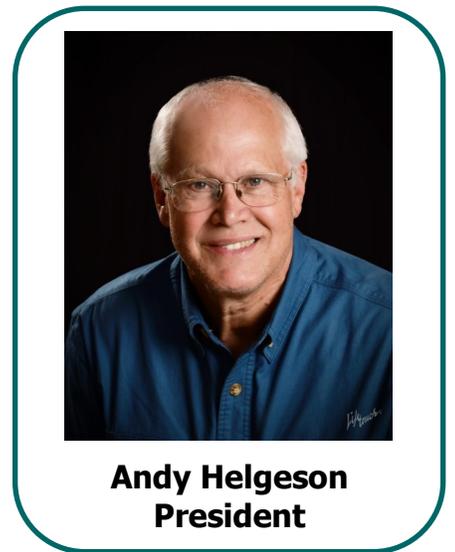




June 2017 Vol. 21, Issue 6

www.wahigroup.com



Andy Helgeson
President



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Hmmm...what to talk about this month?

I couldn't come up with a specific topic this month so decided I'd just "talk a little business."

I've been doing this for over 25 years. Things no longer fit in the same patterns I've grown accustomed to over the years. My usual business cycle was always...November was typically my slowest month, it would start picking up in December around Christmas, then full speed ahead from late winter into early spring (with a brief slow down as school let out), steady eddy in summer (again, a brief slow-down as school started up), followed by a busy fall...and I'd be back to November for the cycle to repeat.

Well, not anymore! Last November was insanely busy for me, things really slowed down in February, then I was swamped again for a while. The home sale climate is out of whack, as you all know. Crazy bidding over the few houses available makes me worry about how this will shake out - makes me want to prepare for the proverbial "shoe to drop".

I received my first bad review on social media! I scheduled an appointment with a client who struck me as a control freak. I called him back, he didn't answer so I left him a message that he should find another inspector. I left the same message for his realtor. They called me the day of the inspection - neither had checked their messages. They scorched me on a social media site. The funny thing is, I don't do social media - it was a "happy" client who told me about it. I've been around long enough that I can choose who I do business with so I'm not too worried about this one complaint, but it got me thinking...how do we counter a bad review from a disgruntled client that is without merit? I assume many of our members depend on social media for marketing their business. I think we should discuss methods to repair damage from situations like mine. I'm a little out of the loop since I am not on these sites and there may be a world of info out there on this very subject, but WAHI members should be up on this. A **great** place to share your thoughts and hear what others have done would be the WAHI Facebook page - **see page 11 in this issue if you haven't joined yet.**

Julie has been making the rounds to all of our chapters - Madison and Central in June. I've said it before at our seminars, Julie is the main force keeping WAHI going - a bunch of rube inspectors on their own would have screwed this up years ago! We're in the beginning of reaping the rewards of her efforts, particularly with new Affiliate members for **YOUR** chapter. I have heard her say...call her if you have any leads - she'll follow up, and I guarantee you, her pitch is better than ours. Doesn't get much easier than that! On another note...if you're not attending your Chapter meetings, I tell you, you're missing out big time!

I'd love to hear how things are going in your corner of the state. Feel free to bend my ear at a seminar, via email Helge4674@outlook.com or give me a call 414-315-0266 .



NEXT MEETING: Wednesday, June 21

Social at 6:00 pm & Meeting/Dinner at 6:30 pm
Meeting and meal is \$30; meeting only is \$10.

[Palms Supper Club Steak House, 5912 Business Hwy 51, Schofield](#)

Speaker: A Master Electrician

For speaker information, or to provide a suggestion/lead, please contact the Chapter President, Richard Duerkop at 715-241-8222.



NEXT MEETING: Wednesday, June 7

Buffet Dinner at 5:30 pm & Meeting at 6:00 pm

[Jade Garden Restaurant, 3620 Gateway Dr., Eau Claire](#)

Speaker: Lloyd Katusky, 1st Choice Pest Solutions

Lloyd will be sharing his expertise on pest control and what we, as inspectors, should be looking for to best educate our clients.

For speaker information, or to provide a suggestion/lead, please contact Chapter Education Chair, Pete Saltness at 715-829-7348.



NEXT MEETING: Tuesday, June 20

Social at 6:00 pm & Meeting/Dinner at 6:30 pm

[The Stone Toad, 1109 S. Oneida St., Menasha](#)

Speaker: Sean Steffan, Advanced Geothermal

Sean will speak on heating and cooling geothermal systems. Due to the increase in popularity of geothermal systems, this is an important topic and something inspectors need to know and understand. Don't miss this opportunity to add to your knowledge base by attending this important meeting!

For speaker information, or to provide a suggestion/lead, please contact Chapter Education Chair, Scott Hansen at 920-716-3025.

Torrance Kramer from Accurate Exteriors gave a **great** presentation on building science and the importance of air sealing. In addition, he covered some good infrared camera topics and overall insulation principals.



NEXT MEETING: Thursday, June 15

Roundtable at 6:00 pm & Meeting/Dinner at 6:30 pm

[Alt 'n Bach's Town Tap, 2602 Whalen Lane, Madison](#)

Speaker: To be determined

The Madison Chapter meets only the following months: January, February, May, June, September and October.

For speaker information, or to provide a suggestion/lead, please contact Chapter Education Chair, Ron Miller at 608-235-9836.

NEXT MEETING: Tuesday, June 13

Social at 4:30 to 5:00 pm, Buffet Dinner/Business Meeting at 5:00 pm

Road Trip to Job Site - Immediately following Business Meeting

[Klemmer's Banquet Center, 10401 W. Oklahoma Ave., West Allis](#)

Speaker: Affiliate member Paul Vaccaro, Accurate Basement Repair

Paul will be taking the meeting attendees "on the road" in June! Accurate has done this the last several years - always a GREAT learning experience. See IMPORTANT scheduling changes to the June 13th meeting above and watch your email for any further details. For June ONLY we will start the dinner/meeting considerably earlier than usual (5 PM) so schedule your day/inspections accordingly!

For speaker information, or to provide a suggestion/lead, please contact Chapter Education Chair, Steven Knoebel at 414-828-4217.



The WAHI Inspection Agreement Covers EVERYONE! The Arbitration Clause Applies to Both... The Inspector's Company AND the Inspector

In May 2017 a significant legal victory was achieved for home inspectors wishing to resolve inspection disputes through the WAHI arbitration process – not in court. WAHI had become aware that lawyers were attempting to sue individual inspectors in court, arguing the inspectors were not the beneficiaries of the arbitration clause in the inspection contract – only their business entity. Recently, the Wisconsin Court of Appeals decided that arbitration clauses in inspection agreements apply both to the inspector's business entity, but also to the inspector individually as well.

The Plaintiffs in this case presented an offer to purchase, which was contingent on a home inspection disclosing no defects. The Plaintiffs entered into a home inspection agreement with a home inspection company (which for the remainder of this article will be referred to as Inspection Company LLC), which is solely owned by a WAHI home inspector member (who for the remainder of this article will be referred to as Individual Inspector). The agreement contained an arbitration provision stating that the "Inspector and Client...specifically agree that any controversy or claim arising out of or relating to the inspection under this contract, or breach thereof, shall be resolved exclusively by arbitration in accordance with...[WAHI arbitration]."

Individual Inspector performed the inspection and found no defects. The Plaintiffs later discovered problems with the foundation and brought a lawsuit against both Inspection Company LLC and Individual Inspector, individually.

The Plaintiffs brought a breach of

contract claim against both Inspection Company LLC and a professional negligence claim against Individual Inspector *individually*. Often times the tactic of suing inspectors individually is to put more legal/financial pressure on the inspector and avoid WAHI arbitration procedure. Eventually, the Plaintiffs dropped their breach of contract claim against Inspection Company LLC (knowing this would be arbitrated) and only pursued the professional negligence claim, arguing that the arbitration provision in the inspection agreement only applied to claims against Inspection Company LLC as the party to the contract and did not apply to individual claims against Individual Inspector. The LLC claim dismissal also is attractive so the plaintiff's lawyer does need to spend time in both court and arbitration. The trial court ultimately held that the home inspection agreement *applied to both* the LLC and Individual Inspector and that *all claims* arising out of the inspection agreement needed to be arbitrated with WAHI.

The Plaintiffs appealed, arguing that Individual Inspector signed the inspection agreement as an agent of the business entity, and therefore they only contracted with Inspection Company LLC, not Individual Inspector individually. They claimed that they should not have to arbitrate the professional negligence claim brought personally against Individual Inspector. The Court of Appeals agreed with the trial court and held that the arbitration clause applied to claims against *both* Inspection Company LLC and Individual Inspector.

(continued on pg. 4)



**Attorney,
Roy E. Wagner**

Roy Wagner is a Chair of von Briesen & Roper, s.c., Construction Law and Litigation Section. The largest segment of his practice relates to construction matters including assisting private/public owners, real estate and design professionals, contractors, and developers in facilitating their projects and solving their legal disputes. He utilizes mediation, arbitration and litigation as appropriate to resolve disputes and has acted as both arbitrator and mediator. Roy's practice also includes commercial litigation.

ARBITRARY CLAUSE VICTORY (cont'd)

The Court of Appeal's decision reasoned that the clause required arbitration of any claim related to the inspection. The professional negligence claim and breach of contract claim arose under the same exact inspection, facts and related to actions under the inspection agreement.

What does this result mean? Arbitration provisions in inspection agreements apply to all claims arising out of the agreement, regardless if they are brought against the inspector's business entity or the inspector individually.

Takeaways

- 1) Inspectors can have LLC/Corporations and still have arbitration provisions apply to them individually.
- 2) Make sure to update your inspection agreements to expressly provide that the arbitration clause applies to all claims brought against both the company and inspector. Although this case helps to clarify that claims arising under a home inspection agreement brought individually against the inspector are to be arbitrated, it is better to expressly state so in the contract to prevent any ambiguity.

If you are faced with a legal concern, Roy can be reached at:

Von Briesen & Roper, s.c.

411 E. Wisconsin Ave., #1000, Milwaukee, WI 53202

414-287-1250 or rwagner@vonbriesen.com

Roy has been an Affiliate member in WAHI since 2002. His vast experience in real estate/construction law have made him a tremendous asset to WAHI over the years offering guidance as WAHI developed the WAHI Arbitration and WAHI Legal Support programs, speaking on the chapter level as well as our seminars and providing consultation and/or service when WAHI faced legal issues.



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Lobbying Update

2017-2019 State Biennial Budget Update

Back in the March newsletter, I had provided information about the State Budget process and a couple of provisions that could impact home inspectors. At the time of this writing, the legislative Finance Committee was in the process of voting on changes to the Governor's budget proposal and it had taken action on the Department of Safety and Professional Services (DSPS) portion of the State Budget.

Occupational License Review Council

As previously reported, the Governor had included language in his budget proposal that would have created a 13-person Occupational License Review Council to review all licenses, permits, certifications and registrations granted by DSPS or a board under DSPS. In April, the co-chairs of the legislative Finance Committee removed this provision from the State Budget as a non-fiscal policy item.

However, in mid-May, the Committee voted to put a similar provision back in the State Budget with two main differences: who conducts the review and what the Legislature can do with the recommendations based on the review. The new provision would direct DSPS, rather than a newly-created council, to study the same issues related to occupational licenses as the Governor's Budget bill directed, plus a couple of additional considerations. DSPS would need to submit a report with its recommendations by December 31, 2018, the same deadline as the Occupational License Review Council. But the BIG difference is the Governor's budget proposal would have required the Legislature to pass legislation based on the Review Council's recommendations with NO amendments. The provision added by the Finance Committee requires DSPS to send a report of its recommendations to the Legislature, but it does not mandate that the Legislature act upon the report. This means the Legislature could completely ignore DSPS's report or pick and choose what recommendations it takes from the report to prepare legislation.

Rental Weatherization Program

As reported in March, the Governor's state budget proposal would:

- Eliminate the rental unit energy efficiency standards and certification requirements.
- Eliminate the requirement that an owner of a rental unit, before transferring an ownership interest in the unit, have the unit inspected by a certified inspector who issues a certificate stating that the unit meets the minimum energy efficiency standards.
- Allow DSPS to continue to take enforcement action related to violations of those standards that occur before the law (if passed) would go into effect.

The Finance Committee voted to adopt the Governor's proposal to eliminate the rental unit energy efficiency standards and certification requirements and the requirement that an owner of a rental unit, before transferring an ownership interest in the unit, have the unit inspected by a certified inspector who issues a certificate stating that the unit meets the minimum energy efficiency standards.

These provisions would go into effect on the first day of the fourth month after the State Budget's effective date. However, the Committee voted to eliminate DSPS's authority to enforce violations, stipulations and orders that occurred before the effective date of the program repeal.

(continued on pg. 6)



**WAHI Lobbyist
Kathi Kilgore,
Swandby/Kilgore
Associates, Inc.**

Questions or Concerns

As always, feel free to contact me about any issues related to the State Budget, legislation, laws or rules that may affect you as a home inspector.

I can be reached at
608.286.9599 or at
Kilgore@swandby.com.

Budget Process

It is expected that the Finance Committee will finish voting to remove, add or change provisions of the Governor's state budget proposal in late May/early June. Then each house of the State Legislature – the Assembly and the Senate – will have their chance to make further changes to the state budget proposal. This usually occurs in June. Once the Legislature acts on the State Budget, it goes back to the Governor for his final consideration and actions, typically before July 1st. However, due to the differing opinions between the Governor and Republican legislative leaders regarding funding for the Department of Transportation and the state highway program, some have speculated that the State Budget debate could stretch into late summer or early fall.

Additional Occupational License Review Legislation

In addition to the occupational license review language in the proposed State Budget, there is also stand-alone legislation that will be introduced soon by Senator Chris Kapenga (R-Delafield) and Representative Rob Hutton (R-Brookfield) that is very similar to what the Governor had originally proposed in the State Budget. Their legislation would create a 9-person Occupational License Review Council to review all licenses, permits, certifications and registrations granted by DSPS or a board under DSPS. A report of the Council's recommendations would be due to Governor and Legislature by December 31, 2018. A bill would be introduced based on the Council's report, and while the legislation would need to be passed by June 30, 2019, the Legislature could amend it. The Kapenga/Hutton legislation would also create a mandatory review of all occupational licenses every 10 years.

It is unclear which version of occupational license review moves forward – the Finance Committee's budget language or the Kapenga/Hutton legislation – but it is very clear that legislators intend to require some kind of review of all occupational licenses.



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WHAT'S HAPPENING IN WAHI?

May 2017

- I attended the Chippewa Valley chapter meeting in early May. They had a good turnout which made for a nice opportunity to introduce myself, share some of the association goals and seek potential affiliate member leads. Elections were held - while we without question GREATLY appreciate our dedicated volunteer members who repeatedly serve the association, it was wonderful to see 2 new faces accept their newly elected position – President Terry Elliott and Vice President Mark Steig.
- I attended the Milwaukee Chapter meeting as well, as I often do. As a regular attendee I share info/make requests on a pretty regular basis, but this time I offered assistance to connect with and bring in more affiliate members based on leads provided by the chapter members. Please keep those leads coming in! Chapter President Jay Paulson made a few changes to the meeting set for the May meeting – very well-received by the group. Nice job Jay!
- Remember, for any remote communication WAHI has an account with an online meeting provider, Zoom. This service is available for use by the Board of Directors, Chapter leadership and State and Chapter committees. Contact me for further information or to schedule a meeting for your group.

June 2017 and Beyond...

- Membership Renewal: By now you should have received an email regarding your 2017-18 membership renewal. WAHI's membership year runs from July 1st through June 30th. Reminder emails will be sent to members who have not yet renewed as July 1st approaches and again after it passes. Renewals can be done very easily through the WAHI website using MasterCard or Visa (info in the email you received) but anyone interested in renewing using cash, check, or credit card through me still has that option as well. Submit your renewal before July 1st to avoid a \$25.00 late fee!
- Fall 2017 Education House and Training Seminar: Stay tuned for details as the event gets closer but for now know that we are scheduled for November 3rd and 4th at Chula Vista in the WI Dells. Plan ahead....Chula Vista has a great indoor water park and with our reduced sleeping room rates it's a perfect opportunity for a little family-fun too!
- Spring 2018 Education House and Training Seminar: Nothing confirmed yet, but our event in Stevens Point (Spring 2017) received such "high marks" on our evaluation forms and resulted in such a great turnout that we are looking in that direction again. More details to come!



Julie Arnstein
Executive Director

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
414.299.9766

You can **add your photo and/or a link to your website** to your WAHI profile!

Submit photo and/or company website info. to: julie@wahigroup.com

CHAPTER ELECTIONS - FULL RESULTS

All of our WAHI Chapters have now held their office elections - see results below. Thank you to all of our 2017-2019 chapter officers - some "staying on," some new to their position - for your willingness to serve the association and your chapter members. We couldn't do it without you!

Central:

- President Rich Duerkop
- Vice President Kyle Zimmerman
- Secretary Paul Zenker
- Treasurer Nathan Peterson
- Education Chair Rich Duerkop
- Chapter Elected Member at Large Mike Carson

Chippewa Valley:

- President Terry Elliott
- Vice President Mark Steig
- Secretary David Welch
- Treasurer James Davis
- Education Chair David Welch
- Chapter Elected Member at Large Brian Opelt

Fox Valley:

- President Dave Pribyl
- Vice President Ron Nohre
- Secretary Dave VanderHeiden
- Treasurer Dave Stoinski
- Education Co-Chairs Scott Hansen and Dave VanderHeiden
- Chapter Elected Member at Large Dave Pribyl

Madison:

- President Dennis Kruger
- Vice President Jeff Loree
- Secretary Trent Stein
- Treasurer Danny Kruger (through June, seeking his replacement)
- Education Chair Ron Miller
- Chapter Elected Member at Large David Strandberg

Milwaukee:

- President Jay Paulson
- Vice President Jim Oezer
- Secretary Brian Derewicz
- Treasurer George Finch
- Education Chair Steve Knoebel
- Chapter Elected Member at Large Scot McLean



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The Online Guide to Booking More Inspections by Josh Fulfer

For anyone looking to book more home inspections, be sure to download "[The Online Guide to Booking More Home Inspections.](#)" Within this guide you will learn how to leverage your website, and Google, to attract new customers and book more inspections. This 23-page guide is FREE to all WAHI members, compliments of Josh Fulfer of KVF Marketing, a Milwaukee Chapter Affiliate.



[Click HERE to download](#)
["The Online Guide to Booking More Inspections"](#)
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Also, in conjunction with the recent WAHI conference, Josh is offering free website evaluations to all WAHI members. Email your website url to josh@kvfmarketing.com if you'd like a free, no-strings,

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www.zandersolutions.com

Benjamin Merritt (Milwaukee)

Home Inspection Member
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414-312-1236
homeinspections@wi.rr.com

Josh Culver (Milwaukee)

Affiliate Member offering Commercial and Residential Painting/Staining Services in Milwaukee and Madison
Culver's Painting
414-316-6636
culverspainting@gmail.com
culverspainting.com

Gary Schacht (Milwaukee)

Affiliate Member offering Oil Tank Removal
Gary Schacht
262-623-6157
garyschacht@gmail.com

Jeffrey Gilchrist (Milwaukee)

Home Inspection Member
Triad Home Inspection
414-559-9705
jeff@triadinspect.com

Michael VanderBunt (Central)

Home Inspection Member
WI Environmental, LLC.
715-539-6581
MikeVanderBunt@outlook.com

Christopher Kamps (Central)

Home Inspection Member
Integrity Inspections, LLC.
715-350-1041
integrityinspectionswi@gmail.com

Blaine Young (Madison)

Home Inspection Member
Young Real Estate Inspections, LLC.
608-698-8892
YREInspections@yahoo.com

Members Only - Interactive Forum

It has come to our attention that many of you may be unaware that 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 WAHI 101 (above) 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.

Stay in touch with WAHI's Facebook Page



Our WAHI Facebook page provides the perfect opportunity to post minutes, make chapter announcements, post meeting changes, start a dialog/ask questions of fellow inspectors or just see what your fellow members have been up to.

If you have any questions, please contact:

Bob Turicik
920-892-7654
homeview@wi.rr.com



WAHI 101 - INSTRUCTIONS TO UPDATE YOUR PROFILE IN 5 EASY STEPS:

1. Go to www.wahigroup.com.
2. From the Home Page - upper right corner, **select "LOGIN."** **ENTER your email address** on file with **WAHI and password.** *If you have questions, contact Julie at julie@wahigroup.com - she can provide your WAHI address or update it for you.
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.

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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.

The process begins when the complainant (homeowner) contacts the Program Administrator at Resolute Systems by one of the following ways:

Mail: 1550 N. Prospect Ave, Milwaukee, WI 53020

Email: info@ResoluteSystems.com

Website: www.resolutesystems.com

For more information, please contact:
Arbitration Committee Chair, Mark Thomas at
(414) 486-2367 or mark@thomasbuildingconsulting.com



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DISPUTE PROCESS

All member-to-member or member-to-association disputes must go through the Membership Committee.

A member going public, with disputes of these types, risks disciplinary action.

The Membership Committee will implement this policy.

Contact Membership Committee Chair, Ron Miller at 608-235-9836 or ronmiller547@gmail.com

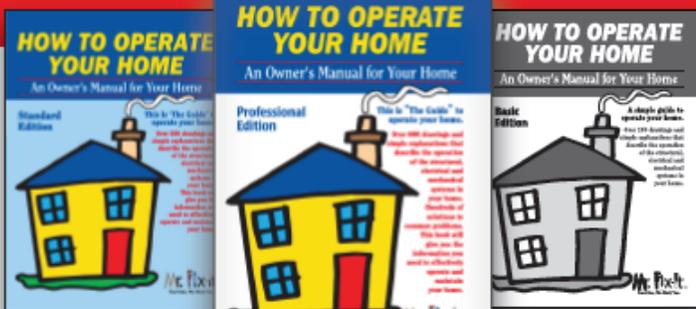
WAHI Legal Support



Attorney Roy Wagner of von Briesen and Roper continues to offer risk-free initial counseling to members with legal concerns.

If further legal assistance is requested, the cost of the initial consultation will be included in the bill.

Contact Roy Wagner at (414) 287-1250 or rwagner@vonbriesen.com



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SPECIAL SPACES FOR KIDS

Longtime Milwaukee Chapter member and Embassy Homes architectural designer, Andrew Risch, is involved in the Special Spaces organization.

Special spaces, is a non-profit that creates dream bedrooms for children with life threatening illnesses.

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