

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 66 HOME INSPECTOR LICENSING
PART 6 CODE OF ETHICS

16.66.6.1 ISSUING AGENCY: New Mexico home inspectors board.
[16.66.6.1 NMAC – N, 1/15/2021]

16.66.6.2 SCOPE: All licensed home inspectors, license applicants, other agencies, professional associations, and any member of the general public affected by or interested in home inspectors.
[16.66.6.2 NMAC – N, 1/15/2021]

16.66.6.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Home Inspector Licensing Act, Sections 61-24D-1 through 16 NMSA 1978 (2019).
[16.66.6.3 NMAC – N, 1/15/2021]

16.66.6.4 DURATION: Permanent.
[16.66.6.4 NMAC – N, 1/15/2021]

16.66.6.5 EFFECTIVE DATE: January 15, 2021, unless a later date is cited at the end of a section.
[16.66.6.5 NMAC – N, 1/15/2021]

16.66.6.6 OBJECTIVE: The objective of Part 6 of Chapter 66 is to set forth a code of ethics governing the professional obligations of all home inspector licensees.
[16.66.6.6 NMAC – N, 1/15/2021]

16.66.6.7 DEFINITIONS: Refer to Definitions, 16.66.1.7 NMAC.
[16.66.6.7 NMAC – N, 1/15/2021]

16.66.6.8 CODE OF ETHICS: All licensed home inspectors in New Mexico shall abide at all times by the Code of Ethics contained in this Part.

A. This Code of Ethics rests on the fundamental principles of integrity, honesty, and objectivity. All provisions contained herein shall be interpreted at all times in the light of these principles which govern the New Mexico home inspection industry.

B. All licensees shall comply with this Code of Ethics, shall avoid association with any enterprise whose practices violate this Code of Ethics, and shall strive to uphold, maintain, and improve the integrity, reputation, and practice of home inspection.
[16.66.6.8 NMAC – N, 1/15/2021]

16.66.6.9 CONFLICTS OF INTEREST: A licensee shall avoid conflicts of interest or activities that compromise, or appear to compromise, professional independence, objectivity, or inspection integrity. To that end, a licensee shall not:

A. Inspect a property for compensation in which the licensee has, or expects to have, a financial interest;

B. Inspect a property under a contingent arrangement whereby any compensation or future referral is dependent on reported findings or on the sale of the property;

C. Directly or indirectly compensate realty agents, 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;

D. Receive compensation for an inspection from more than one party unless the client consents in writing to the compensation arrangement;

E. Accept compensation, directly or indirectly, for recommending contractors, services, or products to clients or other parties having an interest in an inspected property; or

F. Perform, or offer to perform, for an additional fee any repair to a structure on which the home inspector or the home inspector's company has prepared a report at any time during the twelve months immediately prior to the repair or offer to repair.
[16.66.6.9 NMAC – N, 1/15/2021]

16.66.6.10 GOOD FAITH: A licensee shall act in good faith toward each client and other interested parties.

A. A licensee shall perform services and express opinions based on genuine conviction and only within the licensee's areas of education, training, or experience.

B. A licensee shall be objective in reporting and not knowingly understating or overstating the significance of reported adverse conditions.

C. A licensee shall not release any information about an inspection or a client to a third party unless doing so is necessary to protect the safety of others, to comply with a law or statute, or unless the client has provided intelligent, informed, and written consent to the home inspector for the release of the information.

D. A licensee shall be honest in all business dealings and professional conduct.

[16.66.6.10 NMAC – N, 1/15/2021]

16.66.6.11 CONFIDENCE IN THE PROFESSION: A licensee shall avoid activities that may harm the public, bring disrepute upon the licensee, or reduce public confidence in the profession of home inspection.

A. A licensee shall comply with all applicable federal, state, and local laws and regulations, including but not limited to the Home Inspector Licensing Act.

B. Advertising, marketing, and promotion of a licensee's services or qualifications shall not be fraudulent, false, deceptive, or misleading.

C. A licensee shall report a violation of this Code of Ethics to the Board.

[16.66.6.11 NMAC – N, 1/15/2021]

HISTORY OF 16.66.6 NMAC