

**Pool Compliance Deadline July 1, 2010:
A Fool (Pool Owner) and His Money are Soon Parted
by Willard Michlin**

It all started in May 2009. Doug Watkins, a pool contractor, I have known and done business with for 25 years, told me about the **Virginia Graeme Baker Pool and Spa Safety Act (VGB)**. Doug was living in Utah at the time and was busy doing the drain upgrades required by this act. He told me about unlicensed contractors coming into the state as well as some unlicensed contractors, who lived in the state. They were quoting cheap prices, pretending to do the required work, taking the money for doing the job, and then leaving town. What actually happened was that these non-licensed contractors left the pool owners in the position of having to pay a licensed pool contractor to do the job correctly, a second time.

Doug told me that the Southern California market would become a breeding ground for crooks of all levels. My response, being born here, was, "We Los Angeles boys are smarter than that! We are not small town hicks!" Boy, do I have egg on my face now. Let me tell you a few stories.

In November 2009, I contacted the Ventura Public Health department to ask questions concerning having the new *VGB (plastered sump) channel drain* installed scuba style. They informed me that they had received a "bunch" of complaints about VGB channel drains, because they were leaking, after the county had approved them. Nothing makes pool owners madder than having the pool water level drop below the skimmer and possibly burning up the pump! Further questioning disclosed that the reason was due to inexperienced contractors installing plastered sumps with poor integrity. Ventura County outlawed all VGB channel drain (plastered sump and integrally plastic molded sump) installations - scuba style.

Los Angeles is even crazier. They were up to that point, approving the VGB channel drains installation - scuba style by licensed contractors, unlike Ventura. When I visited the L.A. Health department office to pull a permit over the counter, I found that the workers pulling permits could not possibly be licensed. They could not possibly have passed the test because they could not speak English well enough and the contractor's test is tough! After complaints to the agency, not by me, the over the counter permits were shut down. ***From that point forward, you could only mail in for a permit. Los Angeles started checking every permit for a proper contractor's license.*** They also required detailed drawings that showed exactly what work the contractor was going to do. Later, they outlawed the *VGB (plastered sump) channel drains* and would only accept the *VGB (integrally plastic molded sump) channel drains*. You would think this would solve the problem, wouldn't you? No way!

Last week, I was told about a contractor who bragged that **he** had been getting full L.A. County approval to install the *VGB (integrally plastic molded sump) channel drains* without emptying the pool. I called Doug Watkins to discuss this possibility. What Doug explained to me in great detail is the difference between the old disallowed *plastered sump channel drain* and the new *integrally plastic molded sump channel drain*. He explained that it is physically impossible to put the new *integrally plastic molded sump channel drain* in **properly** - scuba style. To do it correctly you must cut through the 3/8" inch thick plaster and the 4" inch thick concrete with re-bar steel in it. This is because the channel drain is over 4" inch deep. This means that the hole needs to be cut through to the soil below the pool basin!

If you did attempt to do this scuba style, it would take six hours of under water work plus the pool water would be clouded with mud and the water would drain out through the exposed dirt at the bottom of the pool before the job was completed. Obviously, this would also create soil settling under the pool basin, which could easily result in the pool cracking after the job was done. Even worse, if the unscrupulous contractor installed it incorrectly - scuba style, it would not be noticeable to the naked eye after the installation was complete.

Moreover, a questionable contractor could also install an unapproved *plastered sump VGB channel drain* that could also later leak. After the installation with the cover you cannot determine which channel drain was really installed! Quite frankly, this second incorrect option is probably what is occurring when a channel drain is installed-scuba style. In L.A. County it is quite typical for no inspector to come out to check the work. The contractor is being asked to simply self certify with the new post-work completion form. This means the

contractor can easily claim, “The County approved it!”

I called the L.A. County Health Department and asked how they could approve doing such an installation. Their answer was that as long as the correct integrally, plastic-molded sump channel drain was installed, they did not care if it was done scuba style or not. These questionable contractors understand that once the job is done and the pool is full of water no one will know if they installed it incorrectly via scuba style or properly by draining the pool or not. As long as the permit was paid for and signed off by the owner and contractor, the county will also sign it off.

Hurray for creative pool retrofitting! Who cares if the installation was improperly done if the permit is issued? Well the poor pool owner does. Since they have to live with the pool leak or cracks from soil settling long after the questionable contractor has disappeared!

At the beginning of this article we talked about the large number of pools that leaked in Ventura County because they were improperly installed using the *VGB (plastered sump) channel drain*- later outlawed. The problem was not with the channel drain! The problem was with the installation! Unfortunately, the solution was to outlaw the *plastered sump VGB channel drain* to avoid pool leakage. Now, we have a more idiot-proof style *integrally, plastic molded sump VGB channel drain* that cannot leak through its sump. To correctly install it you need to drain the pool to avoid scuba diving created soil water saturation, settling, and potential pool basin cracking later!

In summary, to install this great *VGB integrally plastic molded sump channel drain*, which is less costly and more aesthetically pleasing than splitting a single main drain and having a two foot by four foot plaster patch you must have the pool emptied! Do not be fooled into allowing a channel drain installation by scuba diving! You can only scuba dive if the pool has two main drains separated by more than three feet!

On a lighter note: this all reminds me of something my father told me when I used to hire the cheapest architect’s bid, “There is never enough money to do it right, but always enough money to do it over.” I cannot tell you how many jobs I had to do over.

You, as an owner, need to ask two questions. Does the contractor have liability insurance to pay for the pool owner’s lawsuits that might come later? You can be sure that if there is no liability insurance, then there is no one to collect from, when you sue. There is a second part to the first question. Have you ever met a rich contractor who has lots of assets to attach your court judgment to?

Second Question: Does the contractor have any complaints on file with the State Contractor’s Licensing Board? Do not even **assume** he has a valid contractor’s license, just because he can pull a permit.

Another story: One property manager I met, who has a legal background, paid a man who said all that was needed was for the drain cover to a VGB round main drain cover which can be installed scuba style. The property manager was told that this was compliant - and the signed off permit was coming. The cover was not a VGB channel drain, which is what is required - unless a pump shut-off system is installed for this job. Do you think the pump had one of these installed? No! This contractor never produced the final sign off on the permit. Why not? I do not know if he was a valid contractor or not. I do know, because I had the owner check with the Health Department that no permit was applied for! That property manager is now paying a second time to do that job correctly!

Had enough or do you want to hear more? A close friend of mine, Scott Farrenkopf, is heading up business development and sales relating to VGB drain compliance for a fully licensed pool contractor. A pool owner supplied him a competitor’s quote at 25% less than Scott’s contractor was quoting. This competitor had done various pool repairs in the past for his owner. The work was cheap, but not satisfactory. The quote had only the name of the company, the city, and a phone number. The quote was handwritten like a purchase order. When I was given the name of the company, I went on the Internet and found the Internet listing but there was no full address. I called the company and a foreign national (nation to be kept confidential for legal reasons) answered the phone. He quoted me a cheaper price than the bid Scott had seen. He appeared to be the owner but the way he talked, he was not the contractor. Even though I asked, I was not offered a name and contractor license number. Contractors are supposed to put their license number on all cards, bids, and contracts. He said the person, doing the work, was a licensed plaster contractor and pool contractor. It was clear to me that he was not talking about himself.

My conclusion is this: People who are honest tend to believe that when they ask a direct question of someone

and they receive a direct answer, that answer is true. Small time and big time criminals both lie and are very good at it. I am sorry to say this but it is true. I have found from actual statistical counting that 50% of a contractor's prospects will ask if the contractor is properly licensed but most do not ask for proof. 10% will ask if the contractor has workers, compensation insurance and liability insurance but only 2% will demand proof of that insurance. We live in a big town that is full of millions of people of many varied backgrounds and ethical beliefs. Not everyone thinks the same way we do.

My father had another saying when I was growing up, "Anyone can make money but the trick is holding onto to it." I found that out to be so true after I had a run of good luck in real estate. Everyone had their hand in my pocket trying to get me to give it to them, legally or illegally. Let's spend our money wisely and get what we pay for!

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