

# LANDLORD'S 'BOTTOM LINE' BULLETIN™

Maximizing your profits ... minimizing problems ... learning from the experience of others.

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## Maintenance

### Don't get bitten by unethical exterminators

by Heather Gordon

Periodical pest problems plague us all from time to time. What landlord hasn't received a call about unsightly and unsanitary surges in cockroaches, ants, termites, rats, and the like encroaching upon tenants' territory? Vermin, it seems, are just a fact of life.

But not only does the responsibility for ridding your buildings of creepy-crawlies fall on your shoulders, it now seems you need to keep atop the exterminators who are doing the ridding for you. According to a recent article in *The National Law Journal*, fraud in the pet control industry is a growing problem — and a lucrative one for lawyers hired by wronged consumers to sue their exterminators for jobs poorly done. A number of ways homeowners and landlords have been bilked in the effort to rid their buildings of pests have come to light, particularly in the South, where the warm climate makes pest problems the worst.

#### Carpetbaggers

One alarming trend is the door-to-door exterminator who appears showing you the insects he found infesting your property, and then charges exorbitant prices to treat the problem immediately before the house falls down. According to the Kentucky Department of Agriculture, "Mealworms, for instance, have been

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brought into homes by scam artists who tell elderly homeowners they have woodworm infestation. In other cases, phony pest controllers may provide bogus services [i.e., spraying the house down with soapy, chemical smelling water in lieu of actual extermination agents] at a home that is infested."

To protect yourself, always use exterminators who are licensed by the state to take care of your pest problems. Never take the word of someone who shows up claiming to have done an unsolicited check of your property.

#### Death by sound wave?

In recent years, a number of preventative devices have flooded the market claiming to provide ultrasonic pest control. For example, you plug a small box into a wall outlet and it emits ultrasound waves that are supposed to repel pests, get rid of rodent infestations, or eliminate fleas on family

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pets. Manufacturers often claim the mechanisms work either in tandem with or in place of traditional pest control methods, and have been scientifically tested.

Separate researchers at Iowa State University and the Texas Agricultural Extension Service at Texas A&M University debunk these claims as unfounded.

"Cockroaches are not repelled or controlled by ultrasonic sounds, vibrations, electro-magnetic forces, or pulsed electronic signals," say Philip Hamman and Roger Gold of Texas A&M. Furthermore, the Federal Trade Commission (FTC) has brought suit against several manufacturers of these products for false advertising. The FTC pointed out that the devices fail to control insects, and should rodents react to the sound at all, they soon acclimate and return to their original nests or feeding areas unmolested by the sound waves.

### Terminix's tricks

Sadly, procuring the services of licensed pest control giants, like Orkin and Terminix, does not necessarily guarantee above board business behavior either, according to *The National Law Journal*. Both companies, as well as many other smaller licensed extermination companies, are currently facing class action lawsuits throughout Florida, Alabama, and Georgia. Disgruntled clients have been suing exterminators and property insurers over arbitration clauses in the extermination contracts, as well as for unfair and deceptive trade practices and racketeering.

Orkin, in particular, appears to bear the brunt of the lawsuits — in size,

number, and publicity. In the late 1990s, Florida lawyer Pete Cardillo, who now specializes in the bug-fraud litigation niche, deposed Jack Cox, an ex-sales inspector for Orkin, who admitted to years of shady dealings. Cox reported receiving instruction on how to defraud customers in numerous ways over his 20-year tenure with the company. These included merely driving by a client's property and then filling out paperwork claiming to have re-inspected the site, and forging signatures. He attests to having falsely documented inspections at least half the time — conduct he referred to as common company practice.

For its part, Orkin claims to fire all employees found to engage in this behavior. Cox was indeed fired in 1998, although he testified it was because he sometimes worked for competitors, not for forgery.

### Protect yourself

If you need to retain the services of a pest controller, make sure you choose a licensed one with a good reputation. Some states, like South Carolina and North Carolina, have government departments devoted to pest control regulation. You can check with them for recommendations. Read your contract carefully, and know your rights. If you suspect your exterminator is falling short on his or her duties, do not hesitate to contact your state's Better Business Bureau.

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## The Landlord's Survival Guidebook

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