

BUILDING COMMISSION**CHAPTER 170-X-24
ALABAMA HOME INSPECTORS REGISTRATION PROGRAM****TABLE OF CONTENTS**

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170-X-24-.01 Definition of Terms.

(1) Code of Ala. 1975, § 34-14B-2, provides for the definition of the following terms: Building Commission, Exterior Insulation and Finish Systems (EIFS) Inspector, Home Inspector, Person and Residence.

(2) Act. The term "Act" as used in this Chapter 170-X-24 shall mean Title 34, Chapter 14B of the Code of Alabama 1975, as amended.

(3) Alabama Administrative Procedure Act. The Term "Alabama Administrative Procedure Act" refers to the act codified at Title 41, Chapter 22 of the Code of Alabama 1975.

(4) Director. The term "Director" is defined in Rule 170-X-1-.03(b). Further, the Director shall be the official of the Building Commission responsible for and empowered to implement, supervise and carry out the requirements of this Alabama Home Inspectors Registration Program. The Director's powers shall include, but shall not be limited to, the decision to accept, reject, approve or disapprove of any and all applications (whether initial, renewal or reconsideration) for licensure, to revoke or suspend licensure, imposition of fines and making a final decision on all complaint procedures, disciplinary hearings and enforcement.

(5) License. The term "license" as used in this Chapter 170-X-24 shall mean a certificate of licensure issued or renewed by the Building Commission pursuant to the Act and this Chapter 170-X-24.

Author: Kippy Tate

Statutory Authority: Code of Ala. 1975, §§ 34-14B-1, *et seq.*; 41-9-140, *et seq.*

History: September 23, 2002

170-X-24-.02 Roster of Licenses.

Beginning in 2003, the Building Commission shall, by March 31 of each year, publish on its website and otherwise make available for public inspection upon request, a complete roster of all licenses

issued and renewed for that calendar year. The Building Commission shall keep the roster updated throughout the year.

Author: Kippy Tate

Statutory Authority: Code of Ala. 1975, §§ 34-14B-1, et seq.; 41-9-140, et seq.

History: September 23, 2002

170-X-24-.03 Requirement for Licensing.

All Home Inspectors and EIFS Inspectors shall have and maintain a current license issued by the Building Commission. A license is current only during the calendar year in which it is issued. Unless renewed, a license automatically shall expire at the end of the calendar year for which it was issued.

Author: Kippy Tate

Statutory Authority: Code of Ala. 1975, §§ 34-14B-1, et seq.; 41-9-140, et seq.

History: September 23, 2002

170-X-24-.04 Filing.

License applications, annual license renewal applications, and all other applications or submissions required by the Act and these rules shall be deemed filed when received by the Director. The Director may reject an application that is inaccurate, incomplete, not notarized, or for which all fees due have not been paid in the form required at the time the application is filed. All applications for licenses for the calendar year 2003 must be filed with the Director on or before November 29, 2002.

Author: Kippy Tate

Statutory Authority: Code of Ala. 1975, §§ 34-14B-1, et seq.; 41-9-140, et seq.

History: September 23, 2002

170-X-24-.05 License Requirements.

(1) In order to receive a license, a Home Inspector must successfully complete the following actions:

(a) File an accurate, complete, timely, and notarized application for license with the Director, along with the appropriate fee.

(b) Obtain bodily injury and property damage liability insurance covering the applicant's home inspection operations in the sum of not less than \$20,000 for injury or damage to property; \$50,000 for injury or damage, including death, to any one person; \$100,000 for injury or damage, including death, to more than one person; and \$250,000 of errors and omissions coverage.

(c) Provide evidence of one of the following professional qualifications:

1. Membership in and adherence to the ethical standards of one of the following professional bodies at the time of application:

American Society of Home Inspectors, Inc. (ASHI), 932 Lee Street,
Suite 101, Des Plaines, IL 60016

Housing Inspection Foundation, dba The Association of Home
Inspectors, 1224 North Nokimis, N.E., Alexandria, MN. 56308.

Home Inspection Institute, 4007 LaCrosse Avenue, Cincinnati, OH
45227.

National Association of Home Inspectors, Inc., 4248 Park Glen
Road, Minneapolis, MN 55416.

National Institute of Building Inspectors (NIBI), 424 Vosseller
Avenue, Bound Brook, NJ 08805.

American Inspectors Society, P.O. Box 702, Stone Mountain, GA 30086.

Home Inspection Institute of America, P.O. Box 4174, Yalesville, CT 06492-1524.

Inspection Depot, 7700 Square Lake Blvd., Bldg. 2, Jacksonville, FL 32256.

Advantage Systems ASP, LLC, P.O. Box 3917, Greenville, SC 29608.

Inspection Technology Institute, 849 N. Ellsworth St., Naperville, IL 60563.

International Society of Home Inspectors, 141 Robert E. Lee Blvd. – 50, New Orleans, LA 70124.

2. Approval or certification by one of the following agencies to inspect residential construction: The United States Veterans Administration, United States Department of Housing and Urban Development, the Southern Building Code Congress International, or the Council of American Building Officials.

3. A high school diploma or its equivalent, work experience for at least one year as a home inspector, and completion of at least 100 home inspections for compensation.

4. Alabama licensure on or after January 1, 1998, as a general contractor, registered professional architect, registered professional engineer, or residential home builder. Renewals of home inspector licensure previously supported by evidence of an acceptable professional license shall not require the applicant to repeat proof of such professional licensing.

(d) Complete a written examination demonstrating to the Building Commission that the applicant possesses an appropriate understanding of the Standards of Practice (Rule 170-X-25-.01) and the Code of Ethics (Rule 170-X-25-.02) promulgated by the Building Commission and a written examination demonstrating adequate knowledge of performing home inspections. The written examination for Home Inspectors to demonstrate appropriate understanding of the Standards of Practice and Code of Ethics will be the American Society of Home Inspectors Standards and Ethics Examination. The written examination demonstrating adequate knowledge of performing home inspections will be the Examination Board of Professional Home Inspectors National Home Inspectors Examination. Applicants shall pay any and all fees associated with testing directly to the organizations conducting the testing. Applicants must present with their application, original or duplicate test score reports demonstrating that the applicant has passed both tests within ninety (90) days of submitting the application.

(2) In order to receive a license, an EIFS Inspector must meet the same qualifications as a Home Inspector except applicants for licensure as an EIFS Inspector need not obtain the insurance referred to in subsection (1)(b) above, provide evidence of one of the professional qualifications referenced in subsection (1)(c) above or sit for the written examination specified by the Building Commission. An EIFS Inspector shall comply with the Standards of Practice and Code of Ethics promulgated at Rules 170-X-25-.03 and .04. In addition, an EIFS Inspector must, at the time of application, be a member of and adhere to the ethical standards of one of the following professional bodies:

Exterior Design Institute, 1531 Early Street, Norfolk, VA 23502.

Association of the Wall and Ceiling Industry, 803 Broad Street, Suite 600, Falls Church, VA 22046.

Author: Kippy Tate

Statutory Authority: Code of Ala. 1975, §§ 34-14B-1, et seq.; 41-9-140, et seq.

History: Adopted: September 23, 2002; Amended: January 30, 2004.

170-X-24-.06 Annual License Renewal, Consequences of Failure to Renew.

(1) A license is valid only during the calendar year indicated on the license. At the end of that calendar year, the license expires unless it is renewed by the licensee.

(2) To renew a license, the licensee must file a complete, accurate, timely, and notarized annual license renewal application with the Director of the Building Commission. Applicants renewing a Home Inspector's license must also demonstrate continued compliance with the requirements found in Rules 170-X-24-.05(1)(b) and (c), and for renewals of licenses for the year 2005, demonstrate compliance with the requirement for errors and omissions coverage found in 170-X-24-05(1)(b) above and compliance with the requirement found in 170-X-24-.05(1)(d) above of providing an original and duplicate test score report demonstrating that the applicant has passed the Examination Board of Professional Home Inspectors National Home Inspectors Examination. Applicants renewing an EIFS Inspector's license must also demonstrate continued membership in and adherence to the ethical standards of the Exterior Design Institute or the Association of the Wall and Ceiling Industry. Annual license renewal applications must be filed with the Building Commission by October 1 of the year preceding the year for which the license is to be renewed. Any renewal applications received after October 1 may, in the sole discretion of the Director, be rejected for that reason alone. Certificates of licensure shall be renewed on or before 60 days prior to the expiration date.

(3) If a licensee changes its address during the license year, the licensee promptly must notify the Building Commission of the new address.

Author: Kippy Tate

Statutory Authority: Code of Ala. 1975, §§ 34-14B-1, et seq.; 41-9-140, et seq.

History: Adopted: September 23, 2002; Amended: January 30, 2004

170-X-24-.07 Denial of License.

(1) Grounds for Denial. The Director may deny an application for a license or a license renewal for the applicant's failure to meet any requirement or standard established by the Act or these rules.

(2) Notice of Denial. The Building Commission shall give any applicant whose application for licensure or renewal is denied a written notice specifying the reason for the denial.

(3) Reconsideration.

(a) An applicant denied a license shall be given an opportunity to be re-considered after filing a new application and paying an additional application fee; provided, however, the Director in his discretion may waive any application requirements regarding the filing of any additional forms or the payment of any additional fees.

(b) An applicant who claims to have been wrongfully denied a license may request reconsideration of the Director's decision at any time within 45 days after the date of the Director's notice of denial. This request for reconsideration must be in writing and must include evidence that the Director relied on inaccurate or incomplete information in denying the applicant a license; evidence of rehabilitation or the elimination or cure of the grounds on which the denial was based; or other explanatory evidence bearing on the applicant's record. In connection with this request for reconsideration, the applicant shall be entitled to appear before a technical committee designated by the Director, in order to present the request. Applicants requesting reconsideration of denial shall be notified of the opportunity to appear before the committee by letter, mailed certified mail, return receipt requested, to the most recent address on file with the Building Commission at least 15 days prior to the scheduled date of the committee meeting. The notice shall also otherwise substantially comply with the requirements found in Code of Ala. 1975, § 41-22-12(b). In the event

an applicant receives less than 15 days' notice as described herein, the Director may grant a continuance until the next meeting date. The committee shall report to the Director its recommendation concerning the applicant's request for reconsideration. The Director shall be solely responsible for deciding whether or not to grant or deny the applicant a license. Should the Director deny the applicant his or her license, the applicant shall thereafter be entitled to appeal that decision to circuit court, as provided in Rule 170-X-24-.18.

Author: Kippy Tate

Statutory Authority: Code of Ala. 1975, §§ 34-14B-1, et seq.; 41-9-140, et seq.

History: September 23, 2002

170-X-24-.08 Failure of Timely Payment of Fees.

An application for a license, or any request for which a fee is required, must be accompanied by payment of the requisite fee in full in the appropriate form, or else the application or request shall be denied.

Author: Kippy Tate

Statutory Authority: Code of Ala. 1975, §§ 34-14B-1, et seq.; 41-9-140, et seq.

History: September 23, 2002

170-X-24-.09 Method of Payment, Time of Payment.

Fees may only be paid by cashier's check, bank check or commercial money order. Fees are deemed paid when the funds represented by the check or money order actually are received by or made available to the Director.

Author: Kippy Tate

Statutory Authority: Code of Ala. 1975, §§ 34-14B-1, et seq.; 41-9-140, et seq.

History: September 23, 2002

170-X-24-.10 Fees not Refundable.

No fee or part of a fee paid by an applicant for a license, or any request for which a fee is required, shall be refunded as a result of the denial, revocation or suspension of the applicant's license. In the event an applicant fails to complete the application process successfully or to take or pass the written examination, or the Director refuses to issue a license to an applicant, any license fee submitted as part of the application process shall not be refunded.

Author: Kippy Tate

Statutory Authority: Code of Ala. 1975, §§ 34-14B-1, et seq.; 41-9-140, et seq.

History: September 23, 2002

170-X-24-.11 Fees.

A fee of \$300 shall accompany every application for licensure or application for the renewal of a license.

Author: Kippy Tate

Statutory Authority: Code of Ala. 1975, §§ 34-14B-1, et seq.; 41-9-140, et seq.

History: September 23, 2002

170-X-24-.12 Fee Adjustments.

The Building Commission may adjust the fees as necessary to cover the Building Commission's operating costs as provided in Code of Ala. (1975) § 34-14B-5.

Author: Kippy Tate

Statutory Authority: Code of Ala. 1975, §§ 34-14B-1, et seq.; 41-9-140, et seq.

History: September 23, 2002

170-X-24-.13 Violations of the Act, Initiation of Proceedings.

(1) The Director may initiate such actions as it deems appropriate to investigate and determine compliance by Home Inspectors and EIFS Inspectors with the provisions of the Act and the rules of the Building Commission.

(2) The Director may also take action where initiated by an aggrieved party to a transaction involving a licensed inspector or by the Attorney General of the State of Alabama.

Author: Kippy Tate

Statutory Authority: Code of Ala. 1975, §§ 34-14B-1, *et seq.*; 41-9-140, *et seq.*

History: September 23, 2002

170-X-24-.14 Complaint Procedure.

(1) In the event a complaint is filed against a licensee or if the Director determines from other information that an investigation is necessary, the procedure for investigation or complaint shall be as follows:

(a) Upon undertaking an investigation of a licensee, the Director shall notify the licensee of investigation and the charges being investigated.

(b) The Director shall designate individuals to serve on an Investigative Committee. This Investigative Committee shall conduct an investigation of the complaint.

(c) At the end of the investigation, the Investigative Committee shall inform the Director as to whether probable cause exists for the Building Commission to initiate formal disciplinary proceedings, or to forward any necessary information to the appropriate governmental authorities. No member of the Investigative Committee, or any other individual associated with the investigation, shall in any way communicate any information to the Director concerning the facts, merits or substance of the investigation. If the Investigative Committee determines upon its investigation that no probable cause exists, the proceedings will terminate.

(2) In the event the Investigative Committee determines that probable cause exists to initiate formal disciplinary proceedings, the Investigative Committee shall so notify the Director. The Director shall thereafter schedule a proposed hearing date to be held within three months from the Director's receipt of the Investigative Committee's report.

(3) Notice shall be mailed certified mail, return receipt requested, to the most recent address of the licensee on file with the Building Commission. In the event the notice is refused or the return receipt has not been received by the Building Commission at least 10 days before the proposed hearing date, the licensee may be served by mailing a copy of the notice first class mail at least seven days before the proposed hearing date. The notice shall include a notice of the proposed hearing date and the respondent's opportunity to request that the hearing be conducted. The notice shall otherwise substantially comply with Code of Ala. (1975), § 41-22-12(b) (1975).

(4) A respondent may request in writing that the hearing be conducted. The request shall be submitted to the Director within 15 calendar days of the date of receipt of notice. Failure to request a hearing within the above time frame shall constitute a waiver of the opportunity for a hearing and shall cause the matter to be submitted to the Director for final action. Should the respondent request a hearing, the date of the hearing will be the proposed date established pursuant to subsection (2) above. Disciplinary Hearings will be conducted as described in Chapter 170-X-24-.16.

(5) Nothing contained herein shall be deemed to prohibit the informal disposition of any matter by stipulation, agreed settlement, consent order or default or by another method agreed upon by the Director and the respondent in writing.

Author: Kippy Tate

Statutory Authority: Code of Ala. 1975, §§ 34-14B-1, *et seq.*; 41-9-140, *et seq.*

History: September 23, 2002

170-X-24-.15 Pre-Hearing Discovery.

Within a reasonable amount of time prior to the scheduled hearing, the parties shall exchange all documents to be introduced into evidence at the hearing. The hearing officer, or in the absence of a hearing officer the Director, shall make all other decisions concerning pre-hearing discovery when requested to do so by either party.

Author: Kippy Tate

Statutory Authority: Code of Ala. 1975, §§ 34-14B-1, et seq.; 41-9-140, et seq.

History: September 23, 2002

170-X-24-.16 Disciplinary Hearings.

(1) Conduct of Hearing

(a) The Director, in his or her discretion and subject to applicable provisions of the Alabama Administrative Procedures Act, may appoint a hearing officer to hear the evidence and submit a report to the Director, including recommended findings of fact and conclusions of law.

(b) The respondent shall either admit or deny the charges set forth in the complaint.

(c) The hearing shall be conducted in a manner prescribed by the hearing officer, or, in the absence of a hearing officer, in a manner prescribed by the Director.

(d) The Director shall issue an order within 30 days after either the hearing is concluded, if conducted by the Director, or the Director's receipt of the hearing officer's report, if the hearing was conducted by a hearing officer. The order shall include findings of fact, official notice taken and conclusions of law, stated separately. The parties shall be notified either personally or by certified mail, return receipt requested, of any order, and a copy of the final order shall be delivered and mailed to each party or to his or her attorney of record.

(2) Other. The hearing otherwise shall be conducted in compliance with the provisions of the Alabama Administrative Procedures Act.

Author: Kippy Tate

Statutory Authority: Code of Ala. 1975, §§ 34-14B-1, et seq.; 41-9-140, et seq.

History: September 23, 2002

170-X-24-.17 Discipline.

(1) Revocation and suspension of license and imposition of administrative fines. The Director may revoke or suspend the respondent's license and may impose and collect administrative fines not to exceed \$3,000 per violation of the Act or these rules:

(a) Upon a finding that the respondent has provided false information in an application;

(b) Upon a finding that respondent has violated the applicable Standards of Practice or Code of Ethics promulgated by the Building Commission;

(c) Upon a finding that any of the insurance coverages required in Rule 170-X-24-.05 has ceased to be effective; or

(d) Upon a finding by the Director that the respondent has failed to comply with any requirement of the Act or these rules.

(2) Considerations. In determining whether a license should be revoked or suspended and the imposition of any fines, the Director shall consider all the relevant factors, including, but not limited to, the following:

(a) The severity of the offense;

(b) The danger to the public;

- (c) The number of repetitions of offenses;
- (d) The length of time since the date of violation;
- (e) The number of complaints filed against licensee;
- (f) The licensee's experience;
- (g) The actual damage, physical or otherwise;
- (h) The deterrent effect of the penalty imposed; and
- (i) Any other mitigating or aggravating circumstances.

(3) **Surrender of License.** Upon the Director's revocation or suspension of a license, the licensee promptly shall surrender to the Director the license certificate issued to the licensee.

Author: Kippy Tate

Statutory Authority: Code of Ala. 1975, §§ 34-14B-1, et seq.; 41-9-140, et seq.

History: September 23, 2002

170-X-24-.18 Appeal. A licensee whose license has been revoked, suspended or who otherwise has been the subject of a final disciplinary action may appeal the Director's order to the Circuit Court of Montgomery County, or such other proper venue as disclosed in Code of Ala. 1975 § 41-22-20(b) . Any such licensee must file with the Director's written notice of his intention to appeal within ten days of receipt by the licensee of the Director's final order and must file a petition for judicial review in the appropriate court within 30 days after filing the notice of appeal with the Director.

Author: Kippy Tate

Statutory Authority: Code of Ala. 1975, §§ 34-14B-1, et seq.; 41-9-140, et seq.

History: September 23, 2002

170-X-24-.19 Reinstatement of License After Revocation or Suspension.

Any licensee whose license has been revoked or suspended may apply to the Director for reinstatement of the license at any time. In the application for reinstatement, the applicant shall state why the license should be reinstated and shall specifically set forth any change in circumstances that would justify reinstatement. The application for reinstatement must include evidence that the applicant meets all the current licensure requirements and, unless excused by the Director, the applicant must qualify for licensure through all the procedures, including written examination, for initial licensure.

Author: Kippy Tate

Statutory Authority: Code of Ala. 1975, §§ 34-14B-1, et seq.; 41-9-140, et seq.

History: September 23, 2002

170-X-24-.20 Temporary Restraining Orders and Other Injunctive Relief. Upon receipt of evidence that a licensed Home Inspector or EIFS Inspector has violated or is about to violate the Act or the rules of the Building Commission, the Director may petition the Circuit Court of the county in which the violation occurred or is about to occur to issue a temporary restraining order or other appropriate injunctive relief enjoining such violation.

Author: Kippy Tate

Statutory Authority: Code of Ala. 1975, §§ 34-14B-1, et seq.; 41-9-140, et seq.

History: September 23, 2002

BUILDING COMMISSION**CHAPTER 170-X-25
STANDARDS OF PRACTICE AND CODE OF ETHICS****TABLE OF CONTENTS**

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170-X-25-.01 Standards of Practice for Home Inspectors

(1) Definition of Terms. As used in Rules 170-X-25-.01 and .02, the following terms shall have the following meanings:

(a) Alarm Systems. Warning devices, installed or free-standing, including but not limited to: carbon monoxide detectors, flue gas and other spillage detectors, security equipment, ejector pumps and smoke alarms.

(b) Architectural Service. Any practice involving the art and science of building design for construction of any structure or grouping of structures and the use of space within and surrounding the structures or the design for construction, including but not specifically limited to, schematic design, design development, preparation of construction contract documents, and administration of the construction contract.

(c) Component. A part of a system.

(d) Decorative. Ornamental; not required for the operation of the essential systems and components of a home.

(e) Describe. To report a system or component by its type or other observed, significant characteristics to distinguish it from other systems or components.

(f) Dismantle. To take apart or remove any component, device or piece of equipment that would not be taken apart or removed by a homeowner in the course of normal and routine home owner maintenance.

(g) Engineering Service. Any professional service or creative work requiring engineering education, training, and experience and the application of special knowledge of the mathematical, physical and engineering sciences to such professional service or creative work as consultation, investigation, evaluation, planning, design and supervision of construction for the purpose of assuring compliance with the specifications and design, in conjunction with structures, buildings, machines, equipment, works or processes.

(h) Further Evaluation. Examination and analysis by a qualified professional, tradesman or service technician beyond that provided by the home inspection.

(i) Home Inspection. The process by which an inspector visually examines the readily accessible systems and components of a home and which describes those systems and components in accordance with these Standards of Practice.

(j) Household Appliances. Kitchen, laundry, and similar appliances, whether installed or free-standing.

(k) Inspect. To examine readily accessible systems and components of a building in accordance with these Standards of Practice, using normal operating controls and opening readily openable access panels.

- (l) Inspector. A person hired to examine any system or component of a building in accordance with these Standards of Practice, including Home Inspectors as defined in Code of Ala. (1975), § 34-14B-2(3).
- (m) Installed. Attached such that removal requires tools.
- (n) Normal Operating Controls. Devices such as thermostats, switches or valves intended to be operated by the homeowner.
- (o) Readily Accessible. Available for visual inspection without requiring moving of personal property, dismantling, destructive measures, or any action which will likely involve risk to persons or property.
- (p) Readily Openable Access Panel. A panel provided for homeowner inspection and maintenance that is within normal reach, can be removed by one person, and is not sealed in place.
- (q) Recreational Facilities. Spas, saunas, steam baths, swimming pools, exercise, entertainment, athletic, playground or other similar equipment and associated accessories.
- (r) Report. To communicate in writing.
- (s) Representative Number. One component per room for multiple similar interior components such as windows and electric outlets; one component on each side of the building for multiple similar exterior components.
- (t) Roof Drainage Systems. Components used to carry water off a roof and away from a building.
- (u) Significantly Deficient. Unsafe or not functioning
- (v) Shut Down. A state in which a system or component cannot be operated by normal operating controls.
- (w) Solid Fuel Burning Appliances. A hearth and fire chamber or similar prepared place in which a fire may be built and which is built in conjunction with a chimney; or a listed assembly of a fire chamber, its chimney and related factory-made parts designed for unit assembly without requiring field construction.
- (x) Structural Component. A component that supports non-variable forces or weights (dead loads) and variable forces or weights (live loads).
- (y) System. A combination of interacting or interdependent components, assembled to carry out one or more functions.
- (z) Technically Exhaustive. An investigation that involves dismantling, the extensive use of advanced techniques, measurements, instruments, testing, calculations or other means.
- (aa) Under-floor Crawl Space. The area within the confines of the foundation and between the ground and the underside of the floor.
- (bb) Unsafe. A condition in a readily accessible, installed system or component which is judged to be a significant risk of personal injury during normal, day-to-day use. The risk may be due to damage, deterioration, improper installation or a change in accepted residential construction standards.
- (cc) Wiring Methods. Identification of electrical conductors or wires by their general type, such as "non-metallic sheathed cable" ("Romex"), "armored cable" ("bx") or "knob and tube," etc.

(2) Purpose and Scope

- (a) The purpose of these Standards of Practice is to establish a minimum and uniform standard for inspectors. Home Inspections performed to these Standards of Practice are intended to provide the client with information regarding the condition of the systems and components of the home as inspected at the time of

the Home Inspection.

(b) The inspector shall:

1. inspect:

(i) readily accessible systems and components of homes listed in these Standards of Practice.

(ii) installed systems and components of homes listed in these Standards of Practice.

2. report:

(i) on those systems and components inspected which, in the professional opinion of the inspector, are significantly deficient or are near the end of their service lives.

(ii) a reason why, if not self-evident, the system or component is significantly deficient or near the end of its service life.

(iii) the inspector's recommendations to correct or monitor the reported deficiency.

(iv) on any systems and components designated for inspection in these Standards of Practice which were present at the time of the Home Inspection but were not inspected and a reason they were not inspected.

(c) These Standards of Practice are not intended to limit inspectors from:

1. including other inspection services, systems or components in addition to those required by these Standards of Practice.

2. specifying repairs, provided the inspector is appropriately qualified and willing to do so.

3. excluding systems and components from the inspection if requested by the client.

(3) Structural System

(a) The inspector shall:

1. inspect:

(i) the structural components including foundation and framing.

(ii) by probing a representative number of structural components where deterioration is suspected or where clear indications of possible deterioration exist. Probing is not required when probing would damage any finished surface or where no deterioration is visible.

2. describe:

(i) the foundation and report the methods used to inspect the under-floor crawl space.

(ii) the floor structure.

(iii) the wall structure.

(iv) the ceiling structure.

(v) the roof structure and report the methods used to inspect the attic.

(b) The inspector is not required to:

1. provide any engineering service or architectural service.
2. offer an opinion as to the adequacy of any structural system or component.

(4) Exterior

(a) The inspector shall:

1. inspect:
 - (i) the exterior wall covering, flashing and trim.
 - (ii) all exterior doors.
 - (iii) attached decks, balconies, stoops, steps, porches, and their associated railings.
 - (iv) the eaves, soffits, and fascias where accessible from the ground level.
 - (v) the vegetation, grading, surface drainage, and retaining walls on the property when any of these are likely to adversely affect the building.
 - (vi) walkways, patios, and driveways leading to dwelling entrances.
2. describe the exterior wall covering.

(b) The inspector is not required to inspect:

1. screening, shutters, awnings, and similar seasonal accessories.
2. fences.
3. geological, geotechnical or hydrological conditions.
4. recreational facilities.
5. outbuildings.
6. seawalls, break-walls and docks.
7. erosion control and earth stabilization measures.

(5) Roof System

(a) The inspector shall:

1. inspect:
 - (i) the roof covering.
 - (ii) the roof drainage systems.
 - (iii) the flashings.
 - (iv) the skylights, chimneys, and roof penetrations.
2. describe the roof covering and report the methods used to inspect the roof.

(b) The inspector is not required to inspect:

1. antennae.

2. interiors of flues or chimneys which are not readily accessible.
3. other installed accessories.

(6) Plumbing System

(a) The inspector shall:

1. inspect:
 - (i) the interior water supply and distribution systems including all fixtures and faucets.
 - (ii) the drain, waste and vent systems including all fixtures.
 - (iii) the water heating equipment.
 - (iv) the vent systems, flues, and chimneys.
 - (v) the fuel storage and fuel distribution systems.
 - (vi) the drainage sumps, sump pumps, and related piping.
2. describe:
 - (i) the water supply, drain, waste, and vent piping materials.
 - (ii) the water heating equipment including the energy source.
 - (iii) the location of main water and main fuel shut-off valves.

(b) The inspector is not required to:

1. inspect:
 - (i) the clothes washing machine connections.
 - (ii) the interiors of flues or chimneys which are not readily accessible.
 - (iii) wells, well pumps, or water storage related equipment.
 - (iv) water conditioning systems.
 - (v) solar water heating systems.
 - (vi) fire and lawn sprinkler systems.
 - (vii) private waste disposal systems.
2. determine:
 - (i) whether water supply and waste disposal systems are public or private.
 - (ii) the quantity or quality of the water supply.
3. operate safety valves or shut-off valves.

(7) Electrical System

(a) The inspector shall:

1. inspect:
 - (i) the service drop.
 - (ii) the service entrance conductors, cables, and raceways.
 - (iii) the service equipment and main disconnects.
 - (iv) the service grounding.
 - (v) the interior components of service panels and sub panels.
 - (vi) the conductors.
 - (vii) the overcurrent protection devices.
 - (viii) a representative number of installed lighting fixtures, switches, and receptacles.
 - (ix) the ground fault circuit interrupters.
2. describe:
 - (i) the amperage and voltage rating of the service.
 - (ii) the location of main disconnect(s) and sub panels.
 - (iii) the wiring methods.
3. report:
 - (i) on the presence of solid conductor aluminum branch circuit wiring.
 - (ii) on the absence of smoke detectors.

(b) The inspector is not required to:

1. inspect:
 - (i) the remote control devices unless the device is the only control device.
 - (ii) the alarm systems and components.
 - (iii) the low voltage wiring, systems and components.
 - (iv) the ancillary wiring, systems and components not a part of the primary electrical power distribution system.
2. measure amperage, voltage or impedance.

(8) Heating System

(a) The inspector shall:

1. inspect:
 - (i) the installed heating equipment.
 - (ii) the vent systems, flues, and chimneys.
2. describe:

- (i) the energy source.
 - (ii) the heating method by its distinguishing characteristics.
- (b) The inspector is not required to:
- 1. inspect:
 - (i) the interiors of flues or chimneys which are not readily accessible.
 - (ii) the heat exchanger.
 - (iii) the humidifier or dehumidifier.
 - (iv) the electronic air filter.
 - (v) the solar space heating system.
 - 2. determine heat supply adequacy or distribution balance.

(9) Air Conditioning System

- (a) The inspector shall:
- 1. inspect the installed central and through-wall cooling equipment.
 - 2. describe:
 - (i) the energy source.
 - (ii) the cooling method by its distinguishing characteristics.
- (b) The inspector is not required to:
- 1. inspect electronic air filters.
 - 2. determine cooling supply adequacy or distribution balance.

(10) Interior

- (a) The inspector shall inspect:
- 1. the walls, ceilings and floors.
 - 2. the steps, stairways, and railings.
 - 3. the countertops and a representative number of installed cabinets.
 - 4. a representative number of doors and windows.
 - 5. garage doors and garage door operators.
- (b) The inspector is not required to inspect:
- 1. the paint, wallpaper, and other finish treatments.
 - 2. the carpeting.
 - 3. the window treatments.

4. the central vacuum systems.
5. the household appliances.
6. recreational facilities.

(11) Insulation and Ventilation

(a) The inspector shall:

1. inspect:
 - (i) the insulation and vapor retarders in unfinished spaces.
 - (ii) the ventilation of attics and foundation areas.
 - (iii) the mechanical ventilation systems.
2. describe:
 - (i) the insulation and vapor retarders in unfinished spaces.
 - (ii) the absence of insulation in unfinished spaces at conditioned surfaces.

(b) The inspector is not required to:

1. disturb insulation or vapor retarders.
2. determine indoor air quality.

(12) Fireplaces and Solid Fuel Burning Appliances

(a) The inspector shall:

1. inspect:
 - (i) the system components
 - (ii) the vent systems, flues, and chimneys.
2. describe:
 - (i) the fireplaces and solid fuel burning appliances.
 - (ii) the chimneys.

(b) The inspector is not required to:

1. inspect:
 - (i) the interiors of flues or chimneys.
 - (ii) the firescreens and doors.
 - (iii) the seals and gaskets.
 - (iv) the automatic fuel feed devices.
 - (v) the mantels and fireplace surrounds.
 - (vi) the combustion make-up air devices.

- (vii) the heat distribution assists whether gravity controlled or fan assisted.
2. ignite or extinguish fires.
3. determine draft characteristics.
4. move fireplace inserts or stoves or firebox contents.

(13) General Limitations and Exclusions

(a) General limitations:

1. Inspections performed in accordance with these Standards of Practice
 - (i) are not technically exhaustive.
 - (ii) will not identify concealed conditions or latent defects.
2. These Standards of Practice are applicable to buildings with four or fewer dwelling units and their garages or carports.

(b) General exclusions:

1. The inspector is not required to perform any action or make any determination unless specifically stated in these Standards of Practice, except as may be required by other lawful authority.
2. Inspectors are not required to determine:
 - (i) the condition of systems or components which are not readily accessible.
 - (ii) the remaining life of any system or component.
 - (iii) the strength, adequacy, effectiveness, or efficiency of any system or component.
 - (iv) the causes of any condition or deficiency.
 - (v) the methods, materials, or costs of corrections.
 - (vi) future conditions including, but not limited to, failure of systems and components.
 - (vii) the suitability of the property for any specialized use.
 - (viii) compliance with regulatory requirements (codes, regulations, laws, ordinances, etc.)
 - (ix) the market value of the property or its marketability.
 - (x) the advisability of the purchase of the property.
 - (xi) the presence of potentially hazardous plants or animals including, but not limited to, wood destroying organisms or diseases harmful to humans.
 - (xii) the presence of any environmental hazards including, but not limited to, toxins, carcinogens, noise, and contaminants in soil, water, and air.
 - (xiii) the effectiveness of any system installed or methods utilized to control or remove suspected hazardous substances.
 - (xiv) the operating costs of systems or components.

(xv) the acoustical properties of any systems or component.

3. Inspectors are not required to offer:

(i) or perform any act or service contrary to law.

(ii) or perform engineering services.

(iii) or perform work in any trade or any professional service other than home inspection.

(iv) warranties or guarantees of any kind.

4. Inspectors are not required to operate:

(i) any system or component which is shut down or otherwise inoperable.

(ii) any system or component which does not respond to normal operating controls.

(iii) shut-off valves.

5. Inspectors are not required to enter:

(i) any area which will, in the opinion of the inspector, likely be dangerous to the inspector or other persons or damage the property or its systems or components.

(ii) the under-floor crawl spaces or attics which are not readily accessible.

6. Inspectors are not required to inspect:

(i) underground items including, but not limited to, underground storage tanks or other underground indications of their presence, whether abandoned or active.

(ii) systems or components which are not installed.

(iii) decorative items.

(iv) systems or components located in areas that are not entered in accordance with these Standards of Practice.

(v) detached structures other than garages and carports.

(vi) common elements or common areas in multi-unit housing, such as condominium properties or cooperative housing.

7. Inspectors are not required to:

(i) perform any procedure or operation which will, in the opinion of the inspector, likely be dangerous to the inspector or other persons or damage the property or its systems or components.

(ii) move suspended ceiling tiles, personal property, furniture, equipment, plants, soil, snow, ice, or debris.

(iii) dismantle any system or component, except as explicitly required by these Standards of Practice.

Authors: The Alabama Standards of Practice and Code of Ethics for Home Inspectors are adopted from the American Society of Home Inspector's (ASHI) Standards of Practice and Code of Ethics. The Alabama Building Commission gratefully acknowledges ASHI's consent.

Statutory Authority: Code of Ala. 1975, §§ 34-14B-1, et seq., 41-9-140, et seq.

History: September 23, 2002

170-X-25-.02 Code of Ethics for Home Inspectors

(1) The home inspector will express an opinion only when it is based on practical experience and honest conviction.

(2) The home inspector will always act in good faith toward each client.

(3) The home inspector will not disclose any information concerning the results of the inspection without the approval of the clients or their representatives.

(4) The home inspector will not accept compensation, financial or otherwise, from more than one interested party for the same service without the consent of all interested parties.

(5) The home inspector will not accept nor offer commissions or allowances, directly or indirectly, from other parties dealing with their client in connection with work for which the home inspector is responsible.

(6) The home inspector will promptly disclose to his or her client any interest in a business which may affect the client. The home inspector will not allow an interest in any business to affect the quality or the results of their inspection work which they may be called upon to perform. The inspection work may not be used as a vehicle by the inspector to deliberately obtain work in another field.

(7) The home inspector shall make every effort to uphold, maintain, and improve the professional integrity, reputation, and practice of the home inspection profession. He or she will report such relevant information, including violations of this Code by other home inspectors, to the Building Commission.

Author: The Alabama Standards of Practice and Code of Ethics for Home Inspectors are adopted from the American Society of Home Inspector's (ASHI) Standards of Practice and Code of Ethics. The Alabama Building Commission gratefully acknowledges ASHI's consent.

Statutory Authority: Code of Ala. 1975, §§ 34-14B-1, et seq., 41-9-140, et seq.

History: September 23, 2002

170-X-25-.03 Standards of Practice for EIFS Inspectors

(1) Scope and Purpose.

(a) Inspections performed in accordance with these guidelines are intended to provide the building owner or client with a better understanding of the exterior cladding system and component conditions as observed at the time of inspection.

(b) EIFS Inspectors as defined in Code of Ala. 1975, § 34-14B-2 shall:

1. Observe all installed EIFS and stucco wall components listed elsewhere in these standards.

2. Submit a written, signed report to the person or persons outlined in their contract. The report shall:

(i) Describe those components specified, as listed elsewhere in these standards.

(ii) State which components were inspected as listed elsewhere in these standards.

(iii) State which components as listed elsewhere in these standards that were not inspected and why.

(iv) State why any components that are listed elsewhere in these standards that are in need of correction, modification, or immediate repair in order to bring the system to industry and/or

manufacturer standards.

(c) These inspection standards are not intended to limit the inspector from:

1. Reporting conditions or observations that directly relate to the performance or life of the inspected wall system and its components.

2. Including other systems and components into the inspection if requested by the person or persons for whom the inspection is performed.

(2) General Exclusions and Limitations

(a) General Exclusions

1. EIFS Inspectors are not required to report on:

(i) The life expectancy of the wall system or any component of the system.

(ii) The suitability of the wall system or product within the wall system for any specialized use.

(iii) The compliance or non-compliance of the wall system and components with applicable code requirements.

(iv) The method and materials required for the repair of the wall system or its components.

(v) The cost for the corrections to the wall system or its components.

(vi) The condition of a wall system or a component of a wall system that could not be readily observed due to personal items, furniture, equipment, plant life, soil, snow, ice, debris or storage.

(vii) The identification of wood destroying organisms including, but not limited to, insects, fungi, and rodents.

(viii) The identification of any hazardous substances, environmental issues or biohazards, or to determine the condition of an installed system used to control the above conditions.

2. EIFS Inspectors are not required to:

(i) Offer any warranties or guarantees of any kind.

(ii) Offer any service or perform any act that is contrary to law.

(iii) Perform any architectural or engineering service or perform any function that requires a license or permit which is in addition to the license obtained from the Building Commission.

(iv) Determine the strength, adequacy, life of, or efficiency of any wall system or component.

(v) Perform any procedure or destructive testing which may damage the wall system components or property without prior written permission from the property or building owner.

(vi) Move any personal items, furniture, equipment, plant life, or items that may obstruct access or visibility of the component or wall system being inspected, without first obtaining written permission from the property or building owner.

(vii) Predict the future of any installed wall system or its components installed within the wall system.

(viii) Predict the performance of wall system or components within the wall

system in regards to sound proofing, insulation, or fire suppression.

(3) System Components and Details

(a) EIFS Inspectors shall observe and report on:

1. Systems such as:

- (i) PB – Polymer Based EIFS
- (ii) PM – Polymer Modified EIFS
- (iii) DEFS – Direct Applied EIFS
- (iv) OCS – One Coat Stucco Systems
- (v) Quick R
- (vi) Drainage EIFS
- (vii) Traditional Hard Coat or Three Coat Stucco Systems

2. General Information such as:

- (i) Age of system and components
- (ii) Approximate amount of applied material being inspected
- (iii) Direction on which the building and applied surfaces face. (North, South, East, West)
- (iv) Number of stories
- (v) Temperature at time of inspection
- (vi) Weather conditions prior to and at the time of inspection
- (vii) Last rainfall
- (viii) Building or property owner

3. Accessible components such as:

- (i) Framing type
- (ii) Roof covering type
- (iii) Substrate type, if known
- (iv) Building wrap or moisture barrier, if known
- (v) Draining mat, if known
- (vi) Window type and manufacturer, if known
- (vii) Door type and manufacturer, if known
- (viii) Rigid foam type and manufacturer, if known
- (ix) Fasteners type and manufacturer, if known

- (x) Starter track
- (xi) Flashings
- (xii) Trim accessories
- (xiii) Reinforcing mesh type and manufacturer
- (xiv) Base coat type and manufacturer
- (xv) Finish coating type and manufacturer
- (xvi) Sealant or adhesive type and manufacturer

4. Accessible details such as:

- (i) Sealant around window perimeters
- (ii) Sealant around door perimeters
- (iii) Miter joints around windows and doors
- (iv) Fixed window mullions and joints
- (v) Head flashings at window tops
- (vi) Head flashings at window tops
- (vii) Pan flashing at window sills
- (viii) Penetrations at door threshold/track
- (ix) Backwrapping
- (x) Expansion joints
- (xi) Control joints
- (xii) Aesthetic grooves
- (xiii) Butterfly mesh
- (xiv) Type of fastening system used on foam
- (xv) Substrate nailing pattern
- (xvi) Foam fastening installation pattern
- (xvii) Openings on foam
- (xviii) Evidence of foam rasping prior to base coat installation
- (xix) Base coat thickness
- (xx) Top coat thickness
- (xxi) Transitions at accessories such as vinyl, brick, wood, and other dissimilar materials
- (xxii) Termination at grade

- (xxiii) Termination at concrete slabs
- (xxiv) Deck flashings
- (xxv) Flashings at columns
- (xxvi) Kick out flashings
- (xxvii) Roof wall flashings
- (xxviii) Wall soffit termination
- (xxix) Roof wall termination
- (xxx) Wall fascia termination
- (xxxi) Chimney crickets
- (xxxii) Chimney flashings
- (xxxiii) Gutters
- (xxxiv) Wall penetrations
- (xxxv) Accessories, flashings and sealant used

5. General Appearance

- (i) Cracking observed and location
- (ii) Exposed mesh observed and location
- (iii) Chalking surface (efflorescence) observed and location
- (iv) Uneven surface texture observed and location
- (v) Poor or missing sealant observed and location
- (vi) Stains observed and location
- (vii) Impact damage and location
- (viii) Flat areas and location
- (ix) Breaching of surface by other trades and locations
- (x) Vegetation, grading, drainage, driveways, patios, walkways, and retaining walls with respect to their effect on the condition of the exterior wall system or its components
- (xi) Accessories and attachment methods

(4) Moisture Testing and Analysis

(a) EIFS Inspectors shall observe and report on:

1. Methods of Testing:

- (i) Reasons for testing
- (ii) Locations of testing areas

- (iii) Amount of testing areas
 - (iv) Type of tests performed
 - (v) Result of tests performed
2. Examine areas of potential water intrusion
- (i) Glazing
 - (I) Gaskets
 - (II) Weeps
 - (III) Sealants
 - (IV) Perimeter sealants
 - (V) Unauthorized alterations
 - (ii) Penetrations
 - (I) Designed penetrations
 - (II) Post-construction penetrations
 - (III) Sealants
 - (IV) Unauthorized alterations
 - (iii) Wall Area
 - (I) False joints (cracking)
 - (II) Designed joints
 - (III) Post-construction joints
 - (IV) Cracks
 - (V) Impact Damage
 - (VI) Bird nest, or insect damage/holes
 - (VII) Unauthorized alterations
 - (iv) Roof/Wall Interfaces
 - (I) Copings
 - (II) Parapets
 - (III) Penetrations
 - (IV) Flashings
 - (V) Roof areas
3. Inspect and report on all accessible elevations or water entry points.
4. Inspect and report on accessible interior areas. Probe interior finished areas and

structural components where deterioration is suspected. Report the signs of water penetration into the building or signs of abnormal condensation on building components.

5. Test equipment used:
 - (i) Type of test equipment used
 - (ii) Method of calibration of test equipment used

Author: The Alabama Standards of Practice and Code of Ethics for EIFS Inspectors are adopted from the Exterior Design Institute (EDI) Standards of Practice and Code of Ethics. The Alabama Building Commission gratefully acknowledges EDI's consent.

Statutory Authority: Code of Ala. 1975, §§ 34-14B-1, et seq., 41-9-140, et seq.

History: September 23, 2002

170-X-25-.04 Code of Ethics for EIFS Inspectors

(1) Quality of Care. EIFS Inspectors shall commit to ongoing professional development and education.

(2) Individual Rights. EIFS Inspectors shall strive to recognize and respect the rights, dignity and individuality of all persons. An EIFS Inspector shall not unlawfully discriminate or knowingly permit unlawful discrimination on the basis of race, national origin, sex, sexual orientation, religion, age or disability.

(3) Representation of Care and Fees.

(a) EIFS Inspectors shall make no representations regarding their services or disqualifications that are false or misleading in any material respect.

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

(c) EIFS Inspectors shall not offer or deliver any compensation, inducement, or reward to the owner of the inspected property, the broker, agent, or home inspector for the referral of any business to the EIFS Inspector, the EIFS Inspector's company or the EIFS Inspector's remediation contractor.

(4) Conflicts of Interest.

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

(b) Suggested Guidelines for EIFS Inspectors that provide both inspection and stucco remediation contractor services:

1. To avoid conflict of interest complications, an EIFS Inspector can adopt the policy of not repairing projects they inspected for twelve (12) months and having independent third party inspectors inspect the projects that they have remediated.

2. On small projects (generally less than \$1,000 of repairs), the EIFS Inspector or their companies shall provide full disclosures of potential conflicts of interest if the owner wants them to perform the repairs; including appropriate disclosure and waiver forms. All repairs should be properly inspected by an independent third party EIFS Inspector or equal.

3. On all other projects where EIFS Inspectors or their companies are performing both inspections and repairs, the EIFS Inspector should establish a procedure to avoid conflict of interest

concerns. The procedure may involve the following steps:

(i) Perform the stucco inspection and write the report identifying the problem areas. If qualified to do so, develop the specification for repairs to correct the problem areas identified. Provide this information to the owner so they can solicit bids for the repairs. If the EIFS Inspector or their company is not asked to provide a bid to perform the repairs, then the EIFS Inspector can remain available as a consult and independent third party inspector to monitor the remediation.

(ii) If the owner desires that the EIFS Inspector or their company provide a bid for the repairs, then the EIFS Inspector shall document the change in the relationship with the owner and obtain appropriate waivers to establish consent from the owner prior to bidding the project.

(iii) If the original EIFS Inspector wins the bid, they shall require that the owner hire an independent third party EIFS Inspector or equal to monitor the remediation.

(iv) If the original EIFS Inspector does not win the bid, then they can be retained as the independent third party EIFS Inspector to monitor the remediation by the successful bidder.

(5) EIFS Inspectors.

(a) EIFS Inspectors shall not engage in unethical conduct.

(b) EIFS Inspectors shall not slander, malign or make false statements regarding the EIFS and/or stucco industry including other EIFS Inspectors or other persons involved in manufacture, application or inspection of EIFS or stucco products.

(c) EIFS Inspectors shall pledge themselves to the continued pursuit of increasing their knowledge, education, training and experience so that consumers of stucco inspection and repair services can rely upon the competence of EIFS Inspectors.

(d) EIFS Inspectors shall not engage in any conduct that is detrimental to the reputation or the best interest of the stucco inspection and repair industry.

Author: The Alabama Standards of Practice and Code of Ethics for EIFS Inspectors are adopted from the Exterior Design Institute (EDI) Standards of Practice and Code of Ethics. The Alabama Building Commission gratefully acknowledges EDI's consent.

Statutory Authority: Code of Ala. 1975, §§ 34-14B-1, *et seq.*, 41-9-140, *et seq.*

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