

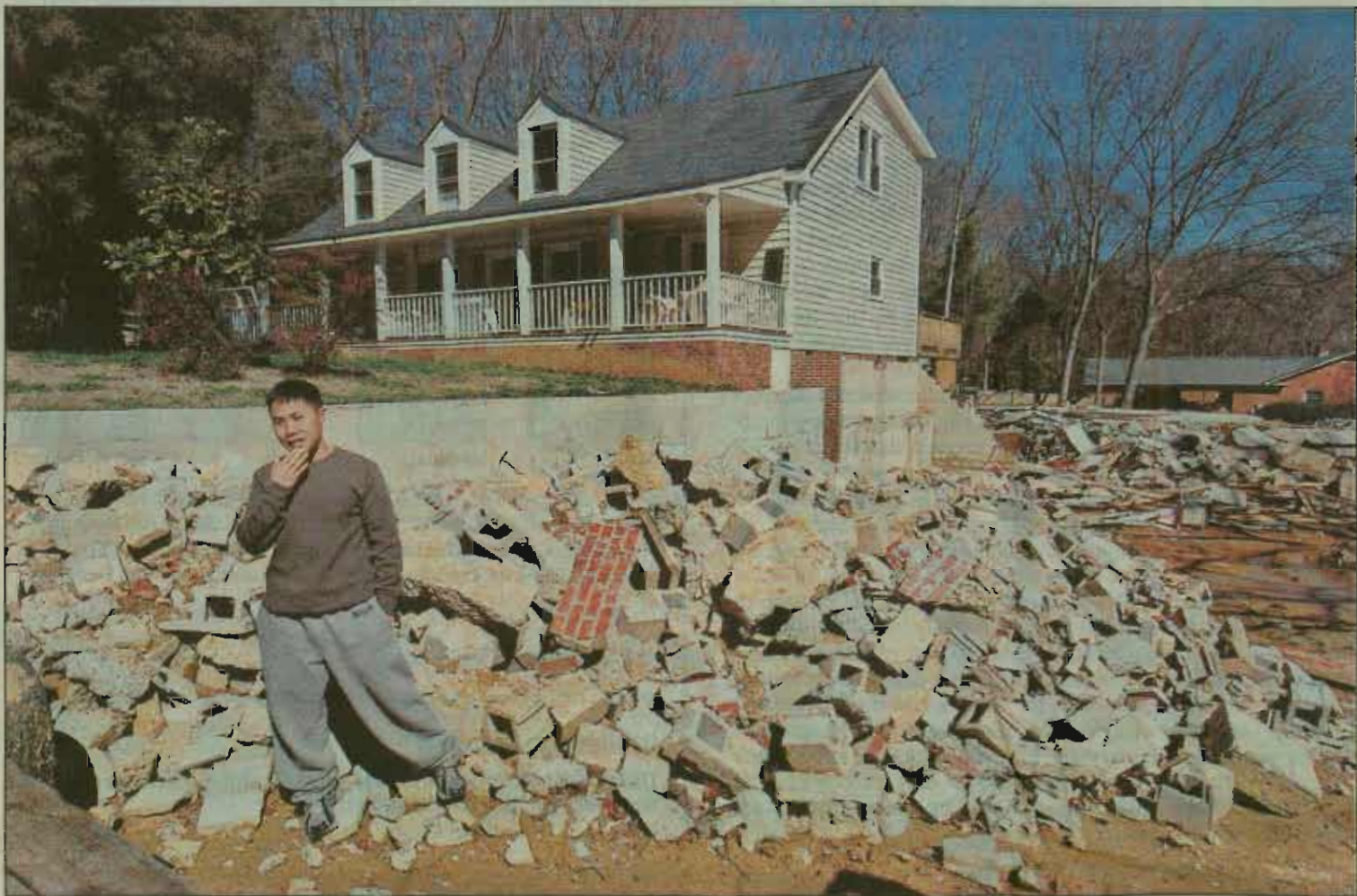


PHOTO COURTESY OF LONG NGUYEN

BEFORE | This 1,500-square-foot addition was attached to the right side of the house shown below.

Observer Watchdog

The **loophole** that toppled this **home** expansion could **snare you**



TODD SUMLIN - STAFF PHOTO

AFTER | Long Nguyen stands in front of the remains of the addition, which would have nearly doubled the size of his home in the Woodbridge neighborhood. Although the home failed a key early inspection, county inspectors didn't stop construction. Nguyen said he had to tear it down.

Failed by inspections

County inspectors saw faults from the start but construction went on

By MICHELLE CROUCH
Staff Writer

The three-story addition to Long Nguyen's southeast Charlotte home had problems from the get-go.

More than a year ago, Mecklenburg County inspectors determined the concrete footers that would hold up the 1,500-square-foot project didn't meet building

code standards.

But Nguyen's contractor didn't tell him that and continued to build, pouring the foundation, putting up the frame and adding the roof, all in violation of code.

County inspectors visited the site at least five times after the frame was up, inspecting electrical and mechanical systems, according to county records.

No one stopped construction.

It's a loophole in the code-enforcement system that cost Nguyen tens of thousands of dollars, caused a rift between him and his neighbors and, he said, contributed to his decision to do the unthinkable:

Late last year, Nguyen tore the addition down.

"We had all these inspectors out here while construction was going on, and none of them said anything about the footings or foundation," Nguyen said.

"Couldn't they take five minutes to see that he (the builder) got his other inspections? I thought that was part of their job."

Code officials said the problems were never caught because the county's trade inspectors, such as those who examine electrical systems, don't check a project's structural history.

SEE ADDITION | 7A

Protect Yourself

BE ON THE SAFE SIDE

Before you hire a contractor, experts recommend you check references, get promises in writing and see if their license has ever been suspended.

7A | More tips inside.

DON'T GET NAILED

7A | Ten signs a contractor may be less than reputable.

Work continued after failed inspection

Addition from LA

"The electrical inspector pulls out his laptop and all he sees is the electrical permit," said Jeff Griffin, assistant chief building code administrator. "He doesn't have building information on his screen. It's the same with mechanical, the same with plumbing."

Other places, including Wake County, require trade inspectors to check records to make sure the builder passed structural inspections before they go to the site.

"That's part of their job," said Barry Mooneyham, Wake County permits supervisor, "because we all have a responsibility to make sure the structure gets built according to code."

Cross-checking rare in Meck

Mecklenburg's system is designed to handle a large volume of work, Griffin said, while allowing builders to get a project done quickly. Builders want the flexibility to work on other aspects of a project while they fix problems.

"Builders don't want you to hold them up on electrical while they wait for some other inspection," Griffin said. "You do that and they start screaming."

The county's computer system does stop contractors from moving forward with structural inspections if they have failed previous structural inspections, Griffin said. For example, a project can't pass its framing inspection until its foundation is approved.

All problems get caught eventually, Griffin said, because the county won't issue a certificate of occupancy (CO) on a project until it passes all inspections. But he acknowledged the system offers less protection for homeowners who renovate or add on to their homes, because unprofessional builders can collect payments before getting the CO, then abandon the job.

Mecklenburg officials emphasize that situations such as Nguyen's are rare. The best protection, they said, is for homeowners to be involved.

"A lot of homeowners think they can hire the contractor and the city will do inspections and take care of them," said Jim Bartl, director of code enforcement. "But we don't do on-site observation of the entire project. We just come out when the contractor calls."

Contractor: No laws broken

Nguyen said he checked his contractor's references and visited some of the builder's projects before hiring him in August 2003.

Now he says he should have done more, such as checking with the N.C. Licensing Board for General Contractors or the local Better Business Bureau.

Nguyen's contractor, Ron Pierce of Charlotte, said this week he didn't break any laws. He said Nguyen's addition would have passed the footing inspection if

NEWS2USE

Protect Yourself

THOROUGHLY INVESTIGATE CONTRACTORS

- Check references and visit finished projects.
- Ask about their experience, inspection performance, credit rating and more. Get a list of questions at www.ncibgc.net. Click on "consumer info."
- Check for complaints, the status of their contractor's license and any previous license suspensions at the N.C. Licensing Board for General Contractors: www.ncibgc.net or (919) 571-4183.
- Check for complaints at the local Better Business Bureau: www.charlotte.bbb.org or (704) 527-0012.
- Check the contractor's inspection failure rate: www.meckpermit.com or (704) 432-7822.

GET A WRITTEN CONTRACT

Make sure it includes the payment schedule, estimated start and completion dates, the contractor's obligation to obtain all necessary permits, how change orders will be handled, a detailed list of materials and any warranty information.

SET UP A PAYMENT PLAN

Make payments contingent upon completion of a defined amount of work. For example, you could tie a payment to approval of each stage of the inspection process.

HIRE AN INDEPENDENT INSPECTOR

If you don't have construction or architectural experience, hire an inspector, architect or engineer to help you monitor the project.

HAVE MORE QUESTIONS?

The county's answer line: (704) 432-7822.

Don't Get Nailed

Here are some tip-offs to potential rip-offs cited by the Federal Trade Commission. A less than reputable contractor:

- Solicits door-to-door.
- Offers you discounts for finding other customers.
- Just happens to have materials left over from a previous job.
- Only accepts cash payments.
- Asks you to get the required building permits.
- Does not list a business number in the local telephone directory.
- Pressures you for an immediate decision.
- Offers exceptionally long guarantees.
- Asks you to pay for the entire job up-front.
- Suggests that you borrow money from a lender the contractor knows. If you're not careful, you could lose your home through a home-improvement loan scam.



TODD SUMLIN - STAFF PHOTO

Long Nguyen, who spent tens of thousands of dollars to build an addition to his Woodbridge home, now has a pile of rubble in his yard after problems with his contractor.



STAFF MAP

the department had acknowledged receipt of an engineer's letter signing off on the footings. Pierce said he faxed it to them the week after the inspection.

"It was a clerical error," he said, "but they'll never admit that."

Griffin, the assistant building code administrator, said the department doesn't have an engineer's letter on the project and contractors are told not to fax such letters. They must be posted at the work site, he said.

Pierce also said he didn't think the failed footings were a reason to stop construction.

"If it was such a major problem, the inspectors should have issued a stop-work order," Pierce said. "It's not like they weren't out at the site 10 times."

With a bigger kitchen, a dining room, two bathrooms, two bedrooms and a garage, the addition would have nearly doubled the size of Nguyen's home in the Woodbridge neighborhood off Carmel Road. Nguyen said Pierce told him the addition would take four months to complete.

The first sign of problems came a few months after construction started when neighbors started complaining about a re-

taining wall on the site. The wall, which was 13 feet tall in some places, violated the 8-foot maximum allowed by code. Code officials ordered it taken down.

Meanwhile, Nguyen said, progress slowed and Pierce kept asking for more money. Nguyen said he usually gave it to him: "I just wanted my house done and my neighbors not to be mad at me anymore."

'I just wanted my house back'

Last fall, more than a year after construction started, Pierce stopped work altogether.

Pierce said this week he abandoned the project because Nguyen stopped paying him, and also because Nguyen complained to police when Pierce's workers tried to take materials off the property.

Nguyen said he paid Pierce all but 5 percent of the agreed-upon cost and didn't want to pay more until the project was finished.

Nguyen said he contacted the county to see what he needed to do to finish the project. That's when he learned Pierce never got footing or foundation approvals.

Engineers and contractors told Nguyen the only way to save the

project was to spend thousands more to lift up the frame of the addition and break up some of the foundation so they could check the footings.

"It was so expensive to fix that it wasn't worth it," Nguyen said. "I'd already lost so much money that I just wanted my house back."

Nguyen looked into legal action, but learned Pierce had declared bankruptcy. Lawyers said he had little chance of recovering any money.

Now, Nguyen said, he's just trying to move on. He's clearing the rubble off his front yard and trying to make amends with his neighbors.

Pierce, meanwhile, lost his license for a year in November for violating the building code on another Charlotte project. He said he still does small construction jobs, since the law allows him to work on projects under \$30,000. He said bad work by subcontractors caused his problems.

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