

CAHI MONTHLY NEWS



January 2015 Volume 8, Issue 1

President's Corner

2015 has arrived. I trust that everyone had a very happy Holiday season and enjoyed time well spent with family and friends. It's time to gear up for a new business year! Hopefully the weather will be in our favor until the warm summer sun arrives. The stock market has hit an all time high. Let's keep our fingers crossed that it will translate to a booming housing market.

Under the guidance of our board, we will begin this year by pursuing plans that will get our organization some exposure, increase membership, increase our presence on the web and on social media and provide top notch education. We plan on strengthening our organization and making our presence known. We will also follow closely the state licensing board as they review the standards of practice.

Scott Monforte is putting together yet another Law seminar that promises to be educating and entertaining. Scott and Kevin Morey are also working hard to line up speakers for our monthly education.

I would like to take this opportunity to remind you that we are consumer advocates. Our job is to help homebuyers make informed decisions when purchasing a home based on our findings. But as you all know, we walk a fine line and assume a tremendous amount of potential liability in the job we perform. Our fees, no matter what they are, are not proportionate to the cost of repair for the defects that we find, nor are they proportionate to the amount of liability that we expose ourselves to. I encourage you all to review your inspection agreements, the wording, phrases and caveats in your reports, and your inspection procedures to ensure first that you are covering your backsides, and second that you are providing the best service to your customers. Sometimes we get complacent. It may not hurt to have your legal documents reviewed by your attorney. Kent Mawhinney is always at your disposal as well. We **ALL** know there are limitations and exclusions to our services, the question is do our clients know. Make them aware before you perform the inspection.

I hope you all have a productive, profitable and successful 2015! Together let's take the lead as CAHI inspectors and raise the level of our profession!

Stan Bajerski

MONTHLY MEETING – Details & Info

CAHI's regular monthly meetings are held at the Holiday Inn 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

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Meeting Dates

Jan 28th

Mark Shappert

Mark Schappert is the lead Trainer for The School for Energy Efficiency.

Feb 17th

Law Seminar

Attorney Mawhinney presents home inspection legal issues.

Regular Meeting

Location:

(otherwise noted)

Best Western

201 Washington Ave.

North Haven, CT.

(203) 239-6700

2014 CAHI Scholarship

Congratulations to Lauren Aliberti, recipient of our 5th annual CAHI Scholarship. Lauren is the daughter of member Dean Aliberti.

Lauren is currently attending Marist College, Poughkeepsie, New York. She is majoring in Psychology/Special Education. She has received a CAPT Scholar award, was the president of the National Honors Society her senior year of high school, and has received several other awards during her high school years.

Lauren has given countless volunteer hours to her community and has participated in many activities to round out her high school education.

In her thank you letter Lauren wrote:

Dear Mr. Bajerski,

I just wanted to thank you for your generous scholarship. It is so nice that you are able to encourage education. I can promise that your generosity will be paid forward as I pursue my degree in education and become a teacher.

Thank you,

Lauren Aliberti

She has also garnered glowing references from people in her community that describe her as having character and integrity in the truest sense. It sounds like Lauren is a perfect recipient for our award, and we wish her well in pursuing her goal to work with special needs children to help improve their lives.

Congratulations Lauren Aliberti!



Newsletter Article or Guest Speaker

CAHI will pay \$25.00 to any member who provides us with a guest speaker for one of our monthly meetings or for any article that is submitted and used in the monthly newsletter.

Articles must be a PDF or Word document. Articles should pertain to our industry.

We will review articles for content and reserve the right to edit, use and/or refuse them.

WANTED, A FEW GOOD PEOPLE!

CAHI can be a much more powerful organization and can bring so much more to the table if more members became involved with the board. We have ideas to be explored that can benefit us all. However, the effort to make the month to month operation of our organization takes all of our available time as board members. We ask for volunteers to work on committees that will strengthen our organization and move us far beyond any home inspection organization in the northeast.



We are currently seeking an Information Tech savvy member to operate the back end of our website. We are also looking for help with mailings, web research, etc that can be done from your home, with no requirement to attend board meetings. Anyone interested, please contact me or any other board member.

If you have a story, article, or picture that you would like to share with the other members, or if you would like to get involved in helping our board explore the future of CAHI, let us know. It's your organization, get involved!

Stan Bajerski

Share Your Thoughts and Experiences

As a home inspector, I have seen many unusual things over the years. I am sure all of you have as well. Now that most of us are using photographs in our reports, these unusual items are recorded for posterity. I encourage each and every one of you to consider taking a picture and or an unusual condition that you have come across and write a short article about it. Just a few lines, one page with the picture, and submit it to our newsletter. We really want the membership to become more involved with the organization. Personal stories and encounters are always more interesting to read about.

If there are any products or situations that you would like to have addressed in our newsletter, email me and let me know. I will research and attempt to gather interesting information on the subject for all to read.

This is only a partial article found on the internet and being used as a hook or advertisement by Journal of Light Construction. I tried to provide a copy of the JLC article but my membership/access has expired. JLC provides information on government policy and industry trends that could provide home inspectors additional revenue streams. Please let me know if anyone sees articles that would help us stay informed on trends that could impact the way we conduct our businesses. And in my defense, those four misspellings were in the internet copy.

Storm Brewing over New Lead Paint Law



A new Maryland law three years in the making has landlords flustered, [according to Durability + Design, a coatings industry newsletter](#): The law, which went into effect Jan. 1, requires all residential rental properties built before 1978 to be registered. The registration cost is \$30 per property and must be renewed annually. Once registered, those properties must be inspected and issued a "Full Risk Reduction Certificate," which informs tenants that any lead risk on the premises has been abated. The certificate must be renewed with each change of occupancy.

Whether or not this law sets a precedent for other states is still unclear. But it's curious to note that the [existing RRP regs](#) evolved from legislation enacted by the City of Baltimore, which served as a model for state legislation first enacted in Massachusetts, followed by Connecticut, Maine, Rhode Island and New Jersey, before becoming a federal requirement under the EPA. [An early account of lead paint regulations in the Journal of Light Construction](#) describes this evolution of law and explores some of the shaky premises on which today's regulations were built.

The "Red Phone" for Inspectors

All inspectors should have a dedicated phone number--and even a dedicated phone--that's used only for new business. In fact, this dedicated phone should be red in color (which you can easily make by using a basic colored cell phone cover). An actual red phone is your instant reminder that there is no phone call that you'll answer all day that's more important than a call for new business. This red phone should have the phone number you would list in any and all advertising that's designed to acquire new clients, such as websites, emails and newsletters to new potential customers, print ads, truck signage, yard signs, billboards and direct mail.

You can use a different "main" number in your contracts, for suppliers, on your inspection reports, and for general business use. That way, you or your staff can man the red phone and leave the other phone number to be used primarily for every day, routine business. The red phone should always be manned because it means new business, and you should never let new business get away under any circumstances. Set up your free ["Call Me Now" button](#) on your website to ring at your red phone.

If you're a one-person operation, be sure to ask your clients whether they'd mind if you took calls during your meeting with them; most of them won't object if you ask in advance. Let your everyday phone calls go to voicemail if you're busy, but always answer your red phone. Prospective clients won't be interested in leaving you a voicemail (if they do not have a referral to you or they are under time constraints); they'll just move on to the next inspector. If you carry both phones with you out in the field, make sure your "everyday" phone is turned off during inspections. Make both phones' ringtones different so that you know which phone is ringing so that you can pick up any "red phone" calls. If you're on an inspection with a client, ask them for permission to answer your phone during the inspection. Your client's confidence in you will increase if s/he sees you are in demand from other consumers trying to hire you.



Contact Information

Your contact information should be one local phone number and one professional email address. Avoid using toll-free numbers. Unless you're a national company, you'll only be working locally, so why offer the illusion that you're saving your prospective clients any money with a simple phone call? Besides, customers will choose the local inspector with the local area code. They want to talk to the actual inspector who'll be working for them. A toll-free number implies an impersonal, non-local corporation that will send someone out whom the client won't get to speak to beforehand. A few very cheap customers appreciate toll-free numbers to save a few pennies. Let your competitors have those customers.

After Hours

If you accept new business calls after hours, keep your red phone on and your other phones off. One way to prevent website visitors from hesitating to call you after hours is to add something along the lines of the following sentence under your red phone's phone number: "*Please don't call after 9:30 p.m.*" Many consumers are on your website in the evening and this sentence will let them know it's OK to call you at 8:15 or 9:20 p.m. It also implies that they will get YOU... the inspector, in person.

Carbon Monoxide Poisoning and Detectors

Carbon monoxide (CO) is a colorless, odorless, poisonous gas that forms from incomplete combustion of fuels, such as natural or liquefied petroleum gas, oil, wood or coal.

Facts and Figures

- 480 U.S. residents died between 2001 and 2003 from non-fire-related carbon-monoxide poisoning.
- Most CO exposures occur during the winter months, especially in December (including 56 deaths, and 2,157 non-fatal exposures), and in January (including 69 deaths and 2,511 non-fatal exposures). The peak time of day for CO exposure is between 6 and 10 p.m.
- Many experts believe that CO poisoning statistics understate the problem. Because the symptoms of CO poisoning mimic a range of common health ailments, it is likely that a large number of mild to mid-level exposures are never identified, diagnosed, or accounted for in any way in carbon monoxide statistics.
- Out of all reported non-fire carbon-monoxide incidents, 89% or almost nine out of 10 of them take place in a home.

Physiology of Carbon Monoxide Poisoning

When CO is inhaled, it displaces the oxygen that would ordinarily bind with hemoglobin, a process that effectively suffocates the body. CO can poison slowly over a period of several hours, even in low concentrations. Sensitive organs, such as the brain, heart and lungs, suffer the most from a lack of oxygen.

High concentrations of carbon monoxide can kill in less than five minutes. At low concentrations, it will require a longer period of time to affect the body. Exceeding the EPA concentration of 9 parts per million (ppm) for more than eight hours may have adverse health effects. The limit of CO exposure for healthy workers, as prescribed by the U.S. Occupational Health and Safety Administration, is 50 ppm.

Potential Sources of Carbon Monoxide

Any fuel-burning appliances which are malfunctioning or improperly installed can be a source of CO, such as:

- furnaces;
- stoves and ovens;
- water heaters;
- dryers;
- room and space heaters;
- fireplaces and wood stoves;
- charcoal grills;
- automobiles;
- clogged chimneys or flues;
- space heaters;
- power tools that run on fuel;
- gas and charcoal grills;
- certain types of swimming pool heaters; and
- boat engines.

PPM	% CO	Health Effects in Healthy Adults	Source/Comments
0	0%	no effects; this is the normal level in a properly operating	
35	0.0035%	maximum allowable workplace exposure limit for an eight-hour	The National Institute for Occupational Safety and Health (NIOSH)
50	0.005%	maximum allowable workplace exposure limit for an eight-hour	OSHA
100	0.01%	slight headache, fatigue, shortness of breath,	
125	0.0125%		workplace alarm must sound (OSHA)
200	0.02%	headache, fatigue,	
400	0.04%	severe headache, fatigue, nausea, dizziness, confusion; can be life-threatening after three hours	evacuate area immediately
800	0.08%	convulsions, loss of consciousness;	evacuate area immediately
12,000	1.2%	nearly instant death	

CO Detector Placement

CO detectors can monitor exposure levels, but do not place them:

- directly above or beside fuel-burning appliances, as appliances may emit a small amount of carbon monoxide upon start-up;
- within 15 feet of heating and cooking appliances, or in or near very humid areas, such as bathrooms;
- within 5 feet of kitchen stoves and ovens, or near areas locations where household chemicals and bleach are stored (store such chemicals away from bathrooms and kitchens, whenever possible);
- in garages, kitchens, furnace rooms, or in any extremely dusty, dirty, humid, or greasy areas;
- in direct sunlight, or in areas subjected to temperature extremes. These include unconditioned crawlspaces, unfinished attics, un-insulated or poorly insulated ceilings, and porches;
- in turbulent air near ceiling fans, heat vents, air conditioners, fresh-air returns, or open windows. Blowing air may prevent carbon monoxide from reaching the CO sensors.

Do place CO detectors:

- within 10 feet of each bedroom door and near all sleeping areas, where it can wake sleepers.
- The Consumer Product Safety Commission (CPSC) and Underwriters Laboratories (UL) recommend that every home have at least one carbon monoxide detector for each floor of the home, and within hearing range of each sleeping area;
- on every floor of your home, including the basement (source: International Association of Fire Chiefs/ IAFC);
 - near or over any attached garage. Carbon monoxide detectors are affected by excessive humidity and by close proximity to gas stoves (source: City of New York);
 - near, but not directly above, combustion appliances, such as furnaces, water heaters, and fireplaces, and in the garage (source: UL); and
 - on the ceiling in the same room as permanently installed fuel-burning appliances, and centrally located

on every habitable level, and in every HVAC zone of the building (source: National Fire Protection Association 720). This rule applies to commercial buildings.

In North America, some national, state and local municipalities require installation of CO detectors in new and existing homes, as well as commercial businesses, among them: Illinois, Massachusetts, Minnesota, New Jersey, Vermont and New York City, and the Canadian province of Ontario. Installers are encouraged to check with their local municipality to determine what specific requirements have been enacted in their jurisdiction.

How can I prevent CO poisoning?

- Purchase and install carbon monoxide detectors with labels showing that they meet the requirements of the new UL standard 2034 or Comprehensive Safety Analysis 6.19 safety standards.
- Make sure appliances are installed and operated according to the manufacturer's instructions and local building codes. Have the heating system professionally inspected by an HVAC technician and serviced annually to ensure proper operation. The inspector should also check chimneys and flues for blockages, corrosion, partial and complete disconnections, and loose connections.
- Never service fuel-burning appliances without the proper knowledge, skill and tools. Always refer to the owner's manual when performing minor adjustments and when servicing fuel-burning equipment.
- Never operate a portable generator or any other gasoline engine-powered tool either in or near an enclosed space, such as a garage, house or other building. Even with open doors and windows, these spaces can trap CO and allow it to quickly build to lethal levels.
- Never use portable fuel-burning camping equipment inside a home, garage, vehicle or tent unless it is specifically designed for use in an enclosed space and provides instructions for safe use in an enclosed area.
- Never burn charcoal inside a home, garage, vehicle or tent.
- Never leave a car running in an attached garage, even with the garage door open.
- Never use gas appliances, such as ranges, ovens or clothes dryers to heat your home.
- Never operate un-vented fuel-burning appliances in any room where people are sleeping.
- During home renovations, ensure that appliance vents and chimneys are not blocked by tarps or debris. Make sure appliances are in proper working order when renovations are complete.
- Do not place generators in the garage or close to the home. People lose power in their homes and get so excited about using their gas-powered generator that they don't pay attention to where it is placed. The owner's manual should explain how far the generator should be from the home.
- Clean the chimney. Open the hatch at the bottom of the chimney to remove the ashes. Hire a chimney sweep annually.
- Check vents. Regularly inspect your home's external vents to ensure they are not obscured by debris, dirt or snow.

Fireplace Fuel

Fireplaces and wood stoves are designed to burn only one type of fuel. Used as all-purpose incinerators, these devices can pose the following hazards:

- Harmful vapors can vent into the living space. Even the most efficient fireplaces will vent directly into the living space while they're opened and closed for cleaning and refueling, exposing everyone in the house to potentially dangerous fumes.
- Harmful vapors will vent to the outdoors. Most newer fireplaces and wood stoves do an excellent job of funneling smoke and fumes to the outdoors, but the problem doesn't end there; this pollution persists, contaminating household and environmental air.
- Burning inappropriate fuel can cause mechanical damage. Chimneys can become lined with residue from inappropriate items, which may lead to a dangerous chimney fire. The fumes from certain items will quickly wear out sensitive components, such as catalytic combustors in wood stoves.

Read the following guidelines to better understand what can and cannot be safely burned in a residential fireplace or wood stove.

What can be burned in a fireplace?

- dried, cut firewood. An adequate fuel supply will consist of a mixture of hardwoods, such as maple and oak, and softwoods, such as fir and pine. Softwoods ignite quickly and are useful in the early stages of the fire, while hardwoods provide a longer-lasting fire, and are best used after preheating the chimney. Despite the different burning characteristics of hardwoods and softwoods, which can be attributed to differences in density, the heat-energy released by burning wood is the same, regardless of species. To dry out wood, it should be stacked in an open area so the sun can warm the pieces and the breezes can carry away the moisture. Poplar, spruce and other softwoods generally dry quickly, as do wood that has been split small.

Adequately seasoned wood has a moisture content of less than 20%, which can be checked using the following indicators:

- The wood has darkened from white or a cream color to yellow or grey.
 - There are cracks or checks in the end grain.
 - A hollow sound is produced when two pieces of wood are banged together.
 - You can split a piece and feel if the new surface is damp or dry.
 - The wood does not hiss while burning.
 - You can check its moisture content with a moisture meter.
- pallets. Generally, pallets are safe to burn in fireplaces, although those that are treated with the fumigant methyl bromide (labeled with the initials MB) are unsafe to burn. Also, pallets may have been exposed to a variety of chemicals while they were in use. Aside from these concerns, pallets produce a hot flame because they're usually very dry and their segments are thin. Be careful to check for nails while cutting pallets, as they may damage a saw blade. You may also wind up with nails in your ash, which should be disposed of far from roads and driveways.
 - fallen tree limbs. These can generally be collected and used for kindling, provided they have been given time to dry.
 - wood collected from housing developments. If it is truly trash and not someone's property (including the housing contractor's), using scavenged wood that has been cleared away for housing developments is good for burning. Try to obtain it before the non-lumber grade wood is pushed into massive piles and burned as a means of disposal by the contractor.
 - fire logs. These artificial logs burn relatively cleanly and release less ash than their natural wood counterparts.

What should never be burned in a fireplace?

- painted wood. Paint contains heavy metals, such as lead, chromium and titanium, which are used to make the different colors. These metals, especially lead, can be toxic even in small quantities if inhaled. If you're unsure if your paint has lead do not burn it.
- pressure-treated wood. Wood is commonly made resistant to fungus and insects through the addition of copper, chromate and arsenic, in a process known as CCA treatment. CCA treatment places roughly 27 grams of arsenic in every 12-foot 2x6, which is sufficient to kill about 250 adults, which is why it is illegal in the U.S. to burn pressure-treated wood. Vaporized CCA wood, known as fly ash, is extremely toxic; in one case, as reported by the American Medical Association, a family was stricken with seizures, hair loss, debilitating headaches, blackouts and nosebleeds from fly ash released when they unknowingly used CCA wood to burn in their fireplace. Even the family's houseplants and fish succumbed to the toxic fumes.
- plywood, particleboard, chipboard or OSB. These manmade woods release formaldehyde, and potentially hydrochloric acid or dioxin, when burned. Some states have outlawed the incineration of some or all of these artificial wood products.
- rotted, diseased or moldy wood. This wood will not burn as long as normal wood, may produce bad smells when burned, and could bring insects into the house.
- damp wood. Wood that has a moisture content higher than 20% will burn inefficiently and will contribute to a greater accumulation of creosote in the chimney, as well as air pollution.
- allergenic plants. Urushiol, which is the chemical that induces the typically minor allergic reaction when skin is exposed to poison ivy, poison sumac or poison oak, is far more dangerous when inhaled. Urushiol is not destroyed by fire and can quickly cause life-threatening respiratory distress if any of these plants are burned.
- dryer lint. While it's often used effectively as a fire-starter, lint can contain a wide array of dangerous chemicals that come from your clothes and fabric softener.
- trash. Never burn household garbage, as it contains a range of potentially hazardous materials and chemicals that react in unpredictable ways when burned together. Newspaper ink, plastics, aluminum foil, plastic baggies, and whatever else constitutes your particular trash can create a deadly chemical cocktail.
- driftwood. Wood found on the beach of an ocean or salty lake will release salt when burned, which will quickly corrode any metal and etch the glass of a wood stove or fireplace. Catalytic converters are especially vulnerable to salt corrosion. In addition to potential damage to the stove or fireplace, the EPA claims that driftwood releases toxic chemicals when burned.

In summary, use only approved and appropriate fuel to burn in your fireplace or wood stove, because certain items should never be burned because they can cause problems ranging from minor irritation to a hazardous health threat to your family.

Lock Boxes

Lock boxes are compartments in which house keys can be securely contained and selectively accessed while a home is vacant. Until the last few years, almost all lock box locking mechanisms were opened through a combination of letters or numbers, although lock boxes that open electronically, known as Supra lock boxes, are now common. Inspectors may need to know how to operate them.

Common Locations

Inspectors should take the time to ask about the lock box location when scheduling the inspection for an unoccupied property. Common locations include:

- the front door (on the doorknob). Some listing agents prefer they be placed elsewhere so the door's finish is not damaged;
- fences;
- railings;
- gas pipes;
- any other secure, conspicuous locations near the front door.



Combination Lock Boxes

The combination lockbox was the primary choice for listing agents for many years.

Pros of using combination lock boxes:

- They are easy to operate. Most inspectors should find their design familiar, since they operate in a manner similar to standard combination locks.
- They are inexpensive (\$20 or less) and can be obtained at most hardware stores.

Cons of using combination lock boxes:

- Combination lock boxes can be accessed by anyone who knows the combination, regardless of whether they have permission to enter the home. Since commonly used codes are the listing agent's initials or year of birth, the codes are relatively easy to crack. Unless the combination is changed after the inspection, those with the combination can gain unauthorized access to the house.
- Combination lock boxes cannot store a record of access.
- If they become covered in ice, they can be hard to open.

Supra Lock Boxes

Also called electronic locks, these lock boxes are opened by a portable keypad that emits an infrared signal. Inspectors can lease an electronic keypad by joining their local Board of Realtors as an affiliate. Some boards require affiliates to obtain a Call Before Showing (CBS) code from the listing agent, although requirements for this code vary by Multiple Listing Service (MLS) jurisdiction. Supra lock boxes are manufactured by General Electric (GE). Although they were introduced relatively recently to the inspection and real estate industries, they are now common across most parts of North America. Supra lock boxes are generally considered to be more secure than traditional combination lock boxes.

Pros of using Supra lock boxes:

- They can be programmed to only open during selected hours. As an anti-burglary measure, they can be made inaccessible at night, for instance.
- Supra lock boxes protect inspectors. They keep a record of the times they were accessed and the particular keypads that were used. If damage or theft is reported, the electronic access record can exonerate inspectors by showing that their keypad was not used at the time of the damage or theft.
- Supra lock boxes are very secure. They only permit access to those who are pre-selected by the listing agent. Some areas impose heavy fines to those who allow unauthorized people to use their keypad.

Cons of using Supra lock boxes:

- Due to their complexity, it is possible that the listing agent will not program them correctly. They might be placed on the “do not disturb” mode by accident, and the inspector will not be able to gain access to the house.
- Supra lock boxes are expensive (around \$150). This should not concern inspectors, who are required to obtain inexpensive keypads.
- Access may be too restrictive. If an inspector does not have a keypad, the listing agent may have to travel to the house just to let them in.



Inspectors as Expert Witnesses

What Is an Expert Witness?

Some home inspectors who want to expand their business do so by performing consulting work.

"Consulting" means to advise paying clients according to one's particular area of expertise. One way for residential and commercial property inspectors to offer consulting services is to act as an expert witness.

An "expert witness" is someone with expertise in a particular area who is called to testify during litigation. A "fact witness" is a person whose testimony is limited to giving facts. An "expert witness," by contrast, is allowed to give his or her professional opinion.

An expert witness provides an Expert Witness Report after performing an inspection. The goal is to provide a report so convincing that the opposition will decide to settle out of court, saving the client the cost of continued litigation.

Although an expert witness may be hired by either a defendant or a plaintiff, or by the court, s/he is supposed to be a neutral third party. This means that the inspector has no interest in the outcome of the case, and his or her testimony is unbiased.

What Qualifications Do I Need?

There is no single qualification, and the exact qualifications you'll need will depend on the nature of the court case. The first step in entering a case as an expert witness is to establish your credentials.

Qualifying to perform as an expert witness means that you must be able to show knowledge, skill, experience, training, education, and/or other expertise that may be meaningful to a party attempting to prove its side in a lawsuit.

When developing this portion of your business, a prospective client will probably be looking for an expert witness who:

- is a practitioner in the subject at issue;
- is an instructor in the subject at issue;
- has published peer review articles, textbooks, and/or guidelines in his or her area of expertise; and/or
- presents well in front of a jury.

What Does an Expert Witness Do?

The process for the expert witness works something like this:

The Referral

When you receive the referral, usually in a phone call, the prospective client will want to know your qualifications. You should have an updated curriculum vitae (CV), which is a detailed résumé, and a copy of your Expert Witness Agreement (including a fee schedule), ready to e-mail. Be prompt. You want them to know that you can take care of business.

During this phone call, you should ask for any relevant photographs and documents, including a description of the litigation.

At this time, you should also start a project log, writing down important contact information, such as dates and phone numbers, and recording who you spoke with and what was discussed. Make sure to enter any major decisions.

Laws regulating the recording of telephone calls vary by state. In states where it's legal to electronically record phone calls, such equipment is inexpensive and can help you keep track of what's said.

Case Evaluation

After reviewing the preliminary information, the first decision you'll make is whether to accept the work at all. It may be that the prospective client will ask you to support a position that you are unable or unwilling to. If you feel comfortable in taking the case, notify your client.

The Agreement

Typically, you'll be approached by the attorney of one of the litigants. It's a good idea to insist that your con-

tract name the attorney as your client, instead of the litigant. This will increase your chances of getting paid. If the case goes to court and your client loses, you may not be at the top of your client's "must pay" list.

- The "Services" portion of the agreement should describe the expert witness services you are to provide, including your fee schedule. This section should contain a number of disclosures describing the limitations of your expert witness service.
- The "Confidentiality" section should describe both the confidentiality which will be offered by the expert witness, and the limitations of the expert witness' liability concerning confidentiality.
- The "No Conflicts" section should state that the expert witness has no conflict of interest in the legal matter and is able to form an opinion free from bias.
- The section on "Legal Matters" may delineate items such as a "Hold Harmless" clause. It should define the jurisdiction under which the contract was written, and describe where and how disputes will be handled.
- The "Termination" section describes the conditions under which the contract may be terminated, and the results of termination under different circumstances.

Expert witness fees vary with the situation and with the person providing the service. The client is typically required to pay an initial retainer, which might be \$1,200.00 or more, depending on the amount of time the expert witness estimates the work will take.

Other types of fees which may be included are:

- file review and research;
- travel time;
- inspection and investigative services (which you should bill at a two-hour minimum);
- report preparation;
- pre-trial preparation;
- deposition (also billed at a two-hour minimum);
- requested courtroom appearance (billed at a half-day or a full day); and
- miscellaneous expenses (such as meals and/or accommodations, or a *per diem*).

Once the agreement has been signed, arrangements will have to be made to perform the inspection. If you want a specialist to be there for any reason, you should schedule accordingly.

The Inspection

Your demeanor during the inspection is important. Frivolity is out of place. You should remain professional and neutral, especially if the opposition has representatives at the inspection who are unfriendly.

A tactic you may encounter is that the opposition may try to intimidate you. They may provide representatives with an overbearing presence, or they may place themselves in positions that make it difficult for you to do your job. The penalties for actually interfering with you during your inspection are harsh enough that you should not allow yourself to be intimidated. If you have a small voice recorder, you should use it to record the inspection, along with any confrontations or efforts to interfere with your inspection.

If the opposition succeeds in rattling you, under no circumstances should you lose your temper. Keep in mind that there's a good chance that any incident that arises may be described in court. You want to be portrayed as rational and in control of your emotions.

You should ask questions of anyone you like, but think twice about answering questions too freely. Don't give out information to the opposition, and don't go into too much detail with your client. You may change your mind about what you're seeing as you continue to investigate.

You should walk into the inspection as informed as possible. During the inspection, you should be working from a checklist and notes that you created during your preparation. Unlike home inspections, the property you inspect as an expert witness may be far from where you live. You may not be able to return easily, so you need to be prepared. To that end, you should take a lot of high-definition photographs. Taking and storing photos is cheap in the digital age. Taking high-resolution photos means that you may be able to zoom in to look at something in more detail.

Report Preparation

Once the inspection is completed, you'll be ready to begin compiling your Expert Witness Report.

Based on the matter at issue, you should develop a hypothesis and show in your report why yours is the true hypothesis. You can include anything you think is necessary in your report.

The report may contain the following:

- a title page;
- a Table of Contents;
- your credentials;
- the Request for Inspection;
- any relevant building codes and standards;
- definitions of terms used in the report;
- the main body or narrative of the report;
- any miscellaneous reference material;
- a copy of the plaintiff's Complaint;
- a copy of the defendant's Response to Allegations;
- all relevant photos and diagrams (with captions as to location/area of the subject property);
- your conclusion;
- any explanatory footnotes and/or bibliography of your reference materials.

The goal is to make your report overwhelming to the opposition while still maintaining your status as a neutral third party. If you testify to something that's later proven to be untrue, you'll lose credibility, which is crucial in finding work as an expert witness.

When the complaint consists of multiple allegations, you should organize your responses clearly and separate the information as necessary.

Opposition's Response

Once you've submitted your Expert Witness Report, you and the opposing expert witness will have a chance to review and respond to the other's report. If that fails to elicit a settlement, the next step will be to go to trial.

Deposition

Early in the proceedings, you may be asked to provide sworn testimony via a deposition, which is conducted outside of court. During the deposition, the expert witness must answer a series of oral questions by the opposition's attorney. The client's attorney will have a chance to cross-examine you in order to make clarifications.

In Court

In court, you need to be well-prepared. You should have reviewed your report carefully, especially if much time has passed since you wrote it. Try to anticipate the areas of the report that the opposition will attack, and have answers ready for questions they might ask.

You'll be coached on appropriate behavior by your client or their attorney. If you have any questions about the process, don't hesitate to ask. It's better to resolve them before you find yourself all alone on the witness stand.

Once you're on the stand, you'll first be asked about your qualifications and credentials. After the court and the opposition accept them, you'll give your testimony. You may be asked to give factual information. You may have to answer specific questions. And you may be asked for your professional opinion.

Final Billing

Your billing schedule should be included in the section of your agreement that outlines your fees. Send your client invoices on a regular basis until payment is received.

Conclusion

Requirements for expert witnesses vary by state. If you're considering offering expert witness services, you should discuss with your attorney any details which may affect your inspection business.



Tree in Attic, Holding Stuff Up

Toilet in Kitchen - yes, it's functional. Yes, it blocks access to the drawers and the sink base. No, we didn't "test" it.





Stacked Box

C-clamp pipe repair - we're not crazy about [saddle valves](#) to start with.



Re-purposed radon fan

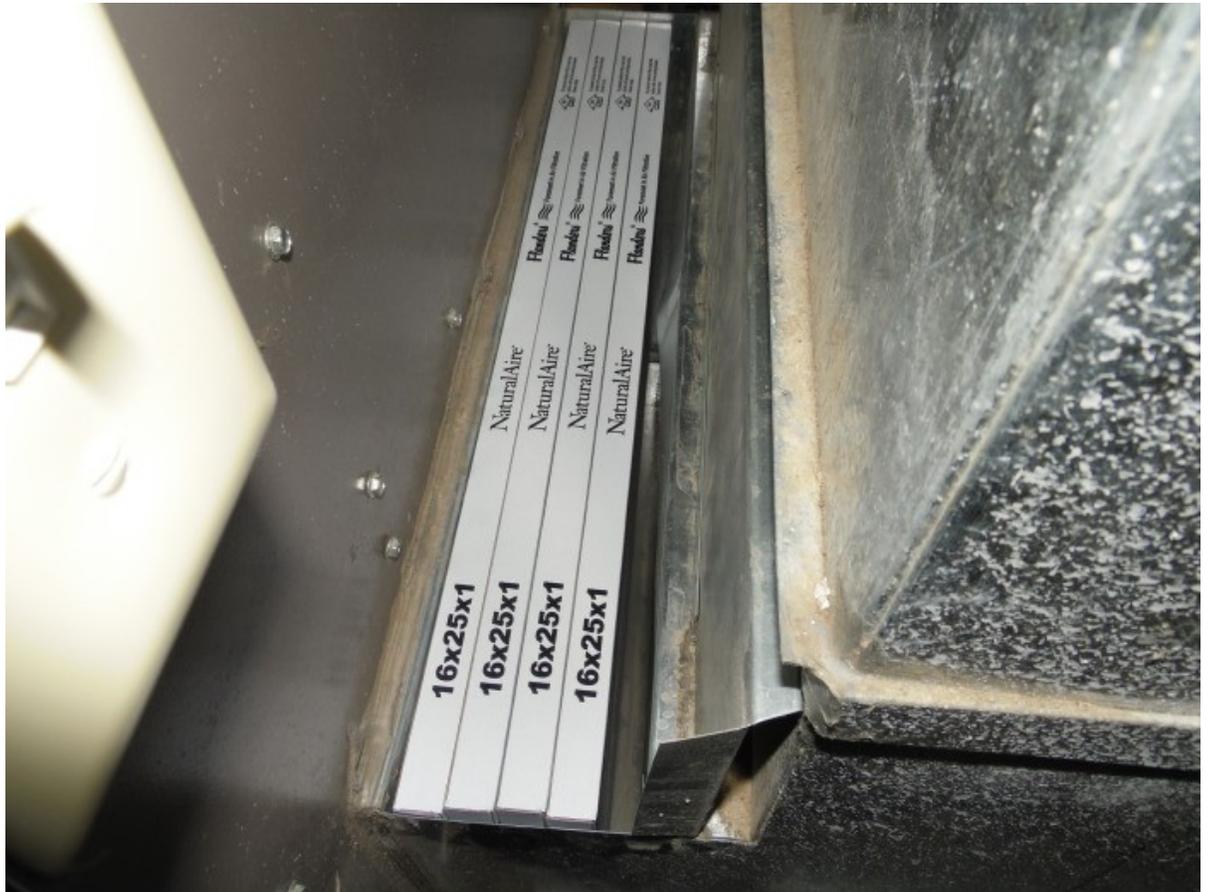


Missing drain, smart water

"And... that's how you like to support your deck?"



If one filter is good, four is... gooder?



Smells like cooked mice.



Pinhole Leak - this has been leaking for a long, long, long time.



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Committee Member		They have served as our primary leaders and in other capacities since 1992.		
		Please thank them for their service when you have a chance.		
			<p><i>The Licensing Board meetings are held at 9:30 am</i></p> <p><i>Dept of Consumer Protection</i></p> <p><i>165 Capitol Avenue. Hartford</i></p> <p><i>The public is always welcome.</i></p>	

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