

**BEFORE THE NORTH CAROLINA HOME INSPECTOR LICENSURE BOARD
RALEIGH, NORTH CAROLINA**

**IN THE MATTER OF
THE LICENSURE OF
DEVIE J. GOFORTH**

**NOTICE OF
ADMINISTRATIVE HEARING**

Docket Number: 2021-04

TO: Devie J. Goforth
2630 Shelburn Place
Charlotte, North Carolina 28227

I. NOTICE

Pursuant to North Carolina General Statutes §§ 143-151.45, 143-151.49, 143-151.56, 143-151.58, 150B-38, 150B-39, 150B-40, 150B-41, 150B-42, and Title 11 NCAC Chapter 8, Sections .1000, .1100, and .1200 et. seq. and other applicable statutes and rules, notice is given that an administrative hearing will be convened before the North Carolina Home Inspector Licensure Board (“Board”), on **January 13, 2022 at 2:00 p.m.**, in room #231 of the Albemarle Building, located at 325 North Salisbury Street, Raleigh, Wake County, North Carolina. The hearing may subsequently be moved to a more suitable location, and the parties will be provided notice of any such new location.

The purpose of this hearing is to determine whether the home inspector’s license (“license”) of Devie J. Goforth (“Respondent”) should be placed on probation, suspended, or revoked.

II. ALLEGATIONS AND CHARGES

At this hearing, the following allegations and charges shall be considered:

1. Respondent is a licensed home inspector pursuant to Chapter 143, Article 9F of the North Carolina General Statutes and holds License Number 296 issued to him by the Board.
2. On November 6, 2018, the Board received a complaint alleging that Respondent performed a home inspection on October 10, 2018, of a residence located at 2612 Long Hope Road., Monroe, North Carolina, which did not comply with the Standards of Practice and other relevant statutes and rules governing home inspections in North Carolina.
3. N.C. Gen. Stat. § 143-151.56 provides in part:

- (a) The Board may deny or refuse to issue or renew a license, may suspend or revoke a license, or may impose probationary conditions on a license if the license holder or applicant for licensure has engaged in any of the following conduct:
 - (7) Engaged in any act or practice that violates any of the provisions of this Article or any rule issued by the Board, or aided, abetted, or assisted any person in a violation of any provision of this Article.

4. 11 NCAC 08. 1204 of the N.C. Administrative Code provides that:

- (a) On receipt of a complaint conforming to this Section, the Engineering and Codes Division shall conduct an investigation.
- (b) A copy of the complaint and supporting information as set forth in Rule .1202(d) and (f) of this Section shall be mailed to the home inspector. The home inspector shall submit a written response to the Engineering and Codes Division within two weeks after receipt of the copy of the complaint.
- (c) Upon completion of the investigation, the Board's Investigation Review Committee ("Committee") shall make a determination of whether there is sufficient evidence to support a violation of G.S. 143-151.56(a). Based on its determination, the Committee may:
 - (1) recommend to the Board that the complaint be dismissed;
 - (2) recommend to the Board to dismiss the complaint and a letter of caution be issued to the home inspector;
 - (3) recommend to the Board that the complaint be resolved by consent agreement if the home inspector agrees to the terms of the consent agreement; or
 - (4) recommend to the Board to establish a time and place for a disciplinary hearing and give notice to the home inspector and complainant. Prior to the matter's being heard and determined by the Board, it may be resolved by consent agreement with the approval of the Board.
- (d) The Committee shall notify the complainant and the home inspector of its determination.

5. Pursuant to 11 NCAC 08. 1204(a) and (b), Board investigator and NCDOI Engineering and Codes Division employee, Sam Whittington, notified Respondent about the November 6, 2018 complaint received by the Board, but Respondent failed to respond and submit a written response to Board staff as requested.

6. Pursuant to and in violation of 11 NCAC 08. 1204(b) of the N.C. Administrative Code, Respondent failed to submit a written response within two weeks after receipt of the copy of the November 6, 2018 complaint.

7. On April 11, 2019, Board staff initiated a complaint to the Board as a result of Respondent's failure to respond and provide a written response to the November 6, 2018 complaint as required by 11 NCAC 08. 1204(b) of the N.C. Administrative Code.

8. Pursuant to N.C. Gen. Stat. § 143-151.56(a)(7), the Board may suspend or revoke, or impose probationary conditions on Respondent's license for engaging in acts or practices that violate Article 9F of Chapter 143 of the General Statutes or for violating any Board rule found in Title 11, Chapter 8 of the N.C. Administrative Code.

III. POSSIBLE ADVERSE ADMINISTRATIVE ACTION

At the hearing, the Board will consider the allegations and will determine whether disciplinary action should be taken against Respondent's license, pursuant to N.C. Gen. Stat. § 143-151.56(a)(7), which provides that the Board may take disciplinary action against a license if a licensee has violated any of the provisions of Article 9F of Chapter 143 of the General Statutes, or has violated any Board rule found in Title 11, Chapter 8 of the N.C. Administrative Code.


IV. HEARING PROCEDURES

A. At this formal administrative hearing, you will be given an opportunity to present evidence on issues of fact, examine and cross-examine witnesses, submit rebuttal evidence and present oral arguments. This hearing is your opportunity to put on evidence on your behalf. If you fail to do so, you will not have an opportunity to do so later.

B. You are hereby notified that you are entitled to be represented by counsel at the hearing, or that you may appear on your own behalf without counsel.

C. You may request a continuance of this hearing by doing so in writing at least five (5) days prior to the hearing. A continuance will only be granted for good cause shown.

This 13 day of December, 2021.


Connie M. Corey, Chairwoman
North Carolina Home Inspector Licensure Board

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served a copy of the foregoing **NOTICE OF ADMINISTRATIVE HEARING** by electronic mail and by mailing a copy of the same via certified U.S. Mail, return receipt requested, in a first class postage prepaid envelope on the licensee and on the attorney for the North Carolina Home Inspector Licensure Board by electronic mail and by mailing a copy of the same via State Courier, addressed as follows:

Devie J. Goforth
2630 Shelburn Place
Charlotte, NC 28227
homespectors007@gmail.com
(Respondent)

James R. Baker
Assistant Attorney General
N.C. Department of Justice
Insurance Section
9001 Mail Service Center
Raleigh, NC 27699-9001
jbaker@ncdoj.gov
(Attorney for the North Carolina Home Inspector Licensure Board)

This 14th day of December, 2021.



Heather H. Freeman
Assistant Attorney General
N.C. Department of Justice
Insurance Section
P.O. Box 629
Raleigh, NC 27602-0629
(919) 716-6610
N.C. State Bar No. 27282
hfreeman@ncdoj.gov