

SECTION .0800 – ONSITE WASTEWATER CONTRACTOR, INSPECTOR, OR EVALUATOR CODE OF ETHICS

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- (a) Contractors, point-of-sale inspectors, private compliance inspectors, and evaluators shall at all times recognize their primary obligation is to protect the public in the performance of their professional duties and shall conduct the practice of those duties in a manner that protects the public health, safety and welfare.
- (b) Professional opinions expressed by contractors, point-of-sale inspectors, private compliance inspector, or evaluators in the discharge of their duties shall only be based on their education and experience.
- (c) No contractor, point-of-sale inspector, private compliance inspector, or evaluator shall disclose any information about the results of an inspection or evaluation without the approval of the client for whom the inspection or evaluation was performed, or the client's designated representative, except as required by law.
- (d) No contractor, point-of-sale inspector, private compliance inspector, or evaluator shall accept compensation or any other consideration from more than one interested party for the same service without the consent of all interested parties.
- (e) No contractor, point-of-sale inspector, private compliance inspector, or evaluator shall accept or offer commissions or allowances, directly or indirectly, from or to other parties dealing with the client in connection with work for which the licensee is responsible.
- (f) No contractor, point-of-sale inspector, private compliance inspector, or evaluator shall provide an appraisal nor express an opinion of the market value of the inspected property during an inspection or in the inspection report.
- (g) Before the execution of a contract to perform an on-site wastewater system point-of-sale inspection, a point-of-sale inspector shall disclose to the client any interest the point-of-sale inspector has in a business that may affect the client. No licensee shall allow his or her interest in any business to affect the quality or results of the inspection work that the inspector may be called upon to perform.
- (h) Before the execution of a contract to perform, construct, or repair an on-site wastewater system installation, a contractor shall disclose to the client any interest a contractor has in a business that may affect the client. No licensee shall allow his or her interest in any business to affect the quality or results of the installation work that the contractor may be called upon to perform.
- (i) Before the execution of a contract to perform an on-site wastewater system evaluation, an evaluator shall disclose to the client any interest the evaluator has in a business that may affect the client. No evaluator shall allow his or her interest in any business to affect the quality or results of the evaluation work that the evaluator may be called upon to perform. Pursuant to G.S. 130A-336.2(d)(1), the evaluator shall not form a direct business relationship with any technology.
- (j) Before execution of a contract to perform an on-site wastewater system private compliance inspection, the private compliance inspector shall disclose to the client any interest the private compliance inspector has in a business that may affect the client. No private compliance inspector shall allow his or her interest in any business to affect the quality or results of the private compliance inspection that the private compliance inspector may be called upon to perform.
- (k) Contractors shall not knowingly or willfully install a non-permitted system.
- (l) Contractors shall not knowingly or willfully install a system or any part of a system other than what is specified in the permit.
- (m) Contractors, point-of-sale inspectors, private compliance inspector, and evaluators shall not engage in false or misleading advertising, documentation, and reporting or otherwise misrepresent any matters to the public.
- (n) Contractors, point-of-sale inspectors, private compliance inspector, and evaluators shall discharge their duties in accordance with Article 5 of Chapter 90A of the North Carolina General Statutes and the rules of the Board.
- (o) No point-of-sale inspector shall subcontract with another point-of-sale inspector for an on-site wastewater system inspection without the knowledge and signed consent of the client.
- (p) The contractor shall be the responsible party for an on-site wastewater system installation or repair that is permitted through the local health department or evaluator.
- (q) The evaluator shall be responsible for the work conducted by a subordinate.
- (r) The evaluator shall not perform any of the functions performed by a professional engineer for engineered wastewater systems described in G.S. 130A-336.1.
- (s) Evaluators who fail to comply with G.S. 89F-19 and have their soil scientist license revoked or suspended shall also have their authorization as an evaluator revoked or suspended.

(t) Employees of a local health department or DHHS shall not construct, install, evaluate, inspect, or repair, or offer to construct, install, evaluate, inspect, or repair, onsite wastewater systems outside of their employment with a local health department or DHHS.

(u) Evaluators shall not perform duties of contractors, point-of-sale inspectors, or private compliance inspectors on any system on which they are the evaluator.

(v) The private compliance inspector shall be responsible for the work conducted by a subordinate.

History Note: Authority G.S. 90A-70; 90A-72; 90A-74; 130A-336.2;
Eff. November 1, 2011;
Amended Eff. January 1, 2016;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;
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