


# Join us in the dining room of the Holiday Inn at 6:00 for Dinner before the meeting.

**DISCLAIMER**

Any opinions expressed in these articles are not necessarily the opinions of the Real Estate Investors Association of Wayne County. (R.E.I.A. of Wayne County)  
This information is designed to provide accurate and authoritative information in regard to the subject matter covered. It is offered with the understanding that the authors are not engaged in rendering legal, accounting or other professional service. If legal advice or other expert advice is required, the services of a competent professional should be sought.  
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# PROPERTY MAINTENANCE — DO NOT FEAR WOULD-BE GODS!

It's amazing how many landlords don't know or understand the job of the inspectors. This not only means housing and nuisance code inspectors, but electrical, plumbing, mechanical inspectors as well.

They think the inspector has god-like powers and his sole purpose is to harass and intimidate. And, unfortunately, some inspectors feel that is their job.

The inspector, ideally, has just one function: to determine that whatever they are here to inspect reasonable conforms to the code.

The inspector is required to enforce the jurisdiction's code, nothing more, nothing less.

If the inspector determines that something does not conform to the code, he issues a notice of violation. Each notice of violation must identify the appropriate code that regulates the specific item.

The inspector can't tell an owner what to do, nor can he himself redesign a system. If requested, the inspector can help the owner understand the code requirement. He could also recommend how to correct a deficiency.

In some cities, more than 90% of the inspectors in the licensed trades (electrical and plumbing) perform their jobs properly and professionally required by law. Unfortunately, when looking at the way some Housing and Nuisance Codes are enforced, in some communities the percentage of inspectors properly enforcing the codes fairly and equally quickly drops to less than 50%.

The owner may challenge the authority of an inspector who is out of line, but he should understand how the law regulates inspectors.

Some laws apply to the inspector but don't apply to the public. The terms associated with violations by an inspector are malfeasance, misfeasance, nonfeasance and civil rights violations.

When an inspector says, "I don't care what the code says, you're in my town and you do it my way," that's clearly malfeasance. The inspector's way does not matter; what the code requires does.

Another typical statement is, "I don't know what the code says, but how about changing this for me." That's misfeasance. Inspectors must know the code.

Sometimes the owner is following the code, or approved plans, and the inspector requires a major change. When asked why the problem was not caught before the plans were approved, the inspector responds, "I don't have time to do plan review. I just stamp the plan approved and assumed the engineer knows what he's doing."

That's a case of nonfeasance. The law says the inspector must review the plans before stamping them. The inspector can not arbitrarily choose not to do a part of his job.

These violations, malfeasance, misfeasance, or nonfeasance-is an illegal act that only a public official can commit. Each can be prosecuted in court. The result can range from a slap on the wrist to the loss of a job. It may even open up the inspector to financial responsibility for damages. It's rare for an inspector to go to jail, but it's happened.

By knowing the limitations on an inspector, the owner can be on equal footing. You can even tell the inspector you believe it's a case of mal-, mis-, or nonfeasance. But you might have to take your complaint to the supervisor, or even to court.

When challenging the inspector, there is always a fear of retribution. Owners worry that the inspector will say, "Go ahead and challenge me, and, after I win, I'll make your life miserable. I'll grill you for every little item in the code." This is a clear violation of civil rights. A civil rights violation is the most severe of the illegal acts mentioned. The case would be heard in the federal courts. Civil rights violations by public officials have paid out damage awards of six figures.

Article from newsletter of Shawnee County Landlords Assoc., Topeka, KS. and reprinted from MR.LANDLORD

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A newsletter subscription can be obtained for \$20.00 per year for non members.

Simply mail a check payable to:

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## **Around Town with Real Estate Investor Groups**

(call each group for details)

- **OAKLAND R.E.I.A.** *2nd Thursday of the Month*  
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- **Macomb Property Owners Association** *1st Thursday of the Month*  
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- **Monroe County Landlord Association** *4th Thursday of every Month*  
6:30-7:30 pm Social/Dinner • 7:30 pm Meeting  
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- **American Landlord Association**  
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- **Real Estate Investors Association of Wayne County (REIA of Wayne Co)** *1st Tuesday of every Month*  
6:00-7:30 Dinner • 7:30 pm Meeting  
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- **New Real Estate Investors** *2nd Tuesday of every Month*  
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 --- AAA Process and Recovery

FEBRUARY: Dwan Bent-Tyford & Sharon Restrepo  
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JANUARY: Matt Bezanson • 248-585-8584  
 --- Sherlock Homes Inspection - 800-260-4100

DECEMBER: Kevin Murphy  
 --- He & his wife quit their jobs to pursue Real  
 Estate full time • 517-223-1168

NOVEMBER: Wendy Patton  
 --- Little or No Money Down Real Estate Investing  
 --- 248-866-8411

OCTOBER: Nicholas Modarelli  
 --- Real Estate Entrepreneur w/Creating Fast  
 Cash using Other People's Money • 517-236-0757

JANUARY: Matt Bezanson • 248 585-8584  
 --- Sherlock Homes Inspection  
 Property Taxes and lowering them

FEBRUARY: Sharon & Larry Yelnick  
 --- Full Time Real Estate Investors  
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MARCH: Larry & Kimberlee Frank  
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## EDUCATION COMMITTEE

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**PATRICK BRANNON** ..... 1-248-755-8771

YOUR NEWLY ELECTED REIA BOARD HAS STARTED AN EDUCATION COMMITTEE AND THE MEMBERS AND THEIR PHONE NUMBERS ARE LISTED ABOVE. WE ARE ASKING ALL MEMBERS OF REIA TO SUBMIT ANY IDEAS OR TRAINING INFORMATION YOU WOULD BE INTERESTED IN. YOU MAY CONTACT ANY OF THE ABOVE LISTED PEOPLE WITH YOUR IDEAS AND THOUGHTS AND THEY WILL DO WHAT THEY CAN TO PURSUE SPEAKERS, TRAINING SESSIONS, ETC FOR OUR GROUP, PUT ON YOUR THINKING CAPS AND LETS GET GOING ON MEETING IDEAS FOR THE COMING YEAR

THANKS - CHUCK SHIVEL

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**PAMELA A. MEEK**  
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# Membership Application

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Single meeting fee for non-members is \$20.00 per person, which will be applied to the annual dues when you join the next month.

(we hope this will encourage people to join)

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— LIBRARY - Patrick Brannon 1/2 hr before Meeting —

ASSISTANTS:----- MARGE MARTIN • BOB COUSINO

## Next Meetings

### REGULAR MEETING

- **Tuesday April 6, 2004**
- **Tuesday May 4, 2004**

### BOARD OF DIRECTORS

Members Welcome (CALL FOR TIME & LOCATION)

- **Tuesday April 13, 2004**
- **Tuesday May 11, 2004**

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## Fire Claims Tenant's Daughter - Batteries In Smoke Detector Ran Out

Ms. M and two children rented a house. Ms. M installed a smoke detector herself, and after batteries ran out, she removed it from the ceiling.

When a fire broke out, Ms. M instructed her daughter to go outside while she removed her infant son outside. While outside Ms. M could not find her daughter. It was later discovered, her daughter died in the fire.

Ms. M sued the landlord for negligence, claiming he failed to install and maintain smoke alarms and allowed Ms. M's boyfriend (an unqualified person) to perform rewiring work in the house, which she believed led to the fire. The court gave judgment to the landlord, stating that Ms. M could not show a causal link between the landlord's negligent behavior and her family's injuries and death.

Ms. M appealed the decision. The Court of Appeal affirmed the lower court's decision.

*To prove a landlord's negligence in a tenant's injuries, the tenant had to provide evidence of a causal link between the actions of the landlord and the tenant's injuries. In accordance with Wisconsin law, a tenant was responsible for maintaining any smoke detector or notifying the landlord of any maintenance needed on the smoke detector.*

*Taken from the RealCheck Reporter*



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# REAL ESTATE INVESTORS



## ASSOCIATION *of Wayne County*

VOLUME 20

APRIL 2004

NUMBER 3

### Next Meeting

#### **DATE**

**Tuesday April 6, 2004**

#### **PLACE**

**Holiday Inn HERITAGE CENTER**

17201 Northline Road  
Southgate (at I-75 Exit #37)

#### **TIME**

**Dinner at 6:00 pm**

**Registration/ Networking - 7:00 pm**

**MEETING at 7:30 pm SHARP!**

**FREE EARLY BIRD SPECIAL 6-6:30**

#### **SPEAKER(S)**

**Terie Clark**, Section 8 Coordinator and  
**Sandra Law**, Executive Director from **The Melvindale Housing Commission**.

They will give a brief history of the Melvindale Housing Commission then explain how the Section 8 rental assistance program operates.

**Please Check out our Library. Pat Brannon will have the Library available (for 1/2 hr) before our meeting! 7:00 pm - 7:30 pm**

**— EARLY BIRD SPECIAL —**

Bring all your Real Estate questions 6:00-6:30 prior to our regular meeting.

**Chuck • (313) 304-6234**

## Welcome . . . . .

to our New/Renewing Members & Guests!!

|                             |                      |
|-----------------------------|----------------------|
| Nelson Beltran              | Mary & William Aplin |
| Don Pintar                  | Stanley Hughes       |
| Darnel Welch                | Sohail Barban        |
| Graig & Stephanie Wigginton | Michael Sandel       |
| Gregory Forsthoefel         | Tami Freeman         |
| Vito Chimienti              | Elbert Fulgram       |
| Leon & Dorothy McConnell    | Camilla Poe          |
| Lou Gondor                  | Mike Gallagher       |
| Lucinda Elkins              | Mark Carpenter       |
| Pam Edwards                 | Patti Heitchur       |
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| David & Julie Diehl         | Calah Reyes          |
| Michael Carter              | Ronald Anderson      |
| Shaun & Jamie Livernois     | Willie McCall        |
| Don & Angela Brasch         | Gus Rahbany          |
| Gerry Smutek                | Jack Schmitt         |
| Brian Brown                 | Vivian White         |
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| Delbert Salten              | Craig Covert         |
| Vincent Little              | Richard Latimore     |
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| Robert McTavish             | Keith Wilson         |
| Koe DiLara                  | Thomas Harrell       |
| Mel Brooks                  | Kathy Schebor        |
| Rick Bolger                 | Carol Mullins        |
| Ilene Bloch                 | Ken Kemp             |
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## PRESIDENTS MESSAGE — VALUE OF MEMBERSHIP

"An organization of professional property owners dedicated to share real estate knowledge" This is the purpose of our association and it's value.

There are many ways that we share knowledge, the most invaluable is the **NETWORKING** that is gained by membership, and attending our monthly meetings. Even our most experienced landlords will tell you that they learn something at every meeting, and the great thing about our members is that they are willing to share their knowledge and experience with their fellow members. I have yet to attend a meeting where a question is asked and someone has not been able to give advice from their experiences.

Each month we have at least one **GUEST SPEAKER**, who gives a presentation on a subject which directly affects our business.

**Monthly NEWSLETTER**, provides information about our next meeting. Includes advertisers providing services for our industry. Articles of interest and importance to landlords.

These are some of the values of the membership in REIA, but one final thought is the **MORAL SUPPORT** that you gain with this membership, because in all likelihood the problem that you might have tomorrow, someone else had yesterday and they can give you some good advice and most importantly moral support. You are not alone with your problems!!

# Gary Segatti

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