasible, the Appeals Board shall hold its hearing at the next Board of Directors meeting following the receipt of the notice to appeal. The decision of the Appeals Board following the ap-

peal shall be final. The Appeals Board has the right, after review of the incident, to terminate the appeals process, if, in the opinion of the Appeals Board, further appeal is not warranted.

4. **HOLD HARMLESS:** Every member of the CREIA does waive the right to hold the CREIA, its director, officers, members and/or employees responsible for any damage, pecuniary or otherwise, which may result from discipline associated with disciplinary proceedings against said member.

INTERPRETATION AND APPLICATION OF CODE OF ETHICS

The preceding statements constitute the Code of Ethics of the California Real Estate Inspection Association. Problems involving questions of ethics will be solved within the broad boundaries as established in this Code of Ethics. Members found guilty of unethical conduct as described in the CREIA Code of Ethics are subject to penalties.



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