SECTION .1100 - NC HOME INSPECTOR STANDARDS OF PRACTICE AND CODE OF ETHICS

.1101 DEFINITIONS

The following definitions apply to this Section:

(1) “Automatic safety controls” means devices designed and installed to protect systems and components from excessively high or low pressures and temperatures, excessive electrical current, loss of water, loss of ignition, fuel leaks, fire, freezing, or other unsafe conditions.

(2) “Central air conditioning” means a system that uses ducts to distribute cooled or dehumidified air to more than one room or uses pipes to distribute chilled water to heat exchangers in more than one room, and that is not plugged into an electrical convenience outlet.

(3) “Component” means a readily accessible and observable aspect of a system, such as a floor, or wall, but not individual pieces such as boards or nails where many similar pieces make up the component.

(4) “Cosmetic damage” means superficial blemishes or defects that do not interfere with the functionality of the component or system.

(5) “Cross connection” means any physical connection or arrangement between potable water and any source of contamination.

(6) “Dangerous or adverse situations” means situations that pose a threat of injury to the inspector, or those situations that require the use of special protective clothing or safety equipment.

(7) “Describe” means report in writing a system or component by its type, or other observed characteristics, to distinguish it from other components used for the same purpose.

(8) “Dismantle” means to take apart or remove any component, device or piece of equipment that is bolted, screwed, or fastened by other means and that would not be dis mantled by a homeowner in the course of normal household maintenance

(9) “Enter” means to go into an area to observe all visible components.

(10) “Functional drainage” means a drain is functional when it empties in a reasonable amount of time and does not overflow when another fixture is drained simultaneously.

(11) “Functional flow” means a reasonable flow at the highest fixture in a dwelling when another fixture is operated simultaneously.

(12) “Installed” means attached or connected such that the installed item requires tools for removal.

(13) “Normal operating controls” means homeowner operated devices such as a thermostat, wall switch, or safety switch.

(14) “Observe” means the act of making a visual examination.

(15) “On-site water supply quality” means water quality is based on the bacterial, chemical, mineral, and solids content of the water.

(16) “On-site water supply quantity” means the rate of flow of on-site well water.

(17) “Operate” means to cause systems or equipment to function.

(18) “Readily accessible” means approachable or enterable for visual inspection without the risk of damage to any property or alteration of the accessible space, equipment, or opening.

(19) “Readily openable access panel” means a panel provided for homeowner inspection and maintenance that has

removable or operable fasteners or latch devices in order to be lifted off, swung open, or otherwise removed by one
person; and its edges and fasteners are not painted in place. This definition is limited to those panels within normal
reach or from a four-foot stepladder, and that are not blocked by stored items, furniture, or building components.
(20) “Readily visible” means seen by using natural or artificial light without the use of equipment or tools other
than a flashlight.
(21) “Representative number” means for multiple identical components such as windows and electrical outlets -
one such component per room. For multiple identical exterior components - one such component on each side of the
building.
(22) “Roof drainage systems” means gutters, downspouts, leaders, splash blocks, and similar components used to
carry water off a roof and away from a building.
(23) “Shut down” means a piece of equipment or a system which cannot be operated by the device or control that a
home owner should normally use to operate it. If its safety switch or circuit breaker is in the “off ” position, or its fuse is
missing or blown, the inspector is not required to reestablish the circuit for the purpose of operating the equipment or
system.
(24) “Solid fuel heating device” means any wood, coal, or other similar organic fuel burning device, including but
not limited to fireplaces whether masonry or factory built, fireplace inserts and stoves, wood stoves (room heaters),
central furnaces, and combinations of these devices.
(25) “Structural component” means a component that supports non-variable forces or weights (dead loads) and
variable forces or weights (live loads).
(26) “System” means a combination of interacting or interdependent components, assembled to carry out one or
more functions.
(27) “Technically exhaustive” means an inspection involving the use of measurements, instruments, testing,
calculations, and other means to develop scientific or engineering findings, conclusions, and recommendations.
(28) “Under floor crawl space” means the area within the confines of the foundation and between the ground and
the underside of the lowest floor structural component.

.1102 STANDARDS OF PRACTICE

This Section sets forth the minimum standards of practice required of licensed home inspectors and licensed associate
home inspectors. In this Section, the term “home inspectors” means both licensed home inspectors and licensed associate
home inspectors.

.1103 PURPOSE AND SCOPE

(a) Home inspections performed according to this Section shall provide the client with a better understanding of the
property conditions, as observed at the time of the home inspection.
(b) Home inspectors shall:
(1) Provide a written contract, signed by the client, before the home inspection is performed that shall:
(A) State that the home inspection is in accordance with the Standards of Practice of the North Carolina Home Inspector Licensure Board;
(B) Describe what services shall be provided and their cost; and

(C) State, when an inspection is for only one or a limited number of systems or components, that the inspection is limited to only those systems or components.
(2) Observe readily visible and readily accessible installed systems and components listed in this Section; and
(3) Submit a written report to the client that shall:
(A) Describe those systems and components specified to be described in Rules .1106 through .1115 of this Section;
(B) State which systems and components designated for inspection in this Section have been inspected, and state any systems or components designated for inspection that were not inspected, and the reason for not
inspecting;
(C) State any systems or components so inspected that do not function as intended, allowing for normal wear and tear, or adversely affect the habitability of the dwelling;
(D) State whether the condition reported requires repair or subsequent observation, or appears to warrant further investigation by a specialist; and
(E) State the name, license number, and signature of the person supervising the inspection and the name, license number, and signature of the person conducting the inspection.
(c) This Section does not limit home inspectors from:
(1) Reporting observations and conditions or rendering opinions of items in addition to those required in Paragraph (b) of this Rule; or
(2) Excluding systems and components from the inspection if requested by the client, and so stated in the written
contract.
(d) Written reports required by this rule for pre-purchase home inspections of three or more systems shall include a
separate section labeled “Summary” that includes any system or component that:
(1) does not function as intended or adversely affects the habitability of the dwelling; or
(2) appears to warrant further investigation by a specialist or requires subsequent observation.
This summary shall not contain recommendations for routine upkeep of a system or component to keep it in proper
functioning condition or recommendations to upgrade or enhance the function, efficiency, or safety of the home. This
summary shall contain the following statements: “This summary is not the entire report. The complete report may include
additional information of concern to the client. It is recommended that the client read the complete report.”

.1104 GENERAL LIMITATIONS

(a) Home inspections done in accordance with this Section are visual and are not technically exhaustive.
(b) This Section applies to buildings with four or fewer dwelling units, and individually owned residential units within
multi-family buildings, and their attached garages or carports.

.1105 GENERAL EXCLUSIONS:

(a) Home inspectors are not required to report on:
(1) Life expectancy of any component or system;
(2) The causes of the need for a repair;
(3) The methods, materials, and costs of corrections;
(4) The suitability of the property for any specialized use;
(5) Compliance or non-compliance with codes, ordinances, statutes, regulatory requirements or restrictions;
(6) The market value of the property or its marketability;
(7) The advisability or inadvisability of purchase of the property;
(8) Any component or system that was not observed;
(9) The presence or absence of pests such as wood damaging organisms, rodents, or insects; or
(10) Cosmetic damage, underground items, or items not permanently installed.
(b) Home inspectors are not required to:
(1) Offer warranties or guarantees of any kind;
(2) Calculate the strength, adequacy, or efficiency of any system or component;

(3) Enter any area or perform any procedure that may damage the property or its components or be dangerous to or
adversely affect the health or safety of the home inspector or other persons;
(4) Operate any system or component that is shut down or otherwise inoperable;
(5) Operate any system or component that does not respond to normal operating controls;
(6) Move personal items, panels, furniture, equipment, plant life, soil, snow, ice, or debris that obstructs access or
visibility;
(7) Determine the presence or absence of any suspected adverse environmental condition or hazardous substance,
including but not limited to toxins, carcinogens, noise, contaminants in the building or in soil, water, and air;
(8) Determine the effectiveness of any system installed to control or remove suspected hazardous substances;
(9) Predict future condition, including but not limited to failure of components;
(10) Project operating costs of components;
(11) Evaluate acoustical characteristics of any system or component;
(12) Observe special equipment or accessories that are not listed as components to be observed in this Section; or
(13) Disturb insulation, except as required in Rule .114 of this Section.
(c) Home inspectors shall not:
(1) Offer or perform any act or service contrary to law; or
(2) Offer or perform engineering, architectural, plumbing, electrical or any other job function requiring an occupational license in the jurisdiction where the inspection is taking place, unless the home inspector holds a valid
occupational license, in which case the home inspector shall inform the client that the home inspector is so licensed, and
therefore qualified to go beyond this section and perform additional inspections beyond those within the scope of the
basic inspection.

.1106 STRUCTURAL COMPONENTS

(a) The home inspector shall observe structural components including:
(1) Foundation;
(2) Floors;
(3) Walls;
(4) Columns or piers;
(5) Ceilings; and
(6) Roofs.
(b) The home inspector shall describe the type of:
(1) Foundation;
(2) Floor structure;
(3) Wall structure;
(4) Columns or piers;
(5) Ceiling structure; and
(6) Roof structure.
(c) The home inspector shall:
(1) Probe structural components where deterioration is suspected;
(2) Enter under floor crawl spaces, basements, and attic spaces except when access is obstructed, when entry
could damage the property, or when dangerous or adverse situations are suspected;
(3) Report the methods used to observe under floor crawl spaces and attics; and
(4) Report signs of abnormal or harmful water penetration into the building or signs of abnormal or harmful condensation on building components.

.1107 EXTERIOR

(a) The home inspector shall observe:
(1) Wall cladding, flashings, and trim;

(2) Entryway doors and a representative number of windows;
(3) Garage door operators;
(4) Decks, balconies, stoops, steps, areaways, porches and applicable railings;
(5) Eaves, soffits, and fascias; and
(6) Vegetation, grading, drainage, driveways, patios, walkways, and retaining walls with respect to their effect on
the condition of the building.
(b) The home inspector shall:
(1) Describe wall cladding materials;
(2) Operate all entryway doors and a representative number of windows;
(3) Operate garage doors manually or by using permanently installed controls for any garage door operator;
(4) Report whether or not any garage door operator will automatically reverse or stop when meeting reasonable
resistance during closing; and
(5) Probe exterior wood components where deterioration is suspected.
(c) The home inspector is not required to observe:
(1) Storm windows, storm doors, screening, shutters, awnings, and similar seasonal accessories;
(2) Fences;
(3) Presence of safety glazing in doors and windows;
(4) Garage door operator remote control transmitters;
(5) Geological conditions;
(6) Soil conditions;
(7) Recreational facilities (including spas, saunas, steam baths, swimming pools, tennis courts, playground equipment, and other exercise, entertainment, or athletic facilities);
(8) Detached buildings or structures; or
(9) Presence or condition of buried fuel storage tanks.

.1108 ROOFING

(a) The home inspector shall observe:
(1) Roof coverings;
(2) Roof drainage systems;
(3) Flashings;
(4) Skylights, chimneys, and roof penetrations; and
(5) Signs of' leaks or abnormal condensation on building components.
(b) The home inspector shall:
(1) Describe the type of roof covering materials; and
(2) Report the methods used to observe the roofing.
(c) The home inspector is not required to:
(1) Walk on the roofing; or
(2) Observe attached accessories including but not limited to solar systems, antennae, and lightning arrestors.

.1109 PLUMBING

(a) The home inspector shall observe:
(1) Interior water supply and distribution system, including: piping materials, supports, and insulation; fixtures and
faucets; functional flow; leaks; and cross connections;
(2) Interior drain, waste, and vent system, including: traps; drain, waste, and vent piping; piping supports and pipe
insulation; leaks; and functional drainage;
(3) Hot water systems including: water heating equipment; normal operating controls; automatic safety controls;
and chimneys, flues, and vents;
(4) Fuel storage and distribution systems including: interior fuel storage equipment, supply piping, venting, and
supports; leaks; and
(5) Sump pumps.
(b) The home inspector shall describe:

(1) Water supply and distribution piping materials;
(2) Drain, waste, and vent piping materials;
(3) Water heating equipment; and
(4) Location of main water supply shutoff device.
(c) The home inspector shall operate all plumbing fixtures, including their faucets and all exterior faucets attached to the
house, except where the flow end of the faucet is connected to an appliance.
(d) The home inspector is not required to:
(1) State the effectiveness of anti-siphon devices;
(2) Determine whether water supply and waste disposal systems are public or private;
(3) Operate automatic safety controls;
(4) Operate any valve except water closet flush valves, fixture faucets, and hose faucets;
(5) Observe:
(A) Water conditioning systems;
(B) Fire and lawn sprinkler systems;
(C) On-site water supply quantity and quality;
(D) On-site waste disposal systems;
(E) Foundation irrigation systems;
(F) Spas, except as to functional flow and functional drainage;
(G) Swimming pools;
(H) Solar water heating equipment; or
(6) Observe the system for proper sizing, design, or use of proper materials.

.1110 ELECTRICAL

(a) The home inspector shall observe:
(1) Service entrance conductors;
(2) Service equipment, grounding equipment, main overcurrent device, and main and distribution panels;
(3) Amperage and voltage ratings of the service;
(4) Branch circuit conductors, their overcurrent devices, and the compatibility of their ampacities and voltages;
(5) The operation of a representative number of installed ceiling fans, lighting fixtures, switches and receptacles
located inside the house, garage, and on the dwelling's exterior walls;
(6) The polarity and grounding of all receptacles within six feet of interior plumbing fixtures, and all receptacles in
the garage or carport, and on the exterior of inspected structures;
(7) The operation of ground fault circuit interrupters; and
(8) Smoke detectors.
(b) The home inspector shall describe:
(1) Service amperage and voltage;
(2) Service entry conductor materials;
(3) Service type as being overhead or underground; and
(4) Location of main and distribution panels.
(c) The home inspector shall report any observed aluminum branch circuit wiring.
(d) The home inspector shall report on presence or absence of smoke detectors, and operate their test function, if
accessible, except when detectors are part of a central system.
(e) The home inspector is not required to:
(1) Insert any tool, probe, or testing device inside the panels;
(2) Test or operate any overcurrent device except ground fault circuit interrupters;
(3) Dismantle any electrical device or control other than to remove the covers of the main and auxiliary distribution
panels; or
(4) Observe:
(A) Low voltage systems;
(B) Security system devices, heat detectors, or carbon monoxide detectors;
(C) Telephone, security, cable TV, intercoms, or other ancillary wiring that is not a part of the primary

electrical distribution system; or
(D) Built-in vacuum equipment.

.1111 HEATING

(a) The home inspector shall observe permanently installed heating systems including:
(1) Heating equipment;
(2) Normal operating controls;
(3) Automatic safety controls;
(4) Chimneys, flues, and vents, where readily visible;
(5) Solid fuel heating devices;
(6) Heat distribution systems including fans, pumps, ducts and piping, with supports, insulation, air filters, registers, radiators, fan coil units, convectors; and
(7) The presence of an installed heat source in each room.
(b) The home inspector shall describe:
(1) Energy source; and
(2) Heating equipment and distribution type.
(c) The home inspector shall operate the systems using normal operating controls.
(d) The home inspector shall open readily openable access panels provided by the manufacturer or installer for routine
homeowner maintenance.
(e) The home inspector is not required to:
(1) Operate heating systems when weather conditions or other circumstances may cause equipment damage;
(2) Operate automatic safety controls;
(3) Ignite or extinguish solid fuel fires; or
(4) Observe:
(A) The interior of flues;
(B) Fireplace insert flue connections;
(C) Humidifiers;
(D) Electronic air filters; or
(E) The uniformity or adequacy of heat supply to the various rooms.

.1112 AIR CONDITIONING

(a) The home inspector shall observe:
(1) Central air conditioning and through-the-wall installed cooling systems including:
(A) Cooling and air handling equipment; and
(B) Normal operating controls.
(2) Distribution systems including:
(A) Fans, pumps, ducts and piping, with associated supports, dampers, insulation, air filters, registers, fancoil
units; and
(B) The presence of an installed cooling source in each room.
(b) The home inspector shall describe:
(1) Energy sources; and
(2) Cooling equipment type.
(c) The home inspector shall operate the systems using normal operating controls.
(d) The home inspector shall open readily openable access panels provided by the manufacturer or installer for routine
homeowner maintenance
(e) The home inspector is not required to:
(1) Operate cooling systems when weather conditions or other circumstances may cause equipment damage;
(2) Observe window air conditioners; or
(3) Observe the uniformity or adequacy of cool-air supply to the various rooms.

.1113 INTERIORS

(a) The home inspector shall observe:
(1) Walls, ceiling, and floors;
(2) Steps, stairways, balconies, and railings;

(3) Counters and a representative number of built-in cabinets; and
(4) A representative number of doors and windows.
(b) The home inspector shall:
(1) Operate a representative number of windows and interior doors; and
(2) Report signs of abnormal or harmful water penetration into the building or signs of abnormal or harmful condensation on building components.
(c) The home inspector is not required to observe:
(1) Paint, wallpaper, and other finish treatments on the interior walls, ceilings, and floors;
(2) Carpeting; or
(3) Draperies, blinds, or other window treatments.

.1114 INSULATION AND VENTILATION

(a) The home inspector shall observe:
(1) Insulation and vapor retarders in unfinished spaces;
(2) Ventilation of attics and foundation areas;
(3) Kitchen, bathroom, and laundry venting systems; and
(4) The operation of any readily accessible attic ventilation fan, and, when temperature permits, the operation of
any readily accessible thermostatic control.
(b) The home inspector shall describe:
(1) Insulation in unfinished spaces; and
(2) Absence of insulation in unfinished space at conditioned surfaces.
(c) The home inspector is not required to report on:
(1) Concealed insulation and vapor retarders; or
(3) Venting equipment that is integral with household appliances.
(d) The home inspector shall:
(1) Move insulation where readily visible evidence indicates the possibility of a problem; and
(2) Move insulation where chimneys penetrate roofs, where plumbing drain/waste pipes penetrate floors, adjacent
to earth filled stoops or porches, and at exterior doors.

.1115 BUILT-IN KITCHEN APPLIANCES

(a) The home inspector shall observe and operate the basic functions of the following kitchen appliances:
(1) Permanently installed dishwasher, through its normal cycle;
(2) Range, cook top, and permanently installed oven;
(3) Trash compactor;
(4) Garbage disposal;
(5) Ventilation equipment or range hood; and
(6) Permanently installed microwave oven.
(b) The home inspector is not required to observe:
(1) Clocks, timers, self-cleaning oven function, or thermostats for calibration or automatic operation;
(2) Non built-in appliances; or
(3) Refrigeration units.
(c) The home inspector is not required to operate:
(1) Appliances in use; or
(2) Any appliance that is shut down or otherwise inoperable.

.1116 CODE OF ETHICS

(a) Licensees shall discharge their duties with fidelity to the public, their clients, and with fairness and impartiality to all.
(b) Opinions expressed by licensees shall only be based on their education, experience, and honest convictions.
(c) A licensee shall not disclose any information about the results of an inspection without the approval of the client for
whom the inspection was performed, or the client’s designated representative.
(d) No licensee shall accept compensation or any other consideration from more than one interested party for the same
service without the consent of all interested parties.

(e) No licensee shall accept or offer commissions or allowances, directly or indirectly, from other parties dealing with the
client in connection with work for which the licensee is responsible.
(f) No licensee shall express, within the context of an inspection, an appraisal or opinion of the market value of the
inspected property.
(g) Before the execution of a contract to perform a home inspection, a licensee shall disclose to the client any interest in a
business that may affect the client. No licensee shall allow his or her interest in any business to affect the quality or results of
the inspection work that the licensee may be called upon to perform.
(h) Licensees shall not engage in false or misleading advertising or otherwise misrepresent any matters to the public.

SECTION .1200 - HOME INSPECTOR DISCIPLINARY ACTIONS

.1201 DEFINITIONS

The following definitions are used in this Section:
(1) The definitions in GS 143-151.45 are incorporated into this Section by reference. “Associate home inspector” is
included where reference is made to "home inspector" or "licensee".
(2) "File or filing" means to place the paper or item to be filed into the care and custody of the presiding officer, and
acceptance thereof by him, except that the Board may permit the papers to be filed with the Board, in which event the
Board shall note thereon the filing date. All documents filed with the presiding officer or the Board, except exhibits, shall
be duplicate in letter size 8 1/2" by 11".
(3) "Party" means the Board, the licensee, or an interferon who qualifies under GS 150B-38(f). "Party" does not
include a complainant unless the complainant is allowed to intervene under GS 150B-38(f).
(4) "Service or serve" means personal delivery or, unless otherwise provided by law or rule, delivery by first class
United States Postal Service mail or a licensed overnight express mail service, addressed to the person to be served at
his or her last known address. A Certificate of Service by the person making the service shall be appended to every
document requiring service under these rules. Service by mail or licensed overnight express mail is complete upon
addressing, enveloping, and placing the item to be served, in an official depository of the United States Postal Service or
delivering the item to an agent of an overnight express mail service.

.1202 COMPLAINTS

(a) Anyone who believes that a licensee is or has been engaged in any conduct set out in GS 143-151.56(a) may file a
written complaint against that licensee. The Board may, upon its own motion, initiate an investigation of a licensee.
(b) An information memo containing instructions for filing the complaint shall be mailed to anyone requesting complaint
information from the Board.
(c) The complaint shall specifically identify the licensee and describe the conduct complained about.
(d) Supporting information shall be included to justify the complaint. Supporting information shall refer to specific
violations of the Board’s rules or of the General Statutes. If the complaint involves items included in the Standards of Practice
that the licensee did not observe, a list of those items must be submitted with the complaint. This information may be

provided by the complainant, an architect, professional engineer, licensed contractor, another licensed home inspector, or
other person with knowledge of the Standards of Practice. A copy of the contract agreement, the inspection report, and any
reports made by other consultants shall be included with the complaint.
(e) The complaint shall be in writing, signed by the complainant, and dated. The complaint shall include the complainant's mailing address and a daytime phone number at which the complainant may be reached. The street address of
the structure must be included.
(f) The Board shall not consider services that are under the jurisdiction of other regulatory agencies or licensing boards,
such as, termite inspections, appraisals, services rendered by licensed architects, engineers, or general contractors, unless the
persons rendering those services claim to be home inspectors.
(g) The Board has no jurisdiction over persons who make specialized inspections as part of their repair or maintenance
businesses, such as, roofing repair contractors, chimney sweeps, duct cleaning, and interior environment specialists.

.1203 BOARD STAFF

The Engineering Division shall verify whether the allegations listed in complaints are violations of the Standards of
Practice, Code of Ethics, or of the General Statutes.

.1204 INVESTIGATION

(a) On receipt of a complaint conforming to this Section, the Engineering Division shall make an investigation of the
charges and issue a report. The report shall address each item alleged to be a violation of these rules or of the General
Statutes.
(b) A copy of the complaint shall be mailed to the home inspector. The inspector shall submit a written response to the
Engineering Division within two weeks after receipt of the copy of the complaint.
(c) A copy of the report shall be mailed to the complainant and to the inspector.
(d) The report shall state that the complaint either has or lacks sufficient evidence to support the allegations in the
complaint.
(e) If the report states that the allegations lack sufficient evidence, the Engineering Division shall:
(1) Advise the complainant in writing that the evidence was insufficient to support the allegations in the complaint.
(2) Advise the complainant that the complaint may be reviewed by a committee of Board members appointed by the
Chairman to determine whether the finding of the Engineering Division is correct.
(3) Advise the complainant that the complainant must make a written request for the review and must state in the
request the reasons why the complainant is of the opinion the Engineering Division’s determination is incorrect.
(4) If the complainant makes a written request for review by a committee of Board members, the chairman shall
appoint the committee. The committee shall review the report and the complainant's documentation. If the committee
finds that the allegations are unsupported by the evidence, the Engineering Division shall advise the complainant in
writing that the committee has concurred with the Engineering Division’s conclusion that the complaint lacks sufficient
evidence to support the allegations in the complaint.

.1205 DISCIPLINARY HEARING

If there are findings in the report or by the review committee that there is sufficient evidence to support the allegations in
the complaint, the Board shall fix a time and place for a disciplinary hearing and give notice to the licensee. The disciplinary
hearing shall be held in accordance with GS 150B, Article 3A and this Section.

.1206 PRESIDING OFFICER

In all contested case hearings before the Board, the Chairman of the Board shall serve as presiding officer. In the
absence of the Chairman, the Vice-Chairman shall serve as presiding officer, or a presiding officer shall be elected by the
Board.

.1207 PREHEARING CONFERENCE

Upon the request of any party or upon the presiding officer's own motion, the presiding officer may hold a prehearing
conference before a contested case hearing. A prehearing conference on the simplification of issues, amendments,
stipulations, or other matters may be entered on the record or may be made the subject of an order by the presiding officer.
Venue for purposes of a prehearing conference shall be determined in accordance with GS 150B-38(e).

.1208 CONSENT AGREEMENT

(a) The Board's staff and the home inspector may attempt to resolve the complaint by means of a consent agreement.
Such consent agreement may impose upon the licensee a penalty, or penalties, including the following: requiring the licensee
to take training or educational courses, probation, letter of reprimand, suspension of license, or revocation of license.
(b) The proposed consent agreement shall then be presented to the Board at the next meeting. The Board may either
accept the consent agreement as written, modify the consent agreement and send it back to the licensee for agreement, or
reject the consent agreement.

.1209 FINAL BOARD ORDER

(a) After the close of a contested case hearing, the Board shall meet and determine if the licensee engaged in the conduct
alleged and the appropriate penalty, including requiring the licensee to take training or education courses, probation, letter of
reprimand, or license suspension or revocation.
(b) If a final Board order is to suspend, revoke, place on probation, or refuse to issue a license, the order shall set forth
any conditions that must be met in order to remove the suspension or probation, to reissue the license, or to issue the license.
(c) Contested case hearings shall be recorded either by a recording system or a professional court reporter using
stenomask or stenotype.
(d) Transcript costs incurred by the Board shall be paid by the party or parties requesting a transcript. Any other costs
incurred by the Board when using a professional court reporter shall be paid by the requesting party or parties.
(e) A 24-hour cancellation notice shall be required in all cases. The party or parties responsible for the cancellation shall
be responsible for any cancellation fees charged by a professional court reporter.
(f) Transcripts of proceedings during which oral evidence is presented shall be made only upon request of a party.
Transcript costs shall include the cost of an original for the Board. An attorney requesting a transcript on behalf of a party

shall be a guarantor of payment of the cost. Cost shall be determined under supervision of the presiding officer who, in cases
deemed to be appropriate by him, may require an advance security deposit to cover the prospective cost. The security
deposit shall be applied to the actual cost and any excess shall be returned to the party that submitted it.
(g) Copies of tapes shall be available upon written request at cost of reproduction and postage.
(h) Copies of Board hearings tapes or non-Board certified transcripts therefrom shall not be part of the official record.

1300 HOME INSPECTOR CONTINUING EDUCATION

SECTION .1300 - HOME INSPECTOR CONTINUING EDUCATION

.1301 DEFINITIONS

(a) As used in this Section:
(1) "Credit hour" means one continuing education course hour, comprising at least 50 minutes of instruction.
(2) "License period" means October 1 through the following September 30.
(3) "Licensee" means a home inspector or associate home inspector licensed by the Board under G.S. 143, Article 9F and Section .1000 of this Chapter.
(4) "Person" means an individual, partnership, firm, association, corporation, joint-stock company, trust, any
similar entity, or any combination of the foregoing acting in concert.
(b) The definitions contained in G.S. 143-151.45 apply to this Section.

.1302 RENEWAL OF ACTIVE LICENSE

(a) In order to renew an active home inspector or associate home inspector license for license periods beginning on or after
October 1, 1999, the licensee shall have completed, during the previous license period, 12 credit hours.
(b) A licensee who is initially licensed on or after June 1 is exempt from this Section for the following license period.

.1303 INACTIVE LICENSE

A person holding an inactive license is not subject to this Section. In order to change a license from inactive status to active
status, the licensee must complete the same number of continuing education credit hours that would have been required for an
active license during the period of inactive status; but not more than 16 credit hours.

.1304 COURSE REQUIREMENTS

(a) The same elective continuing education course may be taken only once for continuing education credit during any three
year period.
(b) A licensee may carry over up to eight elective credit hours per year until the next year.

.1305 ATTENDANCE REQUIREMENTS

In order to receive any credit for completing a continuing education course, a licensee must attend at least 90 percent of the
scheduled credit hours for the course, regardless of the length of the course, and must comply with student participation
standards described in Rule .1347 of this Section. No credit shall be awarded for attending less than 90 percent of the
scheduled credit hours.

.1306 EXTENSIONS OF TIME

A licensee may request and be granted an extension of time to satisfy the continuing education requirement for a particular
license period if the licensee provides evidence to the Board that the licensee was unable to obtain the necessary education
because of an incapacitating illness or other circumstance that:
(1) existed for 75 percent of the license period; and
(2) constituted a verifiable hardship.

.1307 DENIAL OR WITHDRAWAL OF CREDIT

(a) The Board shall deny continuing education credit claimed by a licensee, and shall withdraw continuing education credit
previously awarded by the Board to a licensee if:
(1) The licensee provided incorrect or incomplete information to the Board concerning continuing education or
compliance with this Section; or
(2) The licensee was mistakenly awarded continuing education credit because of an administrative error; or
(3) The licensee failed to comply with the attendance requirement established by Rule .1305 of this Section.
(b) When continuing education credit is denied or withdrawn by the Board under Subparagraph (a)(1) or (a)(2) of this Rule,
the Board shall, upon written request of the licensee, grant the licensee an extension of time of 60 days to satisfy the
continuing education requirement. When continuing education credit is denied or withdrawn by the Board under
Subparagraph (a)(3) of this Rule, the licensee remains responsible for satisfying the continuing education requirement.

.1308 DUTIES OF LICENSEES TO SHOW PROOF OF COMPLIANCE

a) In order to receive credit from the Board for completion of continuing education courses under this Section, a licensee must
provide documentation to the Board, on a form prescribed by the Board, no later than September 15, that:
(1) The continuing education course or courses taken and completed by the licensee:
(A) Comprised at least one credit hour; and
(B) Contained subject matter that was directly related to the practice of home inspection. Examples of course
subject matter that are acceptable to the Board for credit include: Topics directly related to systems and components listed in the Standards of Practice and Code of Ethics in Section .1100 of this Chapter, report writing,
and inspection procedures and practices. Examples of subject matter that are not acceptable include: Sales and
marketing topics, general business management, office procedures, success training, personal development, radon testing and time management.
(2) The licensee:
(A) Had an opportunity to interact directly either in person or by interactive television with the instructor at all
times during the course; or
(B) Took a written examination after course completion if the course comprised correspondence instruction or
media-based instruction, such as videotape, remote non-interactive television, or computer programs.
(C) Verified completion of the course if the course was based on alternate educational practices, such as computer-assisted instruction or videotape instruction; and
(D) Complied with Rule .1304 of this Section.
(b) The documentation filed by the licensee with the Board shall include:
(1) A course outline provided by the course sponsor showing the details of the course content; and
(2) In the case of traditional classroom course, a course completion certificate provided by the course sponsor
indicating the licensee's completion of the course (or attendance for at least 90% of the allotted time); or
(3) In the case of alternate education courses (such as videotape, computer-assisted, audio tape, or correspondence courses) a course completion certificate provided by the course sponsor certifying that the sponsor has
verified that the licensee has passed a written examination based on the course subject matter, or submitted equivalent proof
of completion to the sponsor.

.1309 UPDATE COURSE COMPONENT

(a) To keep a license on active status, a licensee shall complete a Board-developed update course within one year preceding

license expiration. This course is in addition to the continuing education elective requirement described in Rule .1318 of this
Section, and shall consist of four classroom hours of instruction.
(b) The Board shall develop annually an update course which shall be conducted by sponsors approved by the Board under
this Section. The subject matter of this course shall be determined by the Board, which shall prepare a completely new course
for each one-year period beginning October 1 and ending September 30. Sponsors shall acquire the Board-developed course
materials and utilize such materials to conduct the update course. The course shall be conducted exactly as prescribed by the
rules in this Section and the course materials developed by the Board. Sponsors shall provide licensees participating in their
classes a copy of the student materials developed by the Board
(c) Approval of a sponsor to conduct an update course authorizes the sponsor to conduct the update course using an
instructor who has been approved by the Board as an update course instructor under Rules .1313 through .1317 of this
Section. The sponsor may conduct the update course at any location as frequently as is desired during the approval period,
provided that no courses may be conducted between September 10 and September 30 of any approval period.

.1310 APPLICATION FOR ORIGINAL APPROVAL OF UPDATE COURSES

An entity seeking original approval to sponsor a Board-developed update course shall make application on a form prescribed
by the Board. An applying entity that is not a resident of North Carolina shall also file with the application a consent to
service of process and pleadings.

.1311 CRITERIA FOR APPROVAL OF UPDATE COURSE SPONSOR

Approval to sponsor a Board-developed update course shall be granted to an applicant upon showing to the satisfaction of
the Board that:
(1) The applicant has submitted all information required by the rules in this Section;
(2) The applicant has at least one proposed instructor who has been approved by the Board as an update course instructor under Rules .1313 through .1317 of this Section;
(3) The applicant satisfies the requirements of Rules .1327 through .1337 of this Section relating to qualifications or eligibility of course sponsors; and
(4) The applicant is honest. In this regard, the Board may consider the reputation and character of any owner,
officer, continuing education coordinator, or director of any corporation, association, or organization applying for sponsor approval.

.1312 STUDENT FEE FOR UPDATE COURSES

A sponsor of an update course may establish the amount of the fee to be charged to students taking the course. The
established fee shall be an all-inclusive fee, and no separate or additional fee may be charged to students for providing course
materials required by the Board, providing course completion certificates, reporting course completion to the Board, or for
recouping similar routine administrative expenses. The total amount of any fees to be charged shall be included in any
advertising or promotional materials for the course.

.1313 NATURE AND SCOPE OF APPROVAL OF UPDATE COURSE INSTRUCTORS

Approval of update course instructors shall be accomplished on a calendar year basis separate from the approval of update
course sponsors. Approval of an update course instructor authorizes the instructor to teach the update course for any

approved update course sponsor; however, an approved update course instructor may not independently conduct an update course unless the instructor has also obtained approval as an update course sponsor. An instructor shall obtain written approval from the Board before teaching an update course and before representing to any sponsor or other party that he or she is approved or may be approved as an update course instructor.

.1314 APPLICATION AND CRITERIA FOR ORIGINAL APPROVAL OF UPDATE COURSE INSTRUCTORS

(a) A person seeking original approval as an update course instructor shall make application on a form prescribed by the Board. An applicant who is not a resident of North Carolina shall also file with the application a consent to service of process and pleadings. No application fee is required. All required information regarding the applicant's qualifications shall be submitted.

(b) The applicant shall be honest in all dealings with the Board and in course instruction.

(c) The applicant shall be qualified under one of the following standards:

(1) Possession of a baccalaureate or higher degree with a major in the field of engineering, construction, or architecture;

(2) Possession of a current North Carolina home inspector license, three years active full-time experience in performing home inspections for compensation within the previous 10 years, and 30 classroom hours of home inspection education, excluding prelicensing education, within the past three years, such education covering topics that are acceptable under Board rules for continuing education credit.

(3) Possession of a current North Carolina home inspector license and experience teaching at least 10 home inspector prelicensing courses within the previous five years; or

(4) Possession of qualifications found by the Board to be equivalent to one or more of the above standards, provided that the requirement for a current North Carolina home inspector license shall be waived only for applicants who qualify under Subparagraph (c)(1) of this Rule.

(d) The applicant shall possess good teaching skills as demonstrated on a video portraying the instructor teaching a live audience. The applicant shall submit the video to the Board for review. The video shall be 45-60 minutes in length and shall depict a continuous block of instruction on home inspections or a directly related topic. The video shall be unedited, shall show at least a portion of the audience, and shall have visual and sound quality sufficient to enable reviewers to clearly see and hear the instructor. The video shall have been made within the previous three years. The video shall demonstrate that the instructor possesses the teaching skills described in Rule .1345 of this Section.

.1315 RENEWAL OF APPROVAL OF UPDATE COURSE INSTRUCTORS

Board approval of update course instructors expires on December 31 following issuance of approval. In order to assure continuous approval, approved instructors shall file applications for renewal of approval on a form prescribed by the Board on or before December 1 immediately preceding expiration of their approval. In order to renew approval, applicants shall satisfy the criteria for original approval, with the exception of the requirement stated in Rule .1314(d) of this Section, unless requested by the Board under Rule .1317 of this Section.

.1316 DENIAL OR WITHDRAWAL OF APPROVAL OF UPDATE COURSE INSTRUCTORS

(a) The Board may deny or withdraw approval of any update course instructor upon finding that:

(1) The instructor has made any false statements or presented any false information in connection with an application for approval or renewal of approval;

(2) The instructor has failed to meet the criteria for approval described in Rule .1314 of this Section or has refused or failed to comply with any other provisions of this Section;

(3) The instructor has failed to demonstrate, during the teaching of update courses, those effective teaching skills described in Rule .1345 of this Section;
(4) The instructor has provided false or incorrect information in connection with any reports a course sponsor
is required to submit to the Board; or
(5) The instructor has been disciplined by the Board or any other occupational licensing agency in North Carolina or another jurisdiction.
(b) If a licensee who is an approved update course instructor engages in any dishonest, fraudulent, or conduct lacking moral
turpitude in connection with the licensee's activities as an instructor, the licensee shall be subject to disciplinary action
pursuant to G.S. 143-151.56.

.1317 REQUEST FOR VIDEO OF UPDATE COURSE INSTRUCTORS

When concerns about the quality of a course or instructor are made known to the Board, upon the written request of the
Board, an approved update course instructor shall submit to the Board a video depicting the instructor teaching the update
course. The video shall have been made within 12 months before the date of submittal, shall include a label that clearly
identifies the instructor and the date of the video presentation, shall not be the same video that was submitted under Rule
.1314(d) of this Section, and shall conform to specifications set forth in Rule .1314(d) of this Section.

.1318 ELECTIVE COURSE COMPONENT

(a) Except as provided in Rule .1304 of this Section, to renew a license on active status, a licensee shall complete eight
classroom hours of instruction in two or more Board-approved elective courses within one year preceding license expiration
and in addition to satisfying the continuing education mandatory update course requirement described in Rule .1309 of this
Section.
(b) Approval of an elective course requires approval of the sponsor and instructor(s) as well as the course itself. Such
approval authorizes the sponsor to conduct the approved course using the instructor(s) who have been found by the Board
to satisfy the instructor requirements set forth in Rule .1322 of this Section. The sponsor may conduct the course at any
location as frequently as is desired during the approval period. However, the sponsor may not conduct any session of an
approved course for home inspector continuing education purposes between September 10 and September 30, inclusive, of
any approval period.

.1319 APPLICATION FOR ORIGINAL APPROVAL OF AN ELECTIVE COURSE

A person seeking original approval of a proposed elective course shall make application on a form prescribed by the Board.
The Board shall not accept an application for original approval between July 1 and September 30. This restriction shall not
apply when an applicant is seeking approval to conduct a course for which another sponsor has obtained approval. The
applicant shall submit a nonrefundable fee of one hundred fifty dollars ($150.00) per course which may be in the form of a
check or money order payable to the Home Inspector Licensure Board. The application shall be accompanied by a copy of the
course plan or instructor's guide for the course and a copy of materials that will be provided to students. An applicant that is
not a resident of North Carolina shall also file with the application a consent to service of process and pleadings.

.1320 CRITERIA FOR ELECTIVE COURSE APPROVAL

The following requirements shall be satisfied in order to obtain approval of a proposed elective course:

(1) The applicant shall submit all information required by the rules in this Section and pay the application fee.

(2) The applicant shall satisfy the requirements of Rules .1327 through .1337 of this Section relating to the qualifications or eligibility of course sponsors.

(3) The subject matter of the course shall satisfy the elective course subject matter requirements set forth in Rule .1321 of this Section and all information to be presented in the course shall be current and accurate.

(4) The course shall involve a minimum of two classroom hours of instruction on acceptable subject matter. A classroom hour consists of 50 minutes of instruction and 10 minutes of break time.

(5) The applicant is honest. In this regard, the Board may consider the reputation and character of any owner, member, officer, continuing education coordinator, and director of any corporation, association, or organization applying for sponsor approval.

(6) The proposed instructor(s) for the course shall possess the qualifications described in Rule .1322 of this Section.

(7) The instructional delivery methods to be used in the course shall comply with the requirements described in Rule .1326 of this Section.

(8) The applicant shall submit an instructor guide that includes:

(a) a detailed course outline;

(b) the amount of time to be devoted to each major topic and to breaks;

(c) the learning objective(s) for each major topic; and

(d) the instructional methods and instructional aids that will be used in the course.

The proposed time allotments shall be appropriate for the proposed subject matter to be taught. Unless the applicant can demonstrate that straight lecture is the most effective instructional method for the course, the instructor guide shall provide for the use of a variety of instructional methods and instructional aids intended to enhance student attentiveness and learning. Examples of instructional methods and instructional aids that may be appropriate include class discussion, role-playing, in-class work assignments, overhead transparencies, and videos.

(9) The course shall include handout materials for students unless the applicant can demonstrate that such materials are either inappropriate or unnecessary for the course. Such materials shall be current, accurate, grammatically correct, logically organized, and produced in a manner that reflects reasonable quality.

(10) Either the instructor guide or the student materials shall describe, in narrative form, the details of the substantive information to be presented in the course. The substantive information to be presented must be provided in sufficient detail to demonstrate that the information is current, accurate, and complete.

(11) If an applicant proposes to use copyrighted materials in the course, such materials must be used in a form approved by the copyright holder. If any copyrighted material is to be duplicated by the applicant for use in the course, the sponsor shall have the specific permission of the copyright holder.

(12) Applicants requesting approval of a computer-based instructional program need not comply with the requirements in Subparagraphs (8), (9), and (10) of this Rule; however, such applicants shall submit a written course plan that includes a detailed course outline, the minimum amount of time required for a typical licensee to complete each lesson, and the entire course and the learning objectives for each major topic. Such applicants shall also submit a complete copy of the instructional program on the medium that is to be utilized and shall make available, to the Board and at the sponsor's expense, all hardware and software necessary for review by the Board. The information in the instructional program shall comply with the requirements of Rule .1326 of this Section.

.1321 ELECTIVE COURSE SUBJECT MATTER

(a) Elective courses shall directly contribute to accomplishment of the primary purpose of mandatory continuing education, which is to help assure that licensees possess the knowledge, skills, and competence necessary to function in the home

inspection profession in a manner that protects and serves the public interest. The knowledge or skills taught in an elective
course shall enable licensees to better serve their clients and the subject matter shall be directly related to the home inspection
profession. Examples of acceptable subject matter include rules adopted by the Board, including the Standards of Practice and
Code of Ethics for home inspectors, which are found in 11 NCAC 08 .1100; G.S. 143, Article 9F; construction techniques;
construction materials; residential environmental issues; residential mechanical systems and components; residential
structural systems and components; and business administration or management.
(b) If there are unique North Carolina laws, rules, or customary practices that are relevant to a topic being addressed in an
elective course, and if the course is to be conducted in North Carolina or primarily for the benefit of North Carolina licensees,
then the course shall accurately and completely address such North Carolina laws, rules, or practices.

.1322 ELECTIVE COURSE INSTRUCTORS

(a) The instructor of an elective course shall be honest and shall be qualified under one of the following standards:
(1) Possession of a baccalaureate or higher degree in a field directly related to the subject matter of the course;
(2) Three years' full-time exp erience within the previous 10 years that is directly related to the subject matter of
the course;
(3) Three years' full-time experience within the previous 10 years teaching the subject matter of the course; or
(4) Education or experience or both found by the Board to be equivalent to one or more of the above standards.
(b) If the subject matter of the course deals directly with conducting a home inspection according to the Standards of Practice

submit to the Board;
(4) the course sponsor has engaged in a pattern of consistently canceling scheduled courses;
(5) the course sponsor has knowingly paid fees to the Board with a check that was dishonored by a bank;
(6) an instructor employed by or under contract with the course sponsor fails to conduct approved courses in a
manner that demonstrates possession of the teaching skills described in Rule .1345 of this Section;
(7) any court of competent jurisdiction has found the course sponsor or any official or instructor employed by
or under contract with the course sponsor to have violated, in connection with the offering of continuing education courses, any applicable federal or state law or regulation prohibiting discrimination on the basis of disability, requiring places of public accommodation to be in compliance with prescribed accessibility standards, or requiring that courses related to licensing or certification for professional or trade purposes be offered in a place and manner accessible to persons with disabilities;
(b) If a licensee who is an approved course sponsor or an instructor employed by or under contract with an approved course
sponsor engages in any dishonest, fraudulent, or conduct inconsistent with the Rules in this Section in connection with
the licensee's activities as a course sponsor or instructor, the licensee shall be subject to disciplinary action pursuant to
G.S. 143-151.56.

.1338 SCHEDULING

Courses shall be scheduled and conducted in a manner that limits class sessions to a maximum of eight classroom hours in
any given day, including breaks for each class session. The maximum permissible class session without a break is 90 minutes.
Courses scheduled for more than four hours in any given day shall include a meal break of at least one hour.

.1339 MINIMUM CLASS SIZE

The minimum class size for any session of an approved continuing education course shall be five students, as determined by
the sponsor's preregistration records. The minimum class size requirement shall not apply to class sessions when the sponsor
notifies the Board in writing of the scheduled class session as provided in Rule .1340 of this Section and advertises in advance
the scheduled class session in the community where the class session is to be held. A sponsor who conducts a class session
for fewer than five students shall submit a copy of the advertisement for the class session with the reports verifying
completion of the course plus a statement or other documentation indicating the date of the advertisement and the advertising
method.

.1340 NOTICE OF SCHEDULED COURSES

(a) A sponsor shall provide the Board with written notice of each scheduled course offering no later than 10 days before a
scheduled course date. The notice shall include the name and assigned number for the sponsor, the name and assigned
number for the course, the scheduled date and time, specific location, and name of the instructor.
(b) A sponsor shall notify the Board of any schedule changes or course cancellations at least five days before to the original
scheduled course date. If a change or cancellation is necessary because of some unforeseen circumstance, the sponsor shall
notify the Board as soon as the sponsor effects the change or cancellation.
(c) A sponsor shall notify the Board as soon as it becomes apparent to the sponsor that enrollment in a planned class session
will exceed 100 students.

.1341 ADVERTISING; PROVIDING COURSE INFORMATION

(a) Course sponsors shall not use advertising of any type that is false or misleading. If the number of continuing education
credit hours awarded by the Board for an approved elective course is fewer than the number of scheduled hours for the
course, any course advertisement or promotional materials that indicate the course is approved for home inspection
continuing education credit in North Carolina shall specify the number of continuing education credit hours awarded by the
Board for the course.
(b) Any flyers, brochures, or similar materials used to promote a continuing education course shall clearly describe the fee to
be charged and the sponsor's cancellation and fee refund policies.
(c) A course sponsor of any elective course shall, upon request, provide any prospective student a description of the course
content.

.1342 CLASSES OPEN TO ALL LICENSEES

All class sessions of approved continuing education courses shall be open to all licensees on a first-come, first-served basis.
The sponsor of a course that has a bona fide education or experience prerequisite may refuse admission to a licensee who
does not satisfy the prerequisite. A sponsor may contract with an organization such as a home inspection firm, franchise, or
trade organization to conduct approved continuing education courses for licensees affiliated with the firm, franchise, or
organization. The sponsor shall allow licensees not affiliated with the firm, franchise, or organization to enroll in any class
session on a first-come, first-served basis.

.1343 CLASSROOM FACILITIES

A classroom in which a course is provided shall:
(1) accommodate all enrolled students;
(2) be equipped with student desks, worktables with chairs, or other seating having a surface on which students can write;
(3) have light, heat, cooling, ventilation, and, as needed, a public address system; and
(4) be free of distractions that would disrupt class sessions.
Subparagraphs (2) and (3) of this Rule are not required if the course is conducted in a field setting.

.1344 STUDENT CHECK-IN

Upon initially checking in for a class session, sponsors and instructors shall require licensees to provide their license numbers
and shall provide each student with a copy of the continuing education student information sheet provided to sponsors by
the Board.

.1345 INSTRUCTOR REQUIREMENTS

(a) Instructors shall assure that class sessions are started on time and are conducted for the full amount of time that is
scheduled. Instructors shall also assure that each update course is taught according to the instructor guide provided by the
Board and that each elective course is taught according to the course plan and instructor guide that was approved by the
Board, including the furnis hing of appropriate student materials.
(b) Instructors shall possess the ability to:
(1) Communicate through speech, with the ability to speak clearly, and with voice inflection, using proper grammar, and vocabulary;
(2) Present instruction in a thorough, accurate, logical, orderly and understandable manner;
(3) Use varied instructional techniques in addition to straight lecture, such as class discussion, role-playing, or
other techniques;

(4) Use instructional aids, such as the overhead projector, to enhance learning; and
(5) Interact with adult students in a positive manner that encourages students to learn, that demonstrates an understanding of varied student backgrounds, that avoids offending the sensibilities of students, and that avoids personal criticism of any other person, agency or organization.

.1346 MONITORING ATTENDANCE

(a) Sponsors and instructors shall monitor attendance for the duration of each class session to assure that all students reported as satisfactorily completing a course according to the criteria in Rule .1305 of this Section have attended at least 90 percent of the scheduled credit hours. Students shall not be admitted to a class session after 10 percent of the scheduled credit hours have been conducted. A student shall not be allowed to sign a course attendance roster report, shall not be issued a course completion certificate, and shall not be reported to the Board as having completed a course unless the student fully satisfies the attendance requirement. Sponsors and instructors shall not make any exceptions to the attendance requirement for any reason.
(b) Sponsors shall assure that personnel in addition to the instructor are present during all class sessions to assist the instructor in monitoring attendance and performing the necessary administrative tasks associated with conducting a course.
Sponsors shall provide one monitor for every 50 students attending a course. If a class size is 20 students or less, requirements for additional personnel are waived.

.1347 STUDENT PARTICIPATION STANDARDS

(a) In addition to requiring student compliance with the attendance requirement, sponsors and instructors shall require that students comply with the following student participation standards:
(1) A student shall direct his or her attention to the instruction being provided and refrain from engaging in activities unrelated to the instruction.
(2) A student shall refrain from engaging in any activities that are distracting to other students or the instructor, or that otherwise disrupt the orderly conduct of a class.
(3) A student shall comply with all instructions provided by the sponsor or instructor related to providing information needed to properly report completion of a course by the student.
(b) Instructors and sponsors may dismiss from a class session any student who fails to comply with the student participation standards prescribed in Paragraph (a) of this Rule.
(c) Sponsors shall not issue a course completion certificate to any student who fails to comply with the student participation standards set forth in Paragraph (a) of this Rule, nor shall a sponsor include the name of that student on a report verifying completion of a continuing education course. A sponsor shall submit to the Board with the report for the class session a written statement that includes the name and license number of the student for whom the sponsor does not report course credit, details concerning the student's failure to comply with the student participation standards, and names of other persons in attendance at the class who witnessed the student's conduct.

.1348 SOLICITATION OF STUDENTS

Sponsors and instructors may make available for purchase by students materials that belong to the sponsor, instructor, or some other party; however, class time may not be used to promote or sell any materials or to solicit affiliation or membership in any business or organization.

.1349 CANCELLATION AND REFUND POLICIES

Course sponsors shall administer course cancellation and fee refund policies in a non-discriminatory manner. If a scheduled course is canceled, a sponsor shall notify preregistered students of the cancellation. All prepaid fees received from preregistered students shall be refunded within 30 days after date of cancellation or, with the student's permission, applied toward the fees for another course.

.1350 COURSE MONITORS

A course sponsor shall admit an authorized representative of the Board to monitor any continuing education class without prior notice. A Board representative shall not be required to register or pay any fee and shall not be reported as having completed the course.

.1351 ACCOMMODATIONS FOR PERSONS WITH DISABILITIES

Course sponsors may deviate from Board rules concerning the conduct of continuing education courses, such as rules addressing classroom facilities, minimum class size, and instructional methods, as may be necessary in order for the sponsor to comply with the Americans with Disabilities Act or other laws requiring sponsors to accommodate persons with disabilities.

A sponsor providing a special accommodation for a licensee with a disability that requires the sponsor to deviate from Board rules shall notify the Board in writing of the accommodation at the time reports are submitted for the class session attended by the licensee.