

## Email Questions

Kindly consider the following two questions and provide your professional response:

1 - An inspector is called to inspect a house the client has lived in for 3 months because he is concerned about items that have come to his attention since he has moved in. Client wants a full home owner inspection. No discussion about lawsuits. How does the new inspector proceed?

2 - An inspector is asked by a lawyer to review a legal matter his office is representing for the insurance company of an inspector being sued by the client, the lawyer wants an expert opinion on the facts of the case. The documents are delivered and reviewed. A letter of opinion based on the facts of the case and the standards of practice are provided to the law office. Are there any ethical issues to be concerned about?

If you need any more details about the above please ask for clarification.

I thank you in advance for your advice; it is very important issues that any inspector may be involved in, so we should have an idea of our boundaries/procedures as an inspector.

### The NHICC responds stating:

(1) Review of the SOP/COE is the first step in the process – Is it an ethical issue for the inspector in item 1 and/or 2 above to review another inspector's work? (SOP – Standard of Practice)

More specifically the ASHI Code of Ethics (COE used by the NHICC) specifies:

***Inspectors shall avoid conflicts of interest or activities that compromise, or appear to compromise, professional independence, objectivity, or inspection integrity.***

Based on the above there is no specific prohibition to either notifying the other inspector that a re-inspection is taking place. The NHICC views this as acting in a manner of "professional independence" and providing "objectivity".

Secondly, in reviewing the ASHI Interpretations documents for the SOP/COE no reference is documented to prevent another inspector from re-inspecting the home for such a client. But equally as important is at least having the opportunity to physically review the inspector's report to verify that the items that have come to the attention or contested by the client are real legitimate concerns.

(2) In both items listed in your original questions above the proposed new inspector is acting on behalf of the "client" and not for the previous inspector.

Based on our experience, a good number of home inspectors have been called upon many times to provide an independent review of a previous inspection with a copy of the inspection report from the inspector being sued. In practice the inspector would typically set up a date for the re-inspection to review the conditions in question, as well as the property in general.

It is also important to photograph and benchmark the conditions particularly in question and based on significance and impact on the client. But more so to assure full compliance with meeting the required SOP.

This issue of full compliance in meeting the SOP is a large part of the reason why inspectors are and can possibly be sued. It is not uncommon in my practice of verifying home inspectors reports through venues such as the Test Inspection (TIPR), which is one of the inherent vulnerabilities that attributes to the largest portion of the 20% failure rate in the certification program.

The "ASHI Standards" provides a reasonable description of a widely acceptable minimum inspection performance "standard" for conducting a home inspection. If you read them and understand them as most of inspectors do, it's a respectable guideline of what a minimum home inspection should be.

Basically the home inspector is required to find all the "important stuff" (significant defects) AS SPECIFIED WITHIN THE STANDARD.

In dealing with such cases the home inspector provides a letter of opinion that is provided based on the conditions found and the comparative audit against meeting the SOP which addresses the specific condition question either by the client in your question 1) and/or legal challenge specified in your question 2).

It is our opinion the only "uncontrollable" important issue is assessing the probability of a significant change in conditions occurring over the period of time that has elapsed between the dates of the inspections.

Good questions.....Just a few comments on this topic.

Regards, NHICC PPC