



State of West Virginia  
Department of Military Affairs and Public Safety

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## MEMORANDUM

TO: All Licensed Home Inspectors Operating within the State of West Virginia

FROM: Anthony W. Carrico, Deputy State Fire Marshal

DATE: June 15, 2010

RE: Providing copies of Home inspections

Please be aware that it is improper to provide copies of home inspections to anyone other than your client. The information is proprietary in nature, and cannot be released without permission from your client. A good practice, if you choose to provide the service of releasing this information after request from your client, is to obtain a written release from him or her. If you release the information without permission, you could be exposing yourself to civil liability.

Further, please be aware, that no one that is not a party to a contract can be bound by a contract. It has come to my attention that real estate agents are advising home inspectors that the language in the standard real estate contract binds the home inspector to release the home inspection to third parties. The language they are relying on states:

*"BUYER shall have the option of notifying the SELLER in writing on or before the date set forth above in this paragraph and providing SELLER with a copy of the complete written report from Buyer's inspection company"*

This language in no way binds a home inspector to release the home inspection. This only provides an option to the buyer to release the home inspection if he or she chooses. This further does not provide that anyone but the buyer release the report. As the home inspector is not a party to the real estate contract, they cannot be compelled to do something within the bounds of that contract. The only contract that the home inspector is bound by is the contract between the buyer and the home inspector.

If you have any questions, as always please do not hesitate to contact the Regulatory & Licensing Division at 304-558-2191 Ext. 53219.

