



Eliminate termites ADVICE FROM THE 'BUG LAWYER'

Real-world solutions from experts, vendors, and industry professionals on all aspects of apartment management and operations.

Pete Cardillo knows termites. Two years ago, the Tampa attorney founded what is likely the only firm in the nation dedicated exclu-

sively to suits involving the pests, and today his practice is expanding as a swarm of complaints against termite-control companies continues from around the Southeast.

Cardillo has honed his proficiency in pest-related matters, becoming an expert over the past decade not only in the science and entomology of detecting and eradicating termites but in extensive knowledge of how the extermination industry does business.

The best advice, offers Cardillo, when dealing with bugs and bug-treatment compa-

nies is to have a pest-control plan in place even before groundbreaking.

"For developers who build their own complexes, the process should start at the very beginning of construction, in terms of what you can do to protect your buildings," he says.

"Wood-frame construction should be avoided, particularly in the Southeast, but regardless of the building materials used the first critical step is to clear the site completely of tree stumps and any other kind of wood debris. The minutest fragments can create

the opportunity in the soil for termites to start a colony, Cardillo explains. In Florida, for instance, many new developments are built on former orange grove sites, and if the stumps and tree remnants are not entirely removed the conditions are ripe for pests to build their own subterranean communities.

With frame construction, wood siding is the better option over stucco, Cardillo says. "Believe it or not, it's preferable, because if you have trouble down the road you'll see the deterioration or infestation sooner than you would with stucco or brick veneer. Termites can't eat those materials, so they'll get behind it to do their damage. If they have to go outside several inches of exposed slab or footer it's harder for them, and you can see them making their tubes, you can scrape them off, and you can call in the treatment."

Moisture, too, is an attraction for the bugs. Proper runoffs for rainwater are essential, as well as any kind of design techniques that minimize moisture near the building.

Cardillo recommends a soil pre-treatment before the concrete slab is poured, effectively forestalling potential infestations. The area around plumbing penetrations should be treated, too. "Utility pipes are typically sealed, but termites only need one-sixty-fourth of an inch to get in," he points out. "That's not a big gap—but it creates a big problem."

After construction is completed, the initial treatment of the building itself should include an exterior footprint. Cardillo cites apartment building breezeways as another opportunity for termites to gain access. "There should be a perimeter barrier treatment," he says, "and separate concrete pours should be treated separately."

"As for landscaping, bushes and shrubs should be somewhat removed from the building, again creating more obstacles for termites between the wood source and the apartments. Mulch, although attractive and low-maintenance for property managers, is another material that the pests can feed on. Crafting a gap made of grass or other non-wood material, a termite barrier of sorts, is a good idea. Sprinkler heads should be aimed well away from the exterior walls."

In choosing a pest-control service for the property, Cardillo recommends mid-sized, regional companies rather than national



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heavyweights or small, thinly capitalized firms. Typically the middle-range establishments are in solid financial condition and are intimately familiar with the issues particular to a specific area, such as climate and infestation trends.

And perhaps the most crucial advice Cardillo provides involves the relationship between the property manager or owner and the termite company. "Read the contract very, very carefully," he emphasizes. "Then read the back of the contract—because quite often, all of the horrible disclaimers are on the back."

In his suits against major pest-control corporations, Cardillo has found disclaimers, for instance, that release the firm from all responsibility in the event of "moisture conditions." "What does that mean?" he says. "In Florida, it rains every day in the summer, but because that disclaimer is in place it leaves the property owner with little recourse."

Regarding another common contractual clause, Cardillo counsels against agreeing to arbitration in the case of dispute. "I personally believe you're better off having your jury rights rather than being forced into arbitration," he says. "If you find a company you're otherwise comfortable with as far as price and reputation, try to negotiate the disclaimers and arbitration clauses out."

Cardillo also recommends purchasing the company's repair guarantee, or bond, if offered. "It will cost a little more, but it's better protection in the long run," he says. "It's basically a warranty, which guarantees that if there is damage they will take care of it. Like an insurance premium, as long as you make your renewal you've got coverage forever if

you purchase the lifetime guarantee."

Once the contract is in place, schedule the first property treatment – and accompany the technician as he or she does the job. "Even if you don't know what you're watching, you're less likely to be the victim of shortcuts if you're monitoring the process," Cardillo advises. "Make sure that you then get a copy of the report, which is required by Florida law, so that you have documentation of exactly what was done on the property."

The same holds true for annual reinspections: escort the technician, and get a report. Cardillo emphasizes that apartment communities can be especially vulnerable when it comes to reinspections. "To properly inspect a 300-unit, 15-building complex can take one person a couple of days," he points out. "Make sure that every building is inspected, exterior and interior. Some property managers or owners may see this as a tenant disruption, but it's a once-a-year inspection, so with proper notice it shouldn't be an issue." Pest-control companies are required to do interior reinspections according to their own protocols and industry practices.

Finally, alert your pest-control firm at the first sign of termite damage or evidence of the bugs themselves, including wings, mud tubes or trails. Either fax or mail a letter to the company detailing exactly what you've found. The company then has an obligation to inspect immediately, so remaining vigilant and keeping a log is the best method of ensuring a quick response.

"Termites do their nasty business in the dark," Cardillo says. "They live a secret and hidden life, so the sooner you find them, the sooner you can take care of them."

And if all else fails, call your state's Bureau of Entomology, typically a division of its Department of Agriculture. "They will investigate. Not as aggressively as I think they should, but it is, in theory, recourse for an owner with concerns about a pest-control company." **AP**

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