

**PROPOSED REGULATION OF THE REAL ESTATE DIVISION  
OF THE DEPARTMENT OF BUSINESS AND INDUSTRY**

**LCB File No. R126-14**

July 15, 2014

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1-40, 42, 43 and 45-51, NRS 645D.120; §41, NRS 645D.120 and 645D.703; §44, NRS 645D.120 and 645D.700.

A REGULATION relating to professions; requiring the Real Estate Division of the Department of Business and Industry to keep certain information confidential; authorizing the Division to publish certain information on its Internet website; authorizing the Administrator of the Division to issue immediately a certificate as an inspector of structures or license as an energy auditor under certain circumstances; establishing certain requirements for licensure and practice as an energy auditor; providing for the operation and oversight of training programs in preparation for licensure; establishing the standards of practice of a licensee; establishing the grounds and procedure for disciplinary action against a licensee; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Chapter 645D of NRS generally authorizes the Real Estate Division of the Department of Business and Industry to regulate inspectors of structures and energy auditors.

**Section 4** of this regulation requires the Division to keep confidential certain records and personal identifying information of a certified home inspector, energy auditor or applicant for a certificate as an inspector or license as an energy auditor.

**Section 5** of this regulation authorizes the Division to publish on its Internet website certain information relating certification of inspectors and licensure of energy auditors.

**Section 6** of this regulation authorizes the Division to issue immediately a certificate or license to an applicant upon a decision by a hearing officer to reverse a decision of the Division denying the issuance of a certificate or license.

**Sections 7-37** of this regulation establish certain requirements for licensure and practice as an energy auditor, including requirements for training and education. **Sections 18-29** provide for the operation and oversight of training programs in preparation for licensure.

**Sections 42-48** of this regulation prescribe certain standards of practice for energy auditors.

Sections 49-51 of this regulation establish certain procedures regarding complaints and disciplinary action against licensees.

Section 1. Chapter 645D of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 37, inclusive, of this regulation.

Sec. 2. *“Energy assessment” has the meaning ascribed to it in paragraph (a) of subsection 5 of NRS 645D.300.*

Sec. 3. *“Limited energy audit” has the meaning ascribed to it in paragraph (b) of subsection 5 of NRS 645D.300.*

Sec. 4. *The Division will, unless otherwise ordered by a court, keep confidential:*

1. *Any criminal or financial records of a certified inspector, energy auditor or applicant for a certificate or license.*

2. *The social security number of a certified inspector, energy auditor or applicant for a certificate or license.*

3. *Any photograph of an applicant for a certificate or license which is in the possession of the Division.*

Sec. 5. *The Division may publish on its website:*

1. *Any disciplinary action taken with respect to the holder of a certificate or license.*

2. *Information pertaining to the status of an application for a certificate or license.*

Sec. 6. *The Division may immediately issue a certificate or license to an applicant if a hearing officer reverses a decision of the Division to deny such certification or licensure to the applicant pursuant to NRS 645D.210.*

Sec. 7. *As used in sections 7 to 37, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 8 to 11, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 8. *“Approved program” means a program of instruction which is offered by an approved program provider in preparation for an original license and which has been approved by the Administrator pursuant to section 25 of this regulation.*

Sec. 9. *“Approved program provider” means a business, organization or entity that has been approved by the Administrator pursuant to section 18 of this regulation to offer and conduct an approved program.*

Sec. 10. *“Course” means a course of instruction which is required to complete an approved program.*

Sec. 11. *“Hour of instruction” means not less than 50 minutes of instruction in a period of 60 minutes.*

Sec. 12. *In addition to the requirements of NRS 645D.170, an application for a license must include a photograph of the applicant which measures approximately 2 inches by 2 inches and which was taken within the 2 years immediately preceding the date of the application.*

Sec. 13. *The fee for an application for a license is nonrefundable.*

Sec. 14. *1. The Division will charge and collect from each applicant for a license a fee for any investigation of the applicant’s background undertaken pursuant to NRS 645D.180.*

*2. A fee collected pursuant to subsection 1 may not exceed the actual cost to conduct the investigation.*

Sec. 15. *Each application for a license must be completed personally by the applicant. Employees of the Division shall not help a person prepare his or her application.*

Sec. 16. *The Division will not:*

*1. Accept an application for a license from a person under 17 years of age; or*

*2. Issue a license to a person under 18 years of age.*

*Sec. 17. 1. An applicant for a license must provide proof satisfactory to the Administrator that the applicant:*

*(a) Holds a certificate of completion from an approved program provider pursuant to section 29 of this regulation; and*

*(b) Has completed not less than 40 hours of training and practice in each area identified in paragraph (c) of subsection 1 of NRS 645D.205 in an approved program.*

*2. An applicant who has been issued a license to practice as an energy auditor in another state or territory of the United States which was suspended or revoked shall:*

*(a) Disclose to the Division:*

*(1) The reason for the suspension or revocation of the license; and*

*(2) Any disciplinary action taken as a result of such suspension or revocation; and*

*(b) Provide to the Division documentation of the reinstatement of the license, if applicable.*

*Sec. 18. Each business, organization or other entity which desires to conduct an approved program offered in preparation for an original license must apply for and receive approval from the Administrator before offering and conducting an approved program. The application for approval must be on a form provided by the Division and must include:*

*1. The name, address, telephone number and, if available, the facsimile number, Internet website and electronic mail address of the program provider.*

*2. The type of program provider and a description of its training facilities.*

*3. The name of any person, business or organization with an ownership interest in the program provider.*

*4. The name and address of each instructor and evidence of his or her qualifications.*

5. *A syllabus or curriculum for each course.*
6. *An outline specifying the material to be covered for each subject required for licensure pursuant to paragraph (c) of subsection 1 of NRS 645D.205. The outline required pursuant to this subsection must identify a minimum of 40 hours of instruction for each subject.*
7. *A proposed schedule for 1 year.*
8. *A copy of all required textbooks and any other required course materials.*
9. *A copy of each quiz and examination administered for each course, including the answer for each question posed in each quiz or examination.*
10. *A statement of purpose.*
11. *A written description of:*
  - (a) *The fees to be charged;*
  - (b) *The date, time and location of each course;*
  - (c) *The grading system;*
  - (d) *The requirements for attendance;*
  - (e) *How attendance is verified for each student;*
  - (f) *Any policy to account for absences from class;*
  - (g) *The location of student records;*
  - (h) *How the course work will provide a practical understanding of the skills necessary to conduct an energy audit, limited energy audit and energy assessment;*
  - (i) *Any equipment that may be used to demonstrate or teach any skill which is necessary to conduct an energy audit, limited energy audit or energy assessment; and*
  - (j) *Any other criteria that must be met before a student may receive a certification of completion of an approved program.*

*12. Proof satisfactory that the program provider will administer a final examination for each course in the presence of a proctor.*

*13. Proof satisfactory that the curriculum will include instruction on conducting an energy audit, limited energy audit and energy assessment.*

*14. A sample of the certificate of completion that will be issued to each student upon completion of an approved program.*

*15. Any other information that the Administrator may reasonably request in consideration of an application.*

**Sec. 19.** *1. Not later than 15 days after the occurrence of any material change with respect to an approved program provider which would affect its approval by the Administrator, the approved program provider shall give the Administrator written notice of that change.*

*2. An approved program provider must, to qualify for annual renewal of approval, submit to the Division before July 1:*

*(a) A written certification, on a form prescribed by the Division, declaring that the approved program provider meets all applicable requirements of this chapter and chapter 645D of NRS; and*

*(b) A sworn statement, on a form prescribed by the Division, declaring that the information contained in the original application for approval is current or, if it is not current, a list of all material changes.*

*3. The Administrator may deny renewal of approval to any approved program provider for any of the following:*

*(a) The curriculum of or instruction in an approved program, as evidenced by an evaluation or audit, is of poor quality.*

*(b) The approved program provider has made a false statement or has presented false information in connection with any application submitted to the Division.*

*(c) The approved program provider or any official or instructor employed by the approved program provider has refused or failed to comply with any provision of this chapter or chapter 645D of NRS.*

*(d) The approved program provider or any official or instructor employed by the approved program provider has provided false information in connection with any report the approved program provider is required to submit to the Division.*

*(e) The approved program provider has demonstrated a pattern of consistently cancelling scheduled courses.*

*(f) The approved program provider has remitted to the Division a check which was dishonored by a bank or other financial institution.*

*(g) An instructor employed by the approved program provider failed to conduct a course in a manner which demonstrated that he or she possessed the teaching skills required by section 23 of this act.*

*(h) A court of competent jurisdiction has found that the approved program provider or any official or instructor employed by the approved program provider has violated, in connection with the offering of any course, any applicable federal or state law or regulation:*

*(1) Prohibiting discrimination on the basis of disability; or*

*(2) Requiring places of public accommodation or the location of a course to be in compliance with prescribed standards of accessibility for persons with disabilities.*

*(i) The approved program provider or any official or instructor employed by the approved program provider has been disciplined by any other occupational licensing agency in this State or any other state or territory of the United States.*

*(j) The approved program provider or any official or instructor employed by the approved program provider failed to provide the requisite instruction upon receiving payment for an approved program or course.*

*4. Not later than 30 days after a decision is made to grant or deny renewal of approval, the Division will send written notice of the decision and, if renewal of approval is denied, the basis for that decision by certified mail to the last known address of the approved program provider.*

**Sec. 20. 1.** *An approved program provider must, as a condition of annual renewal of approval, maintain a record for each student enrolled in an approved program which includes, without limitation:*

*(a) The name of the student;*

*(b) The title, description and number of each course in which the student is enrolled;*

*(c) The attendance record of the student;*

*(d) The hours of instruction completed by the student;*

*(e) The score achieved by the student on each quiz and examination; and*

*(f) A statement of whether the student passed or failed each course.*

*2. The record for each student maintained pursuant to subsection 1 must:*

*(a) Be maintained for at least 3 years after the enrollment of the student;*

*(b) Remain open for inspection by the Division during the normal business hours of the approved program provider; and*



*(c) Be provided to the Division upon the request of the student.*

*Sec. 21. 1. An approved program provider must require each student to attend the required number of hours of instruction and pass a final examination in each course with a score of not less than 70 on a scale of 100 as a condition of receiving a certificate of completion for an approved program.*

*2. An approved program provider may certify only the number of hours for which a course has been approved by the Administrator.*

*3. A student must complete an approved program in its entirety to be eligible for licensure.*

*Sec. 22. 1. An approved program provider shall not:*

*(a) Make any misrepresentation in its advertising about any approved program that it offers in preparation for an original license.*

*(b) Present a course for the purpose of selling products.*

*(c) Allow a student to pass any course by passing an examination without having attended the required hours of instruction.*

*(d) Provide more than 8 hours of instruction per day in an approved program.*

*2. An approved program provider shall limit the announcement of products during any course to not more than 1 minute for each hour of instruction.*

*Sec. 23. 1. An approved program provider shall employ as an instructor of a course only a person who is approved by the Administrator and who possesses:*

*(a) A good reputation for honesty, integrity and trustworthiness;*

*(b) The ability to exercise control over the students in the classroom; and*

*(c) At least one of the following qualifications, unless the person employed as an instructor applies for and is granted a special exemption by the Administrator:*

*(1) Five years of full-time experience working as an energy auditor; or*

*(2) Three years of experience teaching as an accredited instructor by an organization which issues a certification or accreditation approved by the Administrator.*

*2. Each instructor of a course must demonstrate to the satisfaction of the Administrator the academic training or work experience that qualifies him or her to teach a course.*

*3. An approved program provider shall not employ, without the written approval of the Administrator, an instructor who has been subject to discipline by the Division or any licensing authority of this State:*

*(a) Within the 5 years immediately preceding the projected starting date of employment; or*

*(b) More than twice.*

*4. An approved program provider shall limit guest lecturers who are not approved as instructors by the Administrator to not more than 10 percent of the hours of instruction of a course. A guest lecturer must be an expert in the subject that he or she teaches.*

*5. An instructor must be present in the classroom at all times during the hours of instruction of a course.*

**Sec. 24. 1.** *The Administrator may revoke its approval of an instructor who is employed by an approved program provider if:*

*(a) Any licensing authority in this State has taken disciplinary action against the instructor;*

*(b) The instructor fails to exercise control over the students in the classroom or maintain complete records of their attendance; or*

*(c) After an audit of the course and a review of any course evaluations, the Administrator concludes that the instructor is not qualified to instruct the course.*

*2. If the Administrator revokes the approval of an instructor, the Administrator will give the instructor and approved program provider written notice of such revocation. The notice must specify the reason for the revocation.*

*3. An instructor may appeal the decision of the Administrator to revoke his or her approval by making a written demand to the Division for a hearing not later than 20 days after receiving notice pursuant to subsection 2.*

*4. A hearing officer shall conduct a hearing not later than 90 days after receipt of a written demand for a hearing pursuant to subsection 3.*

**Sec. 25.** *1. An approved program provider must not offer or conduct a program of instruction in preparation for an original license unless the program of instruction is approved by the Administrator. An application for approval must be submitted on a form provided by the Division.*

*2. The approval of a program of instruction by the Administrator expires each year on June 30.*

*3. An approved program provider must apply annually to renew the approval of an approved program. The application must be submitted on a form provided by the Division and describe any material changes in the approved program since its last approval. The form must be received by the Division not later than June 1.*

*4. An approved program provider shall notify the Division not later than 15 days after making any material change in an approved program.*

5. *The Division may audit an approved program as a condition of renewing the approval of the approved program.*

6. *The Administrator may deny the renewal of approval of an approved program for any of the following acts or conditions:*

(a) *Poor quality of the curriculum or instruction, as demonstrated by an evaluation or audit.*

(b) *Violation of any of the provisions of this chapter or chapter 645D of NRS.*

(c) *Failure of an instructor to exercise control over the students in the classroom or to maintain complete records of their attendance.*

7. *The Administrator will not approve any program of instruction which is intended to develop or improve clerical, office or business skills that are not related to energy audits, limited energy audits or energy assessments, including, without limitation, typing, shorthand, the operation of business machines, the use of computers, improvement of memory, writing letters or business courses in advertising, marketing or psychology.*

**Sec. 26.** 1. *The Division will monitor and evaluate an approved program.*

2. *Each approved program, course and instructor is subject to review and audit by the Division. If the Division conducts such a review or audit, the approved program provider shall make available to the Division all records requested which are necessary to review or audit the program, course or instructor.*

**Sec. 27.** 1. *The student registration form for an approved program must set forth, in writing, the policy of the approved program provider with respect to cancellation, withdrawal and refunds.*

*2. Any advertising or promotional brochure for an approved program must specify that the program is approved by the Administrator.*

*Sec. 28. An approved program provider shall state on all materials, other than copyrighted materials, which are used to conduct any course in an approved program:*

- 1. That the program is approved by the Administrator; and*
- 2. For each course, the number of hours of credit applied toward the completion of the approved program.*

*Sec. 29. An approved program provider shall provide a certificate of completion to each student who completes an approved program. The Division will accept the certificate as proof of the student's completion of the approved program. The certificate of completion must include, without limitation:*

- 1. The name of the approved program provider;*
- 2. The title, description and number of the approved program;*
- 3. The name of the student;*
- 4. The number of hours of instruction attended by the student;*
- 5. The date of completion of the approved program;*
- 6. The date of expiration of the certificate, if any;*
- 7. An original signature of a person authorized to sign for the approved program; and*
- 8. The statement: "This program is approved by the Nevada Real Estate Administrator."*

*Sec. 30. Each license issued by the Division must have imprinted thereon the seal of the Division.*

*Sec. 31. Each energy auditor shall display his or her license conspicuously in his or her place of business.*

*Sec. 32. 1. The license of an energy auditor who fails to maintain, or whose employer fails to maintain, a policy of insurance pursuant to NRS 645D.190 expires 60 days after the energy auditor ceases to be covered by the policy.*

*2. The proof of insurance submitted by an applicant for an original license or applicant for renewal of a license pursuant to NRS 645D.190 must include the name of the applicant as it appears, or will appear, on his or her license.*

*Sec. 33. If an energy auditor chooses to establish an office in a private home or in conjunction with another business, his or her business location must comply with local zoning requirements.*

*Sec. 34. 1. An energy auditor may request a change of name, address or association by completing and submitting a form provided by the Division and paying the fee required by NRS 645D.240.*

*2. If an energy auditor requests a change pursuant to subsection 1 and pays the required fee, the receipt issued by the Division constitutes a temporary working permit pending receipt of the requested license.*

*Sec. 35. 1. An energy auditor may apply to the Division to have his or her license placed on inactive status on a form provided by the Division.*

*2. An energy auditor who requests to be placed on inactive status pursuant to subsection 1 is not entitled to a refund of any portion of fees previously paid for the issuance of his or her license.*

*Sec. 36. 1. An energy auditor may apply to the Division to have his or her license reinstated to active status on a form provided by the Division. The Division may approve an application for reinstatement if:*

*(a) The applicant is in good standing with the Division;*

*(b) The applicant submits with his or her application the fee required by NRS 645D.240;*

*and*

*(c) The effective date of the reinstatement of the applicant's license is before the expiration date of the license.*

*2. An energy auditor whose license expires pursuant to NRS 645D.230 after the license was placed on inactive status must renew his or her license pursuant to subsection 4 of NRS 645D.230 to activate his or her license.*

*Sec. 37. If the Division refuses to renew a license because it receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional certificates, licenses and permits issued to an applicant, the Division will reinstate his or her license if the Division receives a copy of a letter issued by a district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

**Sec. 38.** NAC 645D.010 is hereby amended to read as follows:

645D.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 645D.020 to 645D.060, inclusive, *and sections 2 and 3 of this regulation* have the meanings ascribed to them in those sections.

**Sec. 39.** NAC 645D.075 is hereby amended to read as follows:

645D.075 1. The Administrator may establish an advisory committee to assist him or her with any matter that the Administrator determines is appropriate for submission to an advisory committee.

2. The Administrator ~~shall~~ **will** create and maintain a list of the persons he or she approves to serve on an advisory committee. A person approved to serve on an advisory committee must:

(a) Be a ~~certificate~~ holder **of a license or certificate** on active status and in good standing with the Division;

(b) Have been actively engaged in business as a certified inspector **or energy auditor** in this State for at least the 3 years immediately preceding the date of the person's approval; and

(c) Have been a resident of this State for not less than 5 years.

3. If the Administrator determines to establish an advisory committee, he or she ~~shall~~ **will** appoint three persons to serve on the committee from the list of approved persons. At least one member of the advisory committee must be a certified master inspector. The Administrator ~~shall~~ **will** appoint one member of the advisory committee to serve as its chair.

4. A member of an advisory committee serves:

(a) At the pleasure of the Administrator;

(b) Without compensation; and

(c) Is entitled to receive the per diem allowance and travel expenses provided by law for state officers and employees generally for the period during which the member was engaged in the discharge of the member's duties.

**Sec. 40.** NAC 645D.090 is hereby amended to read as follows:

645D.090 1. Except as otherwise provided in subsection 2, this chapter applies to any person who:

(a) Performs ~~inspections~~ **an inspection** of residential or commercial property ~~it~~, **energy audit, limited energy audit or energy assessment;** and



(b) Signs a document regarding the inspection , *audit or assessment* in a way that designates the person as a “certified inspector ~~[-]~~” or “*energy auditor.*”

2. This chapter does not apply to any person exempted from the provisions of chapter 645D of NRS pursuant to NRS 645D.100.

**Sec. 41.** NAC 645D.095 is hereby amended to read as follows:

645D.095 1. If a person submits a check or draft to the Division to obtain a certificate, *license*, approval, accreditation or other type of authorization to engage in an activity for which authorization is required pursuant to this chapter ~~[-]~~ or chapter 645D of NRS, and the check or draft is returned to the Division because the person had insufficient money or credit with the drawee to pay the check or draft or because the person stopped payment on the check or draft:

(a) The certificate, *license*, approval, accreditation or other type of authorization obtained by the person from the Division is automatically invalidated; or

(b) If the person has not obtained the certificate, *license*, approval, accreditation or other type of authorization from the Division, the Division may refuse to issue or reinstate the authorization.

2. In accordance with NRS 353C.115 and NAC 353C.400, the Division will charge a person, for each check or draft returned to the Division because the person had insufficient money or credit with the drawee to pay the check or draft or because the person stopped payment on the check or draft, a fee of \$25 or such other amount as may subsequently be required by NRS 353C.115 and NAC 353C.400.

**Sec. 42.** NAC 645D.460 is hereby amended to read as follows:

645D.460 1. A certified inspector *or energy auditor* shall:

~~11.~~ (a) Perform his or her duties with the highest standard of integrity, professionalism and fidelity to the public and the client, with fairness and impartiality to all.

~~12.~~ (b) Avoid association with any person or enterprise of questionable character or any endeavor that creates an apparent conflict of interest.

~~13.~~ (c) Conduct the inspector's *or auditor's* business in a manner that will assure his or her client of the inspector's *or auditor's* independence from outside influence and interest which would compromise his or her ability to render a fair and impartial inspection ~~1.~~

~~4.~~ , *energy audit, limited energy audit or energy assessment.*

(d) Not disclose any information concerning the results of an inspection , *energy audit, limited energy audit or energy assessment* without the approval of the client or the client's representative for whom the inspection , *energy audit, limited energy audit or energy assessment* was performed.

~~15.~~ (e) Not accept compensation, financial or otherwise, from more than one interested party for the same service on the same property without the consent of all interested parties.

~~16.~~ (f) Not, whether directly or indirectly, accept a benefit from, or offer a benefit to, a person who is dealing with the client in connection with work for which the inspector *or energy auditor* is responsible. As used in this ~~{subsection,}~~ *paragraph*, "benefit" includes, without limitation, a commission, fee, allowance, or promise or expectation of a referral for other work.

~~17.~~ (g) Not express the estimated market value of an inspected property while conducting an inspection ~~1.~~

~~8.~~ ~~Not use the term or designation "state certified inspector" unless he or she is certified.~~

~~9.~~ , *energy audit, limited energy audit or energy assessment.*

(h) Before the execution of a contract to perform an inspection ~~§~~, *energy audit, limited energy audit or energy assessment*, disclose to the client any interest of the inspector *or energy auditor* in a business that may affect an interest of the client.

~~§~~ (i) Not allow his or her interest in any business to affect the quality or results of an inspection ~~§~~, *energy audit, limited energy audit or energy assessment*.

2. *No person may use the term or designation “state certified inspector” or “energy auditor” unless he or she is certified or licensed in this State pursuant to this chapter or chapter 645D of NRS.*

Sec. 43. NAC 645D.470 is hereby amended to read as follows:

645D.470 A certified inspector *or energy auditor* shall not, while making an inspection ~~§~~, *energy audit, limited energy audit or energy assessment*:

1. Offer to perform or perform any act or service that is unlawful.
2. Offer warranties or guaranties of any kind.
3. Offer to perform or perform any job function for which he or she does not have a license ~~§~~ *or certificate*, including, but not limited to, the services of an engineer, architect, plumber or electrician.
4. Calculate the strength, adequacy or efficiency of any system or component ~~§~~ *unless he or she is licensed or certified to make such a calculation*.
5. Enter any area or perform any procedure that may damage any part of the structure being inspected, *audited or assessed*, or endanger any person, including, but not limited to, the certified inspector ~~§~~ *or energy auditor*.
6. Operate any system or component that is shut down or otherwise inoperable.
7. Operate any system or component that does not respond to normal operating controls.

8. Determine the presence or absence of any suspected adverse environmental condition or hazardous substance, including, but not limited to, toxins, molds and other fungi, carcinogens, radon, noise or contaminants, unless he or she is licensed or certified to make such ~~inspections and determinations.~~ *a determination.*

9. Determine the effectiveness of any system installed to control or remove suspected hazardous substances ~~+~~ *unless he or she is licensed or certified to make such a determination.*

10. Predict the future condition of any system or component, including, but not limited to, the failure of a component ~~+~~ *unless he or she is licensed or certified to make such a prediction.*

11. Project the operating costs of any component ~~+~~ *unless he or she is licensed or certified to make such a projection.*

12. Repair a defect identified during the inspection ~~+~~, *energy audit, limited energy audit or energy assessment.*

**Sec. 44.** NAC 645D.600 is hereby amended to read as follows:

645D.600 In determining whether a certified inspector *or energy auditor* is guilty of unprofessional conduct or professional incompetence, the Division will consider, among other things, whether the inspector *or energy auditor* has:

1. Failed to perform ~~an~~ :

(a) *An inspection and prepare a complete ~~inspection~~ report of the inspection ~~in accordance with~~ pursuant to* NAC 645D.450 to 645D.580, inclusive; *or*

(b) *An energy audit, limited energy audit or energy assessment and prepare a complete report of the audit or assessment pursuant to NRS 645D.300;*

2. Done ~~the inspector's~~ *his or her* utmost to protect the public against fraud, misrepresentation or unethical practices relative to his or her profession;

3. Made an inspection , *energy audit, limited energy audit or energy assessment* and prepared ~~{an inspection}~~ a report of any property outside of ~~{the inspector's}~~ *his or her* field of experience or competence without the assistance of a qualified authority; ~~{or}~~

4. Adequately documented any required disclosures of ~~{the inspector's}~~ *his or her* interest in any property with which he or she is dealing ~~{}~~; *or*

*5. Been named in a written complaint to the Division regarding an inspection, energy audit, limited energy audit, energy assessment or report.*

**Sec. 45.** NAC 645D.610 is hereby amended to read as follows:

645D.610 In any advertisement through which a certified inspector *or energy auditor* offers to perform services for which a certificate *or license* is required pursuant to this chapter, the inspector *or auditor* shall disclose the name under which he or she does business and the type of certificate *or license* he or she holds.

**Sec. 46.** NAC 645D.620 is hereby amended to read as follows:

645D.620 1. A certified inspector *or energy auditor* shall keep at his or her place of business, or other location approved by the Division, a copy of the ~~{inspection}~~ report, work file and any other pertinent information relating to each inspection , *energy audit, limited energy audit or energy assessment* he or she conducts for at least 3 years after the completion of the inspection ~~{}~~, *audit or assessment*. Only one set of files need be maintained, but the information must be available to all participating inspectors ~~{}~~, *auditors and the Division*.

2. ~~{All inspections}~~ *Each inspection, energy audit, limited energy audit or energy assessment* conducted by a certified inspector *or energy auditor* must be filed in an orderly fashion, including, but not limited to, numerically, chronologically by date or alphabetically, to permit an audit by a representative of the Division.

3. The ~~inspection~~ report, work file and other pertinent information relating to an inspection , *energy audit, limited energy audit or energy assessment* must be open to inspection and audit by the Division upon its request during its usual business hours, as well as other hours during which the certified inspector *or energy auditor* regularly conducts business.

4. The certified inspector *or energy auditor* shall give written notice to the Division of the exact location of his or her records and may not remove them until the inspector *or energy auditor* has delivered a notice that informs the Division of the new location.

**Sec. 47.** NAC 645D.630 is hereby amended to read as follows:

645D.630 1. The Division may use a form of its design to conduct any office examination and require ~~the~~ a certified inspector, *energy auditor* or his or her office manager to sign such a form.

2. An examination must include, without limitation:

- (a) The address of the office;
- (b) The system used in filing records;
- (c) Advertising; ~~and~~
- (d) *The office file for inspections or audits which have been performed; and*
- (e) The availability of current statutes and regulations at the place of business.

**Sec. 48.** NAC 645D.640 is hereby amended to read as follows:

645D.640 A certified inspector *or energy auditor* shall, upon demand, provide the Division with the documents and the permission necessary to complete fully an office examination and audit of his or her records.

**Sec. 49.** NAC 645D.650 is hereby amended to read as follows:

645D.650 1. The Division will prepare and require a standard form or affidavit for use in making a citizen's complaint. This form may require any information the Division considers pertinent.

2. Except as otherwise provided in subsection 3, if a citizen's complaint is made, the Division will investigate any action that appears to violate a provision of chapter 645D of NRS or this chapter and need not be limited to the matter in the complaint.

3. If a citizen's complaint or a formal complaint is made against a certified inspector ~~H~~ *or energy auditor*, the Division will:

(a) Not investigate the complaint unless the complaint:

(1) Is in writing, signed and dated;

(2) Contains the mailing address and daytime telephone number of the person making the complaint; and

(3) Contains the complete address *or location* of the structure , *appliance or system* that is the subject of the complaint.

(b) Require a certified inspector *or energy auditor* to maintain all records relating to the complaint until the issue is resolved.

4. A certified inspector *or energy auditor* shall disclose all facts and documents pertinent to an investigation to members of the Division's staff conducting the investigation.

5. If the Division determines that sufficient evidence exists to establish a violation, it will prepare and file a formal complaint. If insufficient evidence exists, the Division may dismiss the matter without prejudice at any time.

**Sec. 50.** NAC 645D.660 is hereby amended to read as follows:

645D.660 1. The Division may grant any certified inspector *or energy auditor* not more than 10 calendar days to correct any deficiency involving advertising, the location of his or her business or office operation. A notice of the deficiency and a request to correct the deficiency must be mailed to the certified inspector ~~+~~ *or energy auditor*. Failure to comply with the request may be grounds for the suspension or revocation of a certificate ~~+~~ *or license*. The notice must be sent on a form provided by the Division and set forth the deficiencies or violations, the recommended action and the date by which the deficiencies must be corrected.

2. The Division may grant an extension for a definite time to correct the deficiency whenever the correction requires additional time.

**Sec. 51.** NAC 645D.730 is hereby amended to read as follows:

645D.730 1. Any person aggrieved by an action of the Division, except the revocation or suspension of a certificate *or license* issued pursuant to this chapter, may petition the Division for reconsideration of its action ~~[within]~~ *not later than* 15 days after ~~[its]~~ *issuance of the* order.

2. The petition must be in writing and state in detail the grounds on which the petitioner relies.

3. If the petitioner desires to present oral argument with his or her petition, oral argument must be requested in writing at the time the petition is submitted to the ~~[Administrator.]~~ *Division*. If oral argument is requested, the Division will set a time for a hearing to occur not later than 20 days after receipt of the petition. The Division will ~~[give at least 15 days']~~ *provide* notice of the hearing ~~+~~ *to the petitioner not later than 15 days before the hearing*.

4. Not later than 15 days after receiving the petition or hearing of oral argument, the Division will render a decision in writing to the petitioner.