

Appendix C

Sample Materials for Notification of Elevated Blood Lead Levels

date

name of property owner

street address

city state zip

**Notification that a Child Residing
at *street address apartment city* has an Elevated
Blood Lead Level**

Dear Property Owner (or agent):

This is an important letter about actions you must take because a child residing at your property was lead poisoned.

On *date* a child under 6 years of age living at the property address listed in the box above was identified as having an elevated blood lead level. Therefore, state law requires you (the owner) to enter this property into the state's Lead-Free/Lead-Safe Registry by obtaining a lead-safe certificate or lead-free certificate. The certificate demonstrates that the property is a lead-safe place for a child. (Copies of Wisconsin Statutes section 254.171 and Wisconsin Administrative Code section HFS 163.40 (2) are enclosed.)

You must obtain the certificate within 12 months after the date you received this notice. This requirement is *in addition to* completing any work ordered by a health department to reduce lead hazards at your property.

The enclosed brochure, *When Participation is Mandatory*, describes the one-year lead-safe standards your property must meet to comply with Wisconsin law. The brochure provides information about making a property lead-safe and tells you how to obtain the lead-safe or lead-free certificate. You will need the assistance of Lead-certified professionals to obtain the certificate. A list of these companies is enclosed.

Objection to Qualifying Conditions for Notification

Please review the enclosed material. If you believe one or more "qualifying conditions" for notification and required participation in the Lead-Free/Lead-Safe Registry do not apply to you, then complete and return the enclosed *Objection to Qualifying Conditions for Notification* form as soon as possible.

Send your objection form and supporting documents to one of the following:

fax: 608-266-9711

mail: Mandatory Registry
Asbestos and Lead Section, Room 137
PO Box 2659
Madison, WI 53701-2659

Within 30 days of receiving your completed objection form, we will respond in writing, giving our reasons for agreement or disagreement. If we disagree, or if you choose to not return a completed form, the Department will expect you to obtain a certificate and register the property within one year of receipt of this letter. If we conclude that your property does not need to be placed on the registry, you still need to comply with any orders you receive from a health department.

The purpose of mandatory participation in the Lead-Free/Lead-Safe Registry is to protect children from the harmful effects of elevated blood lead levels. Children with elevated blood lead levels can suffer permanent brain damage, slowed growth, hearing problems and serious behavior and learning problems. Elevated blood lead levels can even result in a child's death. Quick action to reduce lead hazards protects the child from further harm. Therefore, we urge you to make the property lead-safe as soon as possible.

Potential Enforcement Action

If you are required to participate in the Lead-Free/Lead-Safe Registry and you fail to obtain a required certificate of lead-free or lead-safe status within one year of the date you receive this letter, the Department will report your violation to the district attorney for enforcement action.

If you fail to comply with the statute and rule, you may be subject to a civil forfeiture of not less than \$100 nor more than \$1,000 for each day of continued non-compliance. If you knowingly violate this statute and rule, you may be subject to criminal penalties of not less than \$100 but not more than \$5,000 and probation for up to 2 years. For details, see Wisconsin Statutes sec. 254.30.

If you have questions after reading this letter and the enclosed brochure, contact the Asbestos and Lead Section by e-mail at plicasbestoslead@dhs.state.wi.us, by mail at the address above, by fax at (608) 266-9711, or, by phone at (608) 261-6876.

Sincerely,

Perry Manor, Section Chief
Asbestos and Lead Section

cc: local health department

enclosed:

1. Regulatory extract
2. Form *Objection to Qualifying Conditions for Notification*
3. Brochure, *The Wisconsin Lead-Free/Lead-Safe Registry, When Participation is Mandatory*
4. List of Lead-certified professionals

Regulatory Extract

Effective May 23, 2000 - Chapter 254, Wis. Statutes, Subchapter II, Toxic Substances

Section 254.171. Dwellings and units of dwellings where child has elevated blood lead level

If an owner of a dwelling or unit of a dwelling receives written notice from the department or a local health department that a child under 6 years of age, who resides in the owner's owner-occupied dwelling or unit or who resides in the owner's dwelling or unit under the terms of a rental agreement, has an elevated blood lead level, the owner shall obtain a certificate of lead-free status or certificate of lead-safe status for the affected dwelling or unit in a timely manner, based on the reasonable availability of lead risk assessors or other persons certified under s. 254.176 to conduct any necessary lead investigation or lead hazard reduction activities and based on the time required for issuance of a certificate of lead-free status or a certificate of lead-safe status. A certificate of lead-safe status obtained under this section may not be for less than 12 months in duration. Nothing in this section precludes the department or the department's agent from conducting a lead investigation or issuing an order under s. 254.166.

Effective March 1, 2002 - Chapter HFS 163, Wis. Admin. Code, Subchapter V

Registry of Property with Certificates of Lead-Free Status or Lead-Safe Status.

Section HFS 163.40 General provisions. (2) REQUIREMENTS AND RESTRICTIONS. (a) Child with elevated blood lead level. Under s. 254.171, Stats., a property owner shall do all of the following if the property owner receives a written notice from the department or a local health department that a child under 6 years of age who resides in the property owner's owner-occupied dwelling or dwelling unit, or who resides in the property owner's dwelling or dwelling unit under the terms of a rental agreement, has an elevated blood lead level:

1. Under s. 254.166, Stats., allow the department or a person acting under the authority of the department, including a local health department, to conduct a lead investigation and then comply with any order issued.
2. Under s. 254.171, Stats., obtain a certificate of lead-free status or a certificate of lead-safe status of not less than 12 months in duration. The certificate shall be obtained within 12 months after the date the property owner receives written notice from the department or a local health department.
3. If the property owner makes a good faith effort to obtain the certificate within 12 months but is unable to obtain a certificate due to circumstances beyond the property owner's control, the property owner may ask the department for an extension as follows:
 - a. The property owner or the property owner's agent or employee shall submit a written request for an extension for receipt by the department before the end of the 11th month.
 - b. The request shall include the physical address of the dwelling and shall clearly explain why an extension is necessary.
 - c. A processing fee of \$25 shall be submitted to the department with each request for an extension.
 - d. Within 10 working days after receiving a request for an extension and the processing fee, the department shall grant or deny the request based on all facts available to the department.
 - e. If the extension does not present a serious and immediate threat to a child under 6 years, the department may grant an extension for circumstances such as poor weather conditions for conducting exterior lead hazard reduction, the unavailability of certified persons to conduct the lead hazard reduction, and the unavailability of certified persons to conduct the lead investigation and issue a certificate.
 - f. Any extension denied by the department may be appealed under s. HFS 163.33.

Enclosure 1 to Mandatory Registry Letter

Objection to Qualifying Conditions for Notification
For property at *street address apartment city*

Carefully review the enclosed regulatory requirements under Wis. Statutes section 254.171 and Wis. Admin. Code section HFS 163.40. Complete copies of this statute and regulation are available on the Internet. Go to <http://dhfs.wisconsin.gov/waldo/> and click on the Regulations link. If you believe any one of the conditions for requiring this property to be registered has not been met, you can object to qualifying conditions for notification by completing and submitting this form.

Please review the following items and check *all* the conditions you believe apply to this property:

- This property was built *after* 1977.
- I no longer own this property. I sold it on: _____
To: _____
(Include name and address, if available) (Documentation of sale attached.)
- There are _____ dwelling units at this property. I need to know which property unit is affected.
- On the date of receipt of this letter a child under age six did not live in the listed dwelling unit under the terms of a rental agreement. (Rental information attached.)
- A child with an elevated blood lead level was moved into my property after it was investigated by the local public health department and found to have no lead-based paint hazards. To verify this information, contact _____ Phone _____ - _____ - _____
- This property is vacant and
 - will not be re-occupied
 - is scheduled for demolition on _____
 - was demolished on _____
- Other information I believe may affect the determination regarding this property: _____

I have attached any additional information regarding my objection and documentation for the items I checked above.

Signed: _____ Date: _____

Print Owner Name and Address: _____

Please fax to (608) 266-9711 or mail with supporting documents to:

Mandatory Registry -Objection to Notification
Asbestos and Lead Section
PO Box 2659
Madison WI 53701-2659

Enclosure 2 to Mandatory Registry Letter

The Wisconsin Lead-Free/Lead-Safe Registry

When Participation is Mandatory

This brochure is intended to provide guidance to property owners who are required under section 254.171, Wisconsin Statutes, to obtain a certificate of lead-free or lead-safe status. Section 163.40 (2), Wisconsin Administrative Rule, provides further details about this requirement.

For additional information:

Internet: www.dhfs.state.wi.us/waldo

Email: plicasbestoslead@dhfs.state.wi.us

Telephone: 608-261-6876

Asbestos and Lead Section

PO Box 2659

Madison WI 53701-2659

Bureau of Occupational Health

Division of Public Health

Wisconsin Department of Health & Family Services

PPH 44044 (04/03)

Under what circumstance is a property owner required to obtain a lead-free or lead-safe certificate?

A property owner must obtain either a lead-free certificate or a minimum of a 1-year lead-safe certificate for a property if the property owner receives a written notice from the Department of Health and Family Services (DHFS) or a local health department that a child under 6 years of age who resides at the property has an elevated blood lead level.

What is the Lead-Free/Lead-Safe Registry?

The Lead-Free/Lead-Safe Registry is an Internet-based listing of properties in Wisconsin that meet specific lead-free or lead-safe property standards. The Asbestos and Lead Section operates this registry.

Registered lead-free property means *no lead-based paint* (including varnish or other coatings) was found when the property (excluding personal property) was inspected for the presence of lead in paint.

Registered lead-safe property means *no lead-based paint hazards* were found when the property was investigated, even though lead-based paint might be present.

A registered lead-free or lead-safe property could include all dwelling units or a single dwelling unit, as described on the owner's certificate and in the Lead-Free/Lead-Safe Registry. The registered property also includes common areas associated with the building that occupants enter, such as a laundry room, stairway, hall, porch, playground or garage.

What are lead-based paint hazards?

Lead-based paint hazards include the *dust and debris* created when paint, varnish or other coatings containing lead break down (fall), or are damaged or disturbed by daily living or by renovation or maintenance work. *Bare soil* containing lead can also be a lead-based paint hazard.

Failing paint includes cracking, chipping, chalking, peeling and flaking paint. It does *not* include small nail holes, hairline cracks or small nicks or scratches where paint is not loose.

Daily living activities that might damage paint, varnish or other coatings include opening and closing windows and drawers or walking on floors and stairs, which can scuff or scrape paint. Paint can also be damaged when hit by a hard object, such as a door striking a wall or a toy truck being pushed into a baseboard. *Renovation* that disturbs paint during drilling, sanding, sawing or scraping also can create hazards.

How quickly must the certificate be obtained?

The certificate must be obtained within 12 months after the property owner receives written notice of a child under 6 years of age with an elevated blood lead level. The property owner may ask DHFS for more time if the property owner makes a good faith effort but is unable to obtain the certificate due to circumstances beyond his or her control. The written request must include the physical address of the dwelling and must clearly explain why more time is needed. A \$25 processing fee payable to DHFS is also required. The request must be sent to the Asbestos and Lead Section at least one month before the due date.

Within 10 working days after receiving the request and fee, DHFS will approve or deny the request based on all facts available to DHFS. DHFS staff may ask local health department staff about reasons for the delay given in the request, such as poor weather for outside work. If allowing more time will not result in a serious and immediate threat to a child under 6 years, DHFS may approve the request. If the request is denied by DHFS, the denial may be appealed under section HFS 163.33, Wis. Administrative Code.

What if health department staff want to investigate the property or issue orders?

Under section 254.166, Wis. Statutes, DHFS must make sure that a lead investigation of the property is completed when a child under age 6 has an elevated blood lead level. If the owner or occupant refuses admission, a judge may issue a warrant to allow the investigation of the property.

The lead investigation must be done during business hours, unless the owner or occupant of the property agrees to an investigation during other hours or the health department decides it must be done immediately to protect a child under age 6. Reasonable efforts must be made to contact the property owner before the lead investigation is started.

The health department may take samples or remove objects necessary for analysis to determine the presence of a lead hazard. When a lead hazard is found, the health department may issue an order that requires reduction or elimination of the lead hazard within 5 days for an imminent lead hazard or 30 days for other lead hazards. When orders for exterior work are issued between October 1 and May 1, the work does not have to be completed before June 1. The orders may require the property to meet a higher standard than for a 1-year lead-safe certificate.

What are the property standards for a 1-year lead-safe certificate?

The complete lead-safe property standards under Section HFS 163.42, Wis. Administrative Code, explain when a 9-month, 1-year, 3-year, 5-year, 10-year or 20-year lead-safe certificate may be issued.

For a 1-year lead-safe certificate, the following lead-safe property standards apply to all painted components that have not been proven to be lead-free.

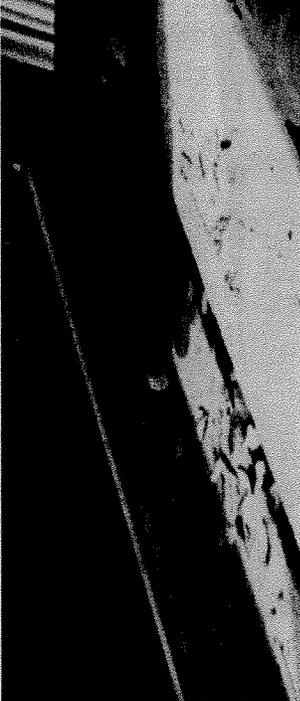
- No signs of defect, damage, decay or deterioration on interior or exterior surfaces that might cause the paint to fail. Painted plaster remains secured to the underlying structure.



Failing exterior paint

- No signs of failing paint on interior and exterior painted surfaces (such as windows, siding, ceilings, walls, floors, stairs, doors and trim).
- No signs of ongoing water damage to painted surfaces, including any damage caused by unrepaired water leaks or by absent or malfunctioning gutters or downspouts.
- No dust-lead hazards.
- No soil-lead hazards in bare soil.

- No paint chips on floors, stairways, windowsills, window wells or troughs, or soil.



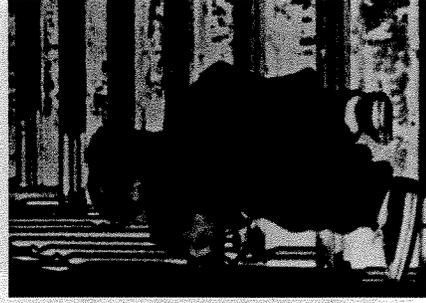
Paint chips in a window trough

- For painted window systems, including storm and screen windows:

- Weep holes are present and open in any window system designed to have weep holes.
- Window wells or troughs are smooth and cleanable.
- Glazing is intact and without gaps.
- Paint on an impact or friction surface of a window is protected. These surfaces include the well or trough, window jamb and the portion of the window sash that slides in the jamb or strikes the window trough.

- No signs of failing paint or varnish on floors.

- No signs of scuffing on painted or varnished traffic areas of stair treads in dwelling units and common areas. An intact lead-free topcoat, carpet or a durable material that protects the paint from abrasion also must cover them.



Failing paint on
stairway

What steps are recommended for obtaining a lead-free certificate?

1. A property where a child with an elevated blood lead level lives usually is not lead-free. However, the property owner may still choose to get bids for a *lead-free inspection* from certified lead companies that offer lead investigation services.
2. After a certified lead inspector or risk assessor completes a *lead-free inspection* and determines that the property meets the lead-free property standards, the lead company will register the property in the Lead-Free/Lead-Safe Property Registry. The lead company will then issue the lead-free certificate to the property owner.

What steps are recommended for obtaining a lead-safe certificate?

1. A health department employee conducts an elevated blood lead investigation. This investigation is intended to identify all possible lead hazards that might affect the child with the elevated blood lead level. The property owner may also want to conduct a visual evaluation of the property against the lead-safe property standards.
2. Contact certified lead companies that offer abatement services to get bids for work needed to make the property lead-safe. In addition, contact certified lead companies that offer lead investigation services to ask for bids for clearance after abatement and for a lead-safe investigation.
3. After lead hazard reduction work is completed and it appears that the property is eligible for a lead-safe certificate, the certified lead investigation professionals will complete clearance and a lead-safe investigation. After a certified lead hazard investigator or risk assessor determines that the property meets the lead-safe property standards, the lead company will register the property in the Lead-Free/Lead-Safe Property Registry. The lead company will then issue the appropriate lead-safe certificate to the property owner.

Obtain lists of companies offering lead services on the Internet or from the Asbestos and Lead Section.

Does paint have to be tested for lead before the work is done?

No, if the presence of lead-based paint or a lead hazard is assumed and activities are *performed in a lead-safe manner*, paint does not have to be tested for lead. However, a property owner may want paint (including varnish) tested because not all pre-1978 paint is lead-based paint. The lead-safe standards do not apply to paint that is proven to be lead-free.

Who can do the work to make the property lead-free or lead-safe?

Only certified lead abatement supervisors (or certified lead abatement workers under their supervision) associated with certified lead companies may enclose, encapsulate or remove painted components, or remove paint from components when the work is intended to permanently remove a lead hazard (abatement) and the property is occupied by:

- A child with an elevated blood lead level *or*
- A person who is not the property owner's immediate family.

Uncertified persons may do most non-abatement work, but lead-safe methods are always required to prevent hazardous levels of lead from being released into the environment. Non-abatement activities include cleaning to remove dust and debris, painting, and minor preparation work related to painting.

What is lead-safe work?

Lead-safe work is a method of working that keeps lead in dust and paint chips from harming occupants. Lead-safe work includes:

- Moving personal property or protecting it with plastic.
- Keeping occupants and pets out of the work area.
- Thoroughly cleaning the area after work is done (nightly when work takes more than one day).
- Using wet methods to reduce the amount of dust-lead in the air, especially when sanding or scraping paint.
- Using plastic to keep dust and debris inside the work area.



Working lead-safe with a power planer

It is *not* lead-safe to use a regular vacuum or dry sweep dust-lead. Lead-safe work is taught in a special 8-hour class. Certified lead abatement companies and lead-safe companies must work lead-safe.

Obtain more information about lead-safe training, lead-safe work and certified lead companies on the Internet or from the Asbestos and Lead Section.

Who may issue a lead-free or lead-safe certificate?

Only certified lead companies may issue lead-free and lead-safe certificates. The lead company and any person conducting the lead-free inspection or lead-safe investigation may not be:

- The property owner or an immediate family member, agent or employee of the property owner.
- A lead company or an individual associated with a certified lead company that is directly or beneficially owned, controlled or managed by the property owner, or by an immediate family member, agent or employee of the property owner.
- A person hired by or under contract with the property owner to manage or maintain the property owner's real property as directed by the property owner.
- A person who has been authorized by the property owner to manage or maintain the property owner's real property on the property owner's behalf.
- A person who has a financial interest in the laboratory results of the sampling or testing or in the determination of whether the property meets the registered lead-free property standard or the registered lead-safe property standard.

Is the property owner required to maintain the lead-safe certificate?

Yes, when participation is mandatory, the property owner must keep the certificate valid for at least one year. To do so, the property owner must comply with the "Conditions For Maintaining The Lead-Safe Certificate" under s. HFS 163.42 (3), Wis. Administrative Code.

If the certificate term is more than one year, the property owner may voluntarily terminate the certificate after the first year. If the property owner does not terminate the certificate, the conditions for maintaining the lead-safe certificate must be followed until the certificate expires.

Appendix D

Registry Outreach Activities

Date	Location	Event	Media			
			coverage	ID	coverage-air date	copy on file?
07/02/03	SE Region	Local Health Department Conference Call - 9 agencies				
07/14/03	NE Region	Local Health Department Conference Call - 7 agencies				
07/21/03	N Region	Local Health Department Conference Call - 5 agencies				
	Janesville		Newspaper article	Janesville Gazette	07/22/03	Yes
08/01/03	W Region	Local Health Department Conference Call - 5 agencies				
08/07/03	S Region	Local Health Department Conference Call - 4 agencies				
		Meeting Notice	Press Release	Kenosha Outreach Meeting		
09/23/03	Kenosha	Open Public Meetings - Lead Registry Outreach Meeting				
	Kenosha		Newspaper article	Kenosha News	09/22/03	Yes
	Kenosha		Newspaper article	Kenosha News	09/24/03	Yes
	Kenosha	Radio interview	Radio Talk Show	WLIP Radio, Kenosha	09/23/03	No
10/13/03	Racine	Open Public Meetings - Lead Registry Outreach Meeting				
			Newspaper article	Racine Journal Times	10/11/03	Yes
10/22/03	Janesville	Live radio interview	Radio Talk Show	WCLO Radio, Janesville	10/22/03	No
10/22/03	Janesville	Open Public Meetings - Lead Registry Outreach Meeting				
10/28/03	Beloit	Open Public Meetings - Lead Registry Outreach Meeting				
		Live radio interview	Radio Talk Show	WGEZ Radio, Beloit	10/28/03	No
	Madison	TV news coverage of Beloit meetings	TV News	WKOW TV Channel 27, Madison	10/28/03	Yes
10/30/03	Green Bay	Interview for radio news	Radio News	WTAQ Radio, Green Bay	10/30-31/03	No
10/30/03	Green Bay	Off-camera interview	TV News	WGBA TV Chnl 26, Green Bay		
11/04/03			Newspaper article	Green Bay News Chronicle		Yes
11/06/03	Green Bay	Open Public Meetings - Lead Registry Outreach Meeting				
11/06/03		Live 2 minute interviews on location at field site	TV News - "Early" Show	WBAY TV Channel 5, Green Bay	11/06/03	Yes
11/06/03			Newspaper article	Green Bay Press Gazette	11/06/03	Yes
Dec/Jan	Milwaukee area	Milwaukee area for Registry & Feb 3 lead symposium	LS/LF news	pitch to all Milwaukee TV, radio, papers		
Dec/Jan	Wis. Apart Assn	association newsletter	article	canceled		
02/03/04	Milwaukee	Lead Seminar - MLAIC		Milwaukee Journal Sentinal	02/08/04	Yes
02/04/04	Central WI	Weatherization/Energy Conference - 95 people				
02/06/04	UW Ext	Interview for news column	300 newspapers	UW Extension		
02/16/04	Racine	Racine Apt Association - Lead Registry Outreach Meeting - 60 landlords				
02/17/04	Superior	Open Public Meetings - Lead Registry Outreach		Channel 3, Duluth, MN		
03/17/04	Appleton	NARI Meeting				
03/09/04	Milwaukee	Milwaukee Home Inspectors				
03/19/04	Oshkosh	NE WI Entitlement Group				
03/25/04	Milwaukee	Milwaukee Home & Garden Show				
03/26/04						

Appendix E

Lead-Poisoned Children in Wisconsin

	1999	2000	2001	2002	2003	5-Yr Total
Estimated number of children in Wisconsin < age 6*	405,033*	414,337*	417,639	420,967	421,061	
Children tested	70,997	70,741	79,651	81,313	80,721	383,423
Children tested who had BLLs \geq 10 ug/dL	6,441	5,364	5,213	5,082	3,720	25,820
Children tested with EBL levels**	467**	468**	530	642	678	2,785

*The number of children in Wisconsin under age 6 was determined as follows:

- 2000 data is actual data from the 2000 U.S. Census.
- The 1999 estimate reflects the percentage difference between the Bureau of Health Information's estimate for the number of children in Wisconsin under age 5 for 1999 and the 2000 U.S. Census report of children in Wisconsin under age 5 in 2000.
- The 2001 and 2002 estimates reflect the percentage difference between the Bureau of Health Information's estimate for the number of children in Wisconsin under age 5 for 2001 and the 2000 U.S. Census report of children in Wisconsin under age 5 in 2000.

**In 1999-2000, a case was opened when a child had an elevated blood lead (EBL), defined as 1 venous blood lead level \geq 20 ug/dL. This definition was revised in 2001 to include children with 2 venous blood lead levels \geq 15 ug/dL that were drawn at least 90 days apart.

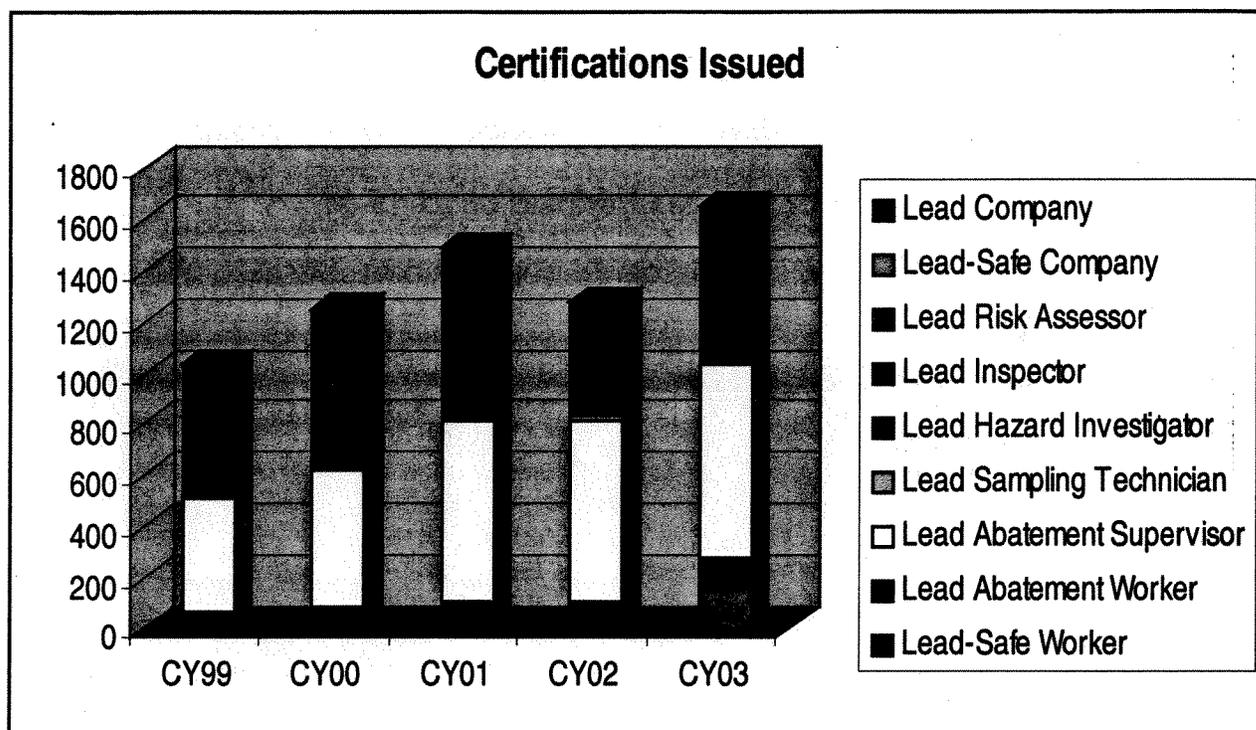
Lead-Poisoning from Paint-Disturbing Work

Property investigation records were reviewed for 119 EBL properties outside of Racine and Milwaukee for which investigations were conducted in 2001. Lead-based paint hazards were found in 94 of the properties. Risk assessors reported that in 15 properties there had been remodeling activity and in 10 properties there had been scraping and repainting of old paint. Some properties may have had both.

Case records were reviewed for 87 children identified with an EBL in 2001 who lived outside of Milwaukee and Racine. Nurse case managers reported remodeling activity or scraping and repainting had occurred in 26 homes.

Appendix F

Lead Training and Certification Program



Lead Certification Disciplines	CY99			CY00			CY01			CY02			CY03		
	New	Renew	Total												
Lead-Safe Worker	0	na	0	0	na	0	0	na	0	23	na	23	158	na	158
Lead Abatement Worker	20	51	71	42	46	88	72	36	108	81	6	87	95	29	124
Lead Abatement Supervisor	140	300	440	229	310	539	298	404	702	256	453	709	159	474	633
Lead Sampling Technician	0	0	0	0	0	0	5	0	5	11	0	11	13	0	13
Lead Hazard Investigator	0	0	0	0	0	0	0	0	0	18	18	36	10	79	89
Lead Inspector	8	9	17	3	13	16	6	7	13	3	4	7	2	3	5
Lead Risk Assessor	33	192	225	97	118	215	118	133	251	68	117	185	24	108	132
Lead Project Designer	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Lead-Safe Company	0	0	0	0	0	0	0	0	0	0	0	0	13	0	13
Lead Company	218	65	283	219	176	395	181	232	413	179	42	221	112	237	349
Lead Certifications Issued	419	617	1036	590	663	1253	680	812	1492	639	640	1279	586	930	1516

People with a 2-year certification are only reflected in the count every-other year because the numbers above represent applications processed. Since 2001, certification terms have been 2-years for lead abatement workers, lead sampling technicians, lead companies and lead-safe companies. Lead-safe worker certification does not expire. All other disciplines may choose 1 or 2-year certification.

Individuals Trained After 3/1/02 But Not Certified as of 12/31/03

Lead-Safe Work	Lead Abatement	Lead Supervision	Sampling	Lead Inspection	Hazard Investigation
672	261	161	73	33	25

Certification Examination Results

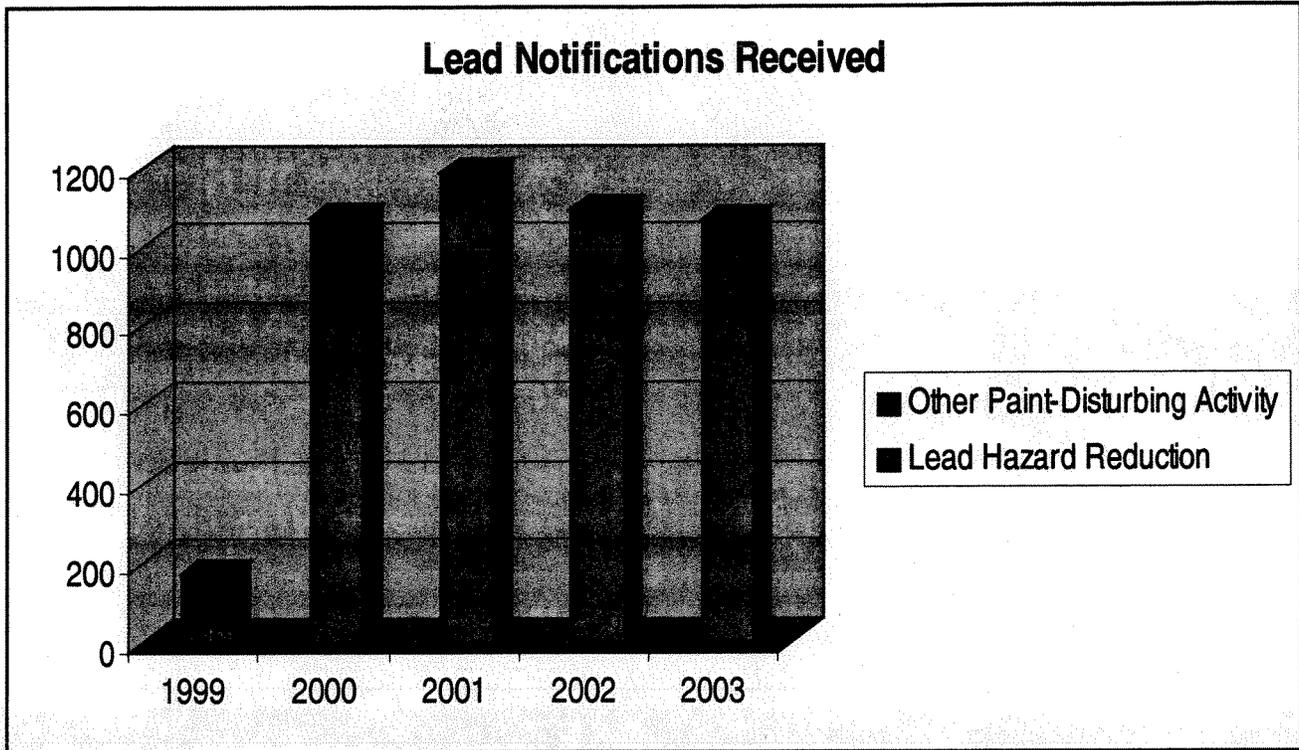
	1999		2000		2001		2002		2003	
	Passed	Failed								
Abatement Supervisor	288	34	250	27	262	26	301	11	146	43
Hazard Investigator	NA	NA	NA	NA	6	0	NA	NA	3	0
Lead Inspector	13	0	3	1	2	0	6	0	2	0
Risk Assessor	65	1	95	3	69	3	117	2	27	1
Totals	366	35	348	31	339	29	424	13	178	44

Companies Certified on 02-19-04

COUNTY WHERE LOCATED	LEAD	LEAD-SAFE	TOTAL	COUNTY WHERE LOCATED	LEAD	LEAD-SAFE	TOTAL
ADAMS COUNTY	2		2	MARINETTE COUNTY	1		1
ASHLAND COUNTY	2		2	MENOMINEE COUNTY	1		1
BARRON COUNTY	4		4	MILWAUKEE COUNTY	146		146
BAYFIELD COUNTY	1		1	MONROE COUNTY	3		3
BROWN COUNTY	20	2	22	OCONTO COUNTY	2		2
BUFFALO COUNTY	1		1	ONEIDA COUNTY	3		3
BURNETT COUNTY	1		1	OUTAGAMIE COUNTY	14	1	15
CALUMET COUNTY	1		1	OZAUKEE COUNTY	10		10
CHIPPEWA COUNTY	8		8	PEPIN COUNTY	2		2
CLARK COUNTY	4		4	PIERCE COUNTY	1		1
COLUMBIA COUNTY	3		3	POLK COUNTY	2		2
CRAWFORD COUNTY	4	2	6	PORTAGE COUNTY	6		6
DANE COUNTY	24	2	26	PRICE COUNTY	2		2
DODGE COUNTY	6	1	7	RACINE COUNTY	13		13
DOOR COUNTY	1	1	2	RICHLAND COUNTY	2		2
DOUGLAS COUNTY	9		9	ROCK COUNTY	19	1	20
DUNN COUNTY	5		5	RUSK COUNTY	3		3
EAU CLAIRE COUNTY	18		18	SAINT CROIX COUNTY	2		2
FOND DU LAC COUNTY	15		15	SAUK COUNTY	6		6
GRANT COUNTY	2		2	SAWYER COUNTY	1		1
GREEN COUNTY	3		3	SHAWANO COUNTY	1		1
GREEN LAKE COUNTY	2		2	SHEBOYGAN COUNTY	21		21
IOWA COUNTY	2		2	TAYLOR COUNTY	1		1
IRON COUNTY	4		4	TREMPEALEAU COUNTY	2		2
JACKSON COUNTY	1		1	VERNON COUNTY	5		5
JEFFERSON COUNTY	2		2	WALWORTH COUNTY	4		4
JUNEAU COUNTY	1		1	WASHBURN COUNTY	5		5
KENOSHA COUNTY	6		6	WASHINGTON COUNTY	8		8
KEWAUNEE COUNTY	1		1	WAUKESHA COUNTY	36		36
LA CROSSE COUNTY	17	3	20	WAUPACA COUNTY	9		9
LANGLADE COUNTY	3		3	WAUSHARA COUNTY	5		5
LINCOLN COUNTY	2		2	WINNEBAGO COUNTY	14		14
MANITOWOC COUNTY	4		4	WOOD COUNTY	2	1	3
MARATHON COUNTY	22		22	OUT OF STATE	17	0	17
MARINETTE COUNTY	1		1	Grand Total	570	14	584

Appendix G

Lead-Based Paint Activity Notices Received from Lead Companies

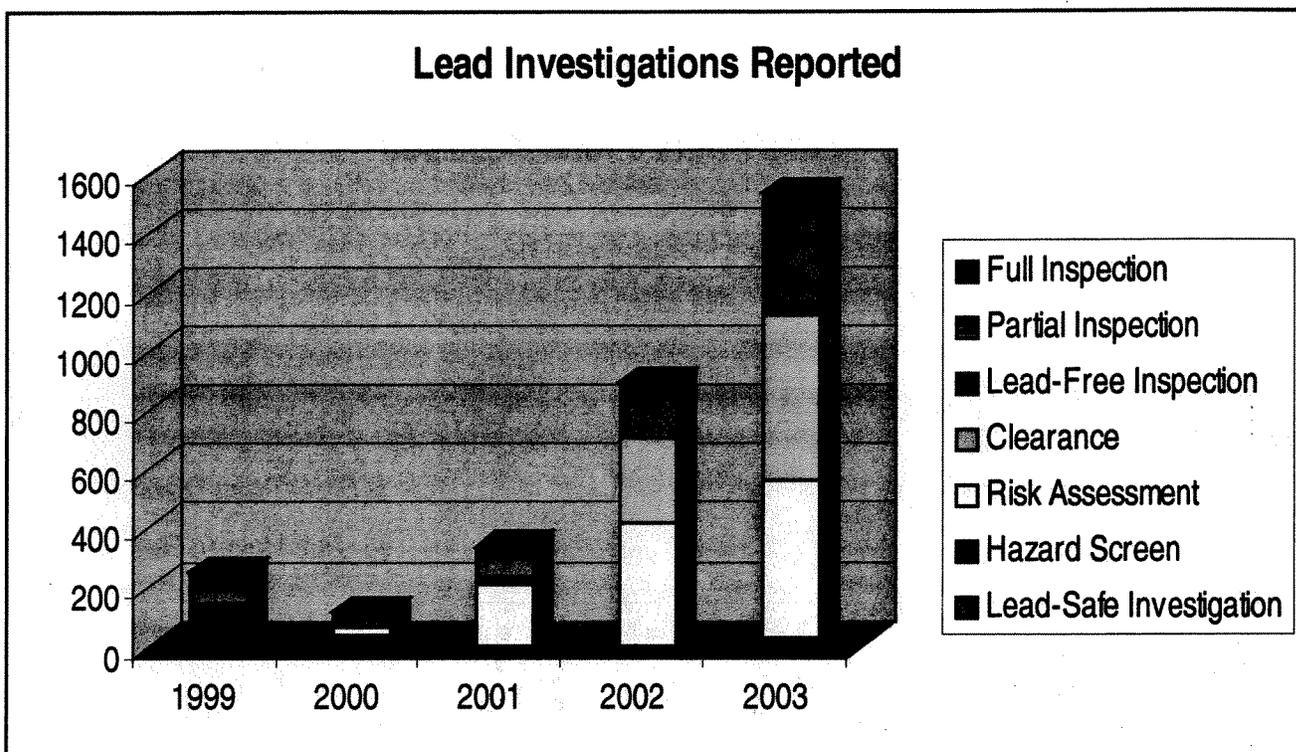


Notifications of Paint-Disturbing Activities Received from Lead Investigation Companies

Paint-disturbing activities are activities that can create lead-containing dust and debris, such as lead hazard reduction, maintenance, renovation, remodeling and rehabilitation. Lead hazard reduction activities are activities intended to reduce or remove lead hazards that cause lead poisoning.

Project Type	1999	2000	2001	2002	2003
Lead Hazard Reduction	40	824	1,181	1,049	989
Other Paint-Disturbing Activity	134	251	8	43	77
Totals	174	1075	1189	1092	1066

**Notifications of Lead Investigation Activities
Received from Lead Companies**



Lead investigation activities are activities conducted by certified lead professionals to identify lead-based paint or lead-based paint hazards. Clearance activities are conducted after paint-disturbing activities have been conducted to check that lead-based paint dust and debris created by the activity was not left behind. Clearance did not have to be reported prior to March 1, 2002. This report does not include EBL investigations conducted by DHFS or local health departments.

Activity	1999		2000		2001		2002		2003	
	LBP Hazard	No LBP Hazard								
Lead-Safe Investigation	0	0	0	0	0	0	0	2	4	19
Hazard Screen	125	17	40	0	8	0	2	0	6	6
Risk Assessment	7	3	24	2	189	17	305	110	478	51
Clearance	-	-	-	-	-	-	86	206	109	447
Lead-Free Inspection	0	0	0	0	1	19	0	0	0	44
Partial Inspection	27	14	17	12	45	25	65	83	181	107
Full Inspection	57	6	21	4	29	7	13	21	59	23
Totals	216	40	102	18	271	68	473	422	837	697

Appendix H

Lead-Safe Company Promotional Brochure

Attached

The advantages of becoming a

Lead-Safe Company

There are many benefits for Wisconsin contractors that become certified lead-safe companies. This brochure explains the benefits for:

- ✓ Residential remodeling contractors
- ✓ Painters
- ✓ Flooring and woodwork refinishers
- ✓ Window-replacement specialists
- ✓ Carpenters and cabinet installers
- ✓ Roofers
- ✓ Maintenance crews
- ✓ Plumbers and electricians
- ✓ Other professionals who disturb paint in housing built before 1978

Asbestos and Lead Section
Bureau of Occupational Health
Division of Public Health
Wisconsin Department of Health and Family Services

What is a Certified Lead-Safe Company?

The Wisconsin Department of Health and Family Services grants *lead-safe* certification to companies that use only certified workers who follow lead-safe practices when doing work that disturbs paint in housing built before 1978. Residential lead-based paint was banned in 1978.

What does a Certified Lead-Safe Company do?

Certified *lead-safe* companies use special work practices to protect people and their homes from lead dust created when paint is disturbed. Renovation and repair work can create *large* amounts of harmful lead dust.

Lead-safe workers use plastic sheeting to protect floors and furnishings, reduce the amount of dust created, bag or wrap waste, and thoroughly clean work areas daily and at the end of the project.

How can being a Certified Lead-Safe Company increase my 'bottom line'?

You can bid on projects that *require* lead-safe workers such as:

- ✓ Renovate federally assisted housing. (The U.S. Department of Housing and Urban Development (HUD) has spent over \$650 million on residential lead-hazard reduction projects since 1993.)
- ✓ Work in registered *lead-safe* housing in Wisconsin.

Certified companies may also:

- ✓ Be listed on the Department online directory of companies offering lead-safe services. (The website is viewed over 1,000 times per month.)
- ✓ Use certification in advertising to attract business.
- ✓ Be more appealing to clients:

- clearly identify the measures you will take to protect the client's family from lead dangers,
- educate clients about the importance of *lead-safe* work in protecting their home and family from lead-dust contamination,
- explain the potentially harmful consequences of using *uncertified* contractors to do work that disturbs lead paint.

Working clean is the key to working lead-safe

Two steps to becoming a Certified Lead-Safe Company

First, become or employ a *certified* lead-safe worker, lead abatement worker or supervisor.

- ✓ Complete a 1-day Department-accredited lead-safe work course. Or, also complete the lead abatement worker and supervisor courses (1-3 additional days).
- ✓ Submit an application for "lead-safe worker" certification with a one-time \$50 fee. Or, apply for lead abatement worker or supervisor based on the training you complete. (Lead abatement supervisors must also meet additional experience requirements and pass a state exam.)

Second, become a *certified* lead-safe company by submitting a company certification application with \$75 for a 2-year certification period.

How will being a Certified Lead-Safe Company help protect my health and the health of my family?

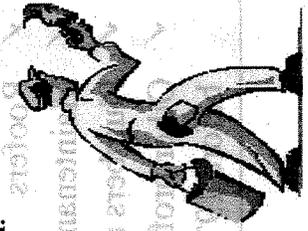
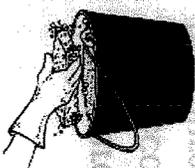
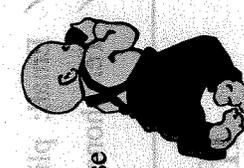
Certified lead-safe workers create less lead dust during work. Lead-safe workers decontaminate themselves, their clothing, shoes and tools before going home each day. These work practices protect their own health and also protect their families from potential "take home" lead.

Why is lead so harmful?

Lead poisoning often has no obvious symptoms, yet it can damage nearly every system in the body. Lead poisoning causes brain damage, learning disabilities and behavioral problems. High lead levels can cause seizures, coma, and even death.

The major source for children is lead-based paint and lead dust in their homes. Children under 6 are most at risk because they are growing rapidly, their brains are still developing, and they tend to put their hands and other objects into their mouths. It takes only a *tiny* amount of lead dust to poison a child.

Home remodeling and furniture restoration are *high-risk* occupations for lead poisoning. Adults with high lead levels can experience anemia, nervous system problems (tremors and balance), kidney problems, high blood pressure, miscarriages, fertility problems and loss of libido.



How can being a *Certified Lead-Safe Company* protect my business?

Avoid Lawsuits: Lead-safe companies have greater protection from liability for lead poisonings because they employ trained and certified workers who use lead-safe work methods. Recent decisions by both the Wisconsin Supreme Court and U.S. District Court for Eastern Wisconsin ruled that there is no legal defense for not knowing about the dangers of lead in paint.

Prevent OSHA Penalties: A Madison painting contractor was fined \$4,200 by the U.S. Occupational Safety and Health Administration (OSHA) for failing to protect workers during lead paint removal. Certified lead-safe companies avoid these penalties by working lead-safe and protecting both workers and occupants.

Avoid Costs of Environmental & Health Hazard Clean-up: Recently, a Wisconsin landlord was ordered to pay for clean-up resulting from improperly disturbing lead-based paint during renovation. Estimates for the clean-up ranged as high as \$20,000! Certified lead-safe companies use work practices that protect both human and environmental health and, as a result, avoid costly clean-up orders.

Where can I get more information?

For more information about these topics, including a list of training providers and application forms, contact the Asbestos and Lead Section.

- ✓ Internet: dhfs.wisconsin.gov/lead
- ✓ Email: plicasbestoslead@dhfs.state.wi.us
- ✓ Telephone: 608-261-6876

**If not conducted lead-safe,
renovations release toxic lead from
paint and dust into the family's home**

Jim Doyle
Governor

WISCONSIN DEPARTMENT OF
REGULATION & LICENSING

1400 E Washington Ave
PO Box 8935
Madison WI 53708-8935
Email: web@drl.state.wi.us
Voice: 608-266-2112
FAX: 608-267-0644
TTY: 608-267-2416

Donsia Strong Hill
Secretary



June 18, 2004

Chief Clerk of the Senate
State Capitol
PO Box 7882
Madison, WI 53707-7882

Chief Clerk of the House
State Capitol
PO Box 8952
Madison, WI 53707-8952

Dear Chief Clerks:

Pursuant to Wisconsin Statutes s. 440.979, the Wisconsin Department of Regulation and Licensing submits its fifth annual report concerning the regulation of Home Inspectors in Wisconsin.

I am happy to answer any questions you may have concerning the contents.

Please contact me if additional information is needed.

Sincerely,

A handwritten signature in cursive script, appearing to read "Donsia Strong Hill".

Donsia Strong Hill
Secretary

Enclosure

cc: Governor's Office

Professions Regulated

Accounting
Acupuncture
Architects
Landscape Architects
Professional Engineers
Designers & Land Surveyors
Auctioneers
Barbering & Cosmetology
Boxing
Cemetery Authorities
Charitable Organizations
Chiropractic
Controlled Substances
Dentistry
Dietitians
Funeral Directors
Geologists, Hydrologists, Soil
Scientists
Hearing and Speech
Home Inspectors
Interior Designers
Massage Therapy/Bodywork
Medical
Music, Art, Dance Therapists
Nursing
Nursing Home Administrators
Optometry
Pharmacy
Physical Therapists
Podiatrists
Private Detectives
Psychology
Real Estate
Real Estate Appraisers
Private Security Persons
Social Workers
Marriage and
Family Therapists &
Professional Counselors
Veterinary



WISCONSIN DEPARTMENT OF REGULATION AND LICENSING

Donsia Strong Hill
Secretary

2003 HOME INSPECTOR REPORT

Fifth Annual

HOME INSPECTOR REPORT

January 1, 2003 to December 31, 2003

Pursuant to the reporting requirements of Section 440.979 of the Wisconsin Statutes, the Wisconsin Department of Regulation and Licensing submits the fifth annual report to the Legislature on the status of home inspector regulation in the State of Wisconsin.

I. BACKGROUND

Wisconsin Act 81 (1997) authorized the Department of Regulation and Licensing (the "Department") to begin regulating home inspectors. It was enacted on April 13, 1998, and published on April 27, 1998, with a delayed implementation date of November 1, 1998. After that date, any person conducting home inspections in Wisconsin is required to be registered with the Department. The Act also required the Department to establish and maintain a "registry" of complaints against home inspectors.

Generally, every individual who acts as a home inspector, who uses the title "home inspector," who uses any title or description that implies that he or she is a home inspector, or who represents himself or herself as a home inspector must register with the Department. There are, however, a few exemptions to the law. A business entity is not required to be registered by the Department. A business entity may provide home inspection services and it may use the title "home inspector" to describe itself, if all of the home inspectors employed by it are registered with the Department. Other persons are also exempted from registration, such as those individuals who are engaged in conducting inspections in the normal course of their employment by a federal, state or local governmental agency; those individuals who conduct energy-related audits; and those individuals who conduct home inspections while lawfully practicing within the scope of a license, permit or certificate granted to them by a state governmental agency.

For purposes of successfully implementing this new law, in 1998 the Secretary of the Department appointed a Home Inspector Advisory Committee. This committee has assisted in developing and revising administrative rules. The committee has also provided advice and counsel regarding home inspector practices, examination development and application materials. A roster of current committee members is attached as **Attachment A**.

II. NUMBER OF HOME INSPECTORS

The following chart shows the number of individuals registered as home inspectors by the Department during specific time periods and the number of individuals who renewed their registrations. Registrations (except for the initial registration in 1998) are for two years ending on December 31st of even numbered years.

Year	Number Registered for the first time	Renewals at the end of each two year period
9/98 to 12/98	514	
1/1/99 to 12/31/99	341	
1/1/00 to 12/31/00	135	287
1/1/01 to 12/31/01	75	
1/1/02 to 12/31/02	133	534
1/1/03 to 12/31/03	159	

The Department renewed 287 home inspector registrations for the first time at the end of 2000. Seven hundred three (703) home inspectors did not renew their registration.

Some possible reasons that home inspectors did not renew their registrations might be:

1. They either mistook or assumed that this was a new profession with new opportunities. In actuality, the profession had been developing for quite a few years before implementation of the new regulation.
2. They either chose not to take an additional licensing examination or they took the examination but failed to pass.
3. They did not complete the required continuing education courses.

The deadline for the second round of renewals was December 31, 2002. The total number of active registered home inspectors as of that date was 595. Five hundred thirty-four (534) home inspectors renewed their registrations. Only sixty-one (61) home inspectors did not renew their registration.

As of June 14, 2004 there were 835 active registered home inspectors.

III. COMPLAINTS AGAINST HOME INSPECTORS

The following chart shows the number of complaints received against home inspectors by the Department during specific time periods.

Year	Complaints Received
9/98 to 12/98	1
1/1/99 to 12/31/99	21
1/1/00 to 12/31/00	17
1/1/01 to 12/31/01	30
1/1/02 to 12/31/02	22
1/1/03 to 12/31/03	18

A. The complaint handling process:

The Division of Enforcement (DOE) receives the initial complaint against the registered home inspector. Complaints may come from any member of the public, both clients and non-clients. In each case once the complaint has been received and tracked into the Division's computer system the home inspector is asked for a response. When the response is received all of the information about the complaint will be presented to a DOE screening panel. The screening panel consists of DOE staff, including staff attorneys, and two members of the profession.

The screening panel considers all of the information and makes the decision on what to do with the complaint. It may be closed at this point for no violation, no jurisdiction, or as a screening panel decision. Or it may be opened for further investigation and possible legal action, which could include a hearing to determine whether a violation of a statute or rule has occurred.

If it is opened for further investigation it is treated like any other complaint that the Division of Enforcement receives against a regulated professional.

B. The Home Inspector Registry:

The Home Inspector Registry is an information file in the Division of Enforcement (DOE) in the Department of Regulation and Licensing. The registry was established in accordance with Wis. Stats. 440.978 (4). The information in the file is open for inspection and copying by the public in accordance with Wis. Stats. 440.978 (4) (c). (Prior to July 1, 2002 the file was maintained in the Department's Bureau of Business Licensure. It was moved to the Division of Enforcement after a Department reorganization in 2002.)

In cases where the DOE screening panel has determined that no further action will be taken in regard to a complaint, the complete documentation related to the complaint (the allegation and the response from the home inspector) is placed in the registry file. This is in accordance with Wis. Stats. 440.978 (4) (a) and (b).

The information regarding a complaint against a home inspector remains in the information file for a period of two years from the date of the most recent complaint. This is in accordance with Wis. Stats. 440.978 (4) (d).

In 2003 no one asked to view the material in the Home Inspector Registry file.

Please refer to **Attachment B** for a description of each of the complaints received in 2003 and for information regarding their resolution. Clients filed eleven complaints against home inspectors in 2003. Six complaints were made by non-clients in 2003. There was one anonymous complaint in 2003. The last column of the table in Attachment B shows whether each complaint was made by a client or non-client.

IV. COSTS INCURRED BY HOME INSPECTORS

The fee for original registration as a home inspector is \$53. Individuals seeking registration as a home inspector in Wisconsin must pass a national home inspector examination and a state examination.

The state examination covers the Wisconsin statutes and administrative rules relating to home inspections. The cost for taking the state examination is \$57. The national examination, developed by the Examination Board of Professional Home Inspectors, is a 200-question examination that covers appropriate procedures for conducting home inspections. Candidates must pay \$195 to take this national exam.

When application and examination fees are included, successful home inspector candidates will spend approximately \$305 to complete the application/examination/registration process.

Individuals registered as home inspectors in Wisconsin are also statutorily required to obtain 40 hours of continuing education every two years. The estimated cost of this continuing education requirement is \$500. The renewal fee at the end of 2004 will be \$53.

V. COSTS INCURRED BY THE DEPARTMENT

In 2003 the Department incurred the following approximate costs in conjunction with implementation of this statute:

Item	Approximate Cost	Description
Salary/Benefits	\$25,000	A portion of two Program Assistant 3s' salary and benefits, two attorney screeners' salary and benefits, and a DOE Supervisor's salary and benefits
Examination	4,500	site rental, item writers, examiners, freight, proctor fees
Mailing Costs	2,000	printing and mailing applications and other information
Other Costs	7,000	administrative, advisory committee, legal and data processing, rental space, use of computers, telephone
TOTAL	\$38,500	

DEPARTMENT OF REGULATION AND LICENSING

HOME INSPECTOR ADVISORY COMMITTEE

(Terms Expire July 1, 2004)

Jerome G. Baumgardt, Baumgardt Home Inspection

Ada Duffey, Milwaukee Lead/Asbestos Information Center

Larry Engen

Mark Jankowski, Wisconsin Inspection Consultants

Norbert Lovata, Construction Consulting Services

Richard Staff, Wisconsin Realtors Association

Mark Thomas, Milwaukee Home Inspection Corporation

Brian Vanden Heuvel, Brian's Home Inspections, Inc.

All of the Advisory Committee members can be reached in care of the Department of Regulation and Licensing, PO Box 8935, Madison, Wisconsin 53708-8935.

DEPARTMENT OF REGULATION AND LICENSING

Division of Enforcement

2003 HOME INSPECTOR REGISTRY SUMMARY REPORT

The Home Inspector Registry is an informational file in the Division of Enforcement (DOE) in the Department of Regulation and Licensing. The file contains complaints against registered home inspectors. In each case the home inspector was asked for a response and then all of the information was reviewed by a DOE screening panel. In these cases the screening panel determined that no further action should be taken. These complaints are summarized below with both the "allegation" and the "home inspector's response". The complete documents related to these complaints have been placed in the registry file in accordance with Wis. Stats. 440.978 (4) and are open for inspection and copying by the public. Complaints that say "Opened for investigation" in the Home Inspector's Response column have been reviewed by a DOE screening panel and opened for further investigation and possible legal action, which could include a hearing to determine whether a violation of a statute or rule has occurred. These complaints are not placed in the Home Inspector Registry file but are treated the same way as all other complaints against professionals that the Department regulates that are opened for investigation by the Division of Enforcement. Additional information in these cases can be requested by an open records request to the Division of Enforcement.

Complaint Number	Date Comp. Rec.	Allegation	Home Inspector's Response	Client or Non-Client Complaint
03 RHI 001	2/4/03	That the home inspector intentionally misled the buyer regarding the condition of the house to expedite the sale of the house. The Complainant alleges that the home inspector said this about his inspection, "I just forgot that you're my client. You're the one I am supposed to please." During the first six months of living in the house the Complainant has had to replace the furnace and the roof and has major problems in the basement (seized Palmer Valve and mold/drainage issues). All were issues that the home inspector assured the buyer would not be a problem for a number of years.	Opened for investigation on 3/17/2003.	Client
03 RHI 002	1/06/03	The inspector missed three items during the inspection: double posting of circuits in an electric access panel (cost \$195 to repair); replacing a fireplace glass door (\$572); and repair of glass in a garage service door (\$60). During both his first visit and his subsequent visit the home inspector didn't have much time to discuss things but did have time to talk about his divorce.	There was no response from the home inspector. The screening panel found that the electrical problem was not visible and would have required the home inspector to remove an access panel, something that he is not required to do. The other items were not his responsibility. The panel found that he exhibited poor practice in talking about his personal issues but there was no violation of any statute or rule.	Client
03 RHI 003	1/14/03	The inspection report which said satisfactory for the following items was wrong: the bathroom faucet and tub do not leak, the windows in the living room and dining room are satisfactory, no evidence of leaks in insulated glass, walls covered around garage footings and walls are all covered in 1080 and 1082, and the cooling system was not checked. The complainant states they want what is wrong brought up to how it was reported to them in the inspection report.	The inspector pointed out that he noted the furnace was reaching the end of its life expectancy, he noted the interior/glass windows as "marginal", the faucets did not leak at the time of inspection, and he had noted that there was moisture in the basements of both 1080 and 1082. He goes on to state the outside temperature at the time of the inspection was far below sixty degrees so he could not test the cooling systems. The purchaser choose not to attend the inspection. No complaint letter had ever been received from the buyer.	Client

Complaint Number	Date Comp. Rec.	Allegation	Home Inspector's Response	Client or Non-Client Complaint
03 RHH 004	2/24/03	Negligent home inspection caused the Complainants to be unable to use their fireplace and will cost approximately \$9,000 to repair. They have hired a lawyer and tried to resolve the problem.	The attorney for the home inspector wrote us to say that he had been in contact with the attorney for the Complainants and the Complainants had agreed to drop their complaint. <i>Opened for investigation on 5/19/2003.</i>	Client
03 RHH 005	3/24/03	The report lacks any depth of understanding of adverse material defects. The inspector also included under defects: newer rain gutters and aluminum storms and screens, and huge fenced in rear yard. The address is incorrect and the report is not signed.		Non-client
03 RHH 006	4/15/03	The home inspector went on the roof and failed to find two areas where the metal flashing did not wrap all the way around the chimney. The Complainant and his brother-in-law found this almost a year later when they were caulking prior to painting. This has also caused a mold problem.	The inspector cited to his report and pointed out that on page 2 under flashings/skylights he had noted that they would benefit from maintenance. He pointed out that the chimney flashing above rusted cap. He said that he explained to the buyer that there was a 1/4" opening all the way around the chimney that was never caulked and this needed attention. Under exterior walls he said there were indications of water intrusion. On page 3 under attic, interior chimney he did not check normal and he had written in "Fireplace (wood burner) chimney has burned adjoining insulation in the past. Check Chimney!" He states that he advised the client "emphatically" to check the chimney. When he asked about who repaired the chimney he was at first told that friends did it. Later the Complainant produced a bill from a contractor but it was a fake. The home inspector's insurance company did not pay the claim submitted by the Complainant.	Client
03 RHH 007	4/28/03	We received an anonymous complaint that Mr. Krueger may have been doing inspections since 12/31/2000 when he lost his certification. The complaint states that he also limits his liability in his customer agreements, which is not allowed in state statutes. No other information was submitted.	The respondent did not answer a request letter that the Department sent him. (A flag was placed on his record in the Department's Credential Holder computer system so that he would not be able to renew his expired certificate.)	???
03 RHH 008	5/9/03	The home inspector found a gas leak and reported that. It was subsequently fixed and he was asked to check the repair work that was done. He reported to the buyer that he did check and everything is okay. Two months after they moved in the Complainants smelled gas. They called the gas company with whom they had a warranty program but they refused to fix it saying that it was a pre-existing condition. The Complainants would like the home inspector to pay for the new repairs since he was specifically sent out to check the repair work and said it was okay.	The respondent did not answer a request letter that the Department sent him. The screening panel found that the home inspector had identified the leak and it had been taken care of before they moved in. Given that the inspection was in July of 2002 and the Complainants did not contact the Respondent until April 2003 it appears that the leak was in fact fixed and a new one appeared. The home inspector can not be held responsible for that.	Client
03 RHH 009	5/6/03	The home inspector never introduced himself or gave the home owner a card, he "slammed back the faucets", he lifted up on one of the counter tops so hard it came up, and pulled the plumbing neck out of the wall. He bent the caves trough with his ladder and he told the buyers there was a big hole in the back of the stove. That hole is really a secondary air intake built into the stove. When the Complainant called and told him about the damage the home inspector laughed and hung up on them. The home owner filed a police report.	While he normally gives out a card he ran out of them, but he did have a company shirt on and he did introduce himself. He states that he did not slam back the faucets and noted in his report on page 15 that the faucet leaked. The top of the vanity was not secure. He also noticed water running out of a drain pipe under the sink and asked the home owner if he could have a rag to clean it up. She said her husband had been working on the sink and to just leave it. The gutters are old and he marked them in "marginal" condition on his report. He knows nothing about damaging them. There is a crack in the stove that the home owner has been welding back up. He states he did not laugh or hang up on them. He said good by and the conversation was over. He talked to the police and the case was closed with no action being taken	Client

Complaint Number	Date Comp. Rec.	Allegation	Home Inspector's Response	Client or Non-Client Complaint
03 RHI 010	8/18/03	<p>The inspector failed to find the following problems: water damage to woodwork and carpeting in two bedrooms (due to improper installation of a 2nd floor balcony); and rotten sheeting under Tyvek improperly installed (bottom sheet overlapping the top one). The home inspector said the shingles were asphalt when in fact they were fiberglass. There is buckling of the shingles because they were stapled in place and will have to be replaced. Several of the windows have no drip caps. When the buyer contacted the home inspector he offered to refund their inspection fee (which they refused) but he would not give them the name of his insurance company, they believe he may not be insured. They state that they have heard nothing from him since August 11th.</p>	<p>The buyers were not present when the home was inspected. The inspector performed the inspection and sent them a copy along with his standard contract. They refused to sign or return the contract. The inspection was conducted while the home was still occupied. The closets in the bedrooms where the water damage to the woodwork and carpeting was later discovered were filled with personal items and the damage was not observable. A home inspector is not required to move personal items during the inspection. After the closing on this property this area experienced unusually heavy rains and high winds which may have caused the water damage. The defects caused by the balcony were not observable until after the buyers removed the second floor balcony. The improper installation of Tyvek was not observable until the balcony and siding was removed. This is something the home inspector would have no way of knowing on a visual inspection. The buckling of the fiberglass-reinforced asphalt shingles. The buckling of the shingles was noted in the report. The lack of drip caps was not observable during the inspection. The offer to refund the \$375 fee was not an admission of negligence it was simply an effort to satisfy an unhappy customer. The home inspector did return to the house and offered to help the buyers in any action against the seller. The home inspector feels that none of the conditions complained about were observable during his inspection.</p>	Client
03 RHI 011	9/22/03	<p>The buyers had a home inspector report. The home inspector rated the heating system as defective because it was vented directly outside and it was not designed to be vented that way. The report caused a hardship on the sellers, buyers, and others involved in the transaction.</p>	<p>The inspection report was done for the buyers and the Complainant is the seller. As a result of the report the company that installed the boiler system made the necessary corrections. The venting was changed to stainless steel and vents were installed in the closet for the intake of combustion air.</p>	Non-client
03 RHI 012	9/6/03	<p>This was an older home (80 to 90 years old) with a newer roof, about five years old. The home inspector went on the roof and into the attic where he had an unobstructed view of the rafters and roof sheathing. He made no mention of any roofing problems in his report. The client bought the house. After living in the house for six months there was a storm in November and several shingles were blown off. The area was repaired and the person who did the repair told the home owner to investigate further because he felt the entire roof had problems. Two companies were called and both said the entire roof needed to be replaced. The shingles had been attached to spaced wood panels, some of which had 3 or 4 inches in between them, therefore a large number of shingles are just nailed to the felt underlayment which is not acceptable. The owner brought this to the attention of the home inspector and felt his insurance company should pay the \$10,000 to re-shingle the roof.</p>	<p>The inspector returned and advised her that the roof was functioning properly during the inspection and he is not required to comment on manufacturing specifications during the inspection. He advised the home owner to contact the previous owner to see who did the roof job and perhaps proceed under a warranty. He sees no need to tear off the entire roof to fix a few areas.</p> <p><i>Opened for investigation on 5/17/204.</i></p>	Client

Complaint Number	Date Comp. Rec.	Allegation	Home Inspector's Response	Client or Non-Client Complaint
03 RHI 013	10/31/03	The listing agent for the sellers is making the complaint against the buyer's home inspector. The buyer's home inspector at first told the sellers not to lose any sleep over the condition of the basement walls and then wrote in his report that there were cracks in the foundation walls indicating some movement. The home inspector also told the buyers that the basement contractor that the complainant had brought in to re-check his work never measured the walls. The Respondent was not present and he has no way to know this.	The listing agent was not present for the inspection, both the buyers and sellers were. His accusations are hearsay at best. The inspection report was written on site with a laptop computer and everyone saw the report as it was being done. The report states that the "cracks" appear to have been patched. The home inspector actually advised the buyers to obtain a second opinion from a qualified foundation specialist. The complainant brought in one person who disagreed with the home inspector. After that inspection the complainant and the home inspector had a heated argument. The home inspector advised the buyers to bring in another independent contractor which they did and he agreed with the home inspector. As a result of that report the sellers agreed to make the necessary repairs to the foundation. They buyers did purchase the house and are very happy.	Non-client
03 RHI 014	10/30/03	This is a complaint of unlicensed activity as a result of a yellow page ad in the 2003-2004 Manitowoc Directory for LierCo. The ad states "local licensed MTWC Inspector for 10 years" and "lic. Well and Septic Inspections". The Respondent has not been licensed since December 31, 2000.	The Respondent states that he has not conducted home inspections since the year 2000. He does do well and septic inspections. A second employee of LierCo, Rick Byrum, is the licensed home inspector who does the home inspections which were referred to in the ad. At any rate, the ad for LierCo will be gone because the company ceased doing business on December 31, 2002.	Non-client
03 RHI 015	10/28/03	The home inspector did not find any furnace problems. A subsequent "thorough" inspection found all kinds of problems: the heat exchanger was in the later stages of failure and there were cracks. During the subsequent furnace inspection problems were also found with the water heater, improper venting and there were very evident signs of long term spillage of combustible products. There were both carbon monoxide and fire dangers identified. A smoke detector was not in working order.	The heat exchanger is sealed so you can not check that on a visual inspection. The furnace was performing satisfactorily on inspection. The home inspector states he may have missed a very important safety feature in regard to the venting. He states that he noted the smoke detector was not working.	Client
03 RHI 016	11/25/03	The inspection was done on February 26, 2003 and noted that the fireplace should be cleaned. The client bought the home and had the fireplace cleaned in October. The company that did the cleaning said that the inside of the fireplace, the smoke chamber, needed to be replaced. He demonstrated this by lightly poking the top of the chamber which crumbled to the touch like rotten wood. The buyers had planned to use the fireplace on a daily basis in the winter time and were advised not to use it until a new firebox could be installed. The cost is \$2,850. The home inspector's report states, "Metal firebox appears to be in good condition." If the problem had been noted the buyer would have contacted the owner and asked him to replace it or lower the cost of the home before he purchased it.	<i>Opened for investigation on 4/19/04.</i> The home inspector informed the client that he is only required to detect "observable" conditions and the report is not required to be technically exhaustive. The fireplace had a grate and ashes in it at the time of inspection. By regulation a home inspector is not required to observe the interior of flues, or fireplace insert flue connectors. The inspector went back in October to again view the firebox and saw the openings in the firebox. He states those were either not there or not visible in February when he did the inspection.	Client

Complaint Number	Date Comp. Rec.	Allegation	Home Inspector's Response	Client or Non-Client Complaint
03 RHI 017	11/29/03	<p>The Complainants lost the sale of their 9 year old house because of the inspection report that the home inspector gave to some potential buyers. In his report he stated that the roof has failed because there is moisture under the first layer of shingles above the front door and living room window. He also found mildew and mold around the front door. He stated there was no moisture barrier in the attic. The sellers state that the house had been closed up since Dec. 7, 2002 and there was some dampness. A dehumidifier was installed in the basement and that solved the problem. A new magnetic weather stripping solved the problem around the front door. After the home inspector met with the builder and his foreman for 2 hours a "correction paper" was sent to Eliason Realty 21 days later. They were the buyer's agent.</p>	<p>The home inspector stands by his report. He did meet with the builder and his foreman. Together they looked at the roof. They peeled back the shingles and there was no water being transmitted to the sheathing or the walls. This would not have been visible on a visual inspection because you cannot peel back shingles. They removed the casing around the door and found no water damage. This is again something that an inspector cannot do on a visual inspection. There was a vapor barrier, however, it was under the blown in insulation, something that you could not feel or see on a visual inspection. The home inspector stands by his report. (A letter of education was sent to the home inspector by the screening panel.)</p>	Non-client
03 RHI 018	12/12/03	<p>The Complainant had a home inspection done by this inspector when she purchased the house in 1994 and then he did one for the potential buyers in 2003. In his 2003 report he pointed out several issues: electrical service, railings for the flat roof, and the asbestos in the upper bathroom floor tile. Secondary issues are the heat vent in the lower bathroom, low heat volume in the center bedroom and the service door on the garage. She states that all of these items were the same from when she purchased the house in 2003 and he didn't question them then, why is he questioning them now? She states that the electrical service was brought up to code for \$1,100. When she got a copy of the report she had her realtor call the home inspector and he said his duty was to his client and he hung up on her.</p>	<p>The home inspector makes the following points. The Wisconsin Statute of limitation is 2 years not 9 and a half and a lot of things change in 9 and a half years. Prior to the inspection his office received a call from the realtor who expressed concerns about the house not passing inspection and trying to convince their office that these items should pass inspection. About a week after the inspection the realtor called and wanted to discuss the report and the inspector told her that he would only discuss the report with his client, the potential buyer in this case.</p>	Non-client