

May 4, 2017

BY REGISTERED MAIL

By Registered Post and email: [htbarton@hiabc.ca](mailto:htbarton@hiabc.ca), [info@hiabc.ca](mailto:info@hiabc.ca), [vinnieburnett@shaw.ca](mailto:vinnieburnett@shaw.ca)

To: Helene Barton, Executive Director of Home Inspectors Association BC (HIA BC), Vince Burnett, President of HIA BC, the Board of HIA BC, and Ombudsman of HIA BC

Home Inspectors Association BC  
5 – 3304 Appaloosa Road  
Kelowna, BC V1V 2W5

Re: Expulsion from HIA BC

Dear Helene, et al:

I was recently informed of my expulsion from HIA BC after an almost concurrent warning letter over primarily Facebook posts where I thanked the agents working with my clients in their respective real estate transactions. The penalties for this action were swift, the deliberation non-existent, and the actions of HIA BC potentially damaging.

I am writing you today and copying various parties associated with issues I will bring up in my letter and response in hopes that you and the board can reconsider and reinstate my membership and inform certain Board Members that their current course of action is out of line. While there are many choices in association, a standard not required by law, leaving an association with the stigma of being expelled can have damaging effects on my business not to mention psyche.

The unproven allegations made by HIA BC can be summarized in the following manner:

**HIA BC does not allow anything of monetary value to be given to referring agents and that Jimmy Torres, by thanking agents for referrals on Facebook, is offering a value to agents in the form of free advertising.**

In some ways this is a great compliment, suggesting that my prowess as a social media marketing expert is so incredible that agents would be lining up to refer me for home inspections so that they could grab a spot in one of the thousands of posts I have made in social media over my career—but let's start with the rules of the game. I see nowhere in the HIA BC policies, rules, or codes anything defining something of "value" as a simple social media post visible only to friends of mine. Even if we ignore the incredible overreach and invasion of privacy that someone at the HIA BC has gone to great lengths to effectuate, there simply are no rules to which HIA BC can point to that would suggest that such posts are not allowable.

Let's say, for the sake of argument that such non-existent rules did exist, and then let's look at one of my posts for arguments sake.



**Jimmy Torres** with Rhys Leonard in 📍 Langley, British Columbia.

March 12 · Instagram · 👤 ▼

Always a compliment when serving repeat clients of Walkabout Inspections. And great time seeing realtor, Rhys Leonard! Glad you got our mutual client a steal of a deal 🍷 Awesome stuff Rhys!

To work with one of the most highly referred home inspectors in BC, call 604-222-0305

#inspectedbyjimmy #lovewhatido #satisfiedclients #referrals



👍 Like    💬 Comment    ➦ Share

👍 Corbin Chivers, Jerry Suarez and 5 others



Write a comment...

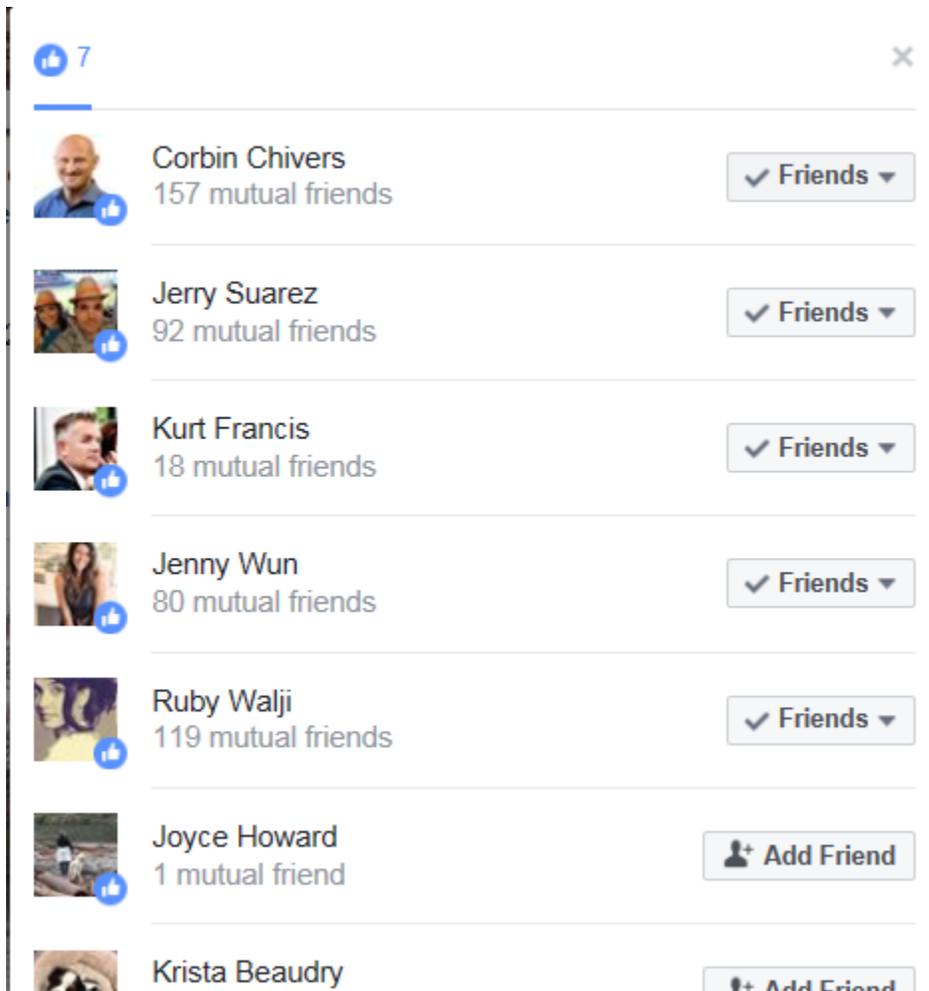


In this post, typical of the many you will see while invading my privacy on my personal social media profiles, it is important to note that to the right of the date of the posting, there is a small icon that looks

like two people standing next to one another. You will find this stamp on each of my posts, as my privacy settings on my postings are set to be seen by my friends only (and at times the friends of others tagged in the post).

In other words even if there were rules established at HIA BC prohibiting the thanking or showing appreciation to agents for referrals defining a social media post as something of value (which there is not), even if my privacy had not been invaded by limited view posts being shared outside what my defined limitations for such posts (which they were), there is absolute digital proof that my posts were anything but public and therefore would not meet any definition of advertising and certainly not an advertising “of value”. Each and every post I have ever made was either to friends or friends of friends, which is inherently limited in social media and would have no ability to reach the consumer base of BC.

To further the point, the post above that is typical of posts I have made has 7 total likes. Here is a screen shot of those likes.



Since the board and HIA BC has had no problem thus far in invading privacy, I would encourage you to go ahead and continue such invasion in investigating each of the “likes” on the above post. Jerry Suarez, is a home inspector in Miami that has nearly a 0% chance of buying any property in BC ever due to his love of warm weather. The remaining are all friends of mine or the tagged persons in the post and all

are agents or real estate professionals. There was no indication, at all, that clients were being “advertised to” and even if that were the intent (which it was not), it was not achieved. The arguments made by HIA BC are incredibly frail and lead to slippery slope scenarios where inspectors might at some point be ejected from the membership if they say “hello” to an agent at McDonald’s and more than one person heard them do so and took it as some sort of endorsement. It’s a ridiculous standard to try to create and enforce.

Despite the fact that there were no rules and continue to be no rules against such a post at HIA BC or any other entity or organization in home inspection, despite the fact that such information was obtained and shared in violation of the terms of use of the various sites being utilized by HIA BC in their abrupt warning and sudden unjust expulsion of my as a member, despite the fact that there is no advertising value perceived or actual to any of these posts, and despite the fact that such posts were made privately amongst friends only, HIA BC failed to have any deliberations over the issue whatsoever where basic knowledge of social media platforms would have exonerated me entirely of this issue.

While I was pondering the question of why such a seemingly inert action could justify such a harsh response with no oversight and could not rationalize it, I was contacted by an agent friend of mine that recommends me for home inspections. The president of HIA BC apparently reached out to this agent and was utilizing the fact that my membership has been taken away from HIA BC, in order to sway this agent into utilizing him. This was probably the most troubling aspect of all of this—that an executive Board member of HIA BC, the president would utilize the non-profit association to report me for some non-existent violation and then go the next step of utilizing such expulsion to create business for his for-profit business ventures. While I am not an expert in these matters, this is something I would love to get input from CRA on as it does not seem right. Playing out the roles being reversed, could I start a non-profit on the side, simply make some arbitrary rule excluding my local competition from participation, and advertise that they do not qualify? Or worse yet allow them to join, suggest I am some sort of standard bearer, restrict them to only using my logo in all advertising, then expel them unjustly later without cause or deliberation and make that out to be something nefarious in public to help my for-profit business?

On another note, an email was sent from the HIA BC Ethics Committee to its members on March 15, 2017 stating: “We do not want to stop you from marketing your business in a legitimate and ethical way, but our relationship with realtors must *always be seen in a positive light by the **public** and not perceived as a conflict.*” --- That being said, please keep in mind that all social media posts of mine you are referring to, are intended to be private. And as far as the relationship with realtors to not be perceived as a conflict goes, what about when a HIA BC member is married to a realtor that refers him/her business? What about when a former vice president of the board goes on vacation with his realtor friends that refer him business and they take pictures together to post on social media? What about when the board utilizes its members' dues to hire one of the home inspection industry's top marketing gurus, who in turn teach the HIA BC members how to generate referrals from realtors? And let's not forget the time when the board decided to distribute our then Association known as CAHPI BC, quarterly magazine to nearly all the realtor offices in BC for the purpose of promoting CAHPI/HIA BC inspectors with the obvious goal to be referred by the realtors of these offices.

Another letter sent to me on March 17, 2017 regarding the following:

- *Photo of the HIABC February 2017 educational seminar with disrespectful remarks about our member home inspectors.*
- *Photo of inside a seller's home taken during a home inspection with discourteous comments.*

I do not recall saying anything disrespectful about the members at all; in fact, I have shown the utmost respect to my fellow inspectors by referring work to them, and these members would include a few of the first inspectors to ever get their member ID numbers with the association. I do that, all while several other inspectors from HIA BC continue to bash me through word of mouth and on social media --- And the board says I have failed to abide by "Policy 10.2: The ethics of the Association and its members are paramount and must be upheld to maintain a positive public image and the Association's good name."?

Regarding the photo inside a seller's home, how do you determine that it wasn't for a family member of mine who gave me permission to post it on my personal social media profiles?

Furthermore, it has been brought to my attention from a few fellow inspectors that are still members of HIA BC, that there will be a vote at the next HIA BC Annual General Meeting on May 6, 2017 to replace the current Code of Ethics. The timing of proposed changes and the fact that changes are being made in the first place further evidence the fact that I did not break any rules, and that I did not go against the current code of ethics. If the vote passes, it would be a clear intent to disadvantage me as a member simply because the board did not like what I did.

I'm not entirely certain I want to be a part of HIA BC on a long term basis. I'm not saying I wouldn't be inclined to continue my membership with the relatively minimal cost, but this episode gives me pause. I'm simply looking at this point for HIA BC to instruct their Board Members not to utilize the non-profit for their own personal gain in accordance with all applicable laws, to discontinue all libelous and slanderous activities, and for HIA BC to reinstate my membership and follow the basic standards of decency when it comes to respecting privacy and work in the spirit of helping all members, not just board members with an axe to grind.

I look forward to your response within the next business day during which time I expect full compliance from the board.

Sincerely,



Jimmy Torres  
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