



**Ric Thompson
President**

September 2020 Vol. 24, Issue 9 www.wahigroup.com



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Happy Back To School Season!

In keeping with the learning theme of September, I thought I would share something I learned since our last newsletter. In August, I spoke on *preventative medicine* when it comes to clients. This month, I want to share some advice on liability that may come into play after the inspection.

I keep an eye on various Inspector Facebook pages. A recent “conversation” came up that led me to a question I should have asked long ago...Are we liable to a Buyer on a home we pre-inspected for the Seller? My insurance agent responded with, “That’s a heck of a question!”

I got an answer which I think is beneficial to all, once I cut through all of the legal mumbo jumbo, that is! In short, no, we are not. We as inspectors are liable only to our client. Now, with that being said, we still could get in hot water in relation to that inspection. If a Buyer sues a Seller (remember, in this scenario the Seller is our client), the Seller can then turn around and come after you (the inspector) if the Seller is found liable for a item missed during the pre-inspection.

Now for the conversation that led to this question. The topic was if an inspector should answer questions for a “new” Buyer - not the **original** Buyer, who was the inspector’s client. Meaning, the first deal fell through and the new Buyer got a hold of the inspection report. Personally, I have always looked at this situation from a customer service standpoint and never had an issue with it. I also looked at it as an opportunity to make sure things were clear and I wouldn’t have issues down the road. Admittedly, I have only been asked to do this a handful of times.

After reading the comments I now know that, legally, I was putting myself in harm’s way. I never stepped back and looked at it in that manner. Might just be the small-town boy in me that trusts people too much but I learned that I might need to be a little more careful with how I conduct my business.

Everyday is an opportunity to learn and our WAHI Facebook pages are a great tool for that. Learning from another’s experiences can save any inspector a whole lot of headaches!

Be safe out there,
Ric Thompson, WAHI President

The Coronavirus recommendations continue to advise against gathering in large groups but some chapters are able to resume in-person meetings. See below for chapter specifics.



NEXT MEETING: Wednesday, September 16
Social at 6:00 pm & Meeting/Dinner/Education at 6:30 pm
[Sconni's Alehouse & Eatery, 1239 Schofield Ave, Schofield, WI 54467](#)
Education: To be determined

For speaker information, or to provide a suggestion/lead, please contact the Chapter Education Chair, Tyler Groshek at 715.212.7341



NEXT MEETING: Wednesday, September 2
Zoom Meeting at 6:00 pm - *Watch your email for the details to log-in or dial in.*
Education: John Wickland, Wickland Electric
Members are asked to submit questions and pictures of electrical concerns to wahichippewavalley@gmail.com

For speaker information, or to provide a suggestion/lead, please contact Chapter Education Chair, David Welch at 715.382.6058



NEXT MEETING: Tuesday, September 15
Social at 5:30 pm & Roundtable/Meeting/Dinner/Education at 6:00 pm
[Waverly Beach, N8870 Fire Lane 2, Menasha, WI 54952](#)
Education: Paul Birschbach, Building Inspector
Paul will be providing the FV Chapter's annual site visit to an under-construction home in the area. Watch your email for details.

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



NEXT MEETING: Tuesday, September 8
Check-in at 5:00, Dinner/Meeting/Education at 5:30 pm
[Maple Tree Supper Club, 3010 US-51, McFarland, WI 53558](#)
Education: A representative of No Shorts Electric of Janesville
Please submit questions and pictures of electrical concerns to Madison Education Chair, Ron Miller by Saturday, September 5th to ronmiller547@gmail.com.

Calling all Madison members! We need your help to find speakers for our future meetings - we accept a wide range of topics. Please contact Chapter Education Chair, Ron Miller at 608.235.9836



NEXT MEETING: Tuesday, September 8
Check-in at 5:30 pm, Dinner at 6:00 pm, Meeting/Education at 6:30 pm
[The Pallas Restaurant, 1657 S 108th St, Milwaukee](#)
Education: David Nason, WAHI Home Inspector
David will speak on EIFS, Stucco and Adhered Stone Veneer inspections. David obtained certification through the Exterior Design Institute and will share his expertise from an inspection standpoint.

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

EXECUTIVE DIRECTOR REPORT

See two important announcements below. For further information, please contact me at julie@wahigroup.com or 414.299.9766.

Fall Seminar...ala Coronavirus

The Education Committee met last week, via Zoom, to discuss our upcoming seminar, November 13 and 14, in Stevens Point.

At this time, we are planning to offer the training, with social distancing, in the usual "WAHI way"...in-person! For our members not comfortable gathering in groups, we will offer the training online also. If, come November, a rise in cases changes that plan, we will offer training online only.

We will, unfortunately, have to make some changes to this training event. We do not anticipate being able to conduct the Education House in our usual manner, but will offer the 4 credit Rotation Training online. We are uncertain about the status of the Vendor Room Cocktail Party and Hospitality Room - both typically held on Friday night of our 2 day event.

Please watch your email and the WAHI website for further information as we finalize our best course of action. Our goal is to provide the quality education you have come to expect from WAHI, yet keeping our attendees safe during this unusual time we are in.

Losing or Considering Changing your E&O Provider?

Recently some of our members were notified that their E&O provider would no longer be offering that type of coverage. Needless to say, that created some very justified concern! What would happen in the event a claim came in from an inspection performed while under their prior coverage? Would their new provider say, "Sorry, not our problem!"?

I reached out to several of our E&O contacts for some answers. I am happy to report I received "comforting news" from all of them. Dirk Stephens of Inspector Pro offered to submit an explanation of what you must do if faced with this situation.

Dirk's Answer

First, let's talk about how home inspection insurance plans work. Most general liability claims for bodily injury or property damage caused during your inspection happen quickly and are taken care right away, so you don't see "retroactive" or past inspection coverage being much of an issue. With errors and omissions (E&O) coverage, it's a different story!

With E&O, you have to have coverage at the time of the inspection, and you have to have E&O when the claim comes in without any gap or break in coverage.

As a home inspector, you can leave/change E&O providers but you have to make sure you obtain new coverage before your current/previous plan lapses. You also have to make sure that your new provider offers "Retroactive" coverage - coverage for your previous inspections. Some of the cheaper plans out there don't offer "Retroactive" coverage to keep their prices down, unfortunately most inspectors don't know that, especially if they are just buying based on price.

If there is any gap or lapse in coverage, then any claims that come in on those previous inspections won't have any coverage and the inspectors will be on their own.

Feel free to reach out to me with any other questions or to get a quote for the InspectorPro E&O and general liability plans.



Julie Arnstein
Executive Director

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

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



Dirk Stephens
InspectorPro Broker
801.610.2753
dstephens@citadelus.com

ARBITRATION COMMITTEE - SEEKING FEEDBACK!

In early 2019 the WAHI Arbitration Committee went through the process to find a new arbitration provider for our members. In April 2019, several WAHI members attended arbitrator training, and in May 2019, WAHI distributed a new Inspection Agreement to the membership naming Construction Dispute Resolution Services (CDRS) as the arbitration provider.

The primary reason for seeking out a new provider was to improve the arbitration process by only using arbitrators who are experienced in the construction and inspection industries and, in order to maintain impartiality, no connection to WAHI. After meeting with other industry professionals, the Committee decided to proceed with CDRS. The level of professionalism and training provided by CDRS were very important in the Committee's decision. The ability to have some oversight and obtain feedback was also important to the Committee to ensure that the program is serving the WAHI membership well.

The Committee has learned that there have been some home inspector cases brought before CDRS for resolution. For privacy reasons, the Committee is not given the personal or business names of the parties involved with the arbitration, only that the arbitration occurred, the complaint details and the decision made.

In order to maintain oversight of the program from the home inspectors perspective, the Committee is asking any inspector member involved in arbitration to provide feedback. The member may remain anonymous, if they desire, and can provide the amount of feedback they are comfortable with. Any information about the process will be very beneficial to WAHI and our members.



David Nason
Arbitration
Committee Chair
See David's contact
information below.

WAHI ARBITRATION PROGRAM

Not every homeowner/inspector interaction goes smoothly. Although all members are encouraged to make every effort to resolve disputes on their own, we know that is not always successful. **WAHI's Dispute Resolution Program** is here for you during those difficult times.

For information, please contact:

WAHI Arbitration Chair David Nason
262.443.8958 or bestinspectionsllc@gmail.com

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

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

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

WHICH CHAPTER will be the WINNER of the WAHI AFFILIATE MEMBERSHIP DRIVE?

As of the WAHI Spring 2020 Education House and Training Seminar WAHI will be conducting an **Affiliate Membership Drive**. The goal of this effort is to increase our pool of qualified contractors and product or service providers. To bring out everyone's *competitive spirit*, we have decided to make this a **contest!** The original contest end date of November 13th has been extended to the WAHI Spring 2021 seminar weekend due to COVID-19.

The rules are simple...

1. Each chapter will need to increase their affiliate membership by at least 5% of their total chapter membership as of March 5th. Based on counts at that time:
 - Central chapter will need at least 3 new affiliate members
 - Chippewa Valley chapter will need at least 3 new affiliate members
 - Fox Valley chapter will need at least 4 new affiliate members
 - Madison chapter will need at least 4 new affiliate members
 - Milwaukee chapter will need at least 8 new affiliate members
2. The new Affiliate member must be a paying member, not the recipient of a complimentary membership for speaking at a chapter meeting or seminar.
3. Direct interested parties to the Member Benefits page on the WAHI website to complete an online application - <https://wahigroup.com/Member-Benefits>

The chapter with the largest percentage of new affiliate members, over the minimum, will be deemed the winner!

The “prize” for the winning chapter is a complimentary chapter meeting - paid for out of the WAHI state coffers - AND more importantly, will be known as THE BEST CHAPTER IN WAHI, complete with bragging rights!

Watch for “progress reports” in the newsletter each month to see which chapter is in the lead. **Let the games begin and may the BEST chapter win!**



Ron Miller
Membership Chair

**Please contact me with
any questions:**

**608-235-9836
or
ronmiller547@gmail.com**

NEW MEMBERS

Jeff Kahl (Chippewa Valley)
Home Inspector Member
Your Place Inspections, LLC
715.931.8494
yourplaceinspections@gmail.com

Michael Kristof (Milwaukee)
Home Inspector Member
Wisconsin Property Inspections
414.708.6714
mkristof@inspectwi.com

Andrew Morrison (Chippewa Valley)
Home Inspector Member
Pillar to Post Home Inspectors
715.791.4119
andrew.morrison@pillartopost.com

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MadisonRadonTest.com (608) 438-7831

OFFICE DEPOT/MAX

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

Office Depot has come to WAHI with a new, improved program. See page 14 for information on their in-store program and page 15 for a program overview and the contact person to establish an online account.

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

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

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

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

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



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See page 10 for an informative article provided by InspectorPro

UPDATE YOUR WAHI PROFILE IN 5 EASY STEPS

1. Go to www.wahigroup.com.
2. From the Home Page - upper right corner, **select "LOG IN."**
ENTER your email address on file with WAHI and password.
*If you have questions, contact Julie at julie@wahigroup.com.
3. Once logged in, the upper right corner shows your name,
"Change Password" and "Log Out." **CLICK on your name.**
4. You should now be on the "My Profile" page. **Select "EDIT PROFILE"** in the gray rectangular box.
5. After making your updates, **select "SAVE"** in the gray rectangular box at the bottom of the page.



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SURVEILLANCE CAMERAS

A realtor contacted me regarding a WAHI inspector who turned off 2 video cameras in a home he was inspecting. The agent was calling for clarification as she was not certain what the rules are concerning recording devices. At the time of the inspection, the inspector explained he disengaged the 2 cameras in order to be compliant with the State Statutes - he explained that if his actions and any commentary were recorded and viewed by a party of than his client he would be in violation of State Statute 440.975 (7)(b):

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

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

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

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

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

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

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

At the WAHI Spring 2019 Training Seminar, a speaker touched on surveillance cameras. He suggested attendees seek legal advice regarding privacy/disclosure rules in our state and/or add a disclaimer to their report. Something along the lines of: *We will make every reasonable effort to keep the results of the inspection confidential and will provide a report to you only (unless otherwise directed by you in writing). However, we have no control over home security surveillance systems that may be present and activated during the inspection, and it is possible that other parties might observe the inspection without our knowledge.*



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HOW TO AVOID CEILING HOLE CLAIMS

By Stephanie Jaynes, Marketing Director at InspectorPro Insurance

Why are ceiling hole claims common?

Ceiling hole allegations—or claims in which a home inspector creates a hole in or causes other damage to a ceiling during an inspection—are the third most common type of general liability (GL) claim in the home inspection industry. Unlike errors and omissions (E&O) claims, GL claims don't typically question the quality of your home inspection or service. Rather GL claims involve bodily injury or property damage that result from the inspection. (Learn more about the two coverage types and why they're important [here](#).)



There are a number of reasons why home inspectors accidentally put holes in property ceilings so often. The two most common:

1. It's difficult to see.
2. It's easy to slip.

It's difficult to see.

Dark and riddled with insulation, attics make it hard to look where you're stepping.

"People add more and more insulation to their attics," Bern Galat of [Spyglass Home Inspections](#) in New Hampshire. "[A lot of insulation means] you cannot see the joists."

Since it's difficult to see, you may find yourself guessing at what's coming next. But, according to Matt Atwood of [Atwood's Home Inspection](#) in Kansas, it's easy to guess wrong.

"You might think you're stepping on a ceiling joist when you're really stepping on a pipe," Atwood said. "Without any support, you put a lot of pressure on that and you drop through."

Matt Lottes of [Pillar To Post Home Inspectors](#) in Indiana knows the perils of an incorrect guess from personal experience.

"I did have one incident early in my career where I fell through the ceiling because a piece of framing that I expected to be there wasn't there," Lottes said. "I went through to my armpits before I managed to catch myself. And [I] bruised up my rib cage pretty good."

It's easy to slip.

Many attics lack safe walking surfaces. Instead, attics are comprised of trusses, framing, and loose boards that are unstable to walk on.

"The footing is not good enough in [attics] typically. So, it's easy for [inspectors] to slide off if they're not extremely careful [about] what they're doing," said Jim Troth of [Habitation Investigation](#) in Ohio.

Galat agrees, adding that what's above you can be just as perilous as what's beneath you.

"You bang your head on a roof rafter—that can throw you off balance," Galat said.

[READ MORE](#)

To learn more about InspectorPro Insurance, please see our ad on page 7 of the newsletter.

MEMBERS ONLY INTERACTIVE FORUM

It has come to our attention that many of you may be unaware the WAHI website hosts an interactive forum on the Members Only page. We encourage all members to check it out!

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

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

See [page 8](#) for step-by-step instructions to log-in to your profile and make use of this additional "tool" and benefit WAHI offers to their members.



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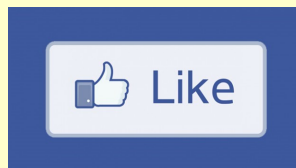
environmental initiatives

Stay in touch with the WAHI Facebook page!

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

If you have any questions, please contact:

Bob Turicik
920.892.7654
homeview@wi.rr.com



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WAHI WELCOME COMMITTEE

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

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

CENTRAL

Mike Carson - 715.212.4051 or carsonhomeinspector@gmail.com

Kyle Zimmerman - 715.387.1815 or kyle@royaltinspections.com

CHIPPEWA VALLEY

Jon Hempel - 715.210.3217 or jhempel@newageinspection.com

Marc Steig - 715.797.1475 or inspectormarc3@gmail.com

FOX VALLEY

Dave Brading - 920.889.2120 or dave.brading@yahoo.com

Bob Turicik - 920.946.0433 or homereview@wi.rr.com

MADISON

Sean Martinsen - 608.206.1108 or sktailhook@yahoo.com

Rich Reinart - 608.535.9206 or thehomeinspectorllcwi@gmail.com

MILWAUKEE

Brian Derewicz - 262.343.1614 or briandthehomeinspector@gmail.com

Nick Hammetter - 414.412.2637 or humblehomeinspector@gmail.com

Andy Helgeson - 414.315.0266 or helge4674@outlook.com

Scott LeMarr - 262.424.5587 or scott@honesthomeinspections.com

Mike von Gunten - 262.945.2446 or mike@lahigroup.com

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

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Welcome

See page 13 in this newsletter

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Contact: Jeff Ascher, 608.269.2127
Fax: 267.647.3247
jascher@coverrainsurance.com
www.coverrainsurance.com

Hanover Insurance

330 E. Kilbourn Avenue, #650, Milwaukee, WI 53202
Contact: Jeff Frank, 414.221.0364
jfrank@robertsonryan.com
www.robertsonryan.com

InspectorPro Insurance

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