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*Lawyer*

CONTRACTS, BUSINESS, REAL ESTATE, INTELLECTUAL PROPERTY, AGRICULTURAL LAW AND RELATED LITIGATION  
PLAIN ENGLISH CONSULTING / CLE AND BUSINESS EDUCATION SPEAKER

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MARK COHEN, J.D., LL.M.

December 22, 2016

Via email to [REDACTED] and  
[REDACTED] and U.S. Mail.

Mr. [REDACTED]  
Ms. [REDACTED]

FL [REDACTED]

RE: Ethics Investigation

Dear Mr. [REDACTED] and Ms. [REDACTED]

I am the General Counsel for InterNACHI and the Master Inspector Certification Board (MICB). My duties include protecting the trademarks and reputations of those organizations. I am writing because InterNACHI is investigating whether you violated InterNACHI's Code of Ethics and MICB is investigating possible trademark infringement. The purposes of this letter are to inform you of the basis for the investigation and to invite you to submit any response and/or evidence you wish to submit.

**Facts**

This investigation began when we noticed a website for a home inspector in [REDACTED] Minnesota, that displayed MICB's Certified Master Inspector trademark. The link to that website is [REDACTED]. The MICB has designated only one Certified Master Inspector in that area, so MICB became concerned. Interestingly, the CMI logo was removed from that website after we began our investigation, but we have a screenshot showing it was on that site at one time. I have enclosed a copy of that.

That site represents it is owned by [REDACTED] but the Minnesota Secretary of State has no record of any company with that name and no record of any use of that as a tradename. That website lists an address for the business of [REDACTED] in [REDACTED] which is a residential area. The County Assessor's site shows that property is owned by [REDACTED].

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[REDACTED] and until last year was owned by [REDACTED]. We found nothing to suggest that Ms. [REDACTED] or Mr. [REDACTED] were ever home inspectors.

When a cursor hovered over certain graphics on that site, a pointer finger appeared indicating a graphic that can be clicked on. Clicking on that leads to an almost identical website called [REDACTED]. However, that [REDACTED] site has a different phone number and we were able to learn the registrant for that site is [REDACTED]. Another strange thing about the [REDACTED] site was it referred to cities that do not exist in Minnesota.

The phone number listed on the Minnesota website was traced to a [REDACTED] allegedly of [REDACTED] Minnesota, but we found no record of any person with that name living in the [REDACTED] area. The number on the [REDACTED] website was also traced to a [REDACTED] allegedly of [REDACTED] Florida. The assigned carrier for both phones is [REDACTED] of [REDACTED] in [REDACTED] Florida.

Our investigator called the number on the [REDACTED] website and received a message that the mailbox was full and that the investigator could leave an SMS (Short Message Service) message at [REDACTED]. That number was traced to an [REDACTED] with a suspicious address of [REDACTED], [REDACTED] Florida, and a [REDACTED] of [REDACTED] Florida.

Our investigator later called the number on the [REDACTED] website again. This time, a woman answered and identified herself as [REDACTED]. She told our investigator that her company, [REDACTED] is "accredited" by InterNACHI. She said one of the inspectors is [REDACTED] and that the company also had another inspector named [REDACTED]. Further investigation revealed the only InterNACHI member in the [REDACTED] area is a student member named [REDACTED] and [REDACTED] both listed the same address in the InterNACHI database.

## Concerns

1. MICB is very concerned about the illegal use of its Certified Master Inspector trademark on the [REDACTED] website. In addition to that being an infringement of MICB's trademark and highly prejudicial to people that have actually earned the designation, it may also be a deceptive trade practice under Minnesota law.

2. InterNACHI is concerned that you may have violated several provisions of its Code of Ethics by falsely claiming that the inspectors in [REDACTED] are done by a Certified Master Inspector and by providing a false business address on the [REDACTED] website. The Code of Ethics provides that InterNACHI members have a duty to the public, the profession, and to InterNACHI. The Code of Ethics clearly states, "The InterNACHI member shall be truthful regarding his/her services and qualifications."

3. InterNACHI is concerned that someone named [REDACTED] who is not an InterNACHI member may be performing inspections in the [REDACTED] area under InterNACHI's name.

## Next Steps

Before deciding what steps, if any, to take because of this investigation, InterNACHI and MICB want to give you an opportunity to be heard. Therefore, please submit any statements and/or evidence that you wish to submit to Mark Cohen, InterNACHI General Counsel, 1750 30<sup>th</sup> Street, No. 301, Boulder, CO 80301. Alternatively, you may email me at [mark@cohenslaw.com](mailto:mark@cohenslaw.com). If we do not receive a response by January 7, 2017, we will assume you do not intend to respond.

Thank you for your prompt attention to this matter.

Sincerely

*Mark Cohen*

MARK COHEN

MSC:kjd

Copy: InterNACHI and MICB