

Complaint for Fraudulent Reporting and Conspiracy to Commit Fraud

Doc 3 - Suggested Charges

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INTRODUCTION - Suggested Charges for “FRAUD” against the TWO Inspectors

The following includes facts that were revealed in answers to questions that were forced from the Homeowner / Seller during escrow when fraudulent disclosure statements and concealment matters were identified.

The following includes facts that were revealed via inspection reports presented to us as part of a Seller's Disclosure process, Disclosure Documents presented by the Seller and Seller's Agent, inspection reports created for us by people we hired, our own observations and invasive inspections and discoveries made after close of escrow.

This note about the word “FRAUD” was provided in the cover letter and it is being repeated here for clarity.

NOTE about “FRAUD” - At this point in time we are going to use the term FRAUD in layman's terms. We are not going to get into parsing whether the violations ultimately qualify for legal negligence, fraud, fraudulent concealment, tortious interference, other or nothing at all. Attempting to navigate that vocabulary while trying to convey a gross case of Contractor malfeasance is viewed as unnecessary complexity to the information sharing process.

TERMITE INSPECTOR - Suggested Charges For “Fraud”

1) Termite Inspector - Fraud / Conspiracy (ATTIC ONLY) (\$7k-\$10k)

Failure to inspect 2nd floor Attic and Failure to note lack of inspection on report

1. The inspector failed to inspect the second floor attic
2. The inspector failed to NOTE he didn't inspect it. (Reporting Sacrilege)
3. The attic contained 7-10k of insulation damage from rodents that was omitted from his report

Support for Fraud and Conspiracy

1. The 7-10k in damage was known to the Seller's Agent months before the inspection.
2. The Seller's Agent ordered the inspection.
3. The Seller's Agent was the only party at the inspection other than the inspector.
4. The Seller's Agent paid for the inspection.
5. The Seller's Agent obtained a report that fully obfuscated damage known to him.
6. The Seller's Agent and Seller failed to disclose the Attic damage in their own disclosures.
7. The Seller's disclosure made reference to the lacking report as a detailed supplement to their own disclosures
8. The Seller's Agent Procured a Home inspection report from a Home Inspector with the exact same defect omission scenario. 1) the 7-10k in defects were not noted 2) the attic was (supposedly) not inspected 3) the report summary omitted the note related to the uninspected space (Reporting Sacrilege)
 - a. That home inspection report contained more incriminating information related to a fraud attempt related to the Attic Fraud
 - b. That home inspection report contained other obvious defect omissions that the Seller's Agent was aware of, providing sound support that the Seller's Agent was obtaining reports for purposes of committing fraud, with the inspectors willing to do insincere reporting.
9. BOTH inspectors made the same omission errors in the exact same way AND those types of errors in the manner made are Inspector Sacrilege.

Commentary

The Termite Inspector was contacted approximately 18 months after settlement. It's unclear if he was aware that others involved in Fraud were being pursued via the media and Licensing Oversight Boards.

He was able to recall uncanny generalities about the home and the inspection, as is often the case for Professionals that work with houses. He was not able to recall if he was unable to find the access to the attic or if he deemed it too small. He was not able to recall if he had any dialogue about the attic with the Seller's Agent. He recalled the Agent being there to open the door, orient him and handing him a check by his car when the inspection was done.

When asked directly if there was any conspiratorial dialogue between he and the Seller, he denied there was. He denied receiving any monetary premium for omitting the Attic as part of his inspection.

He acknowledged that an inability to inspect an important space like the Attic is something that needs SIGNIFICANT NOTATION in the report and he acknowledged that he failed to make any appropriate references to that. He claimed it was just negligent.

He had no explanation for how or why the Home Inspector who made the exact same oversight mistakes transpired.

Relevant Documents and Evidence Available

1. Two Presale inspection reports and one inspection report done by our inspector.
2. Statutory and non Statutory Disclosure Documents
3. Emails, Quotes, Invoices between the Homeowner and contractor related to the closet ceiling repairs
4. Written answer to questions that establish relationship between Seller and Sellers Agent and knowledge of attic damage
5. Photos of the damage and and the repair process

Website for Details

Please see exhibits at: <https://inspector-complaints-2023.bryancanary.com/>

Additional exhibits available on other sites as needed.

2) Termite Inspector - Fraud / Conspiracy (FULL SCOPE) - (\$20-\$25k)

Failure to provide repair estimates for Pest Damage while marking a report "complete"

The inspector marked his report as "complete"

1. He failed to inspect an attic and report \$7000 to \$10,000 in damages while "forgetting" to note on his report the attic was not inspected.
2. He failed to inspect the Crawl space and omitted that fact from his report summary as well. That space was filled with issues and concerns in the \$5,000 range and it is a 30" high crawl space offering more than sufficient room for inspection.
3. He failed to provide any repair estimates for \$8,000 in fascia damage identified on drawings but not defined monetarily to provide any scope

The inspector was aware the report was a pre-sale report. The inspector would have known it provided no relevant cost information for property insight.

Facts per Documents, Images, and a verbal Conversation with the Termite Inspector

1. Termite Reports have a standard report format that is archaic and difficult to comprehend. There is no reason the reports should still be as opaque as they are, but that is a state or federal regulatory matter.
2. The report created by the inspector is marked as a "complete report".
3. The report contains areas to estimate "repair costs" for damage found.
4. The inspector only provided "treatment remediation costs". He failed to provide any repair costs. From his report it is impossible for anyone to discern if the existing pest damage was \$200, \$2000, \$20,0000 or more.
5. The inspector was aware the report had been ordered by a Real Estate Agent as a pre-sale inspection.
6. Per the inspector he does not charge an additional fee for repair estimates. He only provides them if a report recipient asks for them.
7. The inspector indicated some agents ask for repair costs and others do not. He does not recall if he and the agent who ordered this report had an explicit conversation about wanting or not wanting repair costs.
8. The inspector does not view a report marked as "complete" without repair costs as a violation of inspector protocols, although he can understand my concerns, given the way the report was used.
9. The inspector indicated that he "presumes" Agents and Clients who do not ask for him to do (free) repair cost estimates have a contractor that reviews the report and provides supplemental information.
10. In addition to failing to provide information and/or an estimate about \$7-10k in 2nd floor attic damage, the inspector failed to include an \$8,000 estimate to replace all the fascia due to dryrot and infestations that had been covered up by a Professional Painter, but found as part of his inspection. The inspector noted there were numerous problems with the fascia on a diagram that is impossible to ascertain scope from. He failed to provide any clarifying text or estimates that would allow a report recipient to understand the scope of the damage or the repairs.

NOTE: The 15-23k in total estimate omissions INCLUDES the 7-10k already mentioned in the prior section related to the attic.

Commentary

An inspector with over 20 years of experience who shows up to a home, fails to inspect the attic, fails to note the lack of inspection in his documents, and fails to provide estimates for the attic and other obvious and known defects totalling \$8,000 has a full understanding of the nature in which a report signed by him, as an authority figure, could be used for fraudulent purposes.

Relevant Documents and Evidence Available

1. Two Presale inspection reports and one inspection report done by our inspector.
2. Statutory and non Statutory Disclosure Documents
3. Emails, Quotes, Invoices between the Homeowner and contractor related to the closet ceiling repairs
4. Written answer to questions that establish relationship between Seller and Sellers Agent and knowledge of attic damage
5. Photos of the damage and and the repair process

Website for Details

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HOME INSPECTOR - Suggested Charges for “FRAUD”

1) Home Inspector - Fraud / Conspiracy (ATTIC ONLY) (\$7k-\$10k)

Failure to inspect 2nd floor Attic, Failure to note lack of inspection on report summary, fabrication of 2nd floor attic access facts in report details, after providing information a half page prior that indicated all was well.

The inspector failed to inspect the second floor attic and he failed to NOTE he didn't inspect it in the Summary of his report.

This is the EXACT SAME BEHAVIOR executed by the Termite Inspector who did his report a week later.

The Seller's Agent was there for both inspections and was aware of the Attic Damage months prior.

In the body of his report, buried almost 50 pages deep, the inspector indicates in one section the attic inspection was completed successfully. Then a half page later he indicates in a confusing manner that the access to the 2nd floor attic was not large enough for human access. He suggested the home needed to be modified for an inspection. That was a full fabrication of facts. Even as a large man, he could have gotten his head into the opening to see the problems. His son, who was doing the inspection with him that day, is tall and slender and he would have had no problem entering the attic, just as we had no problem entering the attic.

Relevant Documents and Evidence Available

- The Home Inspection report
- Numerous other photos and documents (can be itemized if needed)
- Much information is provided on another website in a formatted document.

Website for Details

Please see exhibits at: <https://inspector-complaints-2023.bryancanary.com/>

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2) Home Inspector - Fraud / Conspiracy (GARAGE EXPLOSION HAZARDS) (\$10-20k)

Failure to identify Explosion Hazards in Garage Water Heater and HVAC System

The inspector failed to note the Gas Furnace and Gas Water heater were installed with Pilot Light much lower than 18" from the floor. Since the early 2000's building code has demanded the pilot light height in garages to be above 18" to avoid explosion hazard caused by exhaust gas build up.

For sincere home inspectors this is an easy "checkbox item". Either it's there or it isn't. This inspector totally omitted reference to any safety concerns.

The Seller and Seller's Agent Failed to Disclose this.

The Contractor who did work on the home, under the supervision of the Real Estate Agent knew about the code and the explosion hazards. He had brought an old stand from his home to install under the water heater, but, per his comments, the Seller didn't want to pay to have the hot water heater lifted.

That stand can be seen unused, sitting next to the water heater in the MLS Photos taken and posted by the Seller's Agent.

Website for Details

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3) Home Inspector - Fraud / Conspiracy (FULL SCOPE) (\$50-70k)

Dozens of report omissions, mis-statements, conflicting statements and false statements. A reporting system built for obfuscation and fraud. Excessive disclaimers. Etc.

The first response from anyone who says “everybody misses something” might be a valid response for one or two questionable acts. This report, in context of the other frauds, contains literally DOZENS of relevant misstatements, omissions, and misdirections.

For those familiar with the darker arts related to the use of written and visual suggestion for confusion, markers can be found through the report of clouding of facts in an illogical manner.

On the website below, a partial list exists for the report concerns and it's pages long.

[Website for Details](#)

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