

CALVIN P. "KELLY" VANCE

Attorney at Law
4711 South Pittsburg Street
Spokane Washington 99223
509 448 2588

Admitted to practice in Oregon, Washington, Alaska and Idaho

By facsimile to 503 220 2480

October 30, 2005

Eric A. Grasberger
Stoel Rives LLP
900 SW Fifth Avenue, Suite 2600,
Portland, OR 97204

Re: Construction claims task force agenda

Dear Eric:

I have been a construction attorney for over 21 years. I have represented most major sureties and insurance companies and a number of large builders. I have been active in the AGC in other states, mainly in past years.

I have been observing the initial activities of the task force with interest. The composition of the task force concerns me. There is not one victim's advocate or consumer on the body, which is composed of insurance executives, construction people and you, a construction attorney from a large law firm that is known to be closely associated with builders.

The decision to proceed on November 1, 2005 with "invited" guests from the construction industry in a private work session is disturbing.

Oregon consumers deserve to have their concerns taken seriously. There are many things wrong with the current system. For example, in many cases incompetent builders (usually small timers) construct homes with the long-term goal of selling them to a consumer. They move into the house for a few months to circumvent the home warranty law applicable to new construction. Then they sell the house to a consumer and move into the next one they just completed. This loophole must be plugged.

In many more cases, these builders construct homes in the winter rains, and do not dry them sufficiently before installing sheetrock, insulation and finish materials. These buildings inevitably become self-composting houses that make their occupants ill from mold exposure. I have seen many cases where this has happened. It is an extremely serious situation.

The building codes need to be revised to require home inspectors to, as part of their framing inspections, verify that the moisture content of the wood structure be below 17 percent before the work continues. The inspectors should be required to use penetrating moisture meters, not the inexpensive and inaccurate scanning devices that resemble a television remote control. This needs to be a code requirement.

By insuring that homes are dry before continuing the construction process, we can forestall situations such as occurred in the Haynes case in Sandy Oregon, and which are tragically being repeated throughout the northwest.

Sincerely,

Kelly Vance