Official Publication of the Wisconsin Association of Home Inspectors, Inc.





President

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Hello WAHI Members!

I hope your summer is off to a great start! On the day I wrote this article the heat index was high and was expected to stay that way for a while. Be sure to stay well hydrated and dress appropriately for our summer conditions. Listen to your body - if it's telling you to take a break, do so! When we're in the midst of a heat wave, turning on the AC is the first thing I do as I start my inspection. We have to test it anyhow, take advantage of it!

Home Inspector members who use Inspector Pro for their E&O coverage have been receiving emails and mailings regarding their state-specific inspection agreement. Inspector Pro and their legal counsel feel agreements should be tailored to a particular state's rules and procedures when dealing with unhappy clients. The WAHI agreement is tailored to WI rules and procedures. Any changes to our WAHI agreement have always been with the guidance and approval of legal counsel - for the last 15+ years that has been with Attorneys Roy Wagner and/or Lauren Triebenbach. The legal world is ever changing, and we haven't given our agreement a look for a few years. We plan to share Inspector Pro's recommendations with Lauren and Roy and will share their thoughts as we get that information.

One thing to remember regarding an inspection agreement, and this goes for the WAHI inspection agreement, one offered by an insurance company or another provider, you are not required to use any particular one. As an incentive, Inspector Pro is offering a discount on your deductible if you use their Agreement. Their legal team is familiar with it, and it may be to your benefit to utilize it but that is your business decision to make. In reality, you don't have to use an agreement at all if you don't want to BUT I do not feel that is a wise decision.

CHAPTER UPDATES



NEXT MEETING: Wednesday, July 20

Social at 6:00 pm & Meeting/Dinner/Education at 6:30 pm Sconni's Alehouse & Eatery, 1239 Schofield Ave, Schofield, WI 54467 Education: To Be Announced

For speaker information, or to provide a suggestion/lead, please contact the Chapter President, Mike Carson 715.212.4051



NEXT MEETING: Wednesday, July 6th

Check-in by 5:15 pm & Meeting/Dinner/Education to follow Hangar 54 Grill (in CV airport), 3800 Starr Ave, Eau Claire, WI 54703 Education: Matthew Berlin, Precision Heating and Electric Matthew will focus his presentation on furnaces and air conditioning components and systems.

For speaker information, or to provide a suggestion/lead, please contact Chapter Education Co-Chairs, Pete Saltness 715.829.7348 and Marc Steig 715.797.1475



NEXT MEETING: Tuesday, July 19

Check-in at 5:30 pm & Roundtable/Meeting/Dinner/Education at 6:00 pm <u>Waverly Beach, N8870 Fire Lane 2, Menasha, WI 54952</u> Education: To Be Announced

For speaker information, or to provide a suggestion/lead, please contact Chapter Education Chair, Scott Hansen at 920.716.3025



NEXT MEETING: Wednesday, July 13

VFW Stoughton Post #328, 200 Veterans Rd, Stoughton, WI 53589 Check-in starts at 5:30 pm & Meeting/Dinner/Education at 6:00 pm Education: Round table discussion on home inspection and the current real estate market.

For speaker information, or to provide a suggestion/lead, please contact Chapter Education Chair, Ron Miller at 608.235.9836



 NEXT MEETING:
 Tuesday, July 12

 Check-in starts at 5:30pm, Dinner available 5:45 pm & Meeting/Education at 6:30 pm

 The Pallas Restaurant, 1657 S 108th St, Milwaukee

 Education:
 Representatives from the Milwaukee Metropolitan Sewage District (MMSD)

 They will share details on their new program, Pipe Check.

For speaker information, or to provide a suggestion/lead, please contact Chapter Education Chair, Ryan Eigenfeld at 414.795.9018

WAHI NEWS

This is a brief recap of activity in the past month and a preview of what lay ahead. If anyone would ever like further information on something mentioned in this piece, just let me know - julie@wahigroup.com or 414.299.9766.

June 2022

- **Membership RENEWAL:** Renewal notices went out, with payment due by July 1st to avoid the \$25 late fee. With our new credit card processor, members can opt to save their credit card in the system for future use (seminar registration, online education, auto-renewal, etc.).
- Inspection Agreement Update: The arbitration clause in the WAHI Inspection Agreement has an update - Construction Dispute Resolution Systems (CDRS) is no longer using a PO Box - the current mailing address for CDRS is 4 Toro Lane, Santa Fe, NM 87508.
- Political Action Committee (PAC): By now you have received a couple emails
 pertaining to the new WAHI PAC. We are seeking committee members and
 member contributions to fund the PAC. If you are interested in either (or both!),
 please let me know at julie@wahigroup.com. For contributions, be sure to include
 the dollar amount you would like to contribute I will generate an invoice and email
 that to you.
- Increasing WAHI Awareness: WAHI is striving to increase our awareness among realtors, consumers, nonmember home inspector/affiliates and those interested in entering the industry. As we move forward, we will share ways you can increase your online presence and at the same time you help to elevate WAHI's. It takes a village to get the best results!
- <u>YOUR</u> Profile on the WAHI Website: Reminder...add a photo, add your logo, submit a Testimonial to be included as a Featured Member on the Home Page, detail your Services Provided, etc. Make your profile POP!

July 2022 and Beyond...

- **Membership Renewal:** If you missed the July 1st deadline, it's not too late! You can still renew through the website in the month of July. If the current market has you uncertain about renewal, contact me to discuss options.
- **Pre-Licensing Training:** Our next class is planned for September 26 -30 in Fond du Lac spread the word!
- Fall 2022 Education House and Training Seminar: It's official, we will be in Stevens Point in fall November 4th and 5th. The Holiday Inn Hotel and Conference Center will again host our event.
- Spring 2023 Education House and Training Seminar: We're 99.9% official on this one, just a few I's need dotting yet! For now, Save the Date of Friday March 3rd and Saturday March 4th we will be at the Radisson Hotel and Conference Center in Fond du Lac. Stay turned.



Julie Arnstein Executive Director

You can add your photo, logo, services provided, a testimonial and/or a link to your website to your WAHI profile!

See page 11 in this newsletter for step by step instructions OR submit additions to me at: julie@wahigroup.com In recent months several WAHI members have considered adding commercial inspections to their services and wondered if WAHI may have any plans to include commercial inspections in an upcoming seminar.

I shared that information with the WAHI Board of Directors and, in return, received what I consider several well thought out responses. As always, decisions like this are ENTIRELY up to you as a business owner but, based on the general consensus among the Board, I do not see WAHI offering a commercial inspection training course anytime soon. I am sharing their "cautionary comments" below.

Words of Caution #1

You can't cover commercial inspections in 1-2 days. Commercial is a different creature. Some inspectors will say that they offer "light" commercial inspections - there is no such thing, either it is, or it is not. Also, there is no state certification required but there are standards out there for commercial inspections.

I see a great many inspectors that use our WAHI <u>residential</u> agreement and wordsmith it for commercial. Also, a great number use a residential report form for commercial use and just change a few things. Not a good practice.

Words of Caution #2

Commercial work is an entirely different world! You don't actually do an inspection - it's a Property Condition Assessment with the inspector performing a Walk-Through Survey (based on ASTM Standards which are the most commonly used standards). An analogy would be the difference between high school or college sports and the Pro's. I'm not aware of any State or Federal standards for this and anyone doing them uses the ASTM or whatever they choose. There are groups offering commercial inspection training with courses usually at least a week long.

Everything is different from what WAHI does. Most of the inspectors doing commercial are long time inspectors with years of experience who decide to branch out or they have a specialized background geared toward this. I highly discourage most inspectors from doing this - you're generally dealing with the big boys who have the wherewithal to crush you!

Words of Cautions #3

Commercial Inspections do not have standards of practice. The reason WAHI pushed for mandated home inspection standards is that attorneys were suing home inspectors over negligence based on their and the client's *opinion* of what *should be* included in standard home inspection - E & O insurance was three to four times the cost, with much larger deductibles, than what it is now. It is far easier to train someone to do a home inspection by using the standards. A course offered in Toronto barely scratches the surface of the technical knowledge you better have to stay out of court doing commercial inspections.

Words of Cautions #4

Commercial is a different animal. The inspections depends on the type of building it is and there are many types, even multiple types mixed together in some instances. These generally require hiring a commercial HVAC tech and Electrician, many times a Mason and/or Structural Engineer. The commercial training I had through House-Master was a full week long. It was called Commercial Property Assessment (not an inspection) and had an Agreement tailored to the specific requirements of that property.

Please contact me with any questions or comments - julie@wahigroup.com or 414.299.9766

PRESIDENT (cont'd)

WAHI takes our legal support very seriously which is why we seek legal counsel on any advice or information we share with the membership. Access to the WAHI Inspection Agreement is a great member-benefit. I use it and, even though I am an Inspector Pro customer, I will likely continue to do so. I also believe that if you do your job the way it should be done, problems are minimized. Unfortunately, sometimes you can't avoid an unhappy client - maybe you had a bad day or maybe the client is just out to get something for free. As Andy Helgeson told me a few years ago, if you haven't been sued or had some form of legal action brought against you, you just haven't been inspecting long enough!

In over 2500 inspections, I have had 2 instances where I have had to involve my insurance. The first one was my fault. The 2nd was just someone with a lot of money looking to have me pay for something that was noted in the report. The buyers didn't follow up accordingly to find out that the condition was worse than it looked on the surface. I have had a few other call backs that I just took care of to *make them go away* - it was much cheaper (and easier!) to offer a sum of money and move on.

Get ready for inspections to pick up! That is the word I am getting from realtors in my area.

Be safe out there! Ric Thompson, WAHI President



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Pete Kaphingst (Milwaukee) Home Inspector Member Settlement Home Inspection, LLC 262.278.3037 Settlement.hi@gmail.com Ty Lippert (Fox Valley)

Home Inspector Member Pro-view, Inc. 920.973.7841 ty@proviewinc.net

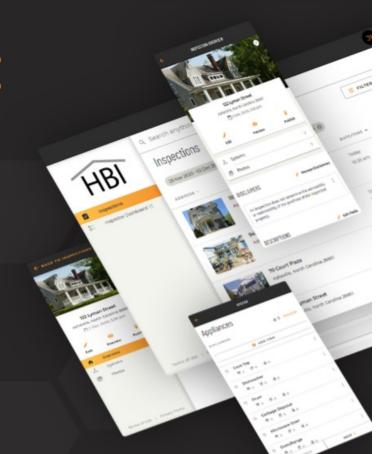
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RISK MANAGEMENT ARTICLE

This article is the sole opinion of the author. WAHI strongly advises you to explore any specialized training and/or certification necessary to perform additional services as a part of your inspections.

4 REASONS WHY INSPECTORS DON'T GET INSURANCE

By Tanner Weyland, Content Marketing Specialist InspectorPro Insurance

Why carry home inspector insurance? You might have had this question for yourself. Or you might be the type of inspector who puts off getting insurance until after you've had a negative experience, like Tony Escamilla of <u>Villa Home Inspections</u> in California.

Earlier in his career, Escamilla felt that insurance was optional for experienced inspectors like himself. His typical mindset was, "As long as I do a thorough job, I don't really need insurance." This worked for a few years, but as he began growing his business and hiring inspectors to work for him, things changed. There were more inspections, more clients, and more chances for a complaint to blow out of proportion.

Todd backed away slowly. The snake wasn't venomous, and he didn't get bit, but the experience taught him how quickly he could find himself in a dangerous position.



"I found the need to get insurance, just to cover ourselves," he said.

However, before he was able to get errors and omissions (E&O) and general liability coverage in place, his fear came true.

"My inspector missed something, and it had the potential to be a very ugly thing," Escamilla said.

After going back and forth with the client, they were more understanding than he'd expected. Regardless, it cost Escamilla and his company \$7,500 to resolve the issue. Reflecting on the incident and how lucky he had been that it did not end differently, Escamilla said:

"Had I had the insurance, I wouldn't have had that kind of problem."

To carry, or not to carry insurance.

For you, Escamilla's experience might feel too close to home. After all, some home inspectors—maybe even you—put off carrying home inspection insurance until it is too late. But \$7,500 out of pocket is a relatively inexpensive outcome. In an industry where *more than half* of home inspectors face at least one claim during their careers, Escamilla was fortunate to stay out of court and keep his settlement (and attorney's fees) out of the double digits.

As much as we, a home inspection insurance provider, would love to preach about how much you need insurance, your concerns deserve to be heard. So, we went and asked inspectors for common reasons why they might not carry insurance. And then we asked some more inspectors how THEY'D address those concerns. (We'll throw a bit of our two cents in there, too.)

So, let's check out four reasons not to carry home inspection insurance (and many reasons why you should).

"Insurance is too expensive!"

You might be new to the inspection industry, or maybe you've been inspecting longer than you'd like to admit. Regardless, you've probably heard some inspectors complain about the cost of insurance. For a new inspector, insurance can feel like a bucket list item for when you are well-established and have a constant stream of referrals. Between startup costs and marketing costs, your wallet might be feeling too thin to buy anything that does not seem "absolutely necessary," like insurance. If you are worried about becoming established in the first place, getting insurance may not seem like a priority.

Many long-running inspectors also struggle to include insurance in their business plan, and they may believe that it is an "optional" expense that simply does not fit into their budget. Cautionary tales and "what if" scenarios won't effectively convince you that insurance is a small price to pay if your budget does not have any wiggle room to begin with.

READ MORE

See our ad on page 15!

The WAHI Inspector

ARBITRATION COMMITTEE UPDATE

Last year's fall seminar ended with an informative presentation by Peter Merrill, President and CEO of <u>Construction Dispute Resolution Services (CDRS)</u>, WAHI's current arbitration service provider and Brianne Smith, of <u>Inspector</u> <u>Pro Insurance</u>, who shared her insight on arbitration from the point of view of an insurer.

Peter's presentation displayed his passion and wealth of knowledge on arbitration, which he has been involved with nationwide for many years. He focused on two main points with his presentation:

1) A CDRS trained arbiter will always make his/her decision based on the contract in place between the two parties.

2) Any judge that dismisses an arbitration clause in an agreement or contract signed by both parties is breaking federal law.

Brianne expressed the confidence that Inspector Pro has in the ability of CDRS to arbitrate complaints against their insureds fairly and the importance of having your inspection agreement signed **before** you begin any part of a home inspection.

I encourage any member with any questions or concerns about WAHI's arbitration program to reach out to me; Peter has expressed his willingness to answer any questions WAHI members may have as well. You can find his contact information at:

https://www.constructiondisputes-cdrs.com/contact information.htm

If you have questions about Inspector Pro Insurance, you can find their contact information in their ad in the newsletter.

The WAHI Arbitration Committee is aware of several arbitrations involving WAHI members that were recently handled by CDRS. For privacy reasons, the Committee is not given the personal or business names of the parties involved with the arbitration, only that the arbitration occurred, the complaint details and the decision made. I am asking any inspector member involved in an arbitration to provide feedback about their experience with the arbitration process. The member may remain anonymous, if they desire, and can provide the amount of feedback they are comfortable with. Any information about the process will be very beneficial to WAHI and your fellow members.



David Nason Arbitration Committee Chair

Feel free to contact me: 262.443.8958 or bestinspectionsllc@gmail.com

WAHI ARBITRATION PROGRAM

Not every homeowner/inspector interaction goes smoothly.

Although all members are encouraged to make every effort to resolve disputes on their own, we know that is not always successful.

WAHI's Dispute Resolution Program is here for you during those difficult times.

For information, please contact:

WAHI Arbitration Chair David Nason 262.443.8958

or

Construction Dispute Resolution Services (CDRS) President & CEO Peter Merrill 505.473.7733

WAHI was recently asked, and answered, a question presented by a Home Inspector member on the "cusp" of retirement.

Must a home inspector continue his/her WAHI membership for the 2 year liability period following retirement to take advantage of the arbitration system in the event of a claim? If so, at what level...Home Inspector member or Retired member?

While WAHI would appreciate your continued support and involvement as a Retired member, it is not required. Currently, if a Home Inspector member has not renewed their state license they are eligible to renew their membership in WAHI at the Retired status.



It has come to our attention that many of you may be unaware the WAHI website hosts an interactive forum on the Members Only page.

We encourage all members to check it out!

This is a very useful tool for communicating directly with fellow members and with our large membership, chances are very good that you will find someone who has a shared experience similar to yours or an answer to your question!

To access the forum section of the website you need to log-in to the website.

See page 11 for step-by-step instructions to log-in to your profile and make use of this additional "tool" and benefit WAHI offers to their members.



UPDATE YOUR WAHI PROFILE IN 5 EASY STEPS

1. Go to <u>www.wahigroup.com</u>.

2. From the Home Page - upper right corner, select "LOG IN."

ENTER your email address on file with WAHI and password.

*If you have questions, contact Julie at julie@wahigroup.com.

3. Once logged in, the upper right corner shows your name,

"Change Password" and "Log Out." CLICK on your name.

- 4. You should now be on the "My Profile" page. Select "EDIT PROFILE" in the gray rectangular box.
- 5. After making your updates, **select "SAVE"** in the gray rectangular box at the bottom of the page.



An IMPORTANT Announcement regarding Chapter Meetings Online

WAHI has been, and still is, a believer in our approach to education - what I call the "WAHI way"! We still see great value in holding our seminars and chapter meetings in person, with the speaker right there in the room for full interaction, Affiliate members and vendors in attendance to develop relationships of confidence and trust, and last but certainly not least, your fellow inspectors, many sole proprietors like you, to share experience, insight and lessons learned along the way!

But, with all of that said, we recognize the need for online programming from WAHI, the ONLY continuing education provider **focused solely** on WI inspectors, WI Standards of Practice and WI rules and regulations (State Statutes)! Long before COVID entered our lives, we knew that some of our members found it difficult to attend their local chapter meetings for a variety of reasons.

Since COVID, many of our chapters have been recording and/or live streaming their meetings. As a courtesy to our members, as we coped with these strange, uncertain times, we offered continuing education credits for those meetings at no charge. This process has been by trial and error, while not perfect, the chapters did the best they could. We recognize how critical it is for speakers to speak clearly and at a reasonable volume for the value of the presentation to effectively reach our at-home viewers.

Any member not comfortable or unable to attend a meeting in-person may continue to connect with their chapter online (and we encourage that!), however, **to earn the 2 continuing education credits there will be a charge of \$20.00** - to be paid through your local chapter treasurer, <u>in most cases</u>. You will be notified by email if your chapter has a different plan in place. WAHI will also be **posting one "highlighted" chapter meeting per month on the WAHI YouTube channel** – for now, payment and certificates for that will be handled by WAHI Executive Director Julie Arnstein. Watch your email for specific details each month.

There are online service providers who can streamline this process but for now, we are "testing the water" to explore the response from our members and determine our best route going forward.

On behalf of WAHI, I thank you for your continued support of our educational programming and your patience as we embarked on this new path.

OFFICE DEPOT DISCOUNT

Office Max and Office Depot merged some time ago. The Office Max discount program offered to WAHI members no longer exists – the savings became spotty as the merger was coming together and then finalized.

Office Depot has come to WAHI with a new, improved program. See page 18 for information on their in-store program and page 19 for a program overview and the contact person to establish an online account.

From one of our Central Chapter members - "I needed 2,000 copies made – they quoted me \$160.00. AFTER I presented my WAHI card, the cost dropped to \$50.00! What an AWESOME savings!"

From one of our Madison Chapter members - "I recently had printing done at my local Office Depot/Max. Cost before WAHI discount = \$137.00. AFTER the WAHI discount was applied = \$36.00!!! WOW!



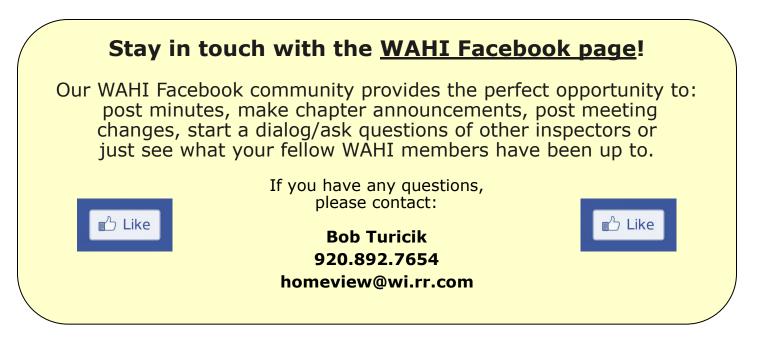
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Affiliate member Attorney Lauren Triebenbach of Michael Best and Friedrich offers a risk-free, INITIAL consultation to WAHI members with legal concerns. WAHI members have the right to contact any attorney of their choice. Should a WAHI member decide to work with Lauren, the steps below, provided by Lauren, provide an explanation of her services.

- 1. If you receive an email, letter, text, or pleading from a customer, please contact my office.
- 2. I will ask that you provide me with the communication you received plus your inspection agreement and report. If there are other communications related to the claim, I will ask for those too.
- 3. After I review your documents, I will schedule a time to talk to you. Calls generally last 15-30 minutes. I will discuss with you your options, which could include working it out on your own, engaging me to respond on your behalf, or tendering the claim to your insurance company. The strategy I discuss will be based on your specific claim, whether litigation or arbitration has already been initiated, and whether your inspection agreement specifies arbitration as the method of dispute resolution.
- 4. If you don't hire me, you don't get a bill. If you do hire me, the time spent reviewing the case will be included in the final billing.
- 5. Knowledge is power. I want inspectors to know their options so they can the decision that's best for them and their business.

Visit the WAHI Affiliate Member page to contact Lauren: <u>https://wahigroup.com/Affiiate-Members/</u>





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See page 7 for an informative article provided by InspectorPro

A realtor contacted me regarding a WAHI inspector who turned off 2 video cameras in a home he was inspecting. The agent was calling for clarification as she was not certain what the rules are concerning recording devices. At the time of the inspection, the inspector explained he disengaged the 2 cameras in order to be compliant with the State Statutes - he explained that if his actions and any commentary were recorded and viewed by a party of than his client he would be in violation of State Statute 440.975

(7) A home inspector may not do any of the following:

(b) Deliver a home inspection report to any person other than the client without the client's consent.

In the inspector's mind, by being filmed, he was "delivering" contents of his report to someone other than his client. I reached out to the Department of Safety and Professional Services (DSPS) to see how they would view this situation should someone file a complaint.

The Department would not view it as the inspector did. They said that video surveillance does not fall under sharing contents of the inspection and/or an inspection report. State Statute 440.975 (3) reads as follows:

After completing a home inspection, a home inspector shall submit a <u>WRITTEN</u> report to a client that does all of the following: etc. etc. (See 440.975 (3) (a-d) for remaining details)

In January 2020, Senate Bill 247 passed and a portion reads as follows:

995.60 (2) USE OF SURVEILLANCE DEVICES. Except as provided under sub. (3), an owner of real estate may use a surveillance device in or on the real estate to observe or record an individual who is present in or on the real estate for a private showing, open house, or other viewing of the real estate in connection with the owner's attempt to sell the real estate.

At the WAHI Spring 2019 Training Seminar, a speaker touched on surveillance cameras. He suggested attendees seek legal advice regarding privacy/disclosure rules in our state and/or add a disclaimer to their report. Something along the lines of:

We will make every reasonable effort to keep the results of the inspection confidential and will provide a report to you only (unless otherwise directed by you in writing). However, we have no control over home security surveillance systems that may be present and activated during the inspection, and it is possible that other parties might observe the inspection without our knowledge.

Please contact me with any questions or concerns - julie@wahigroup.com or 414.299.9766

Our Welcome Committee is intended to do just that....*welcome* our new members into WAHI. As a new member, expect a call from a member from your chapter. If you are a "newer" member – maybe you joined a while ago but haven't yet attended a meeting - feel free to reach out to a committee member from your chapter and make arrangements to meet at the next or an upcoming meeting.

We want our new members to feel "welcome", feel a connection with the group... and the members listed below are the right people to do that!

CENTRAL

Mike Carson - 715.212.4051 or <u>carsonhomeinspector@gmail.com</u> Paul Zenker - 715-303-1937 or <u>pzenker@onpointwisconsin.com</u> Kyle Zimmermann - 715.897.3636 or <u>kyle@royaltinspections.com</u>

CHIPPEWA VALLEY

Jon Hempel - 715.210.3217 or jhempel@newageinspection.com Marc Steig - 715.797.1475 or inspectormarc3@gmail.com

FOX VALLEY

Dave Brading - 920.889.2120 or <u>dave.brading@yahoo.com</u> Bob Turicik - 920.946.0433 or <u>homereview@wi.rr.com</u>

MADISON

Sean Martinsen - 608.206.1108 or <u>sktailhook@yahoo.com</u> Rich Reinart - 608.535.9206 or <u>thehomeinspectorllcwi@gmail.com</u>

MILWAUKEE

Brian Derewicz - 262.343.1614 or <u>briandthehomeinspector@gmail.com</u> Ryan Eigenfeld - 414.795.9018 or <u>flarsbar@gmail.com</u> Nick Hammetter - 414.412.2637 or <u>humblehomeinspector@gmail.com</u> Andy Helgeson - 414.315.0266 or <u>helge4674@outlook.com</u>

Thank you all for stepping up to serve on one of the **most important** committees within the WAHI organization!



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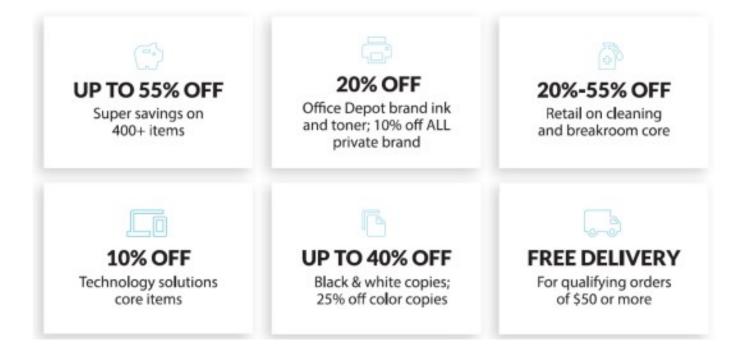
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