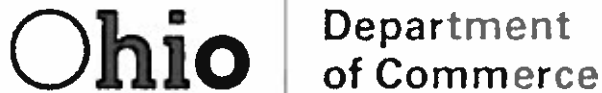


Woodruff, Edward

From: Woodruff, Edward
Sent: Friday, February 7, 2020 4:17 PM
To: CSIPublicComments
Cc: Moorhead Petit, Anne; Wells, Kimberley; Schafer, Abby
Subject: RE: CSI Recommendation
Attachments: Memorandum.pdf; CSI Memo 11.14.19.pdf; Home Inspector Board Rule Changes - B rules.pdf; Home Inspector Board Rules - 9.27.19 - 22 rules.pdf

Good afternoon. The Division is in receipt of your email message and corresponding memorandum dated November 14, 2019. Per your instructions, attached please find our response to your memorandum along with our corresponding attachments. Please email me if you have any problems opening the attachments. Thank you.



Edward Woodruff
Division Counsel
Ohio Department of Commerce
Division of Real Estate & Professional Licensing
77 South High Street, 20th Floor
Columbus, Ohio 43215
Phone: 614-466-5042
edward.woodruff@com.state.oh.us
www.com.ohio.gov

This message and any response to it may constitute a public record and thus may be publicly available to anyone who requests it.

From: Groseclose, Emily <Emily.Groseclose@governor.ohio.gov>
Sent: Thursday, November 14, 2019 5:48 PM
To: Woodruff, Edward <Edward.Woodruff@com.state.oh.us>
Cc: Carl, Rachael <Rachael.Carl@com.state.oh.us>; Kuruc, Carolyn <Carolyn.Kuruc@governor.ohio.gov>
Subject: CSI Recommendation

Edward,

Attached is the CSI Recommendation for the Home Inspectors rule package.

After you've had a chance to review, please send an Agency Response Memo. Until otherwise notified, please address all Response Memos to the author (me) with a cc to Carrie Kuruc – Director of the Common Sense Initiative Office. For your convenience, please send all Response Memos to CSIPublicComments@governor.ohio.gov.

Thanks!



EMILY GROSECLOSE

Senior Policy and Business Advocate

Lt. Governor Jon Husted | Common Sense Initiative

phone: 614.995.4855

email: Emily.Groseclose@governor.ohio.gov





**Department
of Commerce**

Division of Real Estate
& Professional Licensing

Mike DeWine, Governor
Jon Husted, Lt. Governor

Sheryl Maxfield, Director

MEMORANDUM

TO: Emily Groseclose, Senior Policy & Business Advocate &
Carrie Kuruc, Director of the Common Sense Initiative Office

FROM: Edward Woodruff, Division of Real Estate & Professional Licensing,
Ohio Department of Commerce

DATE: February 7, 2020

RE: Response to CSI's recommendation for proposed Ohio home inspector
rules 1301:17-1-01, 1301:17-1-02, 1301:17-1-03, 1301:17-1-04, 1301:17-
1-05, 1301:17-1-06, 1301:17-1-07, 1301:17-1-08, 1301:17-1-09, 1301:17-
1-10, 1301:17-1-11, 1301:17-1-12, 1301:17-1-13, 1301:17-1-14, 1301:17-
1-15, 1301:17-1-16, 1301:17-1-17, 1301:17-1-18, 1301:17-1-19, 1301:17-
1-20, 1301:17-1-21 & 1301:17-1-22

ATTACHMENTS: CSI Memo 11.14.19 pdf;
Home Inspector Board Rule Changes – 8 rules pdf; &
Home Inspector Board Rules – 9.27.19 – 22 rules pdf

On September 27, 2019, the Ohio Department of Commerce submitted a rule package to the Common Sense Initiative (CSI) Office for its review. The rule package contained twenty-two proposed rules from the Ohio Home Inspector Board (Board) (see attachment labeled Home Inspector Board Rules – 9.27.19 – 22 rules). The rules were proposed in response to a recently enacted Chapter (4764) in the Ohio Revised Code.

On November 14, 2019, the Division of Real Estate & Professional Licensing received comments and suggestions from the CSI Office regarding several of the proposed rules (see attachment labeled CSI Memo dated 11.14.19). At the next regularly scheduled Board meeting held on January 30, 2020, the Division presented the Board with those suggested revisions to the proposed rules. In response to the CSI memorandum, the Board revised eight of the proposed twenty-two rules (see attachment labeled Home Inspector Board Rule Changes – 8 rules). The Board revised significant portions of rules 1301:17-1-07, 1301:17-1-10 & 1301:17-1-11 and eliminated proposed rules 1301:17-1-08, 1301:17-1-09 & 1301:17-1-12. The Department presents these changes for your review.

Woodruff, Edward

From: Groseclose, Emily
Sent: Thursday, November 14, 2019 5:48 PM
To: Woodruff, Edward
Cc: Carl, Rachael; Kuruc, Carolyn
Subject: CSI Recommendation
Attachments: CSI REC Commerce 11-14-19.pdf

Edward,

Attached is the CSI Recommendation for the Home Inspectors rule package.

After you've had a chance to review, please send an Agency Response Memo. Until otherwise notified, please address all Response Memos to the author (me) with a cc to Carrie Kuruc – Director of the Common Sense Initiative Office. For your convenience, please send all Response Memos to CSIPublicComments@governor.ohio.gov.

Thanks!



EMILY GROSECLOSE

Senior Policy and Business Advocate

Lt. Governor Jon Husted | Common Sense Initiative

phone: 614.995.4855

email: Emily.Groseclose@governor.ohio.gov





Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Carrie Kuruc, Director

MEMORANDUM

TO: Edward Woodruff, Division of Real Estate & Professional Licensing,
Ohio Department of Commerce

FROM: Emily Groseclose, Senior Policy and Business Advocate

DATE: November 14, 2019

RE: CSI Review – Ohio Licensed Home Inspectors (OAC 1301:17-1-01, 1301:17-1-02, 1301:17-1-03, 1301:17-1-04, 1301:17-1-05, 1301:17-1-06, 1301:17-1-07, 1301:17-1-08, 1301:17-1-09, 1301:17-1-10, 1301:17-1-11, 1301:17-1-12, 1301:17-1-13, 1301:17-1-14, 1301:17-1-15, 1301:17-1-16, 1301:17-1-17, 1301:17-1-18, 1301:17-1-19, 1301:17-1-20, 1301:17-1-21 and 1301:17-1-22)

On behalf of Lt. Governor Jon Husted, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

This rule package contains 22 new rules submitted by the Ohio Department of Commerce (Department). The rule package was submitted to the CSI Office on September 27, 2019, and the public comment period was held open through October 7, 2019. No comments were received during this time. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI office on September 27, 2019.

The proposed rules implement the new home inspector license required under recently enacted Chapter 4764 of the Revised Code. The rules cover the topics of public notice for rulemaking, open meetings, fees for applicants, licensees and education providers, application process, background checks, pre-licensure and continuing education, pre-licensure experience, canons of ethics, standards of practice, prohibitions on license lending, stenographic records as part of an

adjudication hearing, mediation, disciplinary actions, and settlements.

As part of early stakeholder outreach, the Department published the proposed rules on its website and emailed them to a list of interested parties, including home inspectors and representatives of some institutions of higher education, who requested notification. The rules and comments received were presented at meetings with the Ohio Home Inspector Board (Board) in August 2019, during which the Board also heard oral testimony. The Department received many written comments, as well as oral statements made via phone and during Board testimony. The Department and Board made some revisions to standards of practice and education qualifications based off that feedback. No comments were received during the CSI public comment period.

The rules impact home inspector license applicants and licensees, institutions or organizations providing pre-licensure or continuing education, and entities sponsoring home inspector peer reviews. Adverse impacts include an application and license to be a home inspector, applications to offer pre-licensure and continuing education, fees, exams, reporting of certain information, and potential sanctions for failing to comply.

CSI identified nine fees throughout the rules that could apply to applicants or licensees. The fees, listed below, are in addition to the cost of completing the required pre-licensure education.

- **\$235** initial application fee
- Up to **\$15** for the home inspector recovery fund
- **\$235** renewal fee, every three years
- **\$175** late renewal fee (additional)
- **\$25** to receive a certificate of license or replacement license
- **\$25** to update the licensee's information on file
- **\$100** fee for approval of continuing education courses not previously approved
- **\$50-\$75** fee estimated by the Department for an applicant to have the criminal records check completed
- **\$100** penalty for a check returned due to insufficient funds
- **\$25-\$100** fee estimated by the Department for an applicant to participate in a peer review

Applicants are also subject to multiple examinations, including exams to successfully complete a qualifying home inspector education course, a peer review and exam, and the National Home Inspector Examination as required by statute.

An applicant must complete 80 hours of pre-licensing education. Also, if applying via curriculum of experience, an applicant must have a least 40 hours of home inspector experience, including the

completion of an experience log that must be submitted to the Department, and must complete a peer review session. If applying via the parallel inspection route, an applicant must complete ten parallel inspections as required by statute. Licensees are required to complete 14 continuing education hours annually, which is also required by statute.

Additionally, CSI noted that licensees could be subject to sanctions, including monetary penalties, mandated education courses, and license suspension or revocation, as well as criminal penalties. These penalties are statutory.

Institutions or organizations that wish to offer pre-licensure or continuing education for home inspectors must complete an application prescribed by the Board and pay a \$600 fee to offer pre-licensure education, a \$100 fee to offer classroom-based continuing education, and a \$200 fee to offer online continuing education. Each of these approvals is also subject to a \$50 fee for any amendments or changes to the curriculum or materials (or to the time/location of classroom courses), as well as a \$50 penalty for a new continuing education course offering or change of instructor or course content submitted less than 30 days prior to the offering date. Approved pre-licensure and continuing education is valid for three years.

The Department estimates about 600 “grandfathering” applications and 200-300 additional applications will be made, and that the program will cost \$490,000 annually to operate. The Department asserted that the rules are statutorily required to ensure that Ohio home inspector licensees are properly trained and educated with necessary skills and knowledge, as their services directly affect real property transactions.

Recommendations

CSI recognizes that unnecessary, burdensome regulations are often the result of statutory mandates that do not offer flexibility to the agencies tasked with enforcing them. We also acknowledge the effort the Department has undertaken to find balance in the new regulatory structure it is required to implement. When the law requires regulations, agencies must be careful to adopt the smallest amount of regulation necessary to implement the mandate in order to prevent unjustified, bureaucratic barriers that make it harder for qualified, skilled workers to find jobs. In the case of licensing requirements, agencies should strive to make them easy to understand and simple to follow. In light of these considerations, the CSI Office makes the following recommendations to the Department.

I. Examinations

The proposed home inspector licensing rules require multiple exams throughout the licensure process—an exam for each education course, a peer review exam option in addition to

statutorily required peer review, and a national exam. Only one of these exams—the national home inspector examination—appears to be required by statute, ORC 4764.07(D)(4). While exams are important to demonstrate an applicant’s competency, exam requirements should not be duplicative or unnecessarily burdensome. Therefore, CSI recommends that the Department revisit home inspector license exam requirements to ensure that the number of exams do not create an unjustified adverse impact to business.

11. Fees

The fee structure of a licensing body should be closely tailored to its cost of issuing licenses. CSI recommends that the Department review its proposed fees to ensure there is clear and consistent justification for each charge. For example, the proposed rules require education providers that wish to provide classroom and online pre-licensure and continuing education to pay multiple fees per offering. There is a \$600 fee to offer pre-licensure education, a \$100 fee to offer *classroom-based* continuing education, and a \$200 fee to offer *online* continuing education. In addition, the proposed rules require a \$50 fee each time a provider simply amends the time or location of a classroom-based course. CSI asks the Department to consider consistent fees for online continuing education and classroom-based continuing education and to provide justification for charging a fee when a provider needs to make a change to its classroom schedule.

III. Redundant Rules

Rules should be as easy to read as the subject matter allows, and agencies should avoid unnecessary repetition of information. Therefore, CSI recommends that the Department consider consolidating OAC 1301:17-1-08 with 1301:17-1-09 and 1301:17-1-11 with 1301:17-1-12, as both pairs of rules contain a significant amount of similar language.

IV. Duplicative Application Process

Simplifying an application process is one of the best ways to ease regulatory burden. The proposed rules appear to require an education provider to complete different applications in order to provide online education versus classroom-based education. CSI recommends that the Department consider streamlined applications for education providers to minimize the difficulty of seeking the approval required by law and consider accepting applications in an electronic format that is less burdensome for the applicant.

V. Clear Requirements

OAC 1301:17-1-14(C) says "The applicant shall not perform any home inspections for compensation or other valuable consideration during the parallel inspection period." ORC 4762.04(A) says "No person shall knowingly conduct a home inspection or represent a qualification to conduct a home inspection for compensation or other valuable consideration unless that person is licensed pursuant to this chapter as a home inspector or performing a parallel inspection." The Department stated that its intention with the rule language is to prohibit applicants who are not licensed home inspectors from being compensated by a client, and that if they are being compensated for a parallel inspection, it should be paid by the licensed home inspectors overseeing the applicant. CSI is concerned that the rule language does not accurately reflect the Department's regulatory intent and could be confusing for prospective licensees. Therefore, CSI recommends that the Department clarify the rule language to prevent potential confusion.

Conclusion

Based on its review of the proposed rule package, the CSI office concludes that the Ohio Department of Commerce should review its proposed rules based on the recommendations above prior to filing with the Joint Committee on Agency Rule Review. CSI looks forward to continued communication with the Department.

***** DRAFT – NOT YET FILED *****

1301:17-1-03

Fees

The applicable nonrefundable fees shall be assessed by the home inspector board as follows:

- (A) A two hundred thirty-five dollar fee for initial licensure as a home inspector. This fee is in addition to any special assessment ordered by the board pursuant to section 4764.21 of the Revised Code.
- (B) A two hundred thirty-five dollar fee for the renewal of a home inspector license. This fee is in addition to any special assessment ordered by the board pursuant to section 4764.21 of the Revised Code.
- (C) A one hundred twenty-five dollar fee for an applicant of a renewal of a home inspector license who has filed the renewal within three months after the expiration of the license. The late filing fee must be submitted with the renewal application for licensure. This late fee is in addition to any fees found in paragraph B of this rule.
- (D) A twenty-five dollar fee must be submitted to the division for any of the following: a certificate of licensure; a replacement license that must be issued due to the original license being lost or spoliated; the licensee requests a change to the licensee's information on file with the division.
- (E) A six-hundred dollar fee for the approval of any type of course offering, whether online or in a classroom setting, which is presented as satisfying the home inspector education requirements found in section 4764.05(C) of the Revised Code. A fifty-dollar fee shall be assessed for any ~~amendments or substantial~~ changes to the class curriculum or materials.
- (F) A ~~one~~ ~~one hundred fifty~~ ~~hundred~~ hundred dollar fee for the approval of an initial course offering of classroom education presented as satisfying home inspector continuing education. A fifty-dollar fee shall be assessed for any ~~amendments or substantial~~ changes to the class curriculum or materials. A one-hundred dollar fee for approval of classroom education presented as satisfying home inspector continuing education that was taken outside the State of Ohio and was not previously approved by the superintendent to its completion.
- (G) A ~~two hundred~~ ~~one hundred fifty~~ hundred dollar fee for the approval of any on-line offering presented as satisfying home inspector continuing education. A fifty-dollar fee shall be assessed for any ~~amendments or substantial~~ changes to the class curriculum or materials. A one-hundred dollar fee for approval of on-line education presented as satisfying home inspector continuing education that was taken outside the State of Ohio and was not previously approved by the superintendent to its completion.
- (H) If a check or other draft instrument used to pay any fee required is returned to the superintendent unpaid by the financial institution upon which it is drawn for any reason, the superintendent shall notify the person that the check or other draft instrument was

***** DRAFT – NOT YET FILED *****

1301:17-1-03

Fees

returned for insufficient funds. A one-hundred dollar insufficient fund fee shall be assessed, and any application approval shall be withdrawn pending timely payment of all fees.

- (1) The superintendent of real estate may require that fees be paid by credit card, debit card, personal check, cashier's check, certified check, money order or electronic funds transfer.

***** DRAFT – NOT YET FILED *****

1301:17-1-07

Home Inspector Qualifying Education

(A) For purposes of this rule, to be considered "online", the course must satisfy the requirements found in paragraph (B) of rule 1301:17-1-11 of the Administrative Code and refers to educational programs in which instruction is accomplished through the use of interactive, electronic media and where the teacher and student are not physically in the same location at the time the course is being taught. "Qualifying education" means education necessary to obtain an Ohio home inspector license as required by section 4764.07(D)(5) of the Revised Code. "Qualifying education" for this rule shall be completed in a classroom or online setting.

(1) An education provider who is an applicant for initial qualifying education course approval shall submit to the division of real estate for approval of home inspector qualifying education courses on a form prescribed by the superintendent along with the nonrefundable fee as specified in rule 1301:17-1-03 of the Administrative Code. The application form and fee must be submitted to the division at least thirty days prior to the proposed initial date of the course offering. Upon notice from the superintendent that an application is incomplete or incorrect as filed, the applicant shall, within thirty days of the date of the last such notice, submit to the division the additional requested information or the corrected application. Failure to timely submit the additional requested information or the corrected application shall constitute just cause for the superintendent to void the application.

(2) Qualifying education approved for this rule shall be valid for three years from the date of issuance by the superintendent provided the superintendent approves any substantial changes made to the course, and the education provider and its instructors comply with the requirements of this rule and chapter 4764 of the Revised Code. Substantial changes to the course include, but are not limited to, changes in course description or content, course syllabus or instructors. Changes to the course instructor or to the course syllabus, description or content consisting of more than one-third of the course hours shall be considered a substantial change. Each education provider of approved qualifying education shall file an application with the division at least ten days in advance of any substantial changes to a course.

(B) An applicant for an initial home inspector license shall successfully complete at least eighty hours of qualifying education in the following topics, and the superintendent may approve course offerings for qualifying education which fall within the following topics:

(1) Foundations, which shall include the following topics:

A. Site analysis/location;

B. Grading;

C. Foundations;

D. Flat work;

E. Material;

F. Foundation walls;

G. Foundation drainage;

H. Foundation waterproofing and damp proofing;

I. Columns; and

***** DRAFT – NOT YET FILED *****

1301:17-1-07

Home Inspector Qualifying Education

J. Under floor space;

(2) Framing, which shall include the following topics:

A. Flashing;

B. Wood frame - stick/balloon;

C. Roof structure - rafters/trusses;

D. Floor structure;

E. Porches/decks/steps/landings/balconies;

F. Doors;

G. Ceilings;

G. Interior walls;

I. Stairways;

J. Guardrails/handrails/balusters;

K. Fireplace/chimney;

L. Sills/columns/beams/joist/sub-flooring;

M. Wall systems/structure - headers;

N. Rammed earth;

O. Straw bale;

P. ICF;

Q. Panelized;

R. Masonry;

S. Wood I joist;

T. Roof sheathing;

U. Wood wall;

V. Steel wall;

W. Wood structural panel; and

X. Conventional concrete.

(3) Building enclosure, which shall include the following topics:

A. Review of foundation and roofing relation;

B. Review of flashing;

***** DRAFT – NOT YET FILED *****

1301:17-1-07

Home Inspector Qualifying Education

C. Cladding;

D. Windows/glazing;

E. Weather barriers;

F. Vapor barriers;

G. Insulation; and

H. Ingress/egress.

(4) Roof systems, which shall include the following topics:

A. Review - rafters, roof joist, ceiling joist, collar ties, knee walls, purling, trusses, wood I joist, roof sheathing, steel framing;

B. Roof water control;

C. Skylights;

D. Flashing;

E. Ventilation/non-ventilation;

F. Attic access;

G. Re-roofing;

H. Slopes - steep roof/low slope/near flat;

I. Materials - asphalt, fiberglass, wood shake, wood shingle, slate, clay tile, concrete tile, fiber cement (asbestos cement, mineral cement), metal, roll, build up, modified bitumen, synthetic rubber (EPDM), plastic (PVC); and

J. Valleys.

(5) Plumbing systems, which shall include the following topics:

A. Water supply systems;

B. Fixtures;

C. Drains;

D. Vents;

E. Water heaters (gas and electric); and

F. Gas lines.

(6) Electrical systems, which shall include the following topics:

A. General requirements, equipment location and clearances;

B. Electrical definitions;

***** DRAFT – NOT YET FILED *****

1301:17-1-07

Home Inspector Qualifying Education

C. Services;

D. Branch circuit and feeder requirements;

E. Wiring methods;

F. Power and lights distribution;

G. Devices and light fixtures; and

H. Swimming pool.

(7) HVAC systems, which shall include the following topics:

A. Heating;

B. Ventilation;

C. Air conditioning; and

D. Evaporative coolers.

(8) Appliances, which shall include the following topics:

A. Dishwasher;

B. Food waste disposer;

C. Kitchen exhaust hood;

D. Range, cooktop, and ovens (electric and gas);

E. Microwave cooking equipment;

F. Trash compactor;

G. Bathroom exhaust fan and heater;

H. Garage door operator;

I. Doorbell and chimes; and

J. Dryer vents.

(9) Ohio standards of practice, which shall include the following topics:

A. Review of general principles and specific Ohio practice standards;

B. Inspection guidelines for structural systems;

C. Inspection guidelines for electrical systems;

D. Inspection guidelines for heating, ventilation, and air conditioning systems;

E. Inspection guidelines for plumbing systems;

F. Inspection guidelines for appliances; and

***** DRAFT – NOT YET FILED *****

1301:17-1-07

Home Inspector Qualifying Education

G. Inspection guidelines for optional systems.

(10) Ohio home inspector law, which shall include the following topics:

A. Chapter 4764 of the Revised Code;

B. rules of the board related to Ohio licensed home inspectors.

(11) Ohio report content /Report writing, which shall include the following topics:

A. The required inspection report content as defined in section 4764.01 (D) of the Revised Code;

B. Allowed reproductions and distributions;

C. Allowed changes;

D. Review of typical comments for each heading in the report; and

E. Review of generally accepted technical writing techniques.

(C) The following offerings will not be considered by the Ohio home inspector board to meet qualifying education requirements:

(1) Examination preparation courses;

(2) Sales promotion or meetings held in conjunction with the general business of the attendee or the attendee's business associates;

(3) Meetings which are a normal part of in-house staff training; or

(4) That portion of any offering devoted to meals or other refreshment.

(D) Criteria for approval of offerings and instructors.

(1) For this rule, "classroom hours" shall mean the amount of time necessary to complete the course, without interruption. One classroom hour consists of sixty minutes of instruction out of a sixty-minute segment.

(2) Instructors who present a qualifying education course, shall submit documentation to the division through a form prescribed by the superintendent demonstrating the instructor meets at least one of the following qualifications:

(a) Possession of a bachelor's degree or higher in a related field to that which the person is to teach, from a school listed as an institution of higher learning by the United States department of education, or from a comparable school of a foreign country;

(b) Possession of a valid teaching credential or certificate from Ohio or another state authorizing the holder to teach in the field of instruction which the person is to teach;

(c) Five years full-time experience in a profession, trade, or technical occupation in the applicable field; or

(d) Any combination of at least five years of full-time experience relevant to the applicable field and college level education.

***** DRAFT – NOT YET FILED *****

1301:17-1-07

Home Inspector Qualifying Education

(3) Acceptable education providers of home inspector qualifying education include: a college or university that is a degree-granting institution accredited by the commission on colleges, a regional or national accreditation association or accrediting agency recognized by the U.S. secretary of education; a community or junior college; a proprietary school approved by the State Board of Career Colleges and Schools, a state or federal agency; or a professional organization. A professional organization consists of an organization that offers instruction in home inspector subjects found in paragraph (B) of this rule; offers an organization designation to home inspectors upon the completion of home inspector education and experience; and has established a standard of practice and code of ethics for its organization members that is consistent with the board's standard of practice and code of ethics.

(4) Each qualifying education course shall be open to all on an equal basis.

(5) An education provider may administer quizzes or examinations in an online qualifying education course for the purpose of verifying participation but passing a course examination shall not be a requirement for successful completion of a qualifying home inspector education course.

(E) The education provider must issue certificates to an attendee using the correct course certification number provided by the division. Any certificate incorrectly issued must be reissued to each attendee within thirty days of receipt of notice of the defective certificate by the education provider using the valid certification number as assigned by the division.

(F) No approved education provider shall certify the attendance of a person who was not physically present during ninety per cent of the offering time. All offerings must be successfully completed.

(G) Record keeping.

(1) Education providers shall maintain for four years from the date of the course a record of attendance of each person attending the course disclosing the following information:

(a) Ohio home inspector board approval certification number;

(b) Name and business address of attendee;

(c) Course title, description of offering and name of course instructor;

(d) Classroom hours of attendance;

(e) Date of course offering; and

(f) Name, address, and signature of verifier in employ of the education provider.

(2) The education provider shall certify the items specified in paragraph (G)(1) of this rule on a certificate or transcript and furnish a copy to the attendee within fifteen days after successful completion of the offering.

(3) Each education provider shall submit to the division, in a format prescribed by the superintendent, within fifteen days after completion of each offering, a list of the students who successfully completed the course. The list shall include student names and addresses, the course certification number, the number of approved hours and the date the course was held.

(H) Denial or withdrawal of offering.

***** DRAFT – NOT YET FILED *****

1301:17-1-07

Home Inspector Qualifying Education

- (1) The superintendent may deny or withdraw approval of the initial application for any proposed qualifying education offering if the offering does not meet the requirements of Chapter 4764 of the Revised Code or of the standards or criteria prescribed in this rule or rule 1301:17-1-11 of the Administrative Code.
- (2) The superintendent may deny or withdraw the approval of a person as a qualifying education course instructor for any person who is found not to be honest, truthful and of good reputation, who has been disciplined by the board for a violation of Chapter 4764, of the Revised Code or has been disciplined by any state licensing board for home inspectors.
- (3) If the superintendent determines an initial offering, an offering previously approved, or an instructor previously approved does not meet or no longer meets prescribed standards set forth in this rule, then a written notice of the denial or withdrawal of approval will be given stating the reasons therefore. The notice of withdrawal of approval will be effective ten days from the date of the notice of withdrawal.
- (4) A party served with the notice in paragraph (1)(3) of this rule may file, within thirty days of the date of the notice, a written request for hearing before the board. If a request for hearing is timely filed, a hearing before the board will be held at the board's next regularly scheduled meeting.
- (I) The division shall keep a current list of approved home inspector qualifying education courses which shall be available to the public.
- (J) An education provider shall allow the division to audit a course approved pursuant to this rule and shall permit division investigators and auditors to audit, upon division request, an education provider's records related to that course during normal business hours. An education provider has a duty to ensure an approved course remains current with home inspector laws, rules and industry practice.
- (K) Applicants of an initial home inspector license application must submit with the application a certificate, transcript, letter or other similar documentation properly issued from the education provider at which the course or courses of education were completed. The superintendent of the division of real estate & professional licensing may request supporting documentation to determine the acceptability of a particular course or courses.
- (L) For applicants only applying to satisfy section 4764.07(D)(6)(a) of the Revised Code, a peer review session from the applicant's curriculum of experience is allowed by section 4764.05(D) of the Revised Code to satisfy the education requirements found in this rule. At maximum, one peer review session may be submitted as part of the education requirements for a home inspector license. One peer review session shall count towards ten hours out of the eighty hours of education required for a license. The peer review session must comply with the Ohio Administrative Code.
- (M) Upon notice from the division of real estate & professional licensing that an application for an initial home inspector license application is incomplete or incorrect as filed, the applicant shall, within thirty days of the date of the last such notice, submit to the division the additional requested information or the corrected application. Failure to timely submit the additional requested information or the corrected application shall constitute just cause for the superintendent to void the application and impose a forfeiture of any application fee.

***** DRAFT – NOT YET FILED *****

1301:17-1-10

Continuing Education for Licensees

(A) A state licensed home inspector shall submit to the division of real estate & professional licensing on a form prescribed by the superintendent, such information as the superintendent or home inspector board may require concerning continuing education instruction completed by the individual.

(B) Home inspector continuing education requirements must be completed in a classroom or online setting. For this rule, "classroom hour" applies to instruction in a classroom setting or in an online setting.

(C) Acceptable home inspector continuing education must fall within the following topics:

(1) Inspection safety;

(2) Report writing;

(3) Canons of ethics;

(4) Standard of practice;

(5) Systems and components as defined in the Ohio home inspector board's standards of practice;

(6) Environmental issues;

(7) A meeting of the Ohio home inspector board;

(8) Use of technology as applied to the practice of home inspection;

(9) Personal safety for the home inspector and the consumer; and

(10) Continuing education course offerings approved by the Ohio Home Inspector Board.

(D) The following offerings will not be considered by the Ohio home inspector board to meet continuing education requirements:

(1) Examination preparation courses;

(2) Sales promotion or meetings held in conjunction with the general business of the attendee or the attendee's business associates;

(3) Meetings which are a normal part of in-house staff training; or

(4) That portion of any offering devoted to meals or other refreshment.

~~(D)(1)~~ Continuing education instruction obtained in excess of forty-two classroom hours during the three-year reporting period may not be used to meet the requirements for any future reporting period.

~~(E)(F)~~ No licensed home inspector shall receive credit for more than eight classroom hours of continuing education instruction in any one calendar day unless the continuing education instruction is online education as defined in paragraph (B) of rule 1301:17-1-11 of the Administrative Code.

~~(F)(G)~~ A licensed home inspector may not receive credit for duplicate hours of continuing education completed during the term of the license being renewed.

~~(G)(H)~~ Except as provided in this paragraph, courses completed prior to being approved by the superintendent do not qualify for continuing education credit. Licensed home inspectors may receive credit

***** DRAFT – NOT YET FILED *****

1301:17-1-10

Continuing Education for Licensees

for a course that has not been previously approved by the board or the superintendent only when the licensed home inspector:

(1) Submits the course for credit within the same continuing education reporting period in which the course was taken;

(2) Submits proof the course is approved by a state home inspector regulatory agency or submits proof the course satisfies the requirements found in paragraph (B) of rule 1301:17-1-11 of the Administrative Code, if the course is offered in an online setting; and

(3) Submits an education compliance form, the course syllabus, course attendance certificate along with the nonrefundable application fee as specified in rule 1301:17-1-03 of the Administrative Code.

(H)(1) Up to fifty per cent of a licensee's continuing education requirement within a continuing education cycle may be granted for participation, other than as a student in home inspection education processes and programs. Activities for which credit may be granted are teaching, program development, authorship of textbooks or similar activities that are determined to be equivalent to obtaining continuing education. Credit for instructing any given course or seminar can only be awarded once during a continuing education cycle.

(H)(J) Any licensed home inspector returning from active military duty may receive an extension to complete continuing education requirements pursuant to section 5903.12 of the Revised Code, and any former home inspector licensee or the former licensee's spouse may renew an expired home inspector license pursuant to section 5903.10 of the Revised Code.

(J)(K) Any licensed home inspector impacted by a state or federally declared disaster that occurs within ninety days prior to the end of the continuing education cycle may remain in active status for a period of up to ninety days after the end of the continuing education cycle, pending the completion of all applications and continuing education requirements.

***** DRAFT – NOT YET FILED *****

1301:17-1-11

Continuing Education Approvals For Education Providers

(A) Continuing education for licensed home inspectors shall be offered in a classroom setting or in an online setting.

(B) To be considered "online", the course must satisfy the requirements found in this paragraph of the Administrative Code and refers to educational programs in which instruction is accomplished through the use of interactive, electronic media and where the teacher and student are not physically in the same location at the time the course is being taught. Online home inspector education is acceptable if:

(1) The course provides interaction. Interaction is a shared environment where the student has verbal or written communication with the instructor;

(2) The course content is approved by the superintendent or the home inspector board or is offered by a community or junior college or a college or university that is a degree-granting institution accredited by the commission on colleges, a regional or national accreditation association or accrediting agency recognized by the U.S. secretary of education; and

(3) The course receives course delivery mechanism approval from the International Distance Education Certification Center (IDECC) or is part of an approved curriculum under paragraph (C)(2) of this rule at an institution of higher education that awards academic credit for the online course. A course that fails to maintain approval from IDECC no longer meets the requirements of this rule as of the date the approval is withdrawn by IDECC.

(C) An applicant for continuing education course approval shall submit to the division of real estate & professional licensing for approval of home inspector continuing education courses on a form prescribed by the superintendent along with the nonrefundable fee as specified in rule 1301:17-1-3 of the Administrative Code. The application form and fee must be submitted to the division at least thirty days prior to the proposed initial date of the course offering. Upon notice from the superintendent that an application is incomplete or incorrect as filed, the applicant shall, within thirty days of the date of the last such notice, submit to the division the additional requested information or the corrected application. Failure to timely submit the additional requested information or the corrected application shall constitute just cause for the superintendent to void the application.

(D) Continuing education approved for this rule shall be valid for three years from the date of issuance by the superintendent provided the superintendent approves any substantial changes made to the course, and the education provider and its instructors comply with the requirements of this rule and Chapter 4764, of the Revised Code. Substantial changes to the course include, but are not limited to, changes in course description or content, course syllabus or instructors. Changes to the course instructor or to the course syllabus, description or content consisting of more than one-third of the course hours shall be considered a substantial change. Each education provider of approved continuing education shall file an application with the division at least ten days in advance of any substantial changes to a course.

(E) Criteria for approval of offerings and instructors.

(1) For this rule, "classroom hours" shall mean the amount of time necessary to complete the course, without interruption. One classroom hour consists of sixty-minutes of instruction out of a sixty-minute segment.

(2) Instructors who present a continuing education course, shall submit documentation to the division through a form prescribed by the superintendent demonstrating the instructor meets at least one of the following qualifications:

***** DRAFT – NOT YET FILED *****

1301:17-1-11

Continuing Education Approvals For Education Providers

(a) Possession of a bachelor's degree or higher in a related field to that which the person is to teach, from a school listed as an institution of higher learning by the United States department of education, or from a comparable school of a foreign country;

(h) Possession of a valid teaching credential or certificate from Ohio or another state authorizing the holder to teach in the field of instruction which the person is to teach;

(c) Five years full-time experience in a profession, trade, or technical occupation in the applicable field; or

(d) Any combination of at least five years of full-time experience relevant to the applicable field and college level education.

(3) Acceptable education providers of home inspector continuing education include: a college or university that is a degree-granting institution accredited by the commission on colleges, a regional or national accreditation association or accrediting agency recognized by the U.S. secretary of education; a community or junior college; a proprietary school approved by the State Board of Career Colleges and Schools; ~~in-state or federal agency~~; or a home inspector professional organization. A home inspector professional organization consists of an organization that offers instruction in home inspector subjects found in paragraph (1)(6) of this rule; offers an organization designation to home inspectors upon the completion of home inspector education and experience; and has established a standard of practice and code of ethics for its organization members that is consistent with the board's standard of practice and code of ethics.

(4) Each ~~online~~ continuing education course shall be open to all licensed home inspectors on an equal basis.

(5) An education provider may administer examinations in an online continuing education course for the purpose of verifying participation and evaluating the effectiveness of the online education course but passing a course examination shall not be a requirement for successful completion of a continuing home inspector education course.

(6) The superintendent may approve course offerings for continuing education which maintain and increase a licensed home inspector's skill, knowledge and competency in home inspecting and which fall within the following topics:

(a) Inspection safety;

(b) Report writing;

(c) Canons of ethics;

(d) Standard of practice;

(e) Systems and components as defined in the Ohio home inspector board's standards of practice;

(f) Environmental issues;

(g) A meeting of the Ohio home inspector board;

(h) Use of technology as applied to the practice of home inspection; and

(i) Personal safety for the home inspector and the consumer.

(7) Additional course offerings may be approved by the Ohio Home Inspector Board.

***** DRAFT – NOT YET FILED *****

1301:17-1-11

Continuing Education Approvals For Education Providers

(8) The following offerings will not be considered by the Ohio home inspector board to meet continuing education requirements:

(a) Examination preparation courses;

(b) Sales promotion or meetings held in conjunction with the general business of the attendee or the attendee's business associates;

(c) Meetings which are a normal part of in-house staff training; or

(d) That portion of any offering devoted to meals or other refreshment.

(F) The education provider must issue certificates to licensees using the correct course certification number provided by the division. Any certificate incorrectly issued must be reissued to the licensee within thirty days of receipt of notice of the defective certificate by the education provider using the valid certification number as assigned by the division.

(G) No approved education provider shall certify the attendance of a person who was not physically present during ninety per cent of the offering time. All offerings must be successfully completed.

(H) Record keeping.

(1) Education providers shall maintain for four years from the date of the course a record of attendance of each person attending the course disclosing the following information:

(a) Ohio home inspector's board approval certification number;

(b) Name and business address of attendee;

(c) Course title, description of offering and name of course instructor;

(d) Classroom hours of attendance;

(e) Date of course offering; and

(f) Name, address, and signature of verifier in employ of the education provider.

(2) The education provider shall certify the items specified in paragraph (H)(1) of this rule on a certificate or transcript and furnish a copy to the attendee within twenty-four (24) hours after successful completion of the continuing course offering.

(3) Each education provider shall submit to the division, in a format prescribed by the superintendent, within fifteen days after completion of each offering, a list of the licensed home inspectors who successfully completed the course. The list shall include the licensees' license numbers and names, the course certification number, the number of approved hours and the date the course was held.

(I) Denial or withdrawal of offering.

(1) The superintendent may deny or withdraw approval of the application for any proposed continuing education offering if the offering does not meet the requirements of Chapter 4764, of the Revised Code or of the standards or criteria prescribed in this rule.

***** DRAFT – NOT YET FILED *****

I301:17-1-11

Continuing Education Approvals For Education Providers

(2) The superintendent may deny or withdraw the approval of a continuing education course instructor who is found not to be honest, truthful and of good reputation, has been disciplined by the board for a violation of Chapter 4764, of the Revised Code or has been disciplined by any state licensing board for home inspectors.

(3) If the superintendent determines an initial offering, an offering previously approved, or an instructor previously approved does not meet or no longer meets prescribed standards set forth in this rule, then a written notice of the denial or withdrawal of approval will be given stating the reasons therefore. The notice of withdrawal of approval will be effective ten days from the date of the notice of withdrawal.

(4) A party served with the notice in paragraph (I)(3) of this rule may file, within thirty days of the date of the notice, a written request for hearing before the board. If a request for hearing is timely filed, a hearing before the board will be held at the board's next regularly scheduled meeting.

(J) The division shall keep a current list of approved home inspector continuing education courses which shall be available to the public.

(K) An education provider shall allow the division to audit a course approved pursuant to this rule and shall permit division investigators and auditors to audit, upon division request, an education provider's records related to that course during normal business hours. An education provider has a duty to ensure an approved course remains current with home inspector laws, rules and industry practice.

***** DRAFT – NOT YET FILED *****

1301:17-1-13

Curriculum of experience

(A) Applicants seeking to satisfy section 4764.07(D)(6)(a) of the Revised Code shall complete at least forty hours of work in the home inspection field and a peer review session in accordance with rule 1301:17-1-15 of the Administrative Code. The peer review session may be used to satisfy the required pre-licensing education consistent with rule 1301:17-1-07 of the Administrative Code. Work in the home inspection field may include work completed by the applicant within the home inspection field under the supervision of a licensed Ohio home inspector or through home inspection work completed by the applicant in interactive experience that is under the direction of a board-approved instructor who meets the requirements set forth in paragraph (E)(2) of rule 1301:17-1-11 of the Administrative Code. Any combination of hours may be used to satisfy the requirements of this rule. Interactive experience is defined as practical home inspector experiences offered in a simulated, interactive environment using various technologies.

(1) Applicants who complete work in the home inspection field shall certify under oath the number of hours the applicant claims to have completed within twelve months prior to the date of the application and shall provide a detailed listing of the home inspection field work for which experience is claimed. The listing must include at a minimum:

(a) Date of report;

(b) Date of inspection;

(c) Address of subject property;

(d) Description of the work completed;

(e) Number of hours claimed for each assignment;

(f) Name of the Ohio licensed home inspector supervising the applicant; and

(g) The signature of the applicant.

2) Applicants who complete work in the home inspection field by interactive experience shall certify under oath the number of hours the applicant claims to have completed within twelve months prior to the date of the application and shall provide a detailed listing for which experience claimed. The listing must include at a minimum:

(a) Date experience was obtained;

(b) Name of the instructor;

(c) Number of hours claimed for each instructor; and

(d) The signature of the applicant.

***** DRAFT – NOT YET FILED *****

1301:17-1-13

Curriculum of experience

(B) For purposes of this rule, the Ohio licensed home inspector must be approved by the Ohio home inspector board to conduct the peer review session, and the licensed home inspector must receive the board's approval prior to the submission of the license application to the division.

(C) For purposes of this rule, the acceptable hours of work in the home inspection field or through home inspection work completed in an interactive experience must be satisfied by obtaining practical experience or training in home inspection. Travel time to and from the property shall not be counted toward the forty-hour requirement in this rule.

(D) Upon the request of the superintendent or the board, all applicants attempting to satisfy this requirement must provide documentation in the form of reports, certifications, work files or other evidence to support the experience claimed.

(E) Upon notice from the division of real estate & professional licensing that an application is incomplete or incorrect as filed, the applicant shall, within thirty days of the date of the last such notice, submit to the division the additional requested information or the corrected application. Failure to timely submit the additional requested information or the corrected application shall constitute just cause for the superintendent to void the application and impose a forfeiture of any application fee.

***** DRAFT – NOT YET FILED *****

1301:17-1-14

Parallel Inspection

- (A) An acceptable parallel inspection in satisfaction of the requirement found in section 4764.07(D)(6)(b) of the Revised Code shall consists of the following:
- (1) An applicant for a home inspector license is supervised by an Ohio licensed home inspector while conducting a home inspection for the licensed home inspector's client.
 - (2) The home inspection must be an on-site inspection of a residential property.
 - (3) Following the inspection, the applicant produces a written home inspector report that is reviewed by the Ohio licensed home inspector.
 - (4) The licensed home inspector must review, analyze, correct if necessary and return the report to the applicant within ten calendar days of receipt of the applicant's report.
 - (5) The licensed home inspector must provide guidance to the applicant regarding the inspection process and the report writing process. Guidance includes instruction regarding the standards of practice and canons of ethics adopted by the Ohio home inspector board.
 - (6) The Ohio licensed home inspector may only supervise a maximum of two applicants who are, at the same time for the same property, inspecting and preparing a home inspection report for parallel inspection experience.
- (B) An Ohio licensed home inspector supervising an applicant for this rule shall maintain an active Ohio home inspector license at the time of the parallel inspection occurs, and the Ohio licensed home inspector shall not be the subject to any home inspector discipline issued in the three years prior to the date of the parallel inspection.
- ~~(C) The applicant shall not perform any home inspections for compensation or other valuable consideration during the parallel inspection period.~~
- (C) Satisfaction of this rule requires the completion of a parallel inspection affidavit signed by the applicant and by the Ohio licensed home inspector supervising the applicant. The affidavit shall also include a list of the properties inspected by the applicant. Upon request of the superintendent or the board, the applicant shall make available copies of reports, work files or other evidence to support the parallel inspection claimed.
- (D) Upon notice from the division of real estate & professional licensing that an application is incomplete or incorrect as filed, the applicant shall, within thirty days of the date of the last such notice, submit to the division the additional requested information or the corrected application. Failure to timely submit the additional requested information or the corrected application shall constitute just cause for the superintendent to void the application and impose a forfeiture of any application fee.

***** DRAFT – NOT YET FILED *****

1301:17-1-15

PEER REVIEW

A. Requirements for a home inspector peer review:

1. A sponsoring home inspector organization selects a residential property, which is inspected by at least one active Ohio licensed home inspector in good standing for potential issues.
2. A participant is given time to inspect the residential property as if the participant was performing home inspection services for a paying client.
3. After conducting the inspection, the participant presents the inspection findings to a peer review panel consisting of two or more active Ohio licensed home inspectors or to a Board approved instructor who meets the requirements set forth in paragraph (E)(2) of rule 1301:17-1-11 of the Administrative Code who will evaluate the participant's home inspection abilities.
4. The participant should demonstrate sufficient technical knowledge about the property and be able to identify at least seventy percent of the material defects with the property. For purposes of this rule, a material defect is defined as an observable specific issue with a system or component of a residential property that may have a significant, adverse impact on the value of the property, or that poses an unreasonable risk to people. Following a peer review, the participant may be required to successfully complete an examination administered by the panel, instructor or the sponsoring home inspector organization, but successful completion a peer review course examination shall not be a requirement for this rule. Successful completion of an examination is answering at least seventy percent of the examination questions correctly.
5. Successful participants are awarded a certificate of completion by the sponsoring home inspector organization.
6. A sponsoring home inspector organization for this rule can be any person who meets the requirements found in paragraph (E)(3) of rule 1301:17-1-11 of the Administrative Code or an active Ohio licensed home inspector with at least five years of experience in home inspection and in good standing with the Ohio division of real estate and professional licensing.

B. All peer reviews conducted must comply with Chapter 4764, of the Revised Code and rules adopted thereunder.

***** DRAFT – NOT YET FILED *****

1301:17-1-16

**Canons of Ethics
EXHIBIT A**

Article 1 - General standards

1. Licenseses shall perform duties as a home inspector without bias to any of the parties to a real estate transaction, and shall perform their duties as a home inspector with integrity to the public and to their clients.
2. Licensee opinions about a property shall be based only on their education, experience, and honest convictions.
3. Licenseses shall not communicate inspection results in a home inspection report with intent to defraud or in a careless, misleading or negligent manner.
4. Licenseses shall disclose all known material facts to the licensee concerning a property.
5. Licenseses must not accept or perform home inspections that includes the reporting of predetermined opinions or conclusions.
6. For the protection of all parties, licenseses shall enter into a written contract with clients prior to the rendering of any home inspection services expressing the agreement of the parties. Copies of all written agreements shall be provided by the licensee to client within three (3) business days from the date of the execution of the agreement by the client.
7. Licenseses must provide assistance wherever possible to the members of the Ohio Home Inspectors Board or to staff with the division of real estate & professional licensing regarding the enforcement of Chapter 4764, of the Revised Code and its corresponding rules.
8. Licenseses shall not represent a determination of compliance with Ohio Residential, Mechanical, Plumbing, or Electrical Codes, specifically the existence of serious hazards as defined in OAC 4101:8-2-01. Licenseses may recommend a client seek further evaluation and repair or remediation of suspected safety hazards by a certified or licensed professional. Such recommendations shall be in the home inspection report.

Article 2 - Compensation

1. Licenseses shall not inspect for compensation any property in which the licensee has any current or prospective interest in the property.

***** DRAFT – NOT YET FILED *****

1301:17-1-16

**Canons of Ethics
EXHIBIT A**

2. Licensees shall not inspect for compensation any property in which the licensee has any current or prospective interest with any of the parties to the real estate transaction.
3. Licensees shall not inspect any property under contingent arrangements whereby any compensation or future referrals are dependent on reported findings or on the sale of a property.
4. Licensees shall not directly or indirectly compensate real estate licensees or other parties having a financial interest in closing or settlement of real estate transactions, for the referral of inspections or for inclusion on a list of recommended inspectors, preferred providers, or similar arrangements.
5. Licensees shall not receive compensation for an inspection from more than one party unless prior written consent is provided by the client(s).
6. Licensees shall not accept compensation, directly or indirectly, for recommending contractors, services, or products to inspection clients or other parties having an interest in inspected properties.
7. Licensees shall comply with paragraph (D) of section 4764.14 of the Revised Code regarding the repair, replacement, or upgrade, for compensation, a property's systems or components covered by the standards of practice.

Article 3 - Confidentiality

1. Licensees shall not disclose inspection findings or client information without prior written client approval.
2. Licensees may disclose inspection results or findings to the property's occupants or others present at the property only if the licensee's results or findings indicate imminent bodily harm or a significant danger to the property is present. Licensees may disclose inspection results or findings if compelled by a court order.
3. Licensees must take reasonable steps to safeguard or protect confidential information from unauthorized individuals.

Article 4 – Reports and Contractual Agreements

1. Every home inspection report prepared by a licensee shall include all information contained in section 4764.01(D) of the Revised Code and all of the following
 - A. Ohio home inspector license number;

***** DRAFT – NOT YET FILED *****

1301:17-1-16

**Canons of Ethics
EXHIBIT A**

- B. The expiration date of the license;
- C. The date the home inspection occurred;
- D. Address of the property.

2. Every written home inspection contract shall include:

- A. The inspection fee;
- B. The address of the property;
- C. Client's name;
- D. Authorized recipient(s) of the report;
- E. Date of the inspection;
- F. Statement that the work to be performed is a home inspection as defined in section 4764.01(C) of the Revised Code;
- G. Signatures of the licensee and client and date signed; and
- H. Statement that the report is prepared in accordance with Chapter 4764. of the Revised Code and rules adopted thereunder.

- 2. A licensee must exercise due care to prevent the unauthorized use of the licensee's signature to a home inspection report.
- 3. Licensees must not misrepresent or inaccurately report to the client or include in their corresponding reports the status of the licensee's Ohio home inspector license.
- 4. A home inspection report by a licensee shall include a statement that addresses the scope of work performed by the licensee, such as any services or hazards excluded from the licensee's inspection.

Article 5 - Advertising

- 1. Licensees must advertise or solicit home inspection assignments only in a manner that is true and accurate.
- 2. Licensees shall only include a property in an advertisement for the licensee's home inspection services with the express, written consent of the property's current owner of record as recorded in the county recorder's records.
- 3. Licensees shall not knowingly solicit a party or a party's agent that is contractually engaged in writing by another Ohio home inspector licensee for home inspection services.

***** DRAFT – NOT YET FILED *****

1301:17-1-16

**Canons of Ethics
EXHIBIT A**

4. A licensee's failure to comply with any of the provisions for this rule shall constitute prima facie evidence of a violation of division (I) of section 4764.14 of the Revised Code.

***** DRAFT – NOT YET FILED *****

1301:17-1-01

Public Notice

(A) The home inspector board, in giving public notice as to the adoption, amendment, or rescission of any rule required to be adopted under Chapter 119. of the Revised Code, shall publish a notice, at least once, in the register of Ohio and in such other publications as the board may determine from time to time. The notice shall appear at least thirty days prior to the date set for the hearing of the proposed action on any such rule. The notice shall meet the requirements of division (A) of section 119.03 of the Revised Code.

(B) The public notice shall specify the date, time and place of the hearing and shall include:

(1) A statement of the intention to consider adopting, amending or rescinding a rule and the purpose or reason therefor;

(2) A synopsis of the proposed rule, amendment or rescission or a general statement as to the subject to which it relates.

(C) The home inspector board may give additional notice of such public hearing as it deems necessary; however, the giving of such additional notice shall not be mandatory and the failure to give notice by any means other than as specified in paragraph (A) of this rule shall not in any way invalidate any action which may be taken by the home inspector board.

***** DRAFT – NOT YET FILED *****

1301:17-1-02

Open Public Meeting

(A) Any person may ascertain the time and place of all regularly scheduled meetings and the time, place, and purpose of all special meetings of the home inspector board by:

(1) Writing to the following address - "Home Inspector Board, Division of Real Estate and Professional Licensing, 77 South High Street, Columbus, Ohio 43215-6133," or

(2) Calling the following telephone number during normal business hours - 614-466-4100, or

(3) Accessing the division of real estate and professional licensing website.

(B) Any person may receive notice of all meetings of the home inspector board. The superintendent shall cause a mailing list to be maintained of all persons who have requested notification. Any person wishing to receive notification shall notify the superintendent that they wish to be included on the mailing list for such notices. Requests may:

(1) Be given in writing to the address given in paragraph (A)(1) of this rule or by electronic mail sent to COMRealEstateOHIB@com.state.oh.us or such other address as may from time to time be published on the division's web site.

(2) State that the requestor wishes to be notified of all public meetings of the board or those at which specific topics stated by the requestor are to be discussed.

(3) Indicate if the requestor wishes to be notified by electronic mail, fax, or printed notice.

(4) Provide the requestor's electronic mail address, mailing address or fax number.

(5) State if the requestor is a media representative who wishes to be notified of special meetings pursuant to division (F) of section 121.22 of the Revised Code. If a media representative requests notice of special meetings the media representative shall also provide no more than two telephone numbers at which they may be reached.

(C) The superintendent shall cause a notice to be distributed to all persons on the mailing list at least five calendar days before each regularly scheduled meeting of the board. The superintendent shall make all reasonable effort to provide notice of all special meetings in compliance with division (F) of section 121.22 of the Revised Code.

(D) Fees shall be assessed in conformity with the Ohio department of commerce public records request policy and division (B) of section 149.43 of the Revised Code.

***** DRAFT – NOT YET FILED *****

1301:17-1-03

Fees

The applicable nonrefundable fees shall be assessed by the home inspector board as follows:

- (A) A two hundred thirty-five dollar fee for initial licensure as a home inspector. This fee is in addition to any special assessment ordered by the board pursuant to section 4764.21 of the Revised Code.
- (B) A two hundred thirty-five dollar fee for the renewal of a home inspector license. This fee is in addition to any special assessment ordered by the board pursuant to section 4764.21 of the Revised Code.
- (C) A one hundred twenty-five dollar fee for an applicant of a renewal of a home inspector license who has filed the renewal within three months after the expiration of the license. The late filing fee must be submitted with the renewal application for licensure. This late fee is in addition to any fees found in paragraph B of this rule.
- (D) A twenty-five dollar fee must be submitted to the division for any of the following: a certificate of licensure; a replacement license that must be issued due to the original license being lost or spoliated; the licensee requests a change to the licensee's information on file with the division.
- (E) A six-hundred dollar fee for the approval of any type of course offering, whether online or in a classroom setting, which is presented as satisfying the home inspector education requirements found in section 4764.05(C) of the Revised Code. A fifty-dollar fee shall be assessed for any amendments or changes to the class curriculum or materials.
- (F) A one-hundred dollar fee for the approval of an initial course offering of classroom education presented as satisfying home inspector continuing education. A fifty-dollar fee shall be assessed for any amendments or changes to the class curriculum or materials. A one-hundred dollar fee for approval of classroom education presented as satisfying home inspector continuing education that was taken outside the State of Ohio and was not previously approved by the superintendent to its completion.
- (G) A two-hundred dollar fee for the approval of any on-line offering presented as satisfying home inspector continuing education. A fifty-dollar fee shall be assessed for any amendments or changes to the class curriculum or materials. A one-hundred dollar fee for approval of on-line education presented as satisfying home inspector continuing education that was taken outside the State of Ohio and was not previously approved by the superintendent to its completion.
- (H) If a check or other draft instrument used to pay any fee required is returned to the superintendent unpaid by the financial institution upon which it is drawn for any reason, the superintendent shall notify the person that the check or other draft instrument was

***** DRAFT – NOT YET FILED *****

1301:17-1-03

Fees

returned for insufficient funds. A one-hundred dollar insufficient fund fee shall be assessed, and any application approval shall be withdrawn pending timely payment of all fees.

- (1) The superintendent of real estate may require that fees be paid by credit card, debit card, personal check, cashier's check, certified check, money order or electronic funds transfer.

***** DRAFT – NOT YET FILED *****

1301:17-1-04

Out of State Applicants

- (A) An applicant for an initial Ohio home inspector license may obtain a license pursuant to Ohio Revised Code Section 4764.10 provided the following, including but not limited to, are satisfied:
1. The applicant completes an application prescribed by the superintendent;
 2. The applicant submits to criminal background check as found in Ohio Revised Code Section 4764.07(B);
 3. The applicant satisfies all the requirements of Ohio Revised Code Section 4764.10; and
 4. Payment of appropriate fees required by rule 1301:17-1-03(A) of the Administrative Code.
- (B) Any applicant for an Ohio home inspector license who is doing business in Ohio as, including but not limited to, a sole proprietor, a corporation, a partnership, limited liability corporation, limited liability partnership or an association shall file or register with the Ohio Secretary of State.
- (C) The signature on any application may be written by hand or be an electronic signature, as defined by division (H) of section 1306.01 of the Revised Code.
- (D) Upon notice from the division of real estate & professional licensing that an application for initial licensure is incomplete or incorrect as filed, the applicant shall within thirty days of the date of the last such notice submit to the division a corrected application or the additional information requested. Failure to timely submit such corrected application or additional information shall constitute just cause for the superintendent to void the application and impose a forfeiture of any application fee pursuant to section 4764.05 of the Revised Code.

***** DRAFT – NOT YET FILED *****

1301:17-1-05

Applications

- (A) An applicant for an initial or a renewal of an Ohio home inspector license may obtain a license provided the following, including but not limited to, are satisfied:
1. The applicant completes an application form prescribed by the superintendent satisfying the requirements to be an Ohio licensed home inspector; and
 2. Payment of appropriate fees required by rule 1301:17-1-03 of the Administrative Code.
- (B) Any applicant for an Ohio home inspector license who is doing business in Ohio as, including but not limited to, a sole proprietor, a corporation, a partnership, limited liability corporation, limited liability partnership or an association shall file or register with the Ohio secretary of state.
- (C) The signature on any application may be written by hand or be an electronic signature, as defined by division (H) of section 1306.01 of the Revised Code.
- (D) Upon notice from the division of real estate & professional licensing that an application for initial licensure is incomplete or incorrect as filed, the applicant shall within thirty days of the date of the last such notice submit to the division a corrected application or the additional information requested. Failure to timely submit such corrected application or additional information shall constitute just cause for the superintendent to void the application and impose a forfeiture of any application fee pursuant to section 4764.05 of the Revised Code.
- (E) A licensed home inspector who fails to renew a license prior to its expiration may, during the three months following the date of expiration, renew the license by submitting the following to the division
1. The applicant completes an application form prescribed by the superintendent satisfying the requirements to renew an Ohio home inspector license; and
 2. Payment of a renewal fee and payment of a late renewal fee required by rule 1301:17-1-03 of the Administrative Code.
- (F) A licensed home inspector who applies for late renewal shall not engage, following the expiration date of the license, in any activities permitted under the license being renewed until the superintendent notifies the licensed home inspector that the licensed home inspector's license has been renewed. If a licensee fails to satisfy any of the requirements to renew the license within three months following the date of the license's expiration, then a new home inspector license must be obtained pursuant to section 4764.07 of the Revised Code.

***** DRAFT – NOT YET FILED *****

1301:17-1-06

Criminal Records Check

(A) Within ten days after the date of filing an application with the division for licensure, an applicant shall submit fingerprints to the Ohio bureau of criminal identification and investigation [BCI&I] using a method authorized by BCI&I for a criminal records check pursuant to division (B) of section 4764.07 of the Revised Code. The applicant shall pay any required fee for the criminal records check and direct that the results from BCI&I be transmitted to the division of real estate and professional licensing.

(B) Failure to timely comply with paragraph (A) of this rule may constitute just cause for the superintendent to close the applicant's file and impose a forfeiture of any application fee.

***** DRAFT – NOT YET FILED *****

1301:17-1-07

Education

- (A) An applicant for an initial home inspector license shall successfully complete at least eighty hours of classroom or online pre-licensing instruction in the following topics:
- (1) Foundations;
 - (2) Framing;
 - (3) Building enclosure;
 - (4) Roof systems;
 - (5) Plumbing systems;
 - (6) Electrical systems;
 - (7) HVAC systems;
 - (8) Appliances;
 - (9) Ohio standards of practice;
 - (10) Ohio home inspector law;
 - (11) Report form/Report writing.
- (B) The education required in paragraph (A) of this rule must be completed at an accredited public or private institution of higher education or a professional organization approved by the board to offer the education.
- (C) Applicants must submit with the initial home inspector license application a certificate, transcript, letter or other similar documentation properly issued from the education provider at which the course or courses of education were completed. The superintendent of the division of real estate & professional licensing may request supporting documentation to determine the acceptability of a particular course or courses.
- (D) For applicants only applying to satisfy section 4764.07(D)(6)(a) of the Revised Code, a peer review session from the applicant's curriculum of experience is allowed by section 4764.05(D) of the Revised Code to satisfy the education requirements found in this rule. At maximum, one peer review session may be submitted as part of the education requirements for a home inspector license. One peer review session shall count towards ten hours out of the eighty hours of education required for a license. The peer review session must comply with the Ohio Administrative Code.
- (E) Upon notice from the division of real estate & professional licensing that an application is incomplete or incorrect as filed, the applicant shall, within thirty days of the date of the last such notice, submit to the division the additional requested information or the corrected application. Failure to timely submit the additional requested information or the corrected application shall constitute just cause for the superintendent to void the application and impose a forfeiture of any application fee.

***** DRAFT – NOT YET FILED *****

1301:17-1-08

Classroom qualifying education course approvals

(A) For purposes of this rule, "qualifying education" means education necessary to obtain an Ohio home inspector license as required by section 4764.07(13)(5) of the Revised Code.

(1) An applicant for initial course approval shall submit to the division of real estate & professional licensing for approval of home inspector qualifying education courses on a form prescribed by the superintendent along with the nonrefundable fee as specified in rule 1301:17-1-03 of the Administrative Code. The application form and fee must be submitted to the division at least thirty days prior to the proposed initial date of the course offering. Upon notice from the superintendent that an application is incomplete or incorrect as filed, the applicant shall, within thirty days of the date of the last such notice, submit to the division the additional requested information or the corrected application. Failure to timely submit the additional requested information or the corrected application shall constitute just cause for the superintendent to void the application.

(2) Qualifying education approved in this rule shall be valid for three years from the date of issuance by the superintendent provided the superintendent approves any substantial changes made to the course, and the education provider and its instructors comply with the requirements of this rule and chapter 4764 of the Revised Code. Substantial changes to the course include, but are not limited to, changes in course description or content, course syllabus or instructors. Changes to the course syllabus, description or content consisting of more than one-third of the course hours shall be considered a substantial change.

(B) Criteria for approval of offerings and instructors.

(1) For this rule, "classroom hour" applies to instruction held in a traditional classroom setting. Offerings will not be approved in segments of less than two classroom hours. For purposes of this rule, one classroom hour consists of sixty minutes of instruction out of a sixty-minute segment.

(2) Instructors who present a classroom qualifying education course, shall submit documentation to the division through a form prescribed by the superintendent demonstrating the instructor meets at least one of the following qualifications:

(a) Possession of a bachelor's degree or higher in a related field to that which the person is to teach, from a school listed as an institution of higher learning by the United States department of education, or from a comparable school of a foreign country;

(b) Possession of a valid teaching credential or certificate from Ohio or another state authorizing the holder to teach in the field of instruction which the person is to teach;

(c) Five years full-time experience in a profession, trade, or technical occupation in the applicable field; or

(d) Any combination of at least five years of full-time experience relevant to the applicable field and college level education.

(3) Acceptable education providers of classroom home inspector qualifying education include: a college or university that is a degree-granting institution accredited by the commission on colleges, a regional or national accreditation association or accrediting agency recognized by the U.S. secretary of education; a community or junior college; a proprietary school; a state or federal agency; or a professional organization. A professional organization consists of an organization that offers instruction in home inspector subjects found in paragraph (B)(6) of this rule; offers an organization designation to home inspectors upon the completion of home inspector education and experience; and has established a standard of practice and code

***** DRAFT – NOT YET FILED *****

1301:17-1-08

Classroom qualifying education course approvals

of ethics for its organization members that is consistent with the board's standard of practice and code of ethics.

(4) Each qualifying education course shall be open to all on an equal basis.

(5) Passing a course examination shall be a requirement for successful completion of a qualifying home inspector education course which is offered in a classroom setting.

(6) The superintendent may approve classroom offerings for qualifying home inspector education which fall within the following areas:

(a) Foundations, which shall include the following topics:

1. Site analysis/location;
2. Grading;
3. Foundations;
4. Flat work;
5. Material;
6. Foundation walls;
7. Foundation drainage;
8. Foundation waterproofing and damp proofing;
9. Columns; and
10. Under floor space.

(b) Framing, which shall include the following topics:

1. Flashing;
2. Wood frame - stick/balloon;
3. Roof structure - rafters/trusses;
4. Floor structure;
5. Porches/decks/steps/landings/balconies;
6. Doors;
7. Ceilings;
8. Interior walls;
9. Stairways;
10. Guardrails/handrails/balusters;
11. Fireplace/chimney;

***** DRAFT – NOT YET FILED *****

1301:17-1-08

Classroom qualifying education course approvals

12. Sills/columns/beams/joist/sub-flooring;

13. Wall systems/structure - headers;

14. Rammed earth;

15. Straw bale;

16. ICF;

17. Panelized;

18. Masonry;

19. Wood I joist;

20. Roof sheathing;

21. Wood wall;

22. Steel wall;

23. Wood structural panel; and

24. Conventional concrete.

(c) Building Enclosure, which shall include the following topics:

1. Review of foundation and roofing relation;

2. Review of flashing;

3. Cladding;

4. Windows/glazing;

5. Weather barriers;

6. Vapor barriers;

7. Insulation; and

8. Ingress/egress.

(d) Roof systems, which shall include the following topics:

1. Review - rafters, roof joist, ceiling joist, collar ties, knee walls, purling, trusses, wood I joist, roof sheathing, steel framing;

2. Roof water control;

3. Skylights;

4. Flashing;

5. Ventilation/non-ventilation;

***** DRAFT – NOT YET FILED *****

1301:17-1-08

Classroom qualifying education course approvals

6. Attic access;

7. Re-roofing;

8. Slopes - step roof/low slope/near flat;

9. Materials - asphalt, fiberglass, wood shake, wood shingle, slate, clay tile, concrete tile, fiber cement (asbestos cement, mineral cement), metal, roll, build up, modified bitumen, synthetic rubber (EPDM), plastic (PVC); and

10. Valleys.

(e) Plumbing systems, which shall include the following topics:

1. Water supply systems;

2. Fixtures;

3. Drains;

4. Vents;

5. Water heaters (gas and electric); and

6. Gas lines.

(f) Electrical systems, which shall include the following topics:

1. General requirements, equipment location and clearances;

2. Electrical definitions;

3. Services;

4. Branch circuit and feeder requirements;

5. Wiring methods;

6. Power and lights distribution;

7. Devices and light fixtures; and

8. Swimming pool.

(g) HVAC systems, which shall include the following topics:

1. Heating;

2. Ventilation;

3. Air conditioning; and

4. Evaporative coolers.

(h) Appliances, which shall include the following topics:

***** DRAFT – NOT YET FILED *****

1301:17-1-08

Classroom qualifying education course approvals

1. Dishwasher;
2. Food waste disposer;
3. Kitchen exhaust hood;
4. Range, cooktop, and ovens (electric and gas);
5. Microwave cooking equipment;
6. Trash compactor;
7. Bathroom exhaust fan and heater;
8. Garage door operator;
9. Doorbell and chimes; and
10. Dryer vents.

(i) Ohio standards of practice, which shall include the following topics:

1. Review of general principles and specific Ohio practice standards;
2. Inspection guidelines for structural systems;
3. Inspection guidelines for electrical systems;
4. Inspection guidelines for heating, ventilation, and air conditioning systems;
5. Inspection guidelines for plumbing systems;
6. Inspection guidelines for appliances; and
7. Inspection guidelines for optional systems.

(j) Ohio home inspector law, which shall include the following topics:

1. Chapter 4764 of the Revised Code;
2. rules of the board related to Ohio licensed home inspectors.

(k) Ohio report content / Report writing, which shall include the following topics:

1. The required inspection report content as defined in section 4764.01(D) of the Revised Code;
2. Allowed reproductions and distributions;
3. Allowed changes;
4. Review of typical comments for each heading in the report; and
5. Review of generally accepted technical writing techniques.

(7) The following offerings will not be considered by the Ohio home inspector board to meet qualifying education requirements:

***** DRAFT – NOT YET FILED *****

1301:17-1-08

Classroom qualifying education course approvals

(a) Examination preparation courses;

(b) Sales promotion or meetings held in conjunction with the general business of the attendee or the attendee's business associates;

(c) Meetings which are a normal part of in-house staff training; or

(d) That portion of any offering devoted to meals or other refreshment.

(C) Each education provider shall notify the division in writing at least three days in advance of all course changes including location(s), time(s), instructor(s), or change(s) in course content.

(D) The superintendent, upon application by the education provider, may waive the requirements of thirty day notification on an original application for course approval or the requirements in paragraph (C) of this rule, if the superintendent determines that the offering meets the prescribed standards set forth in this rule. In addition to fees established in rule 1301:17-1-03 of the Administrative Code, a fee for the superintendent's waiver shall be assessed in accordance with the following schedule:

(1) For a new qualifying education course offering submitted less than thirty days prior to the offering date, but not less than ten days prior to the offering, the penalty is fifty dollars.

(2) For a change of location, time, instructor, or change of course content of a course approved for that reporting period which is submitted less than three days prior to the offering date, the penalty is fifty dollars.

(E) The education provider must issue certificates using the correct course certification number provided by the division. Any certificate incorrectly issued must be reissued to each attendee within thirty days of receipt of notice of the defective certificate by the education provider using the valid certification number as assigned by the division.

(F) No approved education provider shall certify the attendance of a person who was not physically present during ninety per cent of the offering time. All offerings must be successfully completed.

(G) Record keeping.

(1) Education providers shall maintain for four years from the date of the course a record of attendance of each person attending the course disclosing the following information:

(a) Ohio home inspector's board approval certification number;

(b) Name and business address of attendee;

(c) Course title, description of offering and name of course instructor;

(d) Classroom hours of attendance;

(e) Date of course offering; and

(f) Name, address, and signature of verifier in employ of the education provider.

(2) The education provider shall certify the items specified in paragraph (G)(1) of this rule on a certificate or transcript and furnish a copy to the attendee within fifteen days after successful completion of the course offering.

***** DRAFT – NOT YET FILED *****

1301:17-1-08

Classroom qualifying education course approvals

(3) Each education provider shall submit to the division, in a format prescribed by the superintendent, within fifteen days after completion of each offering, a list of the students who successfully completed the course. The list shall include student names and addresses, the course certification number, the number of approved hours and the date and location the course was held.

(1) Denial or withdrawal of offering.

(1) The superintendent may deny or withdraw approval of the initial application for any proposed qualifying education offering if the offering does not meet the requirements of Chapter 4764, of the Revised Code or of the standards or criteria prescribed in this rule.

(2) The superintendent may deny or withdraw the approval of a person as a qualifying education course instructor for any person who is found not to be honest, truthful and of good reputation, who has been disciplined by the board for a violation of Chapter 4764, of the Revised Code or has been disciplined by any state licensing board for home inspectors.

(3) If the superintendent determines an initial offering, an offering previously approved, or an instructor previously approved does not meet or no longer meets prescribed standards set forth in this rule, then a written notice of the denial or withdrawal of approval will be given stating the reasons therefore. The notice of withdrawal of approval will be effective ten days from the date of the notice of withdrawal.

(4) A party served with the notice in paragraph (1)(3) of this rule may file, within thirty days of the date of the notice, a written request for hearing before the board. If a request for hearing is timely filed, a hearing before the board will be held at the board's next regularly scheduled meeting.

(1) The division shall keep a current list of approved qualifying education courses which shall be available to the public.

(1) An education provider shall allow the division to audit a course approved pursuant to this rule and shall permit division investigators and auditors to audit, upon division request, an education provider's records related to that course during normal business hours. An education provider has a duty to ensure an approved course remains current with home inspector laws, rules and industry practice.

***** DRAFT – NOT YET FILED *****

1301:17-1-09

Online home inspector qualifying education course approvals

(A) For purposes of this rule, to be considered "online", the course must satisfy the requirements found in paragraph (C) of rule 1301:17-1-10 of the Administrative Code and refers to educational programs in which instruction is accomplished through the use of interactive, electronic media and where the teacher and student are not physically in the same location at the time the course is being taught. "Qualifying education" means education necessary to obtain an Ohio home inspector license as required by section 4764.07(D)(5) of the Revised Code.

(1) An applicant for initial online course approval shall submit to the division of real estate for approval of home inspector qualifying education courses on a form prescribed by the superintendent along with the nonrefundable fee as specified in rule 1301:17-1-03 of the Administrative Code. The application form and fee must be submitted to the division at least thirty days prior to the proposed initial date of the course offering. Upon notice from the superintendent that an application is incomplete or incorrect as filed, the applicant shall, within thirty days of the date of the last such notice, submit to the division the additional requested information or the corrected application. Failure to timely submit the additional requested information or the corrected application shall constitute just cause for the superintendent to void the application.

(2) Qualifying education approved for this rule shall be valid for three years from the date of issuance by the superintendent provided the superintendent approves any substantial changes made to the course, and the education provider and its instructors comply with the requirements of this rule and chapter 4764 of the Revised Code. Substantial changes to the course include, but are not limited to, changes in course description or content, course syllabus or instructors. Changes to the course syllabus, description or content consisting of more than one-third of the course hours shall be considered a substantial change.

(B) Criteria for approval of offerings and instructors.

(1) For this rule, "classroom hours" shall mean the amount of time necessary to complete the course, without interruption. One classroom hour consists of sixty minutes of instruction out of a sixty-minute segment.

(2) Instructors who present an online qualifying education course, shall submit documentation to the division through a form prescribed by the superintendent demonstrating the instructor meets at least one of the following qualifications:

(a) Possession of a bachelor's degree or higher in a related field to that which the person is to teach, from a school listed as an institution of higher learning by the United States department of education, or from a comparable school of a foreign country;

(b) Possession of a valid teaching credential or certificate from Ohio or another state authorizing the holder to teach in the field of instruction which the person is to teach;

(c) Five years full-time experience in a profession, trade, or technical occupation in the applicable field; or

(d) Any combination of at least five years of full-time experience relevant to the applicable field and college level education.

(3) Acceptable education providers of online home inspector qualifying education include: a college or university that is a degree-granting institution accredited by the commission on colleges, a regional or national accreditation association or accrediting agency recognized by the U.S. secretary of education; a community or junior college; a proprietary school; a state or federal agency; or a professional organization.

***** DRAFT – NOT YET FILED *****

1301:17-1-09

Online home inspector qualifying education course approvals

A professional organization consists of an organization that offers instruction in home inspector subjects found in paragraph (B)(6) of this rule; offers an organization designation to home inspectors upon the completion of home inspector education and experience; and has established a standard of practice and code of ethics for its organization members that is consistent with the board's standard of practice and code of ethics.

(4) Each online qualifying education course shall be open to all on an equal basis.

(5) An education provider may administer quizzes or examinations in an online qualifying education course for the purpose of verifying participation. Passing a course examination shall be a requirement for successful completion of a qualifying home inspector education course which is offered in an online setting.

(6) The superintendent may approve online course offerings for qualifying home inspector education which fall within the following areas:

(a) Foundations, which shall include the following topics:

1. Site analysis/location;
2. Grading;
3. Foundations;
4. Flat work;
5. Material;
6. Foundation walls;
7. Foundation drainage;
8. Foundation waterproofing and damp proofing;
9. Columns; and
10. Under floor space.

(b) Framing, which shall include the following topics:

1. Flashing;
2. Wood frame - stick/balloon;
3. Roof structure - rafters/trusses;
4. Floor structure;
5. Porches/decks/steps/landings/balconies;
6. Doors;
7. Ceilings;
8. Interior walls;

***** DRAFT – NOT YET FILED *****

1301:17-1-09

Online home inspector qualifying education course approvals

- 9. Stairways;
- 10. Guardrails/handrails/balusters;
- 11. Fireplace/chimney;
- 12. Sills columns/beams/joist/sub-flooring;
- 13. Wall systems/structure - headers;
- 14. Rammed earth;
- 15. Straw bale;
- 16. ICF;
- 17. Panelized;
- 18. Masonry;
- 19. Wood I joist;
- 20. Roof sheathing;
- 21. Wood wall;
- 22. Steel wall;
- 23. Wood structural panel; and
- 24. Conventional concrete.

(c) Building enclosure, which shall include the following topics:

- 1. Review of foundation and roofing relation;
- 2. Review of flashing;
- 3. Cladding;
- 4. Windows/glazing;
- 5. Weather barriers;
- 6. Vapor barriers;
- 7. Insulation; and
- 8. Ingress/egress.

(d) Roof systems, which shall include the following topics:

- 1. Review - rafters, roof joist, ceiling joist, collar ties, knee walls, purling, trusses, wood I joist, roof sheathing, steel framing;
- 2. Roof water control;

***** DRAFT – NOT YET FILED *****

1301:17-1-09

Online home inspector qualifying education course approvals

3. Skylights;

4. Flashing;

5. Ventilation/non-ventilation;

6. Attic access;

7. Re-roofing;

8. Slopes - step roof/low slope/near flat;

9. Materials - asphalt, fiberglass, wood shake, wood shingle, slate, clay tile, concrete tile, fiber cement (asbestos cement, mineral cement), metal, roll, build up, modified bitumen, synthetic rubber (EPDM), plastic (PVC); and

10. Valleys.

(e) Plumbing systems, which shall include the following topics:

1. Water supply systems;

2. Fixtures;

3. Drains;

4. Vents;

5. Water heaters (gas and electric); and

6. Gas lines.

(f) Electrical systems, which shall include the following topics:

1. General requirements, equipment location and clearances;

2. Electrical definitions;

3. Services;

4. Branch circuit and feeder requirements;

5. Wiring methods;

6. Power and lights distribution;

7. Devices and light fixtures; and

8. Swimming pool.

(g) HVAC systems, which shall include the following topics:

1. Heating;

2. Ventilation;

***** DRAFT – NOT YET FILED *****

1301:17-1-09

Online home inspector qualifying education course approvals

3. Air conditioning; and

4. Evaporative coolers.

(h) Appliances, which shall include the following topics:

1. Dishwasher;

2. Food waste disposer;

3. Kitchen exhaust hood;

4. Range, cooktop, and ovens (electric and gas);

5. Microwave cooking equipment;

6. Trash compactor;

7. Bathroom exhaust fan and heater;

8. Garage door operator;

9. Doorbell and chimes; and

10. Dryer vents.

(i) Ohio standards of practice, which shall include the following topics:

1. Review of general principles and specific Ohio practice standards;

2. Inspection guidelines for structural systems;

3. Inspection guidelines for electrical systems;

4. Inspection guidelines for heating, ventilation, and air conditioning systems;

5. Inspection guidelines for plumbing systems;

6. Inspection guidelines for appliances; and

7. Inspection guidelines for optional systems.

(j) Ohio home inspector law, which shall include the following topics:

1. Chapter 4764 of the Revised Code;

2. rules of the board related to Ohio licensed home inspectors.

(k) Ohio report content /Report writing, which shall include the following topics:

1. The required inspection report content as defined in section 4764.01(D) of the Revised Code;

2. Allowed reproductions and distributions;

3. Allowed changes;

4. Review of typical comments for each heading in the report; and

***** DRAFT – NOT YET FILED *****

1301:17-1-09

Online home inspector qualifying education course approvals

5. Review of generally accepted technical writing techniques.

(7) The following offerings will not be considered by the Ohio home inspector board to meet qualifying education requirements:

(a) Examination preparation courses;

(b) Sales promotion or meetings held in conjunction with the general business of the attendee or the attendee's business associates;

(c) Meetings which are a normal part of in-house staff training; or

(d) That portion of any offering devoted to meals or other refreshment.

(C) Each education provider of approved online home inspector qualifying education shall notify the division in writing, at least ten days in advance of any changes to the instructor(s) or change(s) in course content.

(D) The superintendent, upon application by the education provider, may waive the requirements of thirty day notification on an original application for course approval or the requirements of paragraph (C) of this rule, if the superintendent determines that the offering meets the prescribed standards set forth in this rule. In addition to fees established in rule 1301:17-1-03 of the Administrative Code, a fee for the superintendent's waiver shall be assessed in accordance with the following schedule:

(1) For a new online qualifying education course offering submitted less than thirty days prior to the offering date, but not less than ten days prior to the offering, the penalty is fifty dollars.

(2) For a change of instructor or a change in course content of a course approved for that reporting period which is submitted less than three days prior to the offering date, the penalty is fifty dollars.

(E) The education provider must issue certificates using the correct course certification number provided by the division. Any certificate incorrectly issued must be reissued to each attendee within thirty days of receipt of notice of the defective certificate by the education provider using the valid certification number as assigned by the division.

(F) No approved education provider shall certify the attendance of a person who was not physically present during ninety per cent of the offering time. All offerings must be successfully completed.

(G) Record keeping.

(1) Education providers shall maintain for four years from the date of the course a record of attendance of each person attending the course disclosing the following information:

(a) Ohio home inspector board approval certification number;

(b) Name and business address of attendee;

(c) Course title, description of offering and name of course instructor;

(d) Classroom hours of attendance;

(e) Date of course offering; and

***** DRAFT – NOT YET FILED *****

1301:17-1-09

Online home inspector qualifying education course approvals

(D) Name, address, and signature of verifier in employ of the education provider.

(2) The education provider shall certify the items specified in paragraph (G)(1) of this rule on a certificate or transcript and furnish a copy to the attendee within fifteen days after successful completion of the offering.

(3) Each education provider shall submit to the division, in a format prescribed by the superintendent, within fifteen days after completion of each offering, a list of the students who successfully completed the course. The list shall include student names and addresses, the course certification number, the number of approved hours and the date the course was held.

(H) Denial or withdrawal of offering.

(1) The superintendent may deny or withdraw approval of the initial application for any proposed qualifying education offering if the offering does not meet the requirements of Chapter 4764 of the Revised Code or of the standards or criteria prescribed in this rule or rule 1301:17-1-10 of the Administrative Code.

(2) The superintendent may deny or withdraw the approval of a person as a qualifying education course instructor for any person who is found not to be honest, truthful and of good reputation, who has been disciplined by the board for a violation of Chapter 4764, of the Revised Code or has been disciplined by any state licensing board for home inspectors.

(3) If the superintendent determines an initial offering, an offering previously approved, or an instructor previously approved does not meet or no longer meets prescribed standards set forth in this rule, then a written notice of the denial or withdrawal of approval will be given stating the reasons therefore. The notice of withdrawal of approval will be effective ten days from the date of the notice of withdrawal.

(4) A party served with the notice in paragraph (I)(3) of this rule may file, within thirty days of the date of the notice, a written request for hearing before the board. If a request for hearing is timely filed, a hearing before the board will be held at the board's next regularly scheduled meeting.

(I) The division shall keep a current list of approved online home inspector qualifying education courses which shall be available to the public.

(J) An education provider shall allow the division to audit a course approved pursuant to this rule and shall permit division investigators and auditors to audit, upon division request, an education provider's records related to that course during normal business hours. An education provider has a duty to ensure an approved course remains current with home inspector laws, rules and industry practice.

***** DRAFT – NOT YET FILED *****

1301:17-1-10

Continuing Education

(A) A state licensed home inspector shall submit to the division of real estate & professional licensing on a form prescribed by the superintendent, such information as the superintendent or home inspector board may require concerning continuing education instruction completed by the individual.

(B) The requirements of this rule must be satisfied through online education as defined in paragraph (A) of rule 1301:17-1-11 of the Administrative Code or through classroom hours of instruction. For this rule, "classroom hour" applies to instruction in a classroom setting or in an online setting.

(C) Online home inspector education is acceptable if:

(1) The course provides interaction. Interaction is a shared environment where the student has verbal or written communication with the instructor;

(2) The course content is approved by the superintendent or the home inspector board or is offered by a community or junior college or a college or university that is a degree-granting institution accredited by the commission on colleges, a regional or national accreditation association or accrediting agency recognized by the U.S. secretary of education; and

(3) The course receives course delivery mechanism approval from the International Distance Education Certification Center (IDECC) or is part of an approved curriculum under paragraph (C)(2) of this rule at an institution of higher education that awards academic credit for the online course. A course that fails to maintain approval from IDECC no longer meets the requirements of this rule as of the date the approval is withdrawn by IDECC.

(D) Continuing education instruction obtained in excess of forty-two classroom hours during the three-year reporting period may not be used to meet the requirements for any future reporting period.

(E) No licensed home inspector shall receive credit for more than eight classroom hours of continuing education instruction in any one calendar day unless the continuing education instruction is online continuing education as defined in paragraph (A) of rule 1301:17-1-11 of the Administrative Code.

(F) A licensed home inspector may not receive credit for duplicate hours of continuing education completed during the term of the license being renewed.

(G) Except as provided in this paragraph, courses completed prior to being approved by the superintendent do not qualify for continuing education credit. Licensed home inspectors may receive credit for a course that has not been previously approved by the board or the superintendent only when the licensed home inspector:

(1) Submits the course for credit within the same continuing education reporting period in which the course was taken;

(2) Submits proof the course is approved by a state home inspector regulatory agency or submits proof the course satisfies the requirements found in paragraph (C) of this rule if the course is offered in an online setting; and

(3) Submits an education compliance form, the course syllabus, course attendance certificate along with the nonrefundable application fee as specified in rule 1301:17-1-03 of the Administrative Code.

***** DRAFT – NOT YET FILED *****

1301:17-1-10

Continuing Education

(I) Up to fifty per cent of a licensee's continuing education requirement within a continuing education cycle may be granted for participation, other than as a student in home inspection education processes and programs. Activities for which credit may be granted are teaching, program development, authorship of textbooks or similar activities that are determined to be equivalent to obtaining continuing education. Credit for instructing any given course or seminar can only be awarded once during a continuing education cycle.

(I) Any licensed home inspector returning from active military duty may receive an extension to complete continuing education requirements pursuant to section 5903.12 of the Revised Code, and any former home inspector licensee or the former licensee's spouse may renew an expired home inspector license pursuant to section 5903.10 of the Revised Code.

(J) Any licensed home inspector impacted by a state or federally declared disaster that occurs within ninety days prior to the end of the continuing education cycle may remain in active status for a period of up to ninety days after the end of the continuing education cycle, pending the completion of all applications and continuing education requirements.

***** DRAFT – NOT YET FILED *****

1301:17-1-11

Online home inspector continuing education course approvals

(A) For purposes of this rule, to be considered "online", the course must satisfy the requirements found in paragraph (C) of rule 1301:17-1-10 of the Administrative Code and refers to educational programs in which instruction is accomplished through the use of interactive, electronic media and where the teacher and student are not physically in the same location at the time the course is being taught.

(1) An applicant for initial online course approval shall submit to the division of real estate & professional licensing for approval of home inspector continuing education courses on a form prescribed by the superintendent along with the nonrefundable fee as specified in rule 1301:17-1-3 of the Administrative Code. The application form and fee must be submitted to the division at least thirty days prior to the proposed initial date of the course offering. Upon notice from the superintendent that an application is incomplete or incorrect as filed, the applicant shall, within thirty days of the date of the last such notice, submit to the division the additional requested information or the corrected application. Failure to timely submit the additional requested information or the corrected application shall constitute just cause for the superintendent to void the application.

(2) Continuing education approved for this rule shall be valid for three years from the date of issuance by the superintendent provided the superintendent approves any substantial changes made to the course, and the education provider and its instructors comply with the requirements of this rule and Chapter 4764, of the Revised Code. Substantial changes to the course include, but are not limited to, changes in course description or content, course syllabus or instructors. Changes to the course syllabus, description or content consisting of more than one-third of the course hours shall be considered a substantial change.

(B) Criteria for approval of offerings and instructors.

(1) For this rule, "classroom hours" shall mean the amount of time necessary to complete the course, without interruption. One classroom hour consists of sixty-minutes of instruction out of a sixty-minute segment.

(2) Instructors who present an online continuing education course, shall submit documentation to the division through a form prescribed by the superintendent demonstrating the instructor meets at least one of the following qualifications:

(a) Possession of a bachelor's degree or higher in a related field to that which the person is to teach, from a school listed as an institution of higher learning by the United States department of education, or from a comparable school of a foreign country;

(b) Possession of a valid teaching credential or certificate from Ohio or another state authorizing the holder to teach in the field of instruction which the person is to teach;

(c) Five years full-time experience in a profession, trade, or technical occupation in the applicable field; or

(d) Any combination of at least five years of full-time experience relevant to the applicable field and college level education.

(3) Acceptable education providers of online home inspector continuing education include: a college or university that is a degree-granting institution accredited by the commission on colleges, a regional or national accreditation association or accrediting agency recognized by the U.S. secretary of education; a community or junior college; a proprietary school approved by the State Board of Career Colleges and Schools; a state or federal agency; or a home inspector professional organization. A home inspector professional organization consists of an organization that offers instruction in home inspector subjects

***** DRAFT – NOT YET FILED *****

1301:17-1-11

Online home inspector continuing education course approvals

found in paragraph (B)(6) of this rule; offers an organization designation to home inspectors upon the completion of home inspector education and experience; and has established a standard of practice and code of ethics for its organization members that is consistent with the board's standard of practice and code of ethics.

(4) Each online continuing education course shall be open to all licensed home inspectors on an equal basis.

(5) An education provider may administer examinations in an online continuing education course for the purpose of verifying participation and evaluating the effectiveness of the online education course.

(6) The superintendent may approve online course offerings for continuing education which maintain and increase a licensed home inspector's skill, knowledge and competency in home inspecting and which fall within the following areas:

(a) Inspection safety;

(b) Report writing;

(c) Canons of ethics;

(d) Standard of practice;

(e) Systems and components as defined in the Ohio home inspector board's standards of practice;

(f) Environmental issues;

(g) A meeting of the Ohio home inspector board;

(h) Use of technology as applied to the practice of home inspection; and

(i) Personal safety for the home inspector and the consumer.

(7) Additional course offerings may be approved by the Ohio Home Inspector Board

(8) The following offerings will not be considered by the Ohio home inspector board to meet continuing education requirements:

(a) Examination preparation courses;

(b) Sales promotion or meetings held in conjunction with the general business of the attendee or the attendee's business associates;

(c) Meetings which are a normal part of in-house staff training; or

(d) That portion of any offering devoted to meals or other refreshment.

(C) Up to fifty per cent of an individual's continuing education requirement within a continuing education cycle may be granted for participation, other than as a student in home inspector education processes and programs. Activities for which credit may be granted are teaching, program development, authorship of textbooks or similar activities that are determined to be equivalent to obtaining continuing education. Credit for instructing any given course can only be awarded once during a continuing education cycle.

***** DRAFT – NOT YET FILED *****

1301:17-1-11

Online home inspector continuing education course approvals

(D) Each education provider of approved online home inspector continuing education shall notify the division in writing, at least ten days in advance of any changes to the instructor(s) or change(s) in course content.

(E) The superintendent, upon application by the education provider, may waive the requirements of thirty day notification on an original application for course approval or the requirements in paragraph (D) of this rule, if the superintendent determines that the offering meets the prescribed standards set forth in this rule. In addition to fees established in rule 1301:17-1-3 of the Administrative Code, a fee for the superintendent's waiver shall be assessed in accordance with the following schedule:

(1) For a new online continuing education course offering submitted less than thirty days prior to the offering date, but not less than ten days prior to the offering, the penalty is fifty dollars.

(2) For a change of instructor or a change in course content of a course approved for that reporting period which is submitted less than ten days prior to the offering date, the penalty is fifty dollars.

(F) The education provider must issue certificates using the correct course certification number provided by the division. Any certificate incorrectly issued must be reissued to each attendee within thirty days of receipt of notice of the defective certificate by the education provider using the valid certification number as assigned by the division.

(G) No approved education provider shall certify the attendance of a person who was not physically present during ninety per cent of the offering time. All offerings must be successfully completed.

(H) Record keeping.

(1) Education providers shall maintain for four years from the date of the course a record of attendance of each person attending the course disclosing the following information:

(a) Ohio home inspector's board approval certification number;

(b) Name and business address of attendee;

(c) Course title, description of offering and name of course instructor;

(d) Classroom hours of attendance;

(e) Date of course offering; and

(f) Name, address, and signature of verifier in employ of the education provider.

(2) The education provider shall certify the items specified in paragraph (H)(1) of this rule on a certificate or transcript and furnish a copy to the attendee within twenty-four (24) hours after successful completion of the course offering.

(3) Each education provider shall submit to the division, in a format prescribed by the superintendent, within fifteen days after completion of each offering, a list of the licensed home inspectors who successfully completed the course. The list shall include the licensees' license numbers and names, the course certification number, the number of approved hours and the date the course was held.

(I) Denial or withdrawal of offering.

***** DRAFT – NOT YET FILED *****

1301:17-1-11

Online home inspector continuing education course approvals

(1) The superintendent may deny or withdraw approval of the initial application for any proposed continuing education offering if the offering does not meet the requirements of Chapter 4764, of the Revised Code or of the standards or criteria prescribed in this rule or rule 1301:17-1-10 of the Administrative Code.

(2) The superintendent may deny or withdraw the approval of a continuing education course instructor who is found not to be honest, truthful and of good reputation, has been disciplined by the board for a violation of Chapter 4764, of the Revised Code or has been disciplined by any state licensing board for home inspectors.

(3) If the superintendent determines an initial offering, an offering previously approved, or an instructor previously approved does not meet or no longer meets prescribed standards set forth in this rule, then a written notice of the denial or withdrawal of approval will be given stating the reasons therefore. The notice of withdrawal of approval will be effective ten days from the date of the notice of withdrawal.

(4) A party served with the notice in paragraph (1)(3) of this rule may file, within thirty days of the date of the notice, a written request for hearing before the board. If a request for hearing is timely filed, a hearing before the board will be held at the board's next regularly scheduled meeting.

(J) The division shall keep a current list of approved online home inspector continuing education courses which shall be available to the public.

(K) An education provider shall allow the division to audit a course approved pursuant to this rule and shall permit division investigators and auditors to audit, upon division request, an education provider's records related to that course during normal business hours. An education provider has a duty to ensure an approved course remains current with home inspector laws, rules and industry practice.

***** DRAFT – NOT YET FILED *****

1301:17-1-12

Classroom home inspector continuing education course approvals

(A)(1) An applicant for initial course approval or additional course offerings of a previously approved course shall submit to the division of real estate for approval of home inspector continuing education courses a completed form prescribed by the superintendent along with the nonrefundable fee as specified in rule 1301:17-1-03 of the Administrative Code. The application form and fee must be submitted to the division at least thirty days prior to the proposed initial date of the course offering. Upon notice from the superintendent that an application is incomplete or incorrect as filed, the applicant shall, within thirty days of the date of the last such notice, submit to the division the additional requested information or the corrected application. Failure to timely submit the additional requested information or the corrected application shall constitute just cause for the superintendent to void the application.

(2) Continuing education approved in this rule shall be valid for three years from the date of issuance by the superintendent provided the superintendent approves any substantial changes made to the course, and the education provider and its instructors comply with the requirements of this rule and Chapter 4764, of the Revised Code. Substantial changes to the course include, but are not limited to, changes in course description or content, course syllabus or instructors. Changes to the course syllabus, description or content consisting of more than one-third of the course hours shall be considered a substantial change.

(B) Criteria for approval of offerings and instructors.

(1) For this rule, "classroom hour" applies to instruction held in a traditional classroom setting. Offerings will not be approved in segments of less than two classroom hours. For purposes of this rule, one classroom hour consists of sixty-minutes of instruction out of a sixty-minute segment.

(2) Instructors who present a continuing education course, shall submit documentation to the division through a form prescribed by the superintendent demonstrating the instructor meets at least one of the following qualifications:

(a) Possession of a bachelor's degree or higher in a related field to that which the person is to teach, from a school listed as an institution of higher learning by the United States department of education, or from a comparable school of a foreign country;

(b) Possession of a valid teaching credential or certificate from Ohio or another state authorizing the holder to teach in the field of instruction which the person is to teach;

(c) Five years full-time experience in a profession, trade, or technical occupation in the applicable field; or

(d) Any combination of at least five years of full-time experience relevant to the applicable field and college level education.

(3) Acceptable education providers of classroom home inspector continuing education include: a college or university that is a degree-granting institution accredited by the commission on colleges, a regional or national accreditation association or accrediting agency recognized by the U.S. secretary of education; a community or junior college; a proprietary school approved by the State Board of Career Colleges and Schools; a state or federal agency; or a professional organization. A professional organization consists of an organization that offers instruction in home inspector subjects found in paragraph (B)(6) of this rule; offers an organization designation to home inspectors upon the completion of home inspector education and experience; and has established a standard of practice and code of ethics for its organization members that is consistent with the board's standard of practice and code of ethics.

***** DRAFT – NOT YET FILED *****

1301:17-1-12

Classroom home inspector continuing education course approvals

(4) Each continuing education course shall be open to all licensed home inspectors on an equal basis.

(5) An examination of a licensed home inspector shall not be a requirement for successful completion of a continuing education course which is offered in a classroom setting.

(6) The superintendent may approve course offerings for continuing education which maintain and increase a licensed home inspector's skill, knowledge and competency in home inspecting and which fall within the following areas:

(a) Inspection safety;

(b) Report writing;

(c) Canons of ethics;

(d) Standards of practice;

(e) Systems and components as defined in the Ohio home inspector board's standards of practice;

(f) Environmental issues;

(g) A meeting of the Ohio home inspector board;

(h) Use of technology as applied to the practice of home inspections;

(i) Personal safety for the home inspector and the consumer.

(7) Additional course offerings may be approved by the Ohio home inspector board.

(8) The following offerings will not be considered by the Ohio home inspector board to meet continuing education requirements:

(a) Examination preparation courses;

(b) Sales promotion or meetings held in conjunction with the general business of the attendee or the attendee's business associates;

(c) Meetings which are a normal part of in-house staff training; or

(d) That portion of any offering devoted to meals or other refreshment.

(C) Up to fifty per cent of an individual's continuing education requirement within a continuing education cycle may be granted for participation, other than as a student in home inspector education processes and programs. Activities for which credit may be granted are teaching, program development, authorship of textbooks or similar activities that are determined to be equivalent to obtaining continuing education. Credit for instructing any given course can only be awarded once during a continuing education cycle.

(D) Each education provider shall notify the division in writing, at least ten days in advance of the addition of an offering date for an approved course, or change in an offering date for an approved course, and notify the division in writing at least three days in advance of all course changes including location(s), time(s), instructor(s), or change(s) in course content.

***** DRAFT – NOT YET FILED *****

1301:17-1-12

Classroom home inspector continuing education course approval

(E) The superintendent, upon application by the education provider, may waive the requirements of thirty day notification on an original application for course approval, or the requirements of paragraph (D) of this rule, if the superintendent determines that the offering meets the prescribed standards set forth in this rule. In addition to fees established in rule 1301:17-1-03 of the Administrative Code, a fee for the superintendent's waiver shall be assessed in accordance with the following schedule:

(1) For a new continuing education course offering submitted less than thirty days prior to the offering date, but not less than ten days prior to the offering, the penalty is fifty dollars.

(2) For an additional offering of a course approved for that reporting period which is submitted ten or more days prior to the additional offering date, the fee is fifty dollars. For an additional offering of a course approved for that reporting period which is submitted less than ten days prior to the additional offering date, the penalty is fifty dollars.

(3) For a change of location, time, instructor, or change of course content of a course approved for that reporting period which is submitted less than three days prior to the offering date, the penalty is fifty dollars.

(F) The education provider must issue certificates using the correct course certification number provided by the division. Any certificate incorrectly issued must be reissued to each attendee within thirty days of receipt of notice of the defective certificate by the education provider using the valid certification number as assigned by the division.

(G) No approved education provider shall certify the attendance of a person who was not physically present during ninety per cent of the offering time. All offerings must be successfully completed.

(H) Record keeping.

(1) Education providers shall maintain for four years from the date of the course a record of attendance of each person attending the course disclosing the following information:

(a) Ohio home inspector board approval certification number;

(b) Name and business address of attendee;

(c) Course title, description of offering and name of course instructor;

(d) Classroom hours of attendance;

(e) Date of course offering; and

(f) Name, address, and signature of verifier in employ of the education provider.

(2) The education provider shall certify the items specified in paragraph (H)(1) of this rule on a certificate or transcript and furnish a copy to the attendee within twenty-four (24) hours after successful completion of the course offering.

(3) Each education provider shall submit to the division, in a format prescribed by the superintendent, within fifteen days after completion of each offering, a list of the licensed home inspectors who successfully completed the course. The list shall include the licensees' license numbers and names, the course certification number, the number of approved hours and the date and location the course was held.

(I) Denial or withdrawal of offering.

***** DRAFT – NOT YET FILED *****

1301:17-1-12

Classroom home inspector continuing education course approvals

(1) The superintendent may deny or withdraw approval of the initial application for any proposed continuing education offering if the offering does not meet the requirements of Chapter 4764, of the Revised Code or of the standards or criteria prescribed in this rule.

(2) The superintendent may deny or withdraw the approval of a continuing education course instructor who is found not to be honest, truthful and of good reputation, has been disciplined by the board for a violation of Chapter 4764, of the Revised Code or has been disciplined by any state licensing board for home inspectors.

(3) If the superintendent determines an initial offering, an offering previously approved, or an instructor previously approved does not meet or no longer meets prescribed standards set forth in this rule, then a written notice of the denial or withdrawal of approval will be given stating the reasons therefore. The notice of withdrawal of approval will be effective ten days from the date of the notice of withdrawal.

(4) A party served with the notice in paragraph (1)(3) of this rule may file, within thirty days of the date of the notice, a written request for hearing before the board. If a request for hearing is timely filed, a hearing before the board will be held at the board's next regularly scheduled meeting.

(J) The division shall keep a current list of approved continuing education courses which shall be available to the public.

(K) An education provider shall allow the division to audit a course approved pursuant to this rule and shall permit division investigators and auditors to audit, upon superintendent's request, an education provider's records related to that course during normal business hours. An education provider has a duty to ensure an approved course remains current with home inspector laws, rules and industry practice.

***** DRAFT – NOT YET FILED *****

1301:17-1-13

Curriculum of experience

(A) Applicants seeking to satisfy section 4764.07(D)(6)(a) of the Revised Code shall complete at least forty hours of work in the home inspection field and a peer review session in accordance with rule 1301:17-1-15 of the Administrative Code. The peer review session may be used to satisfy the required pre-licensing education consistent with rule 1301:17-1-07 of the Administrative Code. Work in the home inspection field may include work completed by the applicant within the home inspection field under the supervision of a licensed Ohio home inspector or through home inspection work completed by the applicant in interactive experience that is under the direction of a board-approved instructor who meets the requirements set forth in paragraph (B)(2) of rule 1301:17-1-12 of the Administrative Code. Any combination of hours may be used to satisfy the requirements of this rule. Interactive experience is defined as practical home inspector experiences offered in a simulated, interactive environment using various technologies.

(1) Applicants who complete work in the home inspection field shall certify under oath the number of hours the applicant claims to have completed within twelve months prior to the date of the application and shall provide a detailed listing of the home inspection field work for which experience is claimed. The listing must include at a minimum:

(a) Date of report;

(b) Date of inspection;

(c) Address of subject property;

(d) Description of the work completed;

(e) Number of hours claimed for each assignment;

(f) Name of the Ohio licensed home inspector supervising the applicant; and

(g) The signature of the applicant.

2) Applicants who complete work in the home inspection field by interactive experience shall certify under oath the number of hours the applicant claims to have completed within twelve months prior to the date of the application and shall provide a detailed listing for which experience claimed. The listing must include at a minimum:

(a) Date experience was obtained;

(b) Name of the instructor;

(c) Number of hours claimed for each instructor; and

(d) The signature of the applicant.

***** DRAFT – NOT YET FILED *****

1301:17-1-13

Curriculum of experience

(a) For purposes of this rule, the Ohio licensed home inspector must be approved by the Ohio home inspector board to conduct the peer review session, and the licensed home inspector must receive the board's approval prior to the submission of the license application to the division.

B) For purposes of this rule, the acceptable hours of work in the home inspection field or through home inspection work completed in an interactive experience must be satisfied by obtaining practical experience or training in home inspection. Travel time to and from the property shall not be counted toward the forty-hour requirement in this rule.

C) Upon the request of the superintendent or the board, all applicants attempting to satisfy this requirement must provide documentation in the form of reports, certifications, work files or other evidence to support the experience claimed.

D) Upon notice from the division of real estate & professional licensing that an application is incomplete or incorrect as filed, the applicant shall, within thirty days of the date of the last such notice, submit to the division the additional requested information or the corrected application. Failure to timely submit the additional requested information or the corrected application shall constitute just cause for the superintendent to void the application and impose a forfeiture of any application fee.

***** DRAFT – NOT YET FILED *****

1301:17-1-14

Parallel Inspection

- (A) An acceptable parallel inspection in satisfaction of the requirement found in section 4764.07(D)(6)(b) of the Revised Code shall consists of the following:
- (1) An applicant for a home inspector license is supervised by an Ohio licensed home inspector while conducting a home inspection for the licensed home inspector's client.
 - (2) The home inspection must be an on-site inspection of a residential property.
 - (3) Following the inspection, the applicant produces a written home inspector report that is reviewed by the Ohio licensed home inspector.
 - (4) The licensed home inspector must review, analyze, correct if necessary and return the report to the applicant within ten calendar days of receipt of the applicant's report.
 - (5) The licensed home inspector must provide guidance to the applicant regarding the inspection process and the report writing process. Guidance includes instruction regarding the standards of practice and canons of ethics adopted by the Ohio home inspector board.
 - (6) The Ohio licensed home inspector may only supervise a maximum of two applicants who are, at the same time for the same property, inspecting and preparing a home inspection report for parallel inspection experience.
- (B) An Ohio licensed home inspector supervising an applicant for this rule shall maintain an active Ohio home inspector license at the time of the parallel inspection occurs, and the Ohio licensed home inspector shall not be the subject to any home inspector discipline issued in the three years prior to the date of the parallel inspection.
- (C) The applicant shall not perform any home inspections for compensation or other valuable consideration during the parallel inspection period.
- (D) Satisfaction of this rule requires the completion of a parallel inspection affidavit signed by the applicant and by the Ohio licensed home inspector supervising the applicant. The affidavit shall also include a list of the properties inspected by the applicant. Upon request of the superintendent or the board, the applicant shall make available copies of reports, work files or other evidence to support the parallel inspection claimed.
- (E) Upon notice from the division of real estate & professional licensing that an application is incomplete or incorrect as filed, the applicant shall, within thirty days of the date of the last such notice, submit to the division the additional requested information or the corrected application. Failure to timely submit the additional requested information or the corrected application shall constitute just cause for the superintendent to void the application and impose a forfeiture of any application fee.

***** DRAFT – NOT YET FILED *****

1301:17-1-15

PEER REVIEW

A. Requirements for a home inspector peer review:

1. A sponsoring home inspector organization selects a residential property, which is inspected by at least one active Ohio licensed home inspector in good standing for potential issues.
2. A participant is given time to inspect the residential property as if the participant was performing home inspection services for a paying client.
3. After conducting the inspection, the participant presents the inspection findings to a peer review panel consisting of two or more active Ohio licensed home inspectors or to a Board approved instructor who meets the requirements set forth in paragraph (B)(2) of rule 1301:17-1-12 of the Administrative Code who will evaluate the participant's home inspection abilities.
4. The participant should demonstrate sufficient technical knowledge about the property and be able to identify at least seventy percent of the material defects with the property. The participant may be required to successfully complete an examination administered by the panel, instructor or the sponsoring home inspector organization. Successful completion of an examination is answering at least seventy percent of the examination questions correctly. For purposes of this rule, a material defect is defined as an observable specific issue with a system or component of a residential property that may have a significant, adverse impact on the value of the property, or that poses an unreasonable risk to people.
5. Successful participants are awarded a certificate of completion by the sponsoring home inspector organization.
6. A sponsoring home inspector organization for this rule can be any person who meets the requirements found in paragraph (B)(3) of rule 1301:17-1-12 of the Administrative Code or an active Ohio licensed home inspector with at least five years of experience in home inspection and in good standing with the Ohio division of real estate and professional licensing.

B. All peer reviews conducted must comply with Chapter 4764, of the Revised Code and rules adopted thereunder.

***** DRAFT – NOT YET FILED *****

1301:17-1-16

Canons of Ethics

Article 1 - General standards

1. Licensees shall perform duties as a home inspector without bias to any of the parties to a real estate transaction, and shall perform their duties as a home inspector with integrity to the public and to their clients.
2. Licensee opinions about a property shall be based only on their education, experience, and honest convictions.
3. Licensees shall not communicate inspection results in a home inspection report with intent to defraud or in a careless, misleading or negligent manner.
4. Licensees shall disclose all known material facts to the licensee concerning a property.
5. Licensees must not accept or perform home inspections that includes the reporting of predetermined opinions or conclusions.
6. For the protection of all parties, licensees shall enter into a written contract with clients prior to the rendering of any home inspection services expressing the agreement of the parties. Copies of all written agreements shall be provided by the licensee to client within three (3) business days from the date of the execution of the agreement by the client.
7. Licensees must provide assistance wherever possible to the members of the Ohio Home Inspectors Board or to staff with the division of real estate & professional licensing regarding the enforcement of Chapter 4764, of the Revised Code and its corresponding rules.

Article 2 - Compensation

1. Licensees shall not inspect for compensation any property in which the licensee has any current or prospective interest in the property.
2. Licensees shall not inspect for compensation any property in which the licensee has any current or prospective interest with any of the parties to the real estate transaction.
3. Licensees shall not inspect any property under contingent arrangements whereby any compensation or future referrals are dependent on reported findings or on the sale of a property.
4. Licensees shall not directly or indirectly compensate real estate licensees or other parties having a financial interest in closing or settlement of real estate transactions, for the referral of inspections or for inclusion on a list of recommended inspectors, preferred providers, or similar arrangements.

***** DRAFT – NOT YET FILED *****

1301:17-1-16

Canons of Ethics

5. Licensees shall not receive compensation for an inspection from more than one party unless prior written consent is provided by the client(s).
6. Licensees shall not accept compensation, directly or indirectly, for recommending contractors, services, or products to inspection clients or other parties having an interest in inspected properties.
7. Licensees shall comply with paragraph (D) of section 4764.14 of the Revised Code regarding the repair, replacement, or upgrade, for compensation, a property's systems or components covered by the standards of practice.

Article 3 - Confidentiality

1. Licensees shall not disclose inspection findings or client information without prior written client approval.
2. Licensees may disclose inspection results or findings to the property's occupants or others present at the property only if the licensee's results or findings indicate imminent bodily harm or a significant danger to the property is present. Licensees may disclose inspection results or findings if compelled by a court order.
3. Licensees must take reasonable steps to safeguard or protect confidential information from unauthorized individuals.

Article 4 – Reports and Contractual Agreements

1. Every home inspection report prepared by a licensee shall include all information contained in section 4764.01(D) of the Revised Code and all of the following
 - A. Ohio home inspector license number;
 - B. The expiration date of the license;
 - C. The date the home inspection occurred;
 - D. Address of the property.
2. Every written home inspection contract shall include:
 - A. The inspection fee;
 - B. The address of the property;
 - C. Client's name;
 - D. Authorized recipient(s) of the report;
 - E. Date of the inspection;

***** DRAFT – NOT YET FILED *****

1301:17-1-16

Canons of Ethics

F. Statement that the work to be performed is a home inspection as defined in section 4764.01(C) of the Revised Code;

G. Signatures of the licensee and client and date signed; and

H. Statement that the report is prepared in accordance with Chapter 4764, of the Revised Code and rules adopted thereunder.

2. A licensee must exercise due care to prevent the unauthorized use of the licensee's signature to a home inspection report.
3. Licensees must not misrepresent or inaccurately report to the client or include in their corresponding reports the status of the licensee's Ohio home inspector license.
4. A home inspection report by a licensee shall include a statement that addresses the scope of work performed by the licensee, such as any services or hazards excluded from the licensee's inspection.

Article 5 - Advertising

1. Licensees must advertise or solicit home inspection assignments only in a manner that is true and accurate.
2. Licensees shall only include a property in an advertisement for the licensee's home inspection services with the express, written consent of the property's current owner of record as recorded in the county recorder's records.
3. Licensees shall not knowingly solicit a party or a party's agent that is contractually engaged in writing by another Ohio home inspector licensee for home inspection services.
4. A licensee's failure to comply with any of the provisions for this rule shall constitute prima facie evidence of a violation of division (I) of section 4764.14 of the Revised Code.

***** DRAFT – NOT YET FILED *****

1301:17-1-17

Standards of Practice

A. These Standards of Practice apply to licensed Ohio home inspectors who are providing home inspections services pursuant to Chapter 4764 of the Revised Code.

B. Ohio licensed home inspectors shall comply with all applicable Ohio laws and regulations.

C. Licensees who perform home inspections are not required to identify or disclose a property's concealed conditions, latent defects or cosmetic deficiencies that do not significantly affect a property's system or part of a system's performance for the system's intended purpose. A licensee's inspection is limited to a visual and not technically exhaustive examination of readily accessible components and systems as of the specific date and time the inspection occurred.

D. Any licensee who elects to operate, inspect or offer an opinion in a home inspection report regarding any of the items found in this rule that were excluded from the licensee's responsibility shall not do so in a careless or misleading manner.

E. A licensee is not required to determine or offer an opinion about any of the following items in a home inspection report for a property inspected:

1. The condition of a system or part of system installed in a property that is not readily accessible;
2. The estimated remaining life of a system or part of a system;
3. The adequacy or efficiency of a system or part of a system;
4. The source or causes of conditions or deficiencies in the property;
5. The estimated costs to correct deficiencies in the property;
6. Forecasting future conditions about the property, including but not limited to, forecasting the failure of systems or parts of system in a property;
7. The appropriateness or suitability of a property for any use other than for residential purposes;
8. The compliance of a system or parts of a system in a property with past, present or future requirements which include but are not limited to codes, regulations, laws, ordinances, builder specifications, installation and maintenance instructions, care or use guides;
9. The marketability or market value of the property;

***** DRAFT – NOT YET FILED *****

1301:17-1-17

Standards of Practice

10. The presence at the property of any animals, environmental hazards or substances that may be hazardous or harmful to any living being;

11. The effectiveness or efficiency of any system installed at the property to control or remove any animals, environmental hazards or substances from the property;

12. The estimated operating cost of a system or parts of a system;

13. The sound quality or acoustical properties of a system or parts of a system;

14. Soil conditions relating to geotechnical or hydrologic specialties;

15. Determine or report on materials, conditions, systems or parts of systems subject to recall, litigation, or other adverse claims or conditions;

16. The legality of any contract or contract term pertaining to the property.

F. A licensee shall not make a determination or offer an opinion regarding any of the items found in paragraph (D) of this rule if prohibited by law or regulation. A licensee shall clearly report in the inspection report those systems or parts of a system required to be inspected under these standards that were and were not operated or inspected and explain the reasons each was or was not operated or inspected.

G. A licensee is not required to offer as part of a licensee's home inspection services any of the following:

1. Performance of any acts or services contrary to law or government regulations;

2. Performance of any other trade or professional services other than a home inspection;

3. Evaluation of any other trade or professional services performed on the property by others;

4. Offer any warranties or guarantees regarding the property inspected.

H. During the performance of a home inspection, a licensee is not required to operate any of the following:

1. Any systems or parts of a system that cannot be operated by normal operating controls or are inoperable, disabled, shut-off, or otherwise where conditions prohibit;

***** DRAFT – NOT YET FILED *****

1301:17-1-17

Standards of Practice

2. Any devices designed to protect systems or parts of a system from unsafe condition including, but not limited to, automatic safety controls.

I. A licensee is not required to enter during a home inspection any of the following:

1. An area of the property that in the licensee's judgment is likely to be dangerous to the licensee or to other persons or is likely to cause damage to the property, its systems or parts of its systems;

2. Any property crawl space or attic that, in the licensee's determination, is not readily accessible.

J. A licensee is not required to inspect during a home inspection any of the following:

1. Any items underground on the property, including but not limited to, storage tanks, septic systems, underground piping and wells, whether abandoned or active;

2. Any items that are not installed in the property.;

3. Any decorative items installed in the property;

4. Any detached structures on the property other than garages or carports;

5. Any common area property found in common areas for condominium or cooperative housing;

6. Every occurrence of multiple similar parts of a system;

7. Any outdoor cooking appliances.

K. A licensee is not required to do any of the following:

1. Perform any procedures, operations or inspection at the property that is, in the licensee's judgment, likely to be dangerous to the licensee or to other persons or is likely to cause damage to the property, its systems or parts of its systems;

2. Move any items, including but not limited to, any personal property, including furniture, plants, soil, snow, or other debris;

***** DRAFT – NOT YET FILED *****

1301:17-1-17

Standards of Practice

3. Take apart or dismantle any property systems or parts of a system, except as required in this rule;

4. To adjust any devices, systems or parts of a property system, except as required by this rule;

5. To ignite or extinguish any fires, pilot lights, burners or other open flames that require manual ignition on any fuel-burning appliances;

6. Probing any surfaces that could, in the licensee's professional opinion, be damaged or where no deterioration is visible or presumed to exist.

L. During an exterior home inspection, a licensee shall inspect and report the licensee's findings related to all of the following, including any material defects:

1. Describe exterior wall coverings, flashing, and trim;

2. Exterior doors;

3. Attached and adjacent decks, balconies, stoops, steps, porches, and associated railings;

4. Eaves, soffits, and fascia where accessible from the ground level;

5. Vegetation, grading, surface drainage, and retaining walls that are likely to adversely affect the building;

6. Any adjacent or entryway walkways, patios, and driveways.

M. A licensee is not required to inspect during an exterior home inspection or report in a home inspection report any of the following:

1. Screening, shutters, awnings, or other similar seasonal accessories;

2. Fences, boundary walls, or similar structures;

3. Geological and soil conditions on the property;

4. Any recreational facilities, including but not limited to, spas, saunas, steam baths, swimming pools or exercise, entertainment, playground or other similar equipment;

***** DRAFT – NOT YET FILED *****

1301:17-1-17

Standards of Practice

5. Outbuildings, other than garages and carports;

6. Seawalls, break-walls or docks;

7. Erosion control and earth stabilization measures.

N. A licensee shall inspect during a home inspection of the structural components of a property, when readily accessible and report on material defects in the home inspection report the licensee's findings related to all of the following:

1. Crawl spaces or attics and the method the licensee used to inspect the crawl spaces or attics;

2. Foundation;

3. Floor structure;

4. Wall structure;

5. Ceiling structure;

6. Roof structure.

O. A licensee is not required to inspect during a home inspection of the structural components of a property or report in a home inspection report any of the following:

1. Engineering or architectural analysis;

2. Offer an opinion about the adequacy of structural systems or parts of the system;

3. Enter crawl space areas that have less than twenty-four inches of vertical clearance between a property system and the ground or have a crawl space access with an opening smaller than sixteen inches by twenty-four inches;

4. Navigate load-bearing systems or beams in the attic space of a property that are concealed by insulation or by other materials.

***** DRAFT – NOT YET FILED *****

1301:17-1-17

Standards of Practice

P. A licensee shall inspect a property's roof during a home inspection and report on material defects in the home inspection report the licensee's findings related to all of the following:

1. Roofing materials;
2. Roof drainage system;
3. Flashing;
4. Skylights, chimneys or any roof penetrations; and
5. The method the licensee used to inspect the roof.

Q. A licensee is not required to inspect during a home inspection or report in a home inspection report any of the following as it relates to a property's roof:

1. Antennae;
2. Interior vent systems, flues, or chimneys that are not readily accessible; and
3. Any other installed accessories.

R. A licensee shall inspect a property's plumbing during a home inspection and report on material defects in the home inspection report the licensee's findings related to all of the following:

1. Interior water supply and distribution systems, including any fixtures or faucets;
2. Interior drain, waste, or venting system, including fixtures;
3. Any water heating equipment and hot water supply systems;
4. Vent systems, flues or chimneys;
5. Fuel storage or fuel distribution systems;
6. Readily accessible sewage ejectors, sump pumps, or other related piping;

***** DRAFT – NOT YET FILED *****

1301:17-1-17

Standards of Practice

7. Report in the home inspection report the energy source(s) utilized and the location of main water and fuel shut-off valves.

S. A licensee is not required to inspect during a home inspection or report in a home inspection report any of the following as it relates to a property's plumbing:

1. Clothes washing machine connections;

2. Interiors of vent systems, flues or chimneys that are not readily accessible;

3. Wells, well pumps or other water storage related equipment;

4. Water conditioning systems;

5. Any solar, geothermal, and other renewable energy water heating systems;

6. Manual or automatic fire extinguishing and sprinkler systems;

7. Landscaping irrigation systems;

8. Concealed or otherwise inaccessible sewage ejectors, sump pumps and septic or other sewage disposal system;

9. Sewage disposal and water supply; whether the system is public or private, the quality of the water, including supply flow, pressure or quantity or the adequacy of combustion air components.

10. Licensees are also not required to fill shower pans or fixtures for the purpose of testing for water leaks.

T. A licensee shall inspect a property's readily accessible components of the electrical system during a home inspection and report in the home inspection report the licensee's findings related to all of the following:

1. Service drop;

2. Service entrance conductors, cables and raceways;

3. Service equipment and main disconnects;

***** DRAFT – NOT YET FILED *****

1301:17-1-17

Standards of Practice

4. Service grounding;

5. Interior parts or components of a service panels and subpanels;

6. Conductors;

7. Overcurrent protection devices;

8. A representative sample of installed light fixtures, switches and receptacles;

9. Ground fault circuit interrupters and arc fault circuit interrupters;

10. Licensees shall report in the home inspection report the property's amperage rating service, the location of main disconnects and subpanels, the presence or absence of any smoke or carbon monoxide alarms and the predominant branch of circuit wiring method.

U. A licensee is not required to inspect during a home inspection or report in a home inspection report any of the following as it relates to a property's electrical system:

1. Remote control devices;

2. Test smoke and carbon monoxide alarms, security systems and other signaling and warning devices;

3. Low voltage wiring systems, components or parts of a system;

4. Ancillary wiring systems, components or parts of a system that are not a part of the primary electrical power distribution system;

5. Solar, geothermal, wind, and other renewable energy systems;

6. Licensees are not required to measure the amperage, voltage or impedance or determine the age or type of smoke or carbon monoxide alarm;

7. Test ground fault circuit interrupters (GFCI) or arc fault circuit interrupters (AFCI);

8. Test disconnects or breakers.

***** DRAFT – NOT YET FILED *****

130t:17-1-17

Standards of Practice

V. A licensee shall inspect the heating system(s) and observe operation during a home inspection and report in the home inspection report the licensee's findings related to all of the following:

1. Installed heating equipment;
2. Vent systems, flues and chimneys;
3. Distribution systems;
4. Describe the energy source and heating systems.

W. A licensee is not required to inspect or operate during a home inspection or report in a home inspection report any of the following as it relates to a property's heating system:

1. Interiors of vent or duct systems, flues and chimneys that are not readily accessible;
2. Heat exchangers;
3. Humidifiers, dehumidifiers and condensation pumps;
4. Electric air cleaning and sanitizing devices;
5. heating systems using ground-source, water-source, solar, and renewable energy technologies;
6. heat-recovery and similar whole-house mechanical ventilation systems; or
7. Comment or offer an opinion regarding the adequacy of the heat supply or materials, distribution balance or the adequacy of combustion air components.

X. A licensee shall inspect all readily accessible the air conditioning system(s) and observe operation during a home inspection and report in the home inspection report the licensee's findings related to all of the following:

1. Central and permanently installed cooling equipment;
2. Distribution systems;

***** DRAFT – NOT YET FILED *****

1301:17-1-17

Standards of Practice

3. Report the energy source(s) and cooling systems.

Y. A licensee is not required to inspect, report or operate any of the following as it relates to a property's cooling system:

1. Electric air cleaning and sanitizing devices;
2. Cooling units that are not permanently installed or that are installed in windows;
3. Cooling systems using ground-source, water-source, solar, and renewable energy technologies;
4. Adequacy of cooling supply, materials used and distribution balance;

Z. A licensee shall inspect all readily accessible interior areas of a property during a home inspection and report in the home inspection report the licensee's findings related to all of the following:

1. Walls, ceilings and floors;
2. Steps, stairways and railings;
3. Countertops and a representative sample of installed cabinets;
4. A representative sample of doors and windows;
5. Garage vehicle doors and garage vehicle door operations;
6. Installed appliances, including but not limited to, ovens, ranges, surface cooking appliances, microwave ovens, dishwashing machines, and food waste grinders by using normal operating controls to activate the primary function;

AA. A licensee is not required to inspect during a home inspection or report in a home inspection report any of the following as it relates to a property's:

1. Paint, wallpaper, and other finish treatments;
2. Personal floor coverings;

***** DRAFT – NOT YET FILED *****

1301:17-1-17

Standards of Practice

3. Window treatments;

4. Coatings on and the hermetic seals between panes of window glass;

5. Central vacuum systems;

6. Shared or common recreational facilities;

7. Free-standing household appliances not listed in paragraph 7(6) of the rule;

8. Appliance thermostats including their calibration, adequacy of heating elements, self-cleaning oven cycles, indicator lights, door seals, timers, clocks, timing features and other specialized features of the appliance;

9. The operation of every control and feature of an inspected appliance.

BB. A licensee shall inspect insulation and ventilation in a property during a home inspection and report in the home inspection report the licensee's findings related to all of the following:

1. Insulation and vapor retarders in unfinished spaces or the absence of insulation and vapor retarders in unfinished spaces at conditioned surfaces;

2. Ventilation of attics and foundation areas;

3. Exhaust systems found in the property, including but not limited to exhaust systems in the kitchen, bathroom or laundry room;

4. Clothes dryer exhaust systems.

CC. The licensee is not required to disturb insulation or ventilation during a home inspection.

DD. A licensee shall inspect all readily accessible parts of a fireplace or fuel-burning appliances in a property during a home inspection and report in the home inspection report the licensee's findings related to all of the following:

1. Fuel-burning fireplaces, stoves, and fireplace inserts.

***** DRAFT – NOT YET FILED *****

1301:17-1-17

Standards of Practice

2. Any fuel-burning accessories installed in fireplaces.

3. Chimneys, flues and vent systems.

EE. A licensee is not required to inspect during a home inspection or report in a home inspection report any of the following as it relates to a property's fireplace or fuel-burning appliances:

1. Fire screens and doors;

2. Seals and gaskets;

3. Automatic fuel feed devices;

4. Mantles and fireplace surrounds;

5. Combustion air components in order to determine their adequacy;

6. Heat distribution assistance items;

7. Fuel-burning fireplaces or appliances located outside the inspected structures;

8. Determining draft characteristics.

***** DRAFT – NOT YET FILED *****

1301:17-1-18

Lending license

(A) No arrangement, direct or indirect, shall be entered into by any licensee whereby a licensee lends the licensee's name or license for the benefit of another licensee, an unlicensed person or any entity where the lender licensee is not a principal, member, employee or contractor.

(B) Evidence that a licensee has entered into an arrangement to lend the licensee's name or license under the provisions of this rule shall constitute prima facie evidence of a violation of division (1) of section 4764.14 of the Revised Code.

***** DRAFT – NOT YET FILED *****

1301:17-1-19

Stenographic record

For purposes of section 119.09 of the Revised Code and Chapter 4764, of the Revised Code, a stenographic record of an adjudication hearing before the Ohio division of real estate & professional licensing or home inspector board shall be provided by the division's use of audio or video teleconferencing electronic recording devices. Such recording shall serve as the official record of the proceeding and may serve as the basis for a transcript for furnishing to a court upon appellate review. A stenographic service other than the division's audio or video recording devices may be requested by one of the parties to the hearing. Advance written notice shall be provided to the division by the requesting party prior to the scheduled hearing date. All scheduling with the stenographic service shall be the responsibility of the party requesting the stenographic service. The testimony at the adjudication hearing shall be transcribed at the cost of the party requesting the stenographic service. Upon request, the stenographic service may provide a transcript of the adjudication hearing and the cost of the transcript shall be the responsibility of the party requesting the transcript. The division may use the transcript from the stenographic service as the official record of the proceeding.

***** DRAFT – NOT YET FILED *****

1301:17-1-20

Informal mediation

(A) An informal mediation, in accordance with section 4764.12 of the Revised Code, may be held for the purpose of facilitating an accommodation between the complainant and licensee. Any party who participates in the informal mediation may be accompanied by legal counsel, whose role shall be limited to representing his/her client. "Mediation" is defined by division (A) in section 2710.01 of the Revised Code.

(B) Except as provided in Chapter 2710, of the Revised Code, nothing said or done during the informal mediation shall be disclosed by the mediator or division staff or be used as evidence in any subsequent hearing, investigation or other proceeding. The superintendent may decline to hold an informal mediation for good cause shown. Good cause includes, but is not limited to, a reasonable belief that one or more of the parties to the informal mediation has committed a crime or one or more of the parties to the informal mediation lack the ability to enter into a binding accommodation agreement.

(C) If an accommodation is reached at the informal mediation, the mediator shall prepare an accommodation agreement, which shall set forth all measures to be taken by the parties thereto, including provisions for affirmative and other relief. The accommodation agreement shall be signed by the persons to be bound by the agreement and the superintendent or the superintendent's designee.

(D) In accordance with division (B) of section 4764.12 of the Revised Code, the accommodation agreement shall be held in confidence by the superintendent, the mediator and other personnel of the department.

(E) If the superintendent finds the licensee has failed, without good cause shown, to comply with the terms set forth in the accommodation agreement the following shall apply:

(1) The accommodation agreement will be considered null and void;

(2) The superintendent may proceed with the formal investigation based on the original complaint; and

(3) The licensee's failure to comply with the accommodation agreement shall constitute prima facie evidence of a violation of division (I) of section 4764.14 of the Revised Code.

(F) The complaint file shall be closed if the superintendent finds:

(1) The complainant has failed, without good cause shown, to comply with the terms set forth in the accommodation agreement; and

(2) The licensee has made a good faith effort to comply with the terms set forth in the accommodation agreement.

(G) If an accommodation is reached at the informal mediation meeting and the terms of the accommodation agreement satisfied, the complaint file shall be closed. If an accommodation is not

***** DRAFT – NOT YET FILED *****

1301:17-1-20

Informal mediation

reached at the informal mediation meeting, an investigator shall proceed with an investigation as provided in section 4764.12 of the Revised Code.

***** DRAFT – NOT YET FILED *****

1301:17-1-21

Disciplinary sanctions

- (A) The home inspector board may include, at its sole discretion, any combination of sanctions in its order as found in division (A) of section 4764.13 of the Revised Code.
- (B) Any final order of the home inspector board no longer subject to appeal may be publicly disseminated using any of the following methods:
 - (1) Publication in the division of real estate & professional licensing's newsletter;
 - (2) Press release(s);
 - (3) Any other method deemed appropriate by the home inspector board and/or the superintendent.
- (C) In all cases except those qualifying under paragraph (D) of this rule, payment of any fine ordered by the board shall be received by the division of real estate & professional licensing within thirty days of the date of the board's finding and order.
- (D) The superintendent may extend the payment of any fine as ordered by the board upon the request of the licensee for good cause shown. The terms of an extended payment period may also include a schedule for specified interim payments.
- (E) Any fine or payment not received by the division as specified in the home inspector board's order or pursuant to paragraph (D) of this rule shall result in the automatic suspension of the licensee's home inspector's license.
- (F) Reactivation of a license suspended pursuant to paragraph (E) of this rule shall be automatic only when payment in full of all fines imposed upon the licensee is received by the division of real estate & professional licensing.
- (G) When the home inspector board imposes additional education as a sanction for a violation of any provision of Chapter 4764. of the Revised Code, the completion of the course(s) by the licensee shall be subject to the following conditions:
 - (1) The board's order imposing the additional education sanction shall specify the specific course content, the number of hours to be completed, date by which the course(s) is to be completed, and the method by which satisfaction of the order is to be reported to the division of real estate & professional licensing;
 - (2) No additional education ordered by the board as a sanction for violation of any provision of chapter 4764 of the Revised Code shall be credited towards the licensee's continuing education requirements;
 - (3) Only education pre-approved by the division of real estate & professional licensing shall be accepted for purposes of fulfilling additional education sanctions as order by the board;
 - (4) Any licensee ordered to complete additional education as a sanction, may in advance of completing such course work, request written verification from the division of real estate & professional licensing that the proposed course(s) will satisfy the criteria set forth in the home inspector's order;

***** DRAFT – NOT YET FILED *****

1301:17-1-21

Disciplinary sanctions

(5) The superintendent shall have the discretion to extend the period of time for completion and/or modify the course(s) content parameters of the home inspector board's order upon good cause shown;

(6) Any additional education not satisfactorily completed and reported to the division of real estate & professional licensing, as specified in the home inspector board's order or pursuant to paragraph (G)(5) of this rule, shall result in the automatic suspension of the licensee's home inspector license.

(H) Reactivation of a license suspended pursuant to paragraph (G)(6) of this rule shall be automatic only when proof of completion of the board-ordered additional education is submitted, reviewed and approved by the division.

***** DRAFT – NOT YET FILED *****

1301:17-1-22

Settlement agreement

(A) Any licensee who has been notified by the superintendent of a hearing to be held by a hearing examiner pursuant to Chapter 119, of the Revised Code for the purpose of determining whether a violation of section 4764.14 of the Revised Code occurred may enter into a settlement agreement with the superintendent.

(B) The settlement agreement shall contain the following information:

(1) A description of the conduct which the superintendent alleges the licensee committed;

(2) An admission by the licensee that the licensee engaged in such conduct;

(3) An acknowledgement by the licensee that such conduct admitted to constitutes a violation of section 4764.14 of the Revised Code;

(4) A waiver by the licensee to an administrative hearing pursuant to Chapter 119, of the Revised Code;

(5) An acknowledgement by the licensee that the licensee had the opportunity to review the settlement agreement with the licensee's legal counsel;

(6) A sanction, if any, which the superintendent believes should be imposed on the licensee for the admitted violations of section 4764.14 of the Revised Code. Any education course work imposed shall not count toward the licensee's continuing education requirement;

(7) An acknowledgement by the parties that the settlement agreement, if accepted, will become a final order;

(8) A waiver by the licensee of all appeals pursuant to section 119.12 of the Revised Code and any right of reconsideration; and

(9) Any other provision which the superintendent deems to be appropriate.

(C) If a settlement agreement is entered, the formal hearing shall be cancelled.

(D) The superintendent shall not enter into any settlement agreements with a licensee if the superintendent knows it is not the licensee's free and voluntary act to enter into such an agreement.

(E) During the course of an investigation, a licensee may voluntarily surrender the license provided the licensee affirms under oath that the licensee will cease and desist all activity for which a license is required, and that the licensee will not apply for an Ohio home inspector license in the future.