

# TENNESSEE Home Builder

Nov/Dec. 2006

Official Magazine of the Home Builders Association of Tennessee



## The Many Faces of Immigration in America



ts, Peak Oil, War, Hurricanes, Earthquakes, Human Rights Abuses, Terrorism, Racism, Sexism, Climate Change, Stock Market Crash, Church and State, Immigration, Terrorism, Floods, Pestilence, Diversity Culture, Capitalism, Theft, Consumption





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November/December 2006



## WHO WE ARE

The Home Builders Association of Tennessee (HBAT) is a not-for-profit trade association comprised of professional builders, developers and associated firms engaged directly or indirectly in home building, remodeling and light commercial construction.

## MISSION STATEMENT

The Home Builders Association of Tennessee represents over 6,750 member firms as the Voice of the Housing Industry. We advocate housing affordability and availability through:

- Legislation
- Communication
- Education



*In this edition of the Tennessee Homebuilder, the Many Faces of Immigration, perhaps the foremost issue confronting our nation, and its effect on the home building industry.*

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America, the melting pot of the world,  
facing immigration challenges in many industries

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TN HomeBuilder is the official publication for the Home Builders Association of Tennessee.

Annual subscription rate for members of the association is included in the association dues.

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(931) 379-0814

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# THE CHANGING FACE OF HOUSING:

## *Immigration Reaches Far Beyond Labor Issues*

The Thanksgiving holidays recall thoughts of feasting with family and friends—a time to pause and reflect on all that we are grateful for. From the very first celebration in 1621, Thanksgiving—and America—has represented a melting pot of people and culture, united in the common pursuit of a better life. The Pilgrims, often depicted in the festive decorations that appear throughout the holidays, were in fact, immigrants. And nearly 400 years later, immigrants still comprise the foundation of our country, from its unique cultural diversity to the workforce that drives the economy. Immigrants not only continue to reshape and redefine the United States, but they are driving the housing industry in significant and varying ways, much as the baby boomers did in the 1950s and 60s. And while the housing industry continues to learn more about serving the diverse needs of immigrants, strides are being made by those working in these markets to achieve multicultural literacy.

Twelve percent of the U.S. population comprises immigrants, about 34.2 million people. Since the 1990s, that has translated nationally into immigrants accounting for a third of household growth and 12 percent of first-time buyers. Approximately 1 million people per year immigrated to the United States during the 1990s, nearly two-and-a-half times the number in the 1970s. And those numbers are only projected to increase. By 2010, one of every four consumers in America is expected to be of Hispanic descent. Many of these ethnic groups are choosing to acculturate and not assimilate, which means housing professionals such as builders, lenders, developers, bankers and real estate agents must adapt to immigrant clients in order

to compete.

The cultural makeup of one's community isn't always obvious, Chinese immigrants from Hong Kong speak Cantonese, while those from Taiwan speak Mandarin. Professionals are learning the complexities of their clients, not just in their housing needs, but also in their languages, their accustomed ways of doing business and their value systems.

According to a recent survey of real estate professionals conducted by the UCLA Asian American Studies Center, language and cultural barriers are the biggest obstacles facing Asian American home buyers, and this holds true from many other ethnic groups. A lack of knowledge about the home buying process came in at a close second. These barriers result in the gap between immigrant and native-born homeowners—half of immigrants own homes compared with 70 percent of the U.S. born population. In order to foster homeownership among immigrants, a growing number of housing professionals are providing resources for potential clients such as:

- **Marketing materials in appropriate languages.** Besides having such materials on hand, many housing professionals are also recruiting, hiring and training bilingual employees to help build relations with immigrant clients.
- **Resources for the first-time home buyer.** Many immigrants simply lack reliable sources of information on the home buying process. Often these populations lack traditional forms of credit as well. Housing professionals are starting to provide information on various aspects of home buying, such



*HBAT President Tim Neal*

as the importance of a credit history, as well as tips on understanding lending practices, savings programs and local housing markets.

- **Education for the foreign-born homeowner.** Opportunities and classes on multicultural communication and market needs are available through local community organizations and trade shows such as the International Builders' Show, the largest annual light construction show in the world. These educational opportunities help the home building community better understand the needs of the diverse populations they are trying to serve.

Immigration is much more far reaching than the current labor issues. Housing professionals are continuing to adapt to the changes in the market and are constantly growing the number of resources they have available for the first-time immigrant homeowner.





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# IMMIGRATION

## Guidance, Compliance, and Common Sense

*Executive Officer*  
— *Outlook*

**O**n Wednesday, October 4, 2006, President George W. Bush signed a law that would provide hundreds of miles of new fences along the U.S.-Mexico border, in an attempt to manage the entry of illegal immigrants into our country.

Business owners are aware that immigration compliance is extremely important, and understand the consequences for those who hire illegal aliens. I believe everyone is sincerely concerned about the long term ramifications of illegal immigration. But the question still remains. How do we continue to meet the demands of a growing population that requires homes and services in a timely and economical manner?

To help our members understand more about the immigration issue, this edition of the Tennessee Home Builder magazine has dealt specifically with immigration and practical information that we believe will be beneficial to our readers.

Previously the INS, or the Immigration and Naturalization Service, was in charge of immigration issues and enforcement. Since November 25, of 2002, these duties have been transferred to the Department of Homeland Security, or DHS. Under the supervision of this department, ICE (Immigration and Customs Enforcement) has been given authority in the areas of investigations, intelligence, detention and removals. ICE is basically a combination of law enforcement, that was formerly INS and the U.S. Customs Service. ICE is a key component of the DHS "layered defense" approach to protecting the nation.

Your responsibility is not to keep up with all the new departments in the areas of Homeland Security. Your concern is filling out a document called the "I-9" for all new hires. ALL U.S. employers are responsible for completion and retention of this form for each individual they hire for employment in the United States. This includes citizens and non-citizens. On the form, the employer must verify the employment eligibility and identity

documents presented by the employee and record the document information on the form. Acceptable documents are listed on the back of the I-9. Do not attempt to file the form with any government agencies. Employers must keep the form for three years after the date of hire, or for one year after the employee has been terminated, whichever is later. The I-9 must be available for inspection by the authorized U.S. Government officials – such as ICE.

Another name that you will want to remember is the US Citizen and Immigration Service. They have an incredible website with great information and just about any type of immigration form you need. Just go to [www.uscis.gov](http://www.uscis.gov) and look under the heading of "Immigration Forms, Fees and Fingerprints." There is also a very interesting article called "The I-9 Process in a Nutshell," and it goes into detail about the I-9 form and describes important issues concerning discrimination.

While doing research on immigration issues, I realized there was no way to cover every immigration question and concern. However, I did think these next two questions were vitally important to our members:

### **Do I need to complete a Form I-9 for everyone who applies for a job with my company?**

No. You need to complete Form I-9 only for people you actually hire, and that means everyone – citizens and non-citizens. For purposes of the I-9 rules, a person is "hired" when he or she begins to work for you for wages or other compensation.

### **What is my responsibility concerning the authenticity of document(s) presented to me?**

You must examine the original document(s) and, if they reasonably appear on their face to be genuine and to relate to the person presenting them, you must accept them. To do otherwise could be an unfair immigration-related employment practice. If a document does not reason-



*Susan Ritter, HBAT  
Executive Vice President*

ably appear on its face to be genuine and to relate to the person presenting it, you must not accept it.

In the final analysis, the best way to protect yourself is to make sure you have an I-9 for every employee. Keep it on file, and make sure you see the "original" documents. You have the right to terminate an employee who fails to produce the required document(s) in three business days. If you have the proper documentation and later find out that an employee is not actually authorized to work, you cannot be charged with a verification violation. However, you cannot knowingly continue to employ this individual.

Frankly, I believe it is a drastic understatement to say there is an air of confusion concerning the entire immigration issue. But your Home Builders Association is dedicated to a continuing pursuit of legislation that supports an immigration policy that is fair, reasonable and understandable.



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# Immigration— *And Liberty, and Justice for All*

The matter of immigrant labor policy is perhaps the foremost issue confronting our nation with incredible ramifications. Business owners, like other American citizens, want there to be control of our nation's borders for national security purposes. Businesses don't control the borders—government has this responsibility.

**Bob Pitts**—Senior Policy Advisor, Middle TN Associated Builders & Contractors

For many years the home building industry has been wrongfully accused of creating growth problems in communities. The fact is we are an industry that simply responds to supply and demand. We do not create growth. We respond to it.

The home building industry has also been blamed for contributing to the current immigration problem, when the truth is that our industry has simply responded to a labor shortage that began with the expanding housing market of the mid-1990s.

Hugh Morton, a member of the Greater Atlanta Home Builders Association, explains that there are “builders who were struggling to find quality roofers, concrete finishers, bricklayers, drywall hangers, framers and stucco applicators. They found the immigrant trade contractors a godsend. Desperate to meet deadlines and quotas, field subcontractors seldom verified if the employees of their new immigrant subcontractors were here illegally.

For the most part, the work ethic of the Hispanic workers is excellent and they work hard to send money back to their poverty-stricken families in Mexico and elsewhere. While these workers are technically illegal, there just didn't seem to be victims in the scenario. Moreover, the Immigration and Naturalization Service (INS) seemed to look the other way - presumably

because they understood how badly immigrant labor was needed in our industry and others. As the housing market boomed over the next decade, so did the influx of illegal Hispanic workers.”

Immigration has faced a serious debate concerning what to do with the individuals who have crossed the border into our diverse American culture and workforce. Many individuals have suggested a strict system of enforcement and deportation, while others seek a fast-track citizenship program and amnesty for those who have made their way to a better life. There are those who see the drain on our welfare and healthcare system as nothing short of criminal. There are business analysts who suggest that citizenship for the millions of the current illegal aliens would be a tremendous boost in taxes and revenue for our country. So is there a simple solution to this complicated challenge? No! There is not.

Bob Pitts, quoted at the beginning of this article, pointed out that “...many public policy makers of all political persuasions have turned issues of immigration into a political football. They spew out appealing public rhetoric while taking no practical, reasonable steps to creating rational, fair and workable immigration policy for our country.” Pitts also notes “that some policymakers and some of the public believe that all immigration problems can be solved by making businesses the whipping boy and by placing huge fines on businesses believed to be in violation.”

There is no doubt that this situation is very complex and must be approached with a systematic, strategic team of decision-makers who will meticulously work through each segment of the problem and create an environment that is mixed with



compassion, business savvy and a long-term enforcement solution. One thing is for sure, the strategies and laws passed to control the immigration problem will have far reaching consequences on many of the industries that drive so much of the economy in the United States.

Here are a few examples of industries that have serious concerns about immigration:

#### **National Restaurant Association**


Immigrants are a significant part of our country and our history. Immigrants are also a very significant part of the restaurant industry. Twenty percent of the industry's owners are Hispanic or Asian, and 25 percent of the chefs are Hispanic.

The restaurant industry's ability to create jobs continues to outpace the ability to fill them. By the year 2014, we are projecting that we will have a worker shortage of approximately 1.5 million jobs.

#### **Agriculture Coalition for Immigration Reform**

Many jobs in agriculture are among the most difficult and least attractive in our economy. Moreover, producers face stiff foreign competition. They are price takers, not price setters. Congress' inability to





resolve this problem ten years ago, when leaders in agriculture first mobilized, translates to a labor crisis that is now almost intractable. ***Nearly three-quarters of the labor force feeding America lacks legal status.*** (December 12, 2005 Memo to Congressional Representatives)

#### **Tennessee Road Builders Association**

Much of the attention in the recent national debate about the need for immigration reform has centered on the effectiveness of the current I-9 system as it relates to undocumented workers. A prevalence of fraudulent documents (Resident Alien or “Green” Cards and Social Security Cards being the most common) and the fact that some States (including Tennessee at one point) have had policies of issuing drivers licenses to individuals regardless of immigration status means that many individuals without proper authorization to work in the U.S. are able to provide employers with documents sufficient to pass the current requirements for the I-9 process. This has placed many employers in the situation of having properly complied with all existing immigration laws and regulations, yet still having employees on their payroll that are not authorized to work or even be present in the U.S.

#### **Tennessee Hotel and Lodging Association**

Congress must pass comprehensive immigration reform to secure borders and protect our economic security by creating a guest worker program that:

1. Meets the increasing demand for labor.
2. Identifies those immigrants already in the country and provides a method for a status adjustment after they are screened and fined.
3. Allows those who qualify to work in jobs for which Americans cannot be found.

The bottom line is that immigrants are a substantial and growing segment of the U.S. labor force. That labor force is filling jobs and occupations that are normally not as attractive to native born Americans, and

there has to be a way to fill the void.

“More and more policy makers have come to realize that the U.S. immigration system does not adequately respond to labor shortages in the U.S. economy. However, rational reform of the system is hindered by claims that immigrants “steal” jobs and drive down wages by serving as cheap forms of labor. Yet the notion that every job filled by an immigrant is one less job available for a native-born worker is inherently simplistic and doesn’t account for the fact that immigrants create jobs or that unemployed natives and immigrant workers often do not compete for the same job.”(Edited from the Essential Worker Immigration Coalition Press Release – Sept. 7, 2006)

Many believe that immigrants coming into our country should quickly adopt our heritage and our language. However, the current system of promoting illegal immigration has adversely impacted the assimilation of nearly 11-12 million immigrants. It is our nation’s duty to bring these immigrants out of the dark and allow them the opportunity to adjust to our customs, so they can freely and fearlessly assimilate into the society and contribute to our workforce.

#### **National Association of Home Builders**

In September, the NAHB Board of Directors passed Resolution 4A. It found that sustaining our economy while meeting the nation’s housing needs requires a substantial immigrant workforce. NAHB called upon Congress to make comprehensive reforms to the nation’s immigration laws including:

- A new visa system allowing immigrants to legally enter the construction workforce each year and be put on the path to temporary or permanent legal residency or citizenship
- Official support for congressional efforts to address illegal immigrant population concerns
- Creating a system whereby illegal immigrants can achieve temporary or permanent legal residency or citizenship

- Promptly pursuing changes in the criteria for a flexible visa classification to address the needs of our industry for a labor supply sufficient to meet the nation’s housing needs

Under the current system, the estimated backlog for visa applications for workers hoping to enter the U.S. legally is up to seven years and caps are in place for the number of visas issued each year for employment-based entry. Immigration law currently allots only 140,000 employment-based visas to immigrants each year, with only 40,000 of those visas targeted for skilled and unskilled workers. This is why NAHB supports the creation of a guest worker program to allow foreign-born individuals to apply for the right to work legally in this country for a set time and possibly pursue opportunities for permanent residency or citizenship. Of course, no “solution” is acceptable unless it requires participants to be held to the same standards as U.S. workers.

The NAHB is being particularly vigilant in making sure reforms don’t force private businesses to enforce immigration policies. While business owners clearly have a responsibility to ensure that employees are eligible to work here, forcing employers to shoulder the burden of policing citizenship documentation will never be a viable solution to the problem.

The American way of life provides opportunities unavailable to any other group of individuals in the world. We, as a Nation of immigrants, should not alienate a population who seeks to better themselves and their standard of living. With the proper legislation and citizenship program, immigrants will be able to develop their cultural

—Continued on page 14





# CAN YOUR VOTE *Legislative Review* MAKE A DIFFERENCE?

**E**lection day is quickly approaching and it promises to be an exciting time in Tennessee and across the country. Many people will be eagerly watching the returns to learn the fate of the Republican-controlled Congress, in light of the dwindling public support for the war in Iraq. In Tennessee, the race to fill Republican Senator Bill Frist's seat is extremely close. Hoping to keep the seat in the Republican column is former Chattanooga Mayor Bob Corker, while Democrats are pinning their hopes of gaining a senate seat on Congressman Harold Ford Jr.

At the state level, Republicans have a significant likelihood of gaining control of the State Senate. They had the numbers last year, but did not achieve true control when two Republican senators opted to join Democrats in re-electing John Wilder as Speaker of the Senate and Lieutenant Governor. This allowed the Democrats to retain their control even though they were technically in the minority. In the shadow of federal indictments of several state senators, a couple of extremely contentious races will decide if Wilder will lose his Speaker position after holding it for over 36 years.

With so much hinging on these potentially close elections, one wonders if one vote can really make a difference? Of course, the presidential election of 2000 will always be remembered for its drama... coming down to a single state, a little over 500 hundred votes and ultimately a decision by the U. S. Supreme Court giving George W. Bush the one Electoral vote he needed to become President. Speaking in 2004 at the Democratic National Convention, Al Gore told delegates, "Take it from me, every vote counts... In our democracy, every vote has power... and never forget: that power is yours. Don't let anyone take it away or talk you into throwing it away."

The 2000 presidential election is only the most recent example of a razor-thin election. Throughout history, many important questions have come down to one vote. For

example, in 1800, one vote in the House of Representatives gave Thomas Jefferson the presidency, becoming our third president, after receiving a tie in the Electoral College. That one vote prevented Aaron Burr, later charged with treason, from becoming President. In 1820, James Monroe lost his re-election bid. In 1830, one vote in the U.S. Congress passed "The Indian Removal Act." In 1846, one vote in the U.S. Senate approved President Polk's request for a Declaration of War against Mexico. In 1867, one vote ratified the Alaskan Purchase, paving the way for the admission of America's largest state in 1958. (Alaska was purchased from Russia for \$7.2 million dollars.) In 1920, one vote gave women the right to vote, when Tennessee became the last state to ratify the 19<sup>th</sup> Amendment to the Constitution.

Remember that Edmund Burke warned, **"All that is necessary for the triumph of evil is for good men to do nothing."** You have the power through your vote to make a difference!



*Legislative Report by Jay West  
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*Close up of the Declaration of Independence book in the hand of the Statue of Liberty.*



## Liberty and Justice for All

—Continued from page 13

identity, learn our language, contribute to home ownership, help support the Social Security program, assist in defending our nation and continue to supply a valuable resource in regard to our progressive labor shortage.

What public policymakers and the public must accept is that a reasonable immigration policy is of major importance to the economic well-being of this nation and its citizens. It should not be trivialized and politicized – the security of our citizens and the economic well-being of our nation are at stake.

*Give me your tired, your poor,  
Your huddled masses yearning to breathe free,  
The wretched refuse of your teeming shore.  
Send these, the homeless, tempest-tossed to me,  
I lift my lamp beside the golden door!*



## *Immigration Information For Builders From NAHB*

(National Association of Home  
Builders)



### Recent Events

In April 2006, the Department of Homeland Security unveiled what it refers to as “a comprehensive immigrant enforcement strategy for the Nations interior” that includes a “strategic shift” in its attitude concerning worksite enforcement and compliance programs. At about the same time, some residential construction companies reported receiving the formal, three day “Notice of Inspection” document for an I-9 audit, demanding the usual review of company employment records, but also demanding a review of their subcontractors’ employment records.

In light of these recent developments, NAHB has prepared the following Q&A sheet to help builder-employers understand their rights and responsibilities.

**Q What is an I-9 Audit?**  
A The Department of Homeland Security’s Immigration and Customs Enforcement Agency (ICE), has the authority, without the necessity of a subpoena, to inspect any employer’s Form I-9’s to verify compliance and to check its accuracy.

**Q Can ICE conduct surprise I-9 audits?**  
A No. It is possible that an investigator could show up unannounced at a worksite, but the investigator cannot demand an immediate production of I-9 records. Under the law, an employer is entitled to receive a three day notice prior to the I-9 audit. In the past, it has been possible to negotiate with ICE for longer periods before the I-9 audit takes place, perhaps as much as 10-12 business days.

**Q Are builder-employers responsible for their subcontractor employees’ I-9 compliance?**  
A No. Under the law, builder-employers are not required to complete Form I-9’s for the employees of their subcontractors, or to monitor their subcontractor’s Form I-9 compliance. But, builders should be aware that it is considered to be an unlawful circumvention of the immigration laws if the builder actually knows that any of its worksite subcontractors are employing unauthorized aliens.

**Q Do builders have to produce their subcontractor’s employment records, or a list of their subcontractors?**  
A It is not expected that a builder would have possession of a subcontractor’s employment records to produce at an I-9 audit, and a builder is not responsible for securing these records from its subcontractors, or for assembling its subcontractors at any location. But, builder-employers are required to cooperate with ICE investigations. Other documents of a builder that are relevant to any investigation can be subpoenaed, including the records that a builder possesses concerning its subcontractors.

**Q Can a builder-employer have an attorney present during the I-9 audit?**  
A Employers who are the subject of an I-9 audit have the right to be represented by counsel. Given the new federal “compliance attitude,” and its obvious attempt to make builders-employers responsible for subcontractor hiring practices, it is recommended that upon

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# SOCIAL SECURITY

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## “NO MATCH” LETTERS:



### *Employers Urged to Attend to Records*

Worksite enforcement of U.S. immigration law appears to be increasing and experts say employers may need to update their recordkeeping as a result.

In June 2006, the Department of Homeland Security (DHS) announced proposed regulations that include directives to employers for dealing with “no-match” letters from the Social Security Administration (SSA) when an employee number is not recognized as valid or appears to be inaccurate.

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The announcement is part of an increased immigration enforcement effort by DHS, begun last spring, focusing Immigration and Customs Enforcement (ICE) efforts on industries, including construction. Thousands of dollars in fines already have been levied on some builders.

In the latest rulemaking effort, DHS proposes to clarify procedures an employer would have to take after receiving a no-match letter, as well as deadlines for responding. It also would establish non-compliance with the rules as possible evidence of employer disregard for immigration and employment law.

Under the proposed rules, upon receiving an SSA no-match letter, an employer would be expected, within 14 days, to check his or her records to determine whether the no-match resulted from a clerical error and, if not, to request confirmation from the employee in question that the worker’s information is correct.

Employers may verify a Social Security number by calling 800-772-6270, 7:00 a.m. to 7:00 p.m. EST weekdays or go to <http://www.ssa.gov/employer/ssnv.htm>. Waiting times may be exhaustive and the telephone line is often busy.

Attorneys at Greenberg Traurig LLP, which recently published an alert on the proposed rulemaking, recommends that when calling SSA, employers record the date and time of Social Security number verification.

If in 60 days the no-match issue is not resolved, employer and employee may complete a new Form I-9, as if the employee is a new hire, excluding the document that prompted the no-match letter and any document that does not include a photograph of the employee. Then, if the employee is determined to be unauthorized to work in the United States, DHS will not consider the employer to have “constructive knowledge” of the worker’s status.

Greenberg Traurig warns employers, however, not to resort to “citizen-only” or other discriminatory policies in their hiring or in documenting workers’ status or identity. Also, the firm says, an SSA discrepancy does not convey an automatic right to discharge an employee.

“The world of work-site enforcement is becoming much more sophisticated and the burden on employers appears to be increasing,” according to Greenberg Traurig’s July 14, 2006 alert on the subject. “... We find that many of our client’s I-9 recordkeeping practices need to be updated, which often provides an excellent opportunity for employers to develop consistent recordkeeping procedures that ... reduce the number of no-match letters they receive.”

For more information, contact David Crump in NAHB’s Legal Affairs Department at 800-368-5242 x8491 and Jenna

Morgan Hamilton in Advocacy at 800-368-5242 x8407.

Also, download materials NAHB’s Legal Affairs Department has prepared for builders on the subject of I-9s and other immigration issues at [www.nahb.org](http://www.nahb.org). The quickest way to locate materials there is to use the search box at the upper right corner of your computer screen.

Congress continues to work on immigration reform legislation that would make many significant changes to current immigration law and regulations. However, election year politics have dimmed the likelihood of any comprehensive legislation advancing this year.



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## HALL OF FAME

Immigration Information  
for Builders

—Continued from page 15

receipt of an I-9 audit notice, counsel be brought in immediately. Any investigative demands, including demands for subcontractor information, should then be referred to the builder-employer's attorney for appropriate action and response.

**Q Can incomplete or inaccurate Form I-9's be corrected?**

**A** If at any time errors are discovered on a Form I-9, corrections can be made. Corrections to Section 1 (employee information) should be made by the employee, or made in the employee's presence. Corrections to Section 1 should then be initialed and dated by the employee. Corrections to Section 2 (employee review and document verification) should be made by the employer or an authorized representative. Every correction should be initialed and dated by the person actually making the change. Under no circumstances should a Form I-9 ever be backdated or forged. These are criminal violations.

**Q What penalties can be imposed for violations of the Immigration Act?**

**A** If any deficiency or illegality is found, ICE will issue a Notice of Intent to Fine (NIF) to the employer. Form I-9 paperwork violations are subject to fines of between \$100 and \$1,000 per infraction. More serious violations, e.g., hiring unauthorized aliens, are subject to steeper fines. Arrest and imprisonment are possible for those who are found to have engaged in a regular pattern or practice of willful violations.

**Q Can an NIF be contested?**

**A** Yes. An employer has thirty days to contest the (NIF) by requesting a hearing before an administrative law judge. ♦

**Reese Smith, III**  
Inducted Into Building  
Industry of Tennessee  
Hall of Fame

Reese Smith, III is a native Tennessean and has been a leader in the business community and the Home Building Industry. As the second generation of leadership in the Haury & Smith Company, his family has earned a reputation for honesty and satisfied customers. The growing firm began to diversify into apartments, condominium dwellings and light commercial construction in 1969. The formula worked and by 1979 sales volume had exceeded 10 million dollars per year. Haury & Smith have since become a leading name in construction in Middle Tennessee.

Reese Smith now serves as president of Haury & Smith Contractors. He is a veteran of 30 years in the construction industry. Smith has served as president of the Middle Tennessee Home Builders Association, and he is presently appointed to a seven year term as a member of the State Contractors Licensing Board. He serves as a Trustee for both Battle Ground Academy and Martin Methodist College. He also serves as a Board member of Room at the Inn and is an international member of Grace Church.

From 1996 to 1999, Reese served as a board member of First Union National Bank of Nashville and was a founder and director of Brentwood National Bank. He is a founder of Pinnacle Bank, where he now serves as a Board member.

Reese Smith, III received his B.S. from the University of Tennessee at Martin and serves as a Senior Life Director with the National Association of Home Builders. The Home Builders Association of Tennessee is proud to add such a distinguished name to the Building Industry Hall of Fame. Please join us in honoring Reese Smith, III for his outstanding life, career and contributions to the Home Building Industry.



# TECH TALK

## New Building Products & Technologies



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**FrameGuard XP** Arch Wood Protection, makers of Wolmanized® wood, have announced a new product, FrameGuard™ XP coating. Applied to wood that will be used in interior locations, FrameGuard XP provides resistance to mold, termites and fungal decay. The coating is a water-based proprietary formula applied by spray or dip, that can be used to treat dimension lumber, plywood, OSB, parallel strand lumber, laminated veneer lumber and wood I-beams – anywhere mold problems might occur. For more information, go to [www.wolmanizedwood.com](http://www.wolmanizedwood.com).

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ary, patented product, PEARL - Permanent Escape and Rescue Ladder. PEARL is installed in the wall space beneath second or third story windows and can be quickly and easily deployed in the event of a fire or other home emergency. In addition, PEARL affords builders the opportunity to make more money and look like a hero. PEARL is a good business decision because it will add to your bottom line and allow you to stand out from your competitors. Offering this state-of-the-art escape device will attract savvy home buyers and leave a positive impression of your business. In the event of a deadly fire or other emergency, PEARL offers the ultimate escape solution. The high-tech engineering and materials that go into PEARL make it the best choice to make your homes and homebuyers safer. Visit the website at [www.pearlprotected.com](http://www.pearlprotected.com).



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turer recommends covering it within 120 days, giving builders plenty of scheduling leeway- and unlike some other housewraps, it is highly resistant to surfactants. Surfactants are essentially soap compounds that can clog the housewrap and reduce its effectiveness. Simply washing a home’s siding can compromise many otherwise successful housewraps; WeatherSmart is designed to avoid this pitfall. For more information go to [www.fortifiber.com](http://www.fortifiber.com).



**What’s Cooking in the Future?** Want to know how to cook faster, using less energy, with more control? Try cooking


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Magnetic induction cooking uses electricity to produce a magnetic field that sends currents into iron atoms that react by movement which causes friction and heat in a metal vessel. The electro-magnetic elements are housed under a ceramic-glass surface. Cookware made from ferric content - like steel, iron, nickel and various alloys - magnetizes easily, so pots and pans used already stocked in many kitchens would heat with electro-magnetism.

Unlike conventional cooktops that create heat below a pot, the magnetic induction process makes the pot into the heating element. Food is heated more quickly and to precise temperatures. A pot heated by magnetic induction will warm the surface below it or the air around it more slowly than traditional stovetop cooking methods so less energy is lost to conditioning the air in the kitchen. Because they are not directly heated, cooking surfaces cool more quickly eliminating the potential of injury from unknowingly coming in contact with a hot surface. For more information on this technology, go to [www.theinductionsite.com](http://www.theinductionsite.com).

*Some information for this article was collected from the LBM Journal – by John Brooks [www.lbmjournal.com](http://www.lbmjournal.com).*





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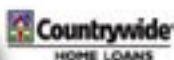
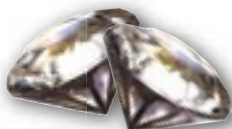
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## MEMBERSHIP PAYS

*Mitzi Spann, HBA of Middle Tennessee  
Spann Builders, LLC, Burns, TN*

Mitzi Spann has shared her experience and leadership with the Home Builders Association of Tennessee since 1998. She has held positions as the Home Builders Association of Middle Tennessee Vice President and Dickson Chapter President. She also serves as Chair of the HBAT Education Committee.

Mitzi and her husband Todd run Spann Builders, LLC as a husband and wife team. They have built custom homes since 1994 and started developing in 2000. They have a reputation for quality workmanship at affordable prices. Todd and Mitzi point out that **“there’s really no way to explain how good it feels to hand someone the keys to a new home that you know is built to the highest standards possible.”**

**We asked Mitzi why she believes Membership Pays.**

“I believe the Association sincerely promotes professionalism in our industry through networking and educational opportunities. It is also such an important factor in our representation when it comes to local, state and national legislative issues. We have personally developed a lot of wonderful relationships through the years, and I have found that the networking itself creates a forum for exchanging ideas and perspectives you just can’t get anywhere else. I feel like I’ve even grown personally in areas such as public speaking and leadership abilities. I’ve invested a lot of time and effort into the Association because I think it plays an important role in

keeping this industry healthy and moving in the right direction. From all my personal involvement, I truly know that **MEMBERSHIP PAYS!”**

**The Home Builders Association of Tennessee is proud to announce the 2006 winners of Associate and Builder of the Year. These individuals were chosen for outstanding accomplishments and dedication to your association.**



## ASSOCIATE OF THE YEAR

*Ludy Callaway, GMAC Mortgage  
Member of the Memphis Area Home Builders Association*

Recognized for outstanding leadership qualities and abilities as one of our valued Associates, Ludy Callaway sets a standard of involvement that is nothing short of incredible. She has sponsored dinners, outings and festivities for builders and developers, participated in many leadership roles at Local and State levels and has been acknowledged as one of the main catalysts behind the record breaking recruitment drive for her Local Association. Memphis brought in 533 new members!

Her passion and enthusiasm may be traced to the fact that she was once a cheerleader for several professional Memphis sports teams. Her accomplishments with GMAC Mortgage has placed her in the top two percent of Mortgage Originators in the entire country.

She credits hard work, a positive attitude, a commitment to serving clients, a desire to learn and integrity as the keys to her success. The Home Builders Association

of Tennessee congratulates Ludy Callaway as our 2006 Associate of the Year.



## BUILDER OF THE YEAR

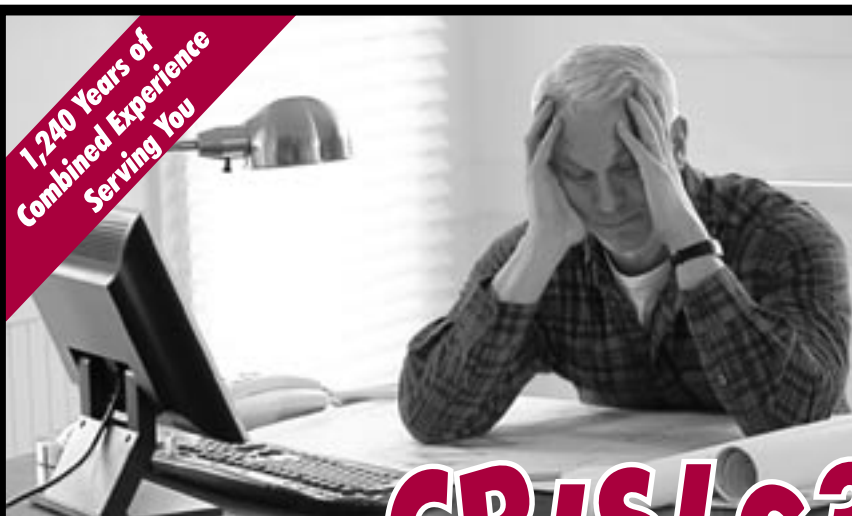
*Phil Chamberlain, Chamberlain and McCreery, Member of the Memphis Area Home Builders Association*

Beyond his accomplishments as a highly respected builder and developer, Phil Chamberlain is considered a pillar of the Memphis and Mid-South community. He is recognized for his accomplishments in multiple, community oriented projects and his charitable contributions. Phil has served in many positions of leadership in his local Home Builders Association, including President in 2002. He has provided his time and efforts as a charter member of the Home Builders Association of Tennessee Self-Insured Trust Trustees, HBAT Chair of Government Affairs and is currently the West Region Area Vice President. Recently, working with Ludy Callaway and the highly motivated Memphis team, Phil provided outstanding leadership in the record setting membership drive.

On a National Level, Phil has served the NAHB as a National Director, Alternate National Director and a Committee Member from 2001 through 2006. From the honorable attainment of Eagle Scout in 1969 to serving on the Board of Directors for Habitat for Humanity, Phil Chamberlain has set a true example of leadership and accomplishment. The Home Builders Association of Tennessee congratulates Phil Chamberlain on the well deserved honor of 2006 Builder of the Year.



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# LOCAL HAPPENINGS

## RCHBA Associates Honored

September was National Associate Appreciation Month, so over a dozen Rutherford County Home Builder Association (RCHBA) builders donned aprons to serve lunch at Guaranty Trust's beautiful outdoor picnic pavilion, for the first annual Appreciation Luncheon, held September 21st.

Nearly 40 Associate members took advantage of this rare opportunity – a chance to be waited on by the builders they serve on a regular basis.

Key to the success of the organization, Brenda Sharp and Mike Baldwin split Membership Committee responsibilities, co-chairing Retention and Recruitment, respectively. Both were pleased at the event's attendance – of both builders and associates.

Brenda Sharp remarked, "This is a red letter day," adding, "it sure is fun to have the shoe on the other foot for a change!" Brenda, who works for Atmos Energy, is a primary contact for builders and developers setting up gas service for new construction.

Mike Baldwin, of Home Builders Buying Alliance, laughed when builder Jim Averwater learned the day was also Mike's birthday, and invited, "Let me buy you lunch, today, Mike!"

Jim and Mike have a good-natured rivalry in their own member recruitment contest – on-going since the spring Membership Olympic Drive – which caused the RCHBA to nearly double in size in the course of two days. Today, the association is comprised of 468 members, 286 of which are Associates.

President of the association, Joe Swanson Jr., and motivating force behind the luncheon event, stated, "This lunch is just a token of our appreciation for the hundreds of hours of precious time our Associate members contribute. They've helped to make this the most successful year the association has enjoyed in a long time. Too often we take their dedication for granted, and we just can't do it without them!"

### Appreciation Dinner



*(From left to right)*

Kevin Marthaler, K&M Construction; Bill Johns, Bill Johns Homes; Ken Howell, Stones River Homes; Jim Averwater, Averwater Construction; Tom Walker, Walker Homes; RCHBA President Joe Swanson Jr, Swanson Realty & Construction; James Yates, Yates Enterprises Construction; Brian Burns, Signature Homes; Shannon Hicks, The Home Team; and Mark Wood, Mark Wood's Construction



*(Front row, l to r)* Brenda Sharp, Atmos Energy; Mark McCann, Home Depot; and Beth Furbush, Better Business Bureau.

*(Back row, l to r)* Tom Walker, Walker Homes; Bill Johns, Bill Johns Homes; and Ken Howell, Stones River Homes.



*(From left to right)* Mark McCann, Home Depot; Jeanine Dalton, Guaranty Trust; Ken Howell, Stones River Homes; Beth Furbush, Better Business Bureau; Evelyn Coffey, Home Depot; Mike Baldwin, Home Builders Buying Alliance; and Brenda Sharp, Atmos Energy.



## HOUSE KEYS

A Free Consumer E-Newsletter on All Things Home from the Nation's Home Builders

Every day, home owners are faced with a barrage of decisions. How do I ready my home for winter? What's the best mortgage for my financial situation? Should I remodel the kitchen? How can I spruce up and brighten my outdoor space?

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Produced quarterly, NAHB HouseKeys guides consumers through every stage of homeownership and the home building process. Inside each issue you'll discover a wealth of essential home advice, directly from the experts including the award-winning, nationally syndicated real estate columnist Kenneth R. Harney and renowned consumer author Carol Smith – straight to your inbox.





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# EXTREME MAKEOVER 05/06

## CLARKSVILLE/MONTGOMERY CO. HBA 2005

1. The **Clarksville/Montgomery County**  
4. **HBA** was involved with *Extreme Makeover* in 2005. Clay Powers, of Clay Powers' Construction, was selected to rebuild a home for Master Sgt. Luis Rodriguez. Sgt. Rodriguez, a veteran of the 101<sup>st</sup> Airborne division, was wounded in Iraq. Most of the area home builders and suppliers played an important role in the event. The Clarksville Montgomery County HBA co-hosted the VIP tent.

## MIDDLE TENNESSEE HBA 2006

2. **Group photo** from left to right: *Extreme Makeover: Home Edition*'s (EM:HE) David Bohler, Capitol Homes' David Luecke, EM:HE's Gary Brown, Heritage Custom Homes' Don Fox and EM:HE's Alan Luxmore.  
3. **Capitol Homes'** David Luecke and Ty Pennington of *Extreme Makeover: Home Edition* in front of the home Luecke, the hit reality series, and many of our

local home building friends constructed in record time for an episode set to air this fall on ABC.

5. Gary Case, left, with Capitol Homes poses with Mike Arnold of Pulte Homes behind the **Extreme Makeover house**, where construction was going on for the back patio and in-ground pool.

6. Framework of *Extreme* home on **Day 2**.





# LOCAL HAPPENINGS

## Johnson City Area HBA

### Appreciation Dinner

Builder member, Marvin Carter, MGC Company, host and major sponsor of the Associates Appreciation Night, welcomed over 200 members and their families and guests to the dinner at Burlington Park in Johnson City. Builder members helped serve the Associates a great meal and provided lots of door prizes for our Associates.



### Associate members presented Cornerstone Award for 10 or more years of service.

Pictured left to right – Dan Simerly-Keller Glass; Cindy Winn-Widener Insurance; Mike Stovall-Johnson City Power Board; Jimmy Harkleroad-Kiser Supply; Leonard Bryant-East Tenn Rent-Alls; George Gregory-Norandex/Reynolds; and Ron Webb for Linda Pardue-Blue Ridge Properties.



### Builders on hand to thank and honor associates for all their hard work.

Pictured left to right – Dan Rutledge, Bob Morgan, Paul Walton-CAPS, Joe Wilson, Jim Milhorn, Larry Sangid, Marvin Carter, Kelly Wolfe, Brian Smith, John Perkins, Bob Everhart, Kathy Matera, Danny Dyer & Pete Speropulos.



### Remembering Bob Scott, Jr.



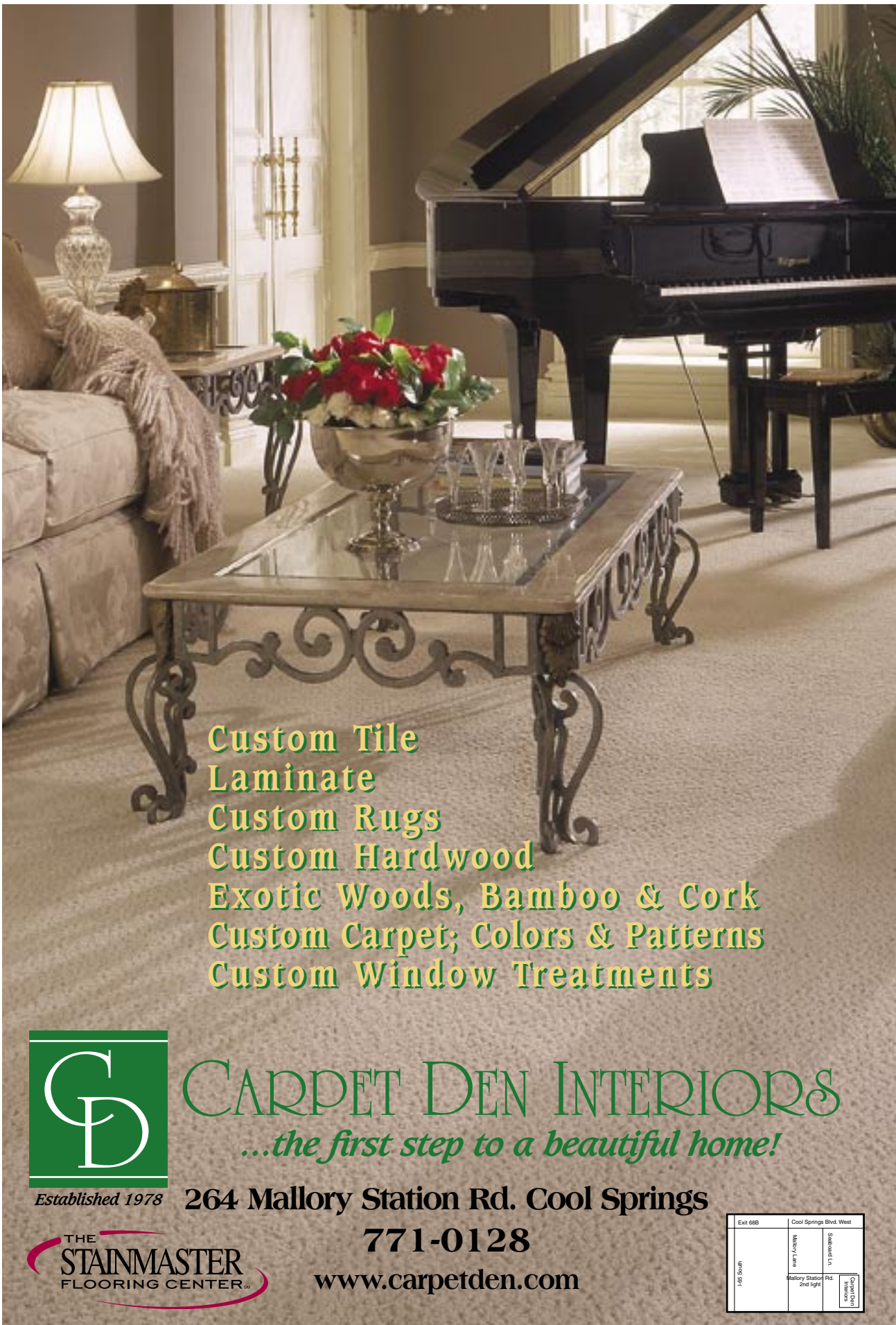
The Home Builders Association of Tennessee regrets to announce that Bob Scott, Jr. passed away on Monday, October 23<sup>rd</sup>, 2006 after an extended illness. Bob was 67 years old.

Bob had been a member of the Johnson City HBA since 1980, serving on many committees and the Board of Directors. He was also an HBAT Life Director. Recently, Bob had been honored with a **Lifetime Excellence Award** for his dedication to the building industry, his community, his church and his own values. Bob will be remembered for unselfishly giving of himself, his time and his assets to serve others.

Bob Scott enriched the lives of countless numbers of individuals and our Association will miss him greatly. During the 2006 Fall Meeting of the Membership in Memphis, it was announced that a \$2,000 honorary scholarship had been established with East Tennessee State University in Bob's name. If others would like to contribute to this fund, please contact the Home Builders Association of Tennessee at (615) 777-1700.

Our thoughts and prayers go out to the family and friends of Bob Scott, Jr.





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## Future HBAT Meetings

### 2007—

#### Spring Meeting

March 4 – 7, 2007

Hilton Suites Downtown

Nashville, TN

#### Summer Meeting

July 15 – 18, 2007

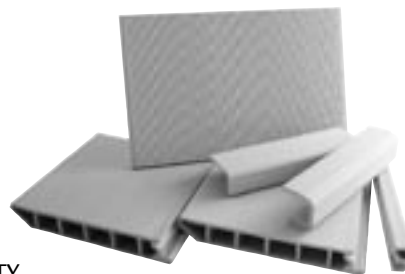
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