

CAHI MONTHLY NEWS



June 2017 Volume 10, Issue 6

Presidents Corner

As I was thinking of what to write for the president's corner of this month's newsletter, it dawned on me that there would be no president's corner to write if it was not for two people, Al Dingfelder, editor of the newsletter, and Larry Ruddy, its publisher. So I decided to take some time in this letter to thank them for their hard work. Let's face it, it has been busy and Al still finds time to find articles and put the newsletter together. I have done it in the past and it takes some time and effort. It is difficult to make it fresh, relevant, and interesting and AL, among all the other things that he does, has succeed well at it, and I thank him for that.

Larry Ruddy stepped in at a very difficult time. Our previous publisher, John DeRosa, was very ill and was having difficulty keeping up with us. Through Al we found Larry and asked him to take over as publisher to take the burden off John, who as you know eventually succumbed to his illness. Larry has been great, working hand in hand with Al to put out a newsletter that has not only gotten rave reviews from within our organization, but from outsiders as well. I want to thank both of them for their effort. Keep up the good work!

Now news from the battlefield. I arrived at an inspection early as I usually do to find that the listing agent was early as well. While I was taking my pictures preparing for my clients arrival, I asked the agent who she used for home inspectors. She told me that she matches inspectors to her clients. Acting surprised and interested, I said "so you are the e-Harmony of the Home inspection profession". How does that work, I asked? She said if she has a client that is tech savvy, she refers an inspector that uses a table and emails the report at the site. If she has a client that likes

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MONTHLY MEETINGS – Details & Info

CAHI's regular monthly meetings are held at the Best Western located at 201 Washington Ave (RT 5), North Haven. Meetings are free to members. Most meetings are on the fourth Wednesday of the month from 7-9pm. Guests are always welcome! Guests may attend 2 free monthly meetings to experience our presentations, meet our members, and receive a CE attendance certificate.

Joining CAHI may be done at anytime of the year through our Membership Page

Next Meeting!

June 28, 2017

Topic is

Utility Subsidized Energy Audits

Presented by: Joseph Roy from CMC Energy Services

Presidents Corner *continued*

to collect paperwork, she refers an inspector who issues a paper report at the site. If she has a client that is very detail oriented who crosses all the Ts and dots all the Is then she refers an inspector who spends longer at the inspection takes time to explain things and creates a more detailed report. And finally, if she has a client that is disinterested, and wants things to move quickly she refers an inspector who spends less time at the inspection and usually has a shorter report. I asked her if she thought that it was unfair that some clients get a more thorough home inspection than others that way and she said, "oh no, all of the inspectors are good".

I have been hearing this theory more often lately but it has been going on for a while. I had one Realtor say this openly in front of her buyers, which were my clients, so I turned to them and said, "You must be anal retentive if I'm here!"

What category would you fall in??????

"Excellence is never an accident. It is always the result of high intention, sincere effort, and intelligent execution; it represents the wise choice of many alternatives - choice, not chance, determines your destiny." — Aristotle

Stan

CAHI Scholarship



It is again time to accept applications for the annual CAHI Scholarship program. This is our sixth year issuing \$1000 to a student enrolled in college or a trade school.

Applicants must be U.S. citizen, currently enrolled in college or a TRADE SCHOOL. Applicants must have a 2.5 or better GPA. Applicants must submit a complete application packet.

One scholarship of \$1000 will be awarded every year, a new application is required every year. The scholarship award is to be used for tuition, room, books or other services provided by the institution. The scholarship will be awarded no later than August 30th.

To obtain an application, go to the CAHI website and go to members downloads. Click on Scholarship application and download an application. It must be submitted no later than July 1st.

Stan Bajerski

\$300,000 Lawsuit: Piercing Corporate Veil

By Isaac Peck, Editor

In what may be one of the largest public judgments against a home inspector in recent years, a \$300,000 jury verdict in the case of Mellem vs. Standard Home Inspections, Inc. et al. is a sobering look at what is at stake when an inspection is performed poorly and how little liability protection incorporating actually affords (Montana Fourth District Court, Cause No. DV-14-257).

The suit names Standard Home Inspections, Inc. (SHI—name changed for privacy reasons), a corporate entity, and the entity's founder, president, and sole home inspector, Tom Smith (name changed for privacy reasons). In what quickly became an exercise in “piercing the corporate veil,” this case provides a stark warning for inspectors who believe that incorporating is a foolproof way to limit their personal liability and protect their personal assets.

The Mellems hired SHI, owned and operated by Smith, to perform a professional home inspection before they finalized the purchase of their home in August 2013. After purchasing the property, the Mellems discovered a number of defects in the property that were not disclosed in the home inspection report. The suit, filed by C.J. Johnson from the law firm Kalkstein, Johnson, and Dye P.C., alleges that Smith failed to identify grading and drainage defects, structural defects in basement framing and supports, evidence of long-term moisture problems in the basement, residual mold in the basement and attic, and defects in the siding and gutters.

Structural Problems

After gathering evidence, the plaintiffs focused much of their attack on the fact that Smith failed to note significant structural problems in the basement, including a missing king jack stud, missing structural headers, and large holes through joists, and more.

The deposition of inspector Smith is revealing in regards to the alleged errors and omissions made about the property's structural problems. In his deposition, Smith admits that he entered the downstairs bathroom and did not even look up at the ceiling. This caused him to miss, among other things, several openly exposed and readily-visible joists which were broken, had rectangular cuts and holes or were missing altogether.

Smith ultimately claimed that he had no memory of seeing the structural problems during his inspection, causing the Mellems to argue that he “exercised no care” and “effectively skipped” this portion of his inspection while falsely marking the framing “acceptable” in his report.

Water Damage

In addition to failing to mention any structural damage, the Mellems argued that Smith failed to

report “extensive and significant evidence” of outside water intrusion and water damage in the basement, including efflorescence, also known as salt staining, rusted foundation wall metal, rust weep down the basement walls and stained and rotted wood.

The deposition of the inspector regarding the water damage is also quite surprising. In his testimony, Smith admits to observing rusty metal in the foundation, rusty snap ties and a trail of rust “weeping downwards toward the floor,” but confesses that he did not take any pictures of these conditions or mention them in his report. Despite significant and readily visible evidence of moisture and water intrusion, including wood rot, he failed to call out the defects.

The plaintiffs ultimately used Smith’s testimony to argue that the inspector had left large areas uninspected and had effectively “admitted negligence” with regards to the structural problems and the evidence of water intrusion and damage.

Corporate Veil

Smith’s attorneys initially argued that much of what Smith was being sued for was outside of the scope of the home inspection, but as the case progressed they began to lean heavily on the argument that as a corporate officer, Smith should not be liable for the contract breach of SHI, the corporate entity, and consequently was not accountable for the alleged mistakes. Corporate officers and agents are shielded from personal liability “for acts taken on behalf of the corporation in furtherance of corporate goals, policies and business interests,” his lawyers argued.

The lead attorney representing the plaintiffs argued that this rule does not apply in this case because “the exception to this policy is where the officer personally committed a tort: a wrongful act or an infringement of a right (other than under contract) leading to civil legal liability.” In other words, the corporate protection does not shield corporate officer Smith from personal responsibility because he himself made the error and/or omission.

The plaintiff’s attorney cites a number of different legal cases to support the finding that Smith should be held personally liable for his negligence: “It is well settled that an individual member of a limited liability company or an officer of a corporation may be individual liable for his or her own torts, including negligence.” (Wilson v. McLeod., 327 N.C. 491)

“A corporate agent cannot shield himself from personal liability for a tort he personally commits or participates in by hiding behind the corporate entity; if he is shown to have been acting for the corporation, the corporation also may be held liable, but the individual is not thereby relieved of his own responsibility.” (Sturm v Harb Dev., LLC, 2 A.3d 859)

In other words, if an agent of a corporation or an LLC commits a tort, they can be held individually liable. A tort is defined by the Cornell University Law School as “an act or omission that gives

rise to injury or harm to another and amounts to a civil wrong for which courts impose liability.” There are a number of different kinds of torts, and to the extent that a lawyer can prove that a corporate officer committed a tort, personal liability exists.

In this case, the plaintiff’s lead attorney argued that Smith should be personally liable because his actions were negligent and against the best interests of the corporation. Under Montana law, where the inspection was conducted, if an officer of a corporation “acts against the best interests of the corporation, for his own pecuniary benefit, or with the interest to harm the plaintiff, he/she is personally liable.”

Findings

The jury ultimately did find that SHI and Smith were negligent, and Smith conducted his home inspection in a manner that was “against the best interests” of his corporation, SHI. Smith was consequently held liable as an individual, with a jury finding that his poor home inspection performance constituted “unfair or deceptive acts or practices” which violated the Montana Home Inspection Trade Practices Act and the Montana Consumer Protection Act.

Under Montana law the judge has the option of increasing the award by triple and awarding attorneys’ fees for any verdict that is a violation of the state’s Consumer Protection Act. The Mellems were awarded \$300,000 in damages and attorney’s fees. The case was thereafter settled confidentially, but if the court had ultimately issued a ruling on the verdict, this amount could have been tripled to \$900,000, plus attorney’s fees.

LLC or Corporation: How Much Protection Is There?

The case of SHI and Tom Smith is a compelling example of how the “corporate veil” can be pierced but it does not mean that corporate forms of organization are categorically useless for home inspectors. Indeed, the degree of negligence involved directly relates to how easy it is for opposing counsel to “pierce the veil” in the manner described in this case. In other words, if the inspector is grossly negligent and it is readily apparent to a jury that obvious defects in a property were missed, it is much easier to prove that the inspector should be personally liable. And it can be asserted that he/she acted against the best interests of the corporate entity. If the claim of negligence is not as clear cut, the plaintiff’s attorneys will have a much harder time proving personal liability.

Additionally, home inspector attorney Joseph Denneler explains that state licensing laws also play an important role in whether an inspector can be held personally liable. “Generally, inspectors in licensed states are individually liable for their actions regardless of whether they operate under a corporate entity. They are individually responsible for inspecting to their state’s standards of practice. That is why E&O insurance is so critical. There is no way to hide personal assets except that in many states there is a homestead exemption and/or an exemption for all marital property.”

E&O insurance is really the only way to protect your assets, says David Brauner, Senior Broker at OREP. “I have been in this exact position. When I was forming OREP I asked everyone I could find for advice—my CPA, my attorney and my mentor at the Small Business Administration whether I should incorporate to protect the few assets I had at the time—namely my house. To a person, they all said incorporating may have other benefits but for liability protection, E&O is the best protection. That, and being careful,” Brauner said.

The state-specific nature of these legal arguments means that home inspector licensing laws (or their absence), usually have a central role in the proceedings. In the New Jersey case of *Kinoian v. Independent Home Inspection Service, Inc.*, homebuyers sued their home inspection company after discovering asbestos in their home a year after the purchase. The home inspection was performed in 1993. The appeals process dragged on until 2004. At that time, a New Jersey Appellate Court rejected the plaintiff’s attempt to hold the individual home inspector liable, in part, because the inspection was prior to state licensing laws taking effect, ruling that the inspector “did not violate any duties specifically imposed by law.”

The Appellate Court addressed the common comparison between home inspectors and doctors, lawyers, and other licensed professionals this way: “So too, certain professionals, such as doctors, lawyers, and accountants have been found liable under both tort and contract theories for economic losses caused by misrepresentations during contractual relationships. Such liability, however, has not been broadly extended to other classes of service providers and is apparently premised upon duties specifically imposed by law (emphasis added). We find no basis on the present record to now include home inspectors within the class of those subject to that wider liability.”

In other words, because home inspector licensing designates specific duties and responsibilities to individuals who practice as home inspection professionals, licensing also potentially subjects inspectors to increased liability because, similar to doctors, lawyers or accountants, licensed inspectors have “duties specifically imposed by law” which they are bound to as individuals. Just as a doctor working for a corporation might be held individually liable for violating his standards of practice, inspectors in licensing states are also bound by law and can be found liable under tort and contract theories if found to be grossly negligent or acting in violation. It’s important to note that in Montana, the state where this suit occurred, there is no home inspector licensing program. However, Montana has passed the Montana Home Inspection Trade Practices Act, which outlines the duties and responsibilities of a home inspector.

Liability Bottom Line

Despite the arguments against the effectiveness of incorporating for home inspectors, some experienced attorneys point out that there is little downside to forming a corporation. Doing business through a corporation has likely never made a home inspector more liable, they argue,

and in some cases has successfully protected the inspector as an individual. So despite its less than ironclad protection, inspectors arguably are at least more protected when doing business in a corporate form. But incorporating may be more costly depending on your state. It's best to ask your accountant.

Todd Stevens, veteran home inspector trial lawyer and past President of the San Diego Bar Association, says that while not effective in every case, a corporate form can still be useful. "Corporate formation is an additional layer of protection for inspectors. You certainly aren't going to be scot-free just because you incorporate but it is another layer of protection that I would never discourage anyone from doing. It's especially useful if you've got a bigger operation with lots of employees and independent contractors working for you. There are advantages and disadvantages that vary by state in terms of taxes, so I'd definitely recommend speaking to an accountant and a lawyer to decide which form is best for you, but as a method of limiting your liability, it can't hurt," says Stevens.

Other Considerations

The issues explored here, admittedly, are not the only issues that come into play when a plaintiff attempts to "pierce the corporate veil" in a home-inspector related lawsuit. Lawyers frequently attempt to prove that an inspector's corporation is a "sham" corporation, and there is no real difference between the inspector and the corporate entity.

For this reason, home inspectors utilizing a corporate form are advised to observe the required corporate formalities, such as issuing stock, holding shareholder and board of directors meetings, keeping adequate minutes for meetings, and keeping separate financial records and separate bank accounts—ensuring clear financial boundaries between the individual and the corporation. The complexity of these issues is beyond the scope of this story, but inspectors interested in limiting their liability through a corporate structure should research them accordingly and seek professional legal advice. Stay safe out there!

To read the suit and deposition in its entirety, click [here](#).

About the Author

Isaac Peck is the Editor of Working RE magazine and the Director of Marketing at OREP, a leading provider of E&O insurance for home inspectors, appraisers, and other real estate professionals in all 50 states and D.C. He received his master's degree in accounting at San Diego State University. He can be contacted at isaac@orep.org or (888) 347-5273.

ENERGY CODES



Avoiding Wet Walls

The energy code provides guidance on limiting the risk of condensation, if you know where to look

BY CLAYTON DEKORNE

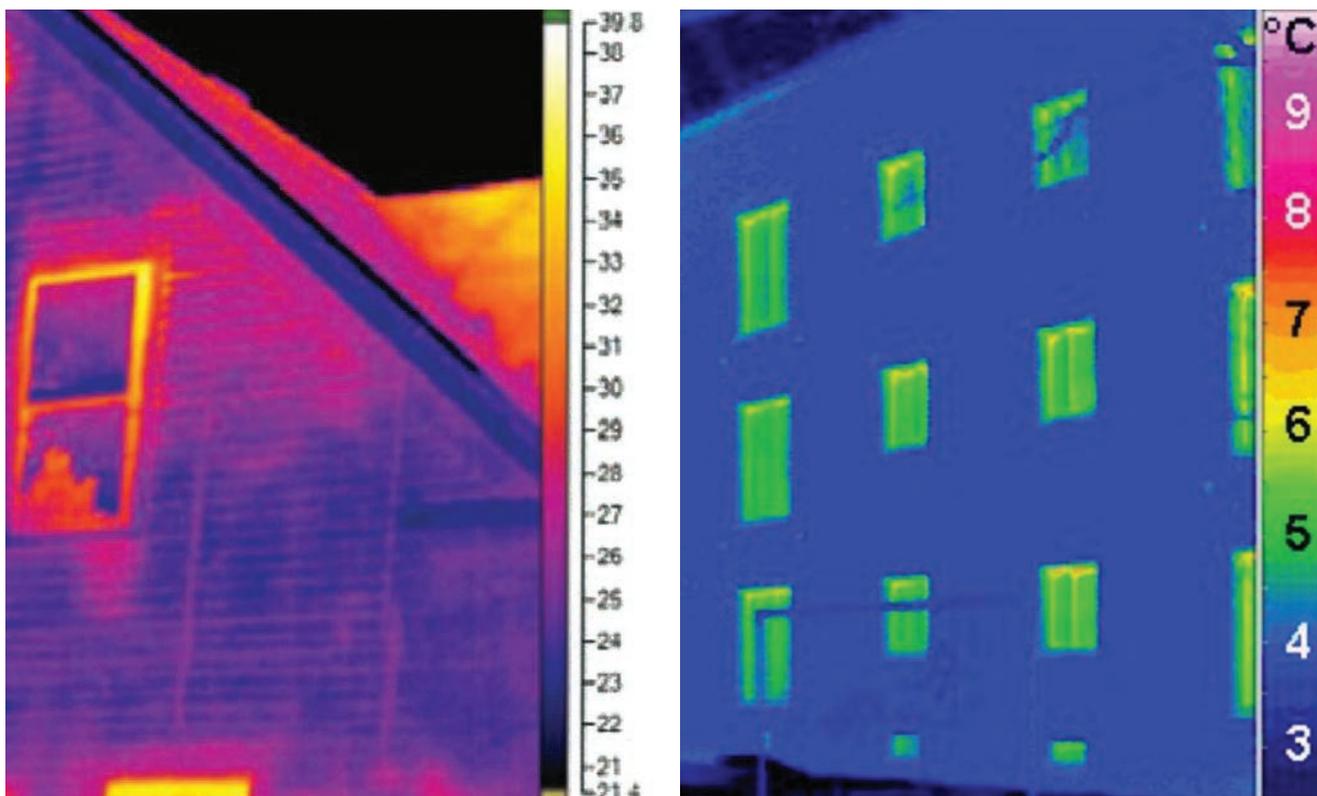
Continuous exterior insulation—commonly provided by wrapping a building with rigid foam—is nothing new to residential construction. But as it has found its way into energy codes in northern communities, it has advanced to become a mainstream wall system, even though a lot of builders are still unfamiliar with it and don't always understand the role it plays in the thermal and moisture performance of walls.

Continuous insulation (CI) was first introduced to the 2006 International Energy Conservation Code (IECC) as an option in climate zones 5 and 6. (In the code, it is indicated with an equation, such as “13+5,” which stands for R-13 in the wall cavity and R-5 continuous exterior insulation.) With the introduction of the 2012 IECC (and continued under the 2015 edition), continuous insulation became a requirement for climate zones 6, 7, and 8. In these zones, you have two choices and both require continuous insulation: 20+5 (for exam-

ple, a high-density, R-20 batt in a 2x6 cavity with 1 inch of XPS foam on the exterior) or 13+10 (for example, a 3⁵/₈-inch fiberglass batt in a 2x4 wall with 2 inches of XPS on the exterior).

Perhaps leery of taking the CI plunge exclusively, some states have amended this requirement. New York is a notable example. By the time the state adopted the 2015 IECC (skipping over 2012), the NYS 2016 energy supplement allowed two options for climate zone 6. “Option 1” is equivalent to the chapter and verse of the current IECC wall insulation requirement. “Option 2” allows R-25 cavity insulation only, without continuous exterior insulation. (Note: if builders follow Option 2, they have to opt in for the full gamut of fenestration and insulation requirements, including slightly more energy-efficient windows and slightly better interior basement insulation). Option 2 is largely seen as a hat-tip to spray-foam insulation, which has gained a strong foothold in the New York market, though you

Photo: Ted Cushman



Thermal bridging at a glance. The effect of thermal bridging can be seen immediately in the infrared image of the house on the left. Without continuous exterior insulation, heat conducting through the framing is visible (also visible are air leaks and conductive losses at windows and through spotty patches of insulation). The thermal envelope on the house on the right has been built specifically to reduce thermal bridging and shows no heat loss through the framing.

can comply with Option 2 using any wall system that provides R-25; an 8-inch fiberglass batt in a 2x8 wall, for example, would comply. What Option 2 doesn't provide is relief from thermal bridging or condensation control.

WHY CONTINUOUS INSULATION?

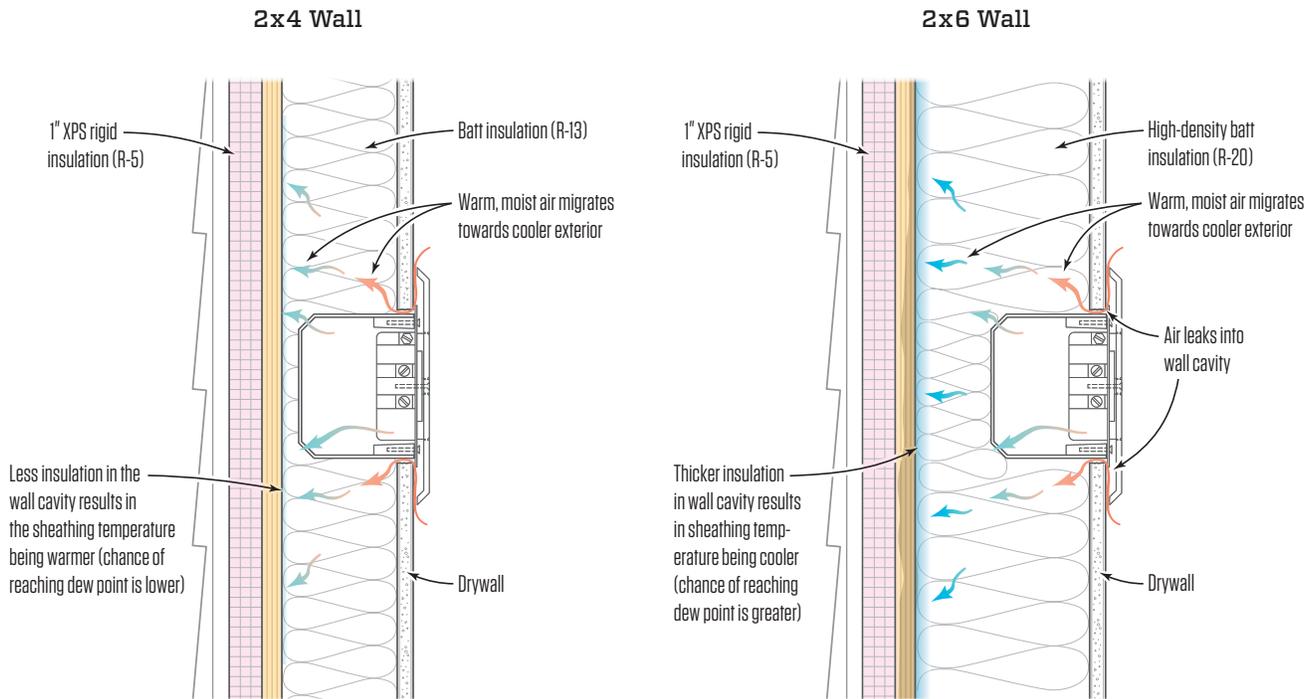
In a wall, cavity insulation only slows down the flow of heat through the stud bays, while every stud, trimmer, header, cripple, and wall plate acts as a thermal bridge, bypassing the cavities and siphoning heat from the building (1). Peter Baker and Joe Lstiburek, in the must-have Building America resource "Measure Guideline: Incorporating Thick Layers of Exterior Rigid Insulation on Walls," estimate that thermal bridging reduces a conventionally framed wall's nominal insulation value by at least 20%. In a typical framed wall without continuous insulation, R-20 batts really

perform at about R-16, and R-13 insulation at about R-10.5—well below nominal insulation values. Adding foam to the exterior brings the total wall value near the nominal values for the cavity fill: A "20+5" wall (for example, R-20 batts and 1 inch of XPS rigid foam) has a total wall value of R-19.4; a "13+5" wall (for example, R-13 batts and 1-inch XPS) has a total wall value of about 14.3.

Thermal performance is only part of the equation. The energy code is about much more than saving energy. As the code evolves, it is aligning more with building science and getting better at addressing the impacts on buildings that follow energy performance, namely building durability and indoor air quality. Of course, client comfort is another clear impact, but no code official is likely to say his job is to make occupants more comfortable. Nor is he likely to say it's about saving occupants money on their utility bills. For code officials, it's all about safety, and that's exactly

Images: John Snell (left); Passivhaus Institut (right)

Condensation Potential in Wood-Framed Walls



More cavity fill requires more continuous insulation. In a wall with continuous exterior insulation, the risk of condensation depends on the proportion of cavity fill to continuous insulation. As you add insulation to the cavity, you need to increase the thickness of continuous exterior insulation. If you don't, the increased cavity insulation will result in the sheathing being cooler. This increases the chance that the sheathing temperature will reach dew point and wet the sheathing with condensation.

where the energy code is beginning to make sense.

Continuous insulation reduces the condensation potential of walls by keeping the exterior sheathing warmer. In theory, when the sheathing is warm enough to stay above the dew point, it doesn't matter from a vapor-control perspective if warm, moist air leaks into building cavities. The moisture stays in the air, doesn't condense, and doesn't risk mold growth or rot.

But here's the subtlety that this article is really about: While the insulation requirements in the latest versions of the energy code embrace the concept of condensation control more than they ever have, they don't go far enough to stave off the condensation risk completely. The current insulation requirements may even increase the risk in climate zones 6, 7, and 8.

To understand this risk, we need to examine exactly how the building code addresses the condensation risk.

CODE'S ELUSIVE CONDENSATION STRATEGY

Condensation happens all the time in most buildings. In winter when moist, indoor air leaks into building cavities, water is likely to condense on the inside of the sheathing in many homes. In the summer, it is likely to condense on the back of the drywall. If this happens occasionally on the coldest or hottest days of the year, the water usually dries eventually without mishap. Condensation only creates problems (peels paint, grows mold, rots the structure) when it occurs frequently enough that walls stay wet for longer periods than they stay dry.

Building codes have traditionally addressed condensation by trying to limit the amount of water vapor that gets inside building assemblies. Chapter 7 on Wall Coverings in the IRC is where you need to look to find guidance on reducing the condensation risk with continuous insulation. It's couched in the vapor-retarder requirement,

Illustration: Tim Healey

TABLE R402.1.2 WALL INSULATION REQUIREMENTS

Climate zone	Wood frame wall R-value
1	13
2	13
3	20 or 13+5
4 except Marine	20 or 13+5
5 and Marine 4	20 or 13+5
6	20+ 5 or 13+10
7 and 8	20+ 5 or 13+10

The excerpt of Table R402.1.2 (left) shows IECC Chapter 4 wall insulation requirements. Continuous insulation is an option in climate zones 3 to 5 and is required in zones 6 to 8 under the IECC. For controlling condensation, the guidance in Table R702.7.1 (below) provides a safer wall system, regardless of which class vapor retarder you install.

TABLE R702.7.1 CLASS III VAPOR RETARDERS

Climate zone	Class III vapor retarders permitted for:	Compliant wall example
Marine 4	Continuous insulation with R-value ≥ 2.5 over 2 x 4 wall.	1/2-inch XPS over 2x4 with R-13 batt
	Continuous insulation with R-value ≥ 3.75 over 2 x 6 wall.	3/4-inch XPS over 2x6 with R-19 batt
5	Continuous insulation with R-value ≥ 5 over 2 x 4 wall.	1-inch XPS over 2x6 with R-13 batt
	Continuous insulation with R-value ≥ 7.5 over 2 x 6 wall.	1 1/2-inch XPS over 2x6 with R-19 batt
6	Continuous insulation with R-value ≥ 7.5 over 2 x 4 wall.	1 1/2-inch XPS over 2x4 with R-19 batt
	Continuous insulation with R-value ≥ 11.25 over 2 x 6 wall.	layered 1 1/2-inch and 3/4-inch XPS over 2x6 with R-19 batt
7 and 8	Continuous insulation with R-value ≥ 10 over 2 x 4 wall.	2-inch XPS over 2x4 with R-13 batt
	Continuous insulation with R-value ≥ 15 over 2 x 6 wall.	3-inch XPS over 2x6 with R-19 batt

Note: As a "base case," the IRC requires a Class I (e.g. poly) or a Class II (e.g. Kraft paper) vapor retarder on the interior side of walls in these five climate zones. You can use a Class III vapor retarder (e.g. latex paint), but only when the wall includes vented cladding (not included here) or continuous insulation. The example walls are for reference only and not mandated by code.

and is a little veiled. Section R702.7 states that you need a Class I (poly) or a Class II (Kraft-paper) vapor retarder on the interior face of walls in climate zones 5, 6, 7, 8, and Marine 4. You can use a Class III retarder (latex paint on the drywall), but only when you either install a vented cladding on the outside of those walls or install enough continuous exterior insulation to cool the sheathing.

How much is enough? The minimum R-values for continuous insulation are provided in Table 702.7.1 (see excerpt, above). Note that when continuous insulation is installed over a 2x6 wall in climate zones 6, 7, and 8, the amount of continuous insulation needed to control condensation is more than the amount of insulation required to meet the building thermal envelope requirements (Table R402.1.2; see excerpt at top of page). In other words, if you follow only the insulation requirements in Chapter 4 of the IECC (which are the same as Chapter 11 of the IRC), you may be building a risky

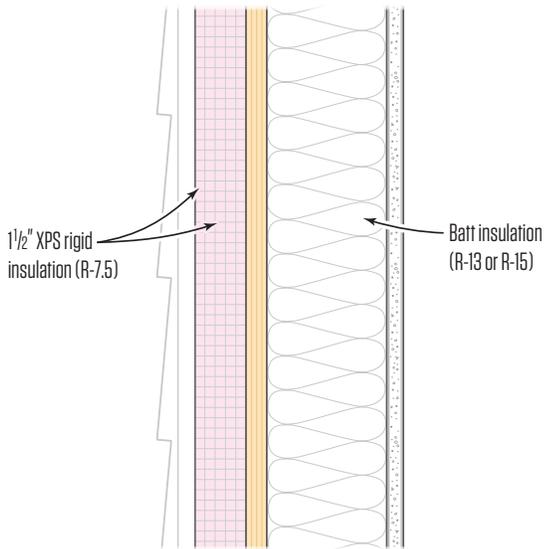
assembly (see "Condensation Potential in Exterior Walls," previous page). If you are only seeking code compliance, the safe bet for any wall *regardless of the type of vapor retarder you install* is to follow the recommendations for continuous insulation provided in Table R702.7.1.

The risk of not adding enough continuous insulation—or, more precisely, of unbalancing the wall with too much cavity insulation relative to the amount of continuous insulation—is even more critical to understand if you want to go *beyond* code. For example, what if you add only an inch of rigid foam to the exterior of an R-20 wall in climate zone 5 or Marine 4? If R-5 is allowed for the 2x4 wall, wouldn't adding R-5 to a 2x6 wall be even better? No, because compared with the 2x4 (13+5) wall allowed in these climate zones, the interior of the sheathing would be cooler in the 2x6 wall because there is more cavity insulation. As a result, the sheathing is still likely to reach dew point.

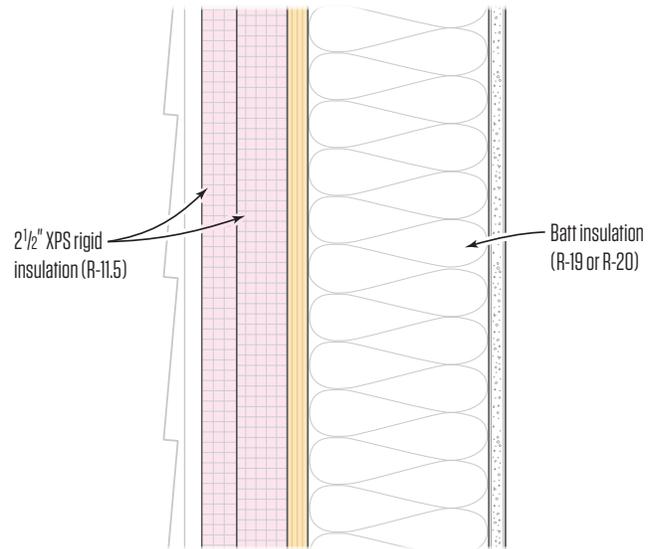
The simplest way to build better walls is to use Table R702.7.1 as

Safe Continuous Insulation Thickness for Cold Climates

Insulated Sheathing With
R-Value ≥ 7.5 Over 2x4 Wall



Insulated Sheathing With
R-Value ≥ 11.25 Over 2x6 Wall



In climate zones 6, 7, and 8, where the risk of condensation in walls is highest, the IRC requirements for using a Class III vapor retarder specify a thickness for continuous insulation that is greater than the insulation requirements in Chapter 4. This thickness provides a safe wall system, regardless of the type of vapor retarder you install. Note: Chapter 7 guidance does not differentiate between a high-density and a more conventional batt. In a 2x6 wall, a higher-density, R-20 batt may bring the temperature of the exterior sheathing close to dew point. This suggests that an R-19 batt is a safer option when using the minimum thickness for continuous insulation.

a baseline and add more continuous insulation outboard of the wall cavity. But if you are serious about going beyond code and avoiding wet walls, calculate the thickness for the given climate conditions and cavity insulation using the method described in John Straube's seminal article "Controlling Cold-Weather Condensation Using Insulation" (BSD-163; buildingscience.com). Ted Cushman's article "Robust Walls" (Nov/06) explains the calculation using specific examples for Boston conditions (climate zone 5).

WHY VAPOR RETARDERS?

According to John Straube, "cold-weather condensation is primarily the result of outward air leakage. Diffusion usually does not move sufficient quantities of water vapor fast enough to generate a problem." Why then does the code still require a Class I or Class II vapor retarder as a "base case" in wet walls? It's likely a symptom of the

approach building codes have of assuming absolute compliance. Code assumes that if you comply with the air-sealing requirements, you won't have warm, moist air migrating through walls, leaving a very small potential for vapor diffusion, against which you mount a barrier defense. Code is not good at letting go of its barrier defense strategies. It needs to get better at writing in belt-and-suspenders approaches to moisture control and creating safeguards to address problems that arise from incomplete compliance.

Rather than mandating a vapor-control strategy based on blocking moisture diffusion, the energy code might serve us by upping the continuous insulation requirements for climate zones 6, 7, and 8 to align with its vapor-control recommendations. Then it might consider killing the vapor-retarder requirement altogether.

Clayton DeKorne is the editor of JLC.

Illustration: Tim Healey

10 Questions to get a Great Logo

By Casey Bryan

When deciding on a logo there are so many thoughts and things to consider it becomes almost impossible to finally make a decision. A logo is very important to any business so time and thought are definitely necessary to making a decision. It becomes very important to make the right decision and we have some questions to ask in order to make that right choice for you.

Here are 10 questions to ask yourself when deciding on a logo so you can be quick and decisive in your approach:



1. What types of logos are there?

Four categories:

- **Wordmarks** are freestanding word or multi-letter abbreviation groupings comprising a logo, a.k.a. logotypes. Companies with wordmark logos include eBay, IBM, CNN, Google, Kleenex, Saks Fifth Avenue and, yes, the publication you're reading right now, Entrepreneur.
- **Letterform** logos are comprised of a single letter. Think Honda, Uber, Unilever, Beats and McDonald's.
- **Pictorial** logos are illustrated symbols of recognizable things. Starbucks, Twitter and Playboy all have pictorial logos.
- **Abstract** logos don't represent anything otherwise recognizable, like abstract art. Perhaps the most famous brand to successfully pull off an abstract logo is Nike.

2. Which type of logo would best suit my company?

Unfortunately, there is no one type of logo that works for everyone, whichever fits you best depends a lot on your name and what you provide or make.

For example, if you have a short company name like eBay, a wordmark logotype could work well. Wordmarks and letterform logos generally help consumers remember your name better than abstract logos. If you opt for an abstract symbol, however, be sure it's straightforward and mirrors the personality of your brand.

3. What are the key points about my business that my logo should convey?

Your logo -- from the color to the shape -- should provide an immediate sense of what your company is all about.

When people look at it, they should get a feel for your brand personality and your distinctive point of view. They should know that you're different from your competitors, you're professional, a real business and you're confident and successful in what you do.

Amazon's logo, represented by the company's name, with an arrow below it pointing from the "a" to the "z," is an example of a logo that embodies its namesake's brand identity exceptionally well.

4. What are the best logo colors?

Color choice is incredibly important. To best differentiate yourself, it's paramount to choose a color that your biggest competitors do not use in their logos.

Also consider that different colors pack different psychological punches. For example, the color red -- appropriately used in Red Bull's logo -- is active, intense and even a little alarming. Yellow is happy, energetic and fresh, perhaps a wise choice for a company focused on health and wellness. Meanwhile, blue -- the hue of Ford, Samsung and GE's logos -- evokes confidence, calm and reliability.

5. What fonts should I consider?

Fonts, like colors, convey and inspire various emotions. Different fonts work best for different businesses.

For example, a logo for a legal firm -- which should convey honorability, strength and justice -- might best be represented in a bold, straightforward font free of flourish. Whereas a candy shop might opt for a whimsical font that communicates youth, sweetness and fun.

6. Should I design a logo myself or hire a graphic designer to do it?

Even if you think you're a decent drawer and even if you're on a tight budget, it is suggested that you leave designing your logo to a trained graphic designer. Working with a skilled graphic designer is really critical. They understand what a good logo is and how it needs to scale and function across different media and marketing channels, like on your website, within an app or on a storefront sign, all key things that shouldn't be left to chance or guessed at on the fly.

That said, it's still a smart move to know which logo colors, shapes and fonts you like and don't like ahead of meeting with a designer. Communicate your preferences to him or her before any mockups are drafted.

7. How much will it cost?

Professional design firms typically charge anywhere between \$4,000 to \$15,000 for a logo alone, which might not be in the budget for startups and small businesses.

For a more affordable option, try a freelance designer who charges between \$35 and \$150 per hour, depending on his or her level of experience. But don't hire someone because of their bargain price. Find a designer who's familiar with your field and your competition.

There are also several web-based professional logo design providers, like Logoworks, that provide logo concept, design and revisions packages for as low as \$299 to \$599, depending on the number of logo designs delivered.

8. Where should I display my logo?

A better question would be “Where shouldn’t you display it?” because you’ll want to show it off “pretty much everywhere,” Wheeler says. Online, weave your logo into your website, digital ad campaigns and on social-media sites where you have company accounts, like Facebook, Twitter, Instagram and Pinterest.

Offline, put your logo on your front door, business card, product packaging, uniform and on company stationary and contracts.

9. What are some mistakes to avoid?

The worst mistake of all, is settling on a logo before seriously considering your key competitors’ logos. If your logo ends up similar to theirs, even in the slightest, customers might not be able to tell you apart and you could lose business.

We also cautions against sizing up your logo on a piece of paper only, as opposed to envisioning it across several diverse marketing places and spaces, like as an app icon, on a website, a billboard, or on a T-shirt or the side of a truck.

10. Is it too soon to worry about how my logo will look in 10 years?

Most logos, Wheeler says, need some touching up after a decade’s time or so anyway, to avoid growing stale. The key is to get it right from the start, then fine tune as needed over time.

Think of it, the Michelin Man has undergone Botox and minor surgery a bunch of times in the last 100 years, but the core idea is still the same as the first Michelin Man.

Closing Thoughts:

You can use these ten questions for your business when you are deciding on a logo. Everyone knows the importance of a logo, but nobody ever explains what goes into getting one. Use these ten questions to ask yourself what is the best logo for you. Every logo is specific to the business and the brand; make sure you understand what kind of logo you are looking for before you go searching for it.

WTF!

Yeah you know like they use in texting WTF. I thought it meant “what that foto”. So I hope to start adding photos of things that surprise me and asking for members to help me find out more information on what it might be and any other background information. If anyone else can find the strange, peculiar or rarely observed things while inspecting send photos to me and I will try to include in newsletter for all to help enlighten our group.

I came across our first two WTF while inspecting a home originally built in the 1700s. It was in a small town to the north of Bradley International Airport. The home had been updated very nicely and additional living space and garage had been added in the last 70 years.



This is the oldest looking meter I have ever found. The white to the left is a propane tank that is in use and only used with the very recently installed domestic water heater. The pipe below is not connected to the meter. The pipe on the right side of this meter is a smaller gage than the steel pipe we see on gas meter installations.

It is an old meter?

Was it used for metering water, gas, propane?

In what decades would this have been in use?

While looking at grounds, decks, porches, and patios I found this array of stones that were flush with the grade and numbered more than 20. They were brown in color and were etched with what appeared to be names and a set of dates. Approximately 18" x 18"; later I saw a few more in the garage and the height or depth was about 7". Here are couple of examples.



For about 10 seconds and based on size, I thought maybe some sicko buried cats here. My dogs were too big to fit under these stones. Then I remembered that some animals are cremated. But based on the names and year spans I figured they had to be markers for thoroughbred horses. Maybe they were "seconds" that had to be replaced by non-flawed markers. Why were they on a residential lot in CT?



Satin's Lustre 1941-1955



Blossom's Sorrel 1935-1947

If I Catch It, Can I Eat It?

“UpDated”

DPH Releases Annual Fish Advisory, “If I Catch It, Can I Eat It?” With Updated Guidance on Fish Caught on the Housatonic River

The Connecticut Department of Public Health (DPH) today announced the release of the 2017 edition of *If I Catch It, Can I Eat It? A Guide to Safe Eating of Fish Caught in Connecticut*. DPH has updated the guide in response to new sampling data that has indicated higher levels of fish contamination with polychlorinated biphenyls (PCBs) in the Housatonic River and the lakes – Lillinonah, Zoar and Housatonic – that are fed by the river. These PCBs are associated with the former General Electric Company (GE) transformer manufacturing facility in Pittsfield, MA.

If I Catch It, Can I Eat It? A Guide to Safe Eating of Fish Caught in Connecticut is available in both English and Spanish on the DPH website by clicking [here](#).

“The purpose of this DPH guide is to give advice on how to safely eat fish caught in Connecticut,” said Brian Toal, an Epidemiologist with DPH’s Environmental Health Section. “Fish are a good source of protein and omega 3 fatty acids, a nutrient thought to help protect people from heart disease and beneficial to the developing fetus. As a result, DPH recommends that the public continue to eat fish. However, certain guidelines should be followed in order to eat fish safely.”

The higher levels of fish contamination may be due to recent weather events and/or remedial work in the Pittsfield, MA area, located in the upper part of the Housatonic River watershed. The new data resulted in more restrictive advice for largemouth and smallmouth bass in Lakes Lillinonah, Zoar and Housatonic. Pregnant woman and children should not eat bass from the lakes and others should not eat more than one meal every 2 months. Fish sampling for PCBs in the Housatonic River will continue in future years and the consumption advisory will be reviewed annually based on that data.

Both the English and Spanish versions of the guide are available at all tackle shops, local health departments, and town clerk offices. The guide also emphasizes store bought fish with a list of “good fish to eat and fish to limit or avoid.”

The standard advice for fish caught in Connecticut for high risk groups, like pregnant women and children, is to eat no more than one meal per month of freshwater fish caught in Connecticut. For all other groups, the advice is to eat no more than one meal per week of freshwater fish. This standard advice is due to mercury contamination found in Connecticut freshwater fish. In addition, there is a guideline that recommends limiting or avoiding striped bass and bluefish caught in Long Island Sound due to Polychlorinated Biphenyl (PCB) contamination. The advisory guide also has a listing of the water bodies and species in Connecticut with specific consumption recommendations.

For more information or to obtain a copy of the update, please contact Sharee Rusnak at (860) 509-7740 or sharee.rusnak@ct.gov.

Honeywell International Recalls SWIFT® Wireless Gateway Sold with Fire Alarm Systems Due To Failure to Communicate in Fire

Name of product:

SWIFT wireless gateway sold with fire alarm systems

Hazard:

The smoke detectors connected to the gateway can fail to activate properly when significant environmental contaminants are present, posing a risk that consumers will not be alerted to a fire.

Remedy:

Repair

Recall date:

May 12, 2017

Units:

About 900



SWIFT Wireless Gateway

Consumer Contact:

Contact Honeywell at 800-289-3473 from 8 a.m. to 5 p.m. ET Monday through Friday or online at <http://hwll.co/CPSCsafety> and click on Safety Recall for more information.

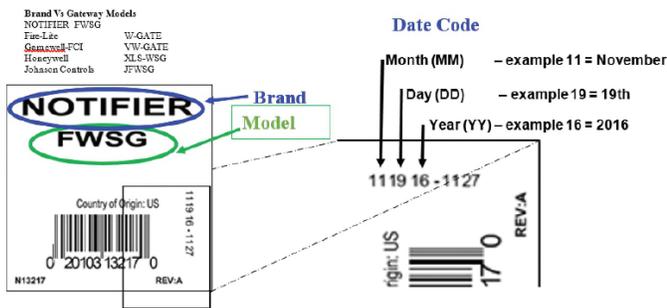
Recall Details

Description:

This recall involves the SWIFT wireless gateway sold with fire alarm systems. The gateways are round, white and measure eight inches in diameter. The gateways are the bridge between the fire alarm control panel and the detectors. These systems are used primarily for indoor or covered areas in commercial buildings, such as in office buildings, hotels, industrial facilities, and apartment complexes. The model number and date codes are printed on the back of the gateway on a white label on the circuit board. The gateways have the following brand names, model numbers and date codes.

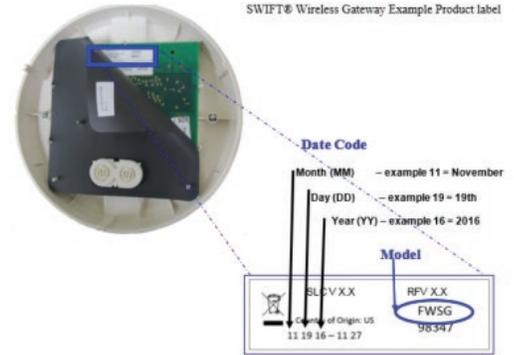
Brand	Model	Date Code Range
NOTIFIER	FWSG	10 13 14 through 12 15 16
Fire-Lite	W-GATE	
Gamewell-FCI	VW-GATE	
Honeywell	XLS-WSG	
Johnson Controls	JFWSG	

SWIFT® Wireless Gateway Example Carton label



Label on packaging

SWIFT® Wireless Gateway Example Product label



SWIFT Wireless Gateway date code location

Remedy:

Contact Honeywell for an update of the firmware on the SWIFT wireless gateway(s) installed on the system. Commercial building customers should continue using the recalled detectors until the firmware is updated.

Incidents/Injuries:

None reported

Sold At:

Honeywell distributors nationwide between October 2014 and December 2016 for about \$440 for the fire alarm system.

Manufacturer(s):

Honeywell International Inc., of Northford, Conn.

Manufactured In:

United States

Recall number:

17-151

Report an Incident Involving this Product

The U.S. Consumer Product Safety Commission is charged with protecting the public from unreasonable risks of injury or death associated with the use of thousands of types of consumer products under the agency's jurisdiction. Deaths, injuries, and property damage from consumer product incidents cost the nation more than \$1 trillion annually. CPSC is committed to protecting consumers and families from products that pose a fire, electrical, chemical or mechanical hazard. CPSC's work to help ensure the safety of consumer products - such as toys, cribs, power tools, cigarette lighters and household chemicals -- contributed to a decline in the rate of deaths and injuries associated with consumer products over the past 40 years.

Federal law bars any person from selling products subject to a publicly-announced voluntary recall by a manufacturer or a mandatory recall ordered by the Commission.

To report a dangerous product or a product-related injury go online to www.SaferProducts.gov or call CPSC's Hotline at 800-638-2772 or teletypewriter at 301-595-7054 for the hearing impaired. Consumers can obtain news release and recall information at www.cpsc.gov, on Twitter @USCPSC or by subscribing to CPSC's free e-mail newsletters.

Carrier and Bryant Recall Heat Pumps Due to Fire Hazard

Name of product:

Carrier Greenspeed™ and Bryant Evolution Extreme™ Heat Pumps

Hazard:

The capacitors in the fuse boards in the heat pumps can stop working causing the unit to overheat, posing a fire hazard.

Remedy:

Repair

Recall date:

May 11, 2017

Units:

About 23,300 (In addition about 2,000 sold in Canada)

Consumer Contact:

Carrier toll-free at 844-864-8233 from 8 a.m. to 5 p.m. ET Monday through Friday, or online at www.carrier.com or www.bryant.com and click on “Product Safety Recall” for more information.

Recall Details

Description:

This recall involves 2, 3, 4, and 5 ton size heat pump units sold under the Carrier Greenspeed and Bryant Evolution Extreme brand names. The units are used for cooling and heating homes. The Carrier Greenspeed model numbers are: 25VNA024, 25VNA036, 25VNA048, and 25VNA060. The Bryant Evolution Extreme model numbers are: 280ANV024, 280ANV036, 280ANV048, and 280ANV060. The model number can be found on the unit nameplate (or rating plate) located on one side of the unit’s exterior. On the Bryant unit, there is a label on top of the unit that reads “Bryant Evolution System.”



Carrier Greenspeed



Bryant Evolution™ Extreme

Remedy:

Consumers should contact Carrier or Bryant for instructions on receiving a free replacement fuse board installed by authorized Carrier or Bryant technicians.

Incidents/Injuries:

Carrier has received 41 reports of the heat pumps overheating. No injuries, fires or property damage have been reported.

Sold At:

Sears stores and HVAC dealers nationwide from June 2011 through August 2016 for between \$12,000 and \$18,000.

Manufacturer(s):

Carrier Corporation, of Jupiter, Fla.

Manufactured In:

United States

Recall number:

17-150

Report an Incident Involving this Product

The U.S. Consumer Product Safety Commission is charged with protecting the public from unreasonable risks of injury or death associated with the use of thousands of types of consumer products under the agency's jurisdiction. Deaths, injuries, and property damage from consumer product incidents cost the nation more than \$1 trillion annually. CPSC is committed to protecting consumers and families from products that pose a fire, electrical, chemical or mechanical hazard. CPSC's work to help ensure the safety of consumer products - such as toys, cribs, power tools, cigarette lighters and household chemicals -- contributed to a decline in the rate of deaths and injuries associated with consumer products over the past 40 years.

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To report a dangerous product or a product-related injury go online to www.SaferProducts.gov or call CPSC's Hotline at 800-638-2772 or teletypewriter at 301-595-7054 for the hearing impaired. Consumers can obtain news release and recall information at www.cpsc.gov, on Twitter @USCPSC or by subscribing to CPSC's free e-mail newsletters.

The Private Well Class - Webinars



Well Care 101 - What You Need to Know to Protect Your Family

In a survey of over 1,700 well owners, 67% believed their well water was safe without any evidence to support it. You can protect your health and your family's by learning the basics of well care. In this free 90-minute webinar training hosted by The Private Well Class, you'll learn:

- how to determine if your water is safe for drinking,
- simple best practices for well maintenance, and
- solutions to the most common well problems.

Next Session: June 22, 2017 at 1 p.m. CST

Click [Here](#) for more info.

YOUR INSTRUCTOR:



Steve Wilson
Groundwater Hydrologist

Steve Wilson is a 30-year veteran of the Illinois State Water Survey. Most of his research has been related to groundwater quantity and quality issues in the sand and gravel aquifers of Illinois. He authored the curriculum for our (free!) flagship e-course.

The Private Well Class - Webinars



Have questions about your septic system?
Get the answers you need in our free webinar.

Septic Systems 101

In this free 90-minute webinar training hosted by The Private Well Class you'll learn about septic system management as part of a larger strategy to protect the water in your private well. We will provide answers to common questions, such as:

- What is safe to flush down my drains?
- Do I need to put additives in my septic tank?
- How do I prolong the life of my system?

Next Session: July 25, 2017 at 1pm CDT

Click [Here](#) for more information.

YOUR INSTRUCTOR:



Steve Wilson
Groundwater Hydrologist

Steve Wilson is a 30-year veteran of the Illinois State Water Survey. Most of his research has been related to groundwater quantity and quality issues in the sand and gravel aquifers of Illinois. He authored the curriculum for our (free!) flagship e-course.

What's In Store:

WEEKLY ROUNDUP

Recapping the week + a look at the next

SUNDAY | June 18h 2017

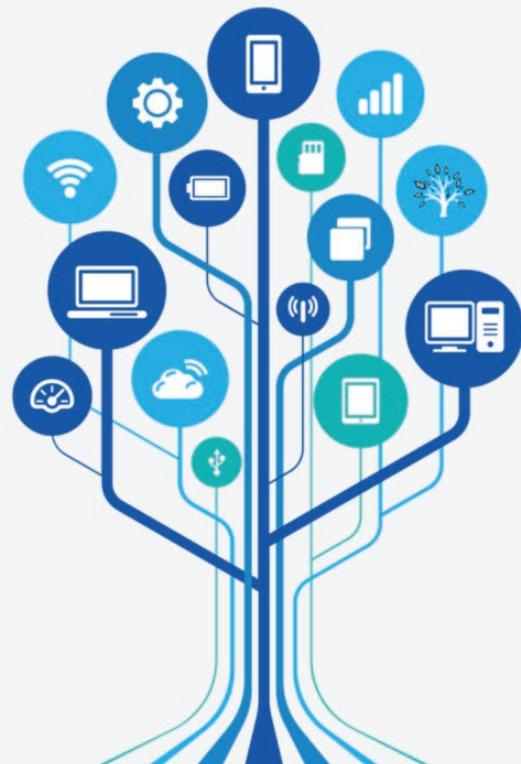
SUPERCHARGE

YOUR BUSINESS

The everyday grind of running a business means that you probably have a million+1 different things going on.

That's why we crafted a membership for you to propel yourself into the 'new era' of small business.

[Check out the member perks](#)



The Weekly RoundUp can be found at Helpgrow USA.com. This website is a valuable tool for building your business. For more information and to have interactive access to the “Processes” article that follows please click [Here](#).

Recapping Last Week

Topic of Last Week: PROCESSES



Monday:

[Building a business plan: 4 simple tips for a better process](#)

Build a business plan with structure by using these 4 tips to better the process and get you your idea for your business up and running as soon as possible.

Tuesday:

[Assessing your capabilities; Part 1 of building your business plan](#)

How to make an honest assessment about your small business' capabilities.

Wednesday:

[Finding the right template; Part 2 of building your business plan](#)

You've laid out the foundation of your business, now you need to transfer that data into a formal business plan template.

Thursday:

[Crowdsourcing feedback; Part 3 of building your business plan](#)

Have you ever considered crowdsourcing your business plan with online colleagues, friends and family? The feedback you gather can be both informative and

transformative in shaping your business plan.

Friday:

[Goals and progress tracking; Part 4 of building your business plan](#)

How can you accurately assess whether you're meeting goals and tracking progress?
Establish real metrics as your guide to success.

Saturday:

[4-part series review; Building your business plan](#)

Now that you have the steps and knowledge path, it's time to go forward and build your stellar business plan! Here are few additional 'golden nuggets' in each of our four topic areas to fuel your thought process.

What's In Store

Topic of the Week: **SOMETHING NEW!**

This upcoming week we're going to go a little outside the box - but don't fret, it's all going to be relevant content that will serve to help your business grow!

Last Week's Top Stories

Curating the most relevant business news & tips,
so you don't have to...

Small-business sentiment holds steady in May // Forbes
Three secrets to landing a small business load // Tallahasee.com
6 smart tax moves to protecty your small Business // Forbes

Giving Home Inspectors a Bad Name

Congressional Shooter Identified

Law enforcement officials have identified the suspected gunman in the early Wednesday shooting of Rep. Steve Scalise as James T. Hodgkinson.

In a statement from the White House, President Trump said Hodgkinson died of his injuries.



James T. Hodgkinson

Paul Ryan declares “an attack on one of us, is an attack on all of us”. Members of Congress, political world react to Alexandria shooting Hodgkinson, 66, owned a home inspection business in Belleville, Illinois. Law enforcement officials say he opened fire at a baseball field in Alexandria, Virginia, shortly after 7 a.m. Wednesday. Hodgkinson shot Scalise and four others, including two Capitol Police officers, before being shot himself and taken into custody.

Officials say Hodgkinson was carrying an assault weapon similar to an M-4 and a handgun. Both are being traced by the Bureau of Alcohol, Tobacco and Firearms. The FBI has taken over the investigation and has said the D.C. medical examiner said the official cause of death was from multiple gunshot wounds in the torso.

A law enforcement official said Hodgkinson wasn’t on the radar of the U.S. Secret Service and was unknown to them, CBS News’ Pat Milton reports.

Outside Hodgkinson’s home in Illinois, neighbors told CBS News they had not seen him in months. Authorities quickly arrived and began combing through Hodgkinson’s home.

Hodgkinson made a number of posts criticizing President Trump and expressing support for independent Sen. Bernie Sanders of Vermont on his Facebook page. Sanders reacted to the shooting on the Senate floor Wednesday, saying Hodgkinson volunteered on his 2016 presidential campaign.

“I am sickened by this despicable act,” Sanders said. “I condemn this action in the strongest possible terms.”

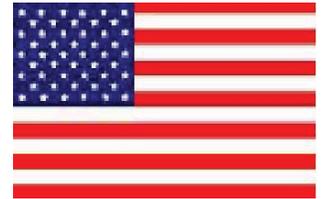
FBI Special Agent-In-Charge Timothy Slater said during a Wednesday evening joint press conference that Hodgkinson was unemployed and homeless and living out of his van in Alexandria.

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Web: www.ctinspectors.com

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		Joseph Pelliccio	Vacant	Public Member
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Director	Woody Dawson 203-272-7400	Dwight Uffer		
Director	Al Dingfelder 203-376-8452	They have served as our primary leaders and in other capacities since 1992.		
Director	Vacant	Please thank them for their service when you have a chance.		

Published by: Larry Ruddy
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