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**ETHICS: Q & A**

**BY BRUCE AYDT**

## **In whose interest?**

**Q:** Should REALTORS® have a list of preferred home inspectors to offer to their clients? What if some of these home inspectors are more interested in obtaining future referrals than they are in serving the interests of the buyer client?

**A:** Because Article 2 of the Code says “REALTORS® shall not be obligated to discover latent defects in the property [or] to advise on matters outside the scope of their real estate license,” home inspections can be a great tool for helping buyers assess the structural soundness of a property. However, salespeople who recommend a particular inspector raise questions of risk for themselves and their broker. A negligent recommendation for a particular inspector can precipitate a legal claim. For this reason, many companies have policies to provide a list of preferred home inspectors rather than recommending a particular one.

However, if an inspector isn't doing the job properly, or you're using an inspector more interested in protecting the deal than the client's interests, you may be in violation of Article 1, which states that a REALTOR®'s obligation to the client is primary. Specifically, Article 1 requires that “Realtors® pledge themselves to protect and promote the interests of their client.” Practitioners ought to ask the question “If this were my home purchase, would I use this inspector?” If the answer is no, remove the inspector's name from the preferred list.

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