

# DECKER DECKER DITO & INTERNICOLA <sup>LLP</sup>

## ✧ Newsletter for our Clients and Friends ✧

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### CAR SEATS: IS YOUR CHILD SAFE?

By Frank J. Dito, Esq.

Just last week, I meet with a new client who was in a car accident. Her car had been hit in the rear by a truck while she was stopped in traffic. Unfortunately, she had her two small children with her in the car. Thankfully, both children were in their child safety seats, as the law requires. Apart from some bruises, the children were all right. The car was totaled and the client had an appointment scheduled with the insurance adjuster to inspect the car a few days later. I told her that she should leave the child safety seats in the car for the adjuster to see. Since her car was "totaled", so were the child safety seats.



The American Academy of Pediatrics recommends that child safety seats be discarded after an accident, no matter how they look to you after a visual inspection. The car seats are usually lined with white rigid foam, or Styrofoam, that deforms after an accident. The picture at right shows a car seat without its cover, showing the foam under the baby's legs and behind their head. The foam helps to reduce the crash energy that reaches your child, reducing the chances of a serious injury. *If you are in an accident, leave the seats in the car. Point out to the adjuster that your child safety seats were in the car at the time of the accident. Their loss should be covered under your comprehensive insurance policy.* As a lawyer, I see the unfortunate results of not securing children in their child safety seats. Despite the known risks, many people I speak with are unaware of just what the requirements are for children and safety seats. Even more parents have the seat improperly installed. The National Highway Traffic Safety Administration estimates that as many as 80% of child safety seats are improperly installed – 8 in 10 seats! Improper installation is a major contributing factor in why car accidents

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### BENEFITS OF A HOME INSPECTION

By: Lawrence Butto, ARM Inspection Services

Most people have an idea of what they want in their new home before starting the process and meeting with a realtor. Then the house hunting process begins with the buyer still wearing rose-colored glasses, which leads to the final decision to buy their perfect home. Once emotions make the big decision, it's important you understand what you're really getting. That's where home inspection comes in.

Home inspectors are experts in assessing the quality and safety of the home you are about to purchase. Home inspections evaluate the integrity, safety, and care of the interior and exterior of the home. These inspections involve a visual assessment of the property, with the homebuyer present. While some inspectors do not want the buyer present others embrace the participation of the home buyer, to educate them on the home they are buying and give them an opportunity to ask questions to ensure they have a clear understanding of what is found during the inspections. Throughout the visit, the inspector assesses each component of the home's construction, electric, plumbing, heating, and related systems against local and state building

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## BENEFITS OF A HOME INSPECTION (Continued from pg. 1)

codes and laws as well as the AHSI® national standards to determine conformity.

During the walkthrough of the home, the inspector and homebuyer verbally discuss the findings. At the conclusion of the inspection, a written report reflecting the verbal discussion and with a more detailed assessment of the home will be provided to the buyer. The intent of the report is to provide a clear, accurate representation of the actual conditions of the home with rose-colored glasses removed. The report is more than an assessment of the cosmetic appearance of the home as it provides a balanced illustration of the positive and negative aspects of the home, guidance on remediation alternatives, and an assessment of the urgency, or lack thereof, for short and long-term fixes that may be required. It is common for homeowners to refer to this report for over the years as they make changes and improvements in their home.

When selecting an inspector for your home, don't rely solely on the yellow pages. Interview the inspector to make sure you are comfortable with the chemistry between you. Agree on the manner in which you will communicate, understand their background (e.g., have they personally been involved in the construction field), what experience do they have performing inspections,



confirm if your presence during the inspection is acceptable or problematic for the inspector. Verify what type of report will be provided - ask to see samples of previous reports as some inspectors provide a simple check list, while other provide more detailed reports that may include photographic examples of their findings. Lastly, discuss the cost and payment terms so you can budget accordingly.

Buying a home is a significant investment and long-term commitment; working with a home inspector will help educate the buyer and ultimately enhance the home buying experience.

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## SHOULD YOU BUY A BUSINESS OR FRANCHISE TO REPLACE A LOST JOB

By: Charles Internicola, Esq.

With the reality of layoffs unfortunately accelerating, "interest" in entrepreneurship is growing. Many hard working and educated individuals are asking the question: "should I replace my lost job with my own business or franchise". This is a critical question and a few months ago I received an email from an individual who read a copy of my book *"An Entrepreneurs Guide to Purchasing a Business"* that emphasized the consequences of this question and the need to get the answer right. The following is the text of the email:

**Thank you. I was laid off from [\_\_\_\_] Financial Services 14 months ago. I am [\_\_\_\_] and a senior I.T. project manager and cannot even get an interview - much less a job. I do not see any alternative to going completely broke other than to buy some sort of business. I look forward to receiving the book from you.**

**Regards, R\_\_\_\_ (Name, former employer and age removed to preserve privacy)**

So, should purchasing a business be viewed as a solution to a layoff?

Unfortunately, the answer to this question is both "yes" and "no". "Yes" because small business and entrepreneurship, unequivocally, has been and will continue to serve as the financial life blood for millions of hard working individuals and families. "No" because entrepreneurship and small business is not right for everyone and unemployment, by itself, should not be the deciding factor. Not every small business is profitable and before you commit to buying a business or franchise, consider some of the following questions:

\* Do you possess sufficient savings, capital and/or loans necessary to:

- (a) purchase the business;
- (b) fund the initial day-to-day operations of the business - keep in mind that it may take a number of months before your business generates "profits";
- (c) cover your "personal" expenses and obligations until the business starts generating "profits"

## SHOULD YOU BUY A BUSINESS OR FRANCHISE TO REPLACE A LOST JOB

(Continued from pg. 2)

**\*Do you have the support of your Spouse and Family** - employment status and include an evaluation of your financial resources, family support and individual skills. as the owner of a small business you will be assuming a level of risk and commitment extremely different from that of an "employee". Your investment in a business will affect the financial stability of your family for many years to come.

For more information please visit our business sites at:  
[www.newyorkfranchiselaw.com](http://www.newyorkfranchiselaw.com)  
[www.businessandfranchiselaw.com](http://www.businessandfranchiselaw.com)

**\* Are you ready to "wear many different hats"** - as the owner of a small business, different from being a specialized employee of a large corporation, you will be responsible for everything.

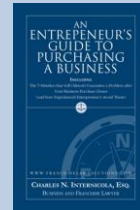
While entrepreneurship may be the right course of action and response to a layoff, your decision to take this step must be based on factors that go beyond your



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For your free copy (for recipients of this newsletter) call us at 800.976.4904 or visit [www.dddilaw.com](http://www.dddilaw.com)

**"An Entrepreneurs Guide to Purchasing a Business"**



## CAR SEATS: IS YOUR CHILD SAFE? (Continued from Page 1)



are the leading cause of death in children under the age of 14. Please make sure that their seats are installed correctly, taking the time to read the instruction manual and become familiar with the seat's operation.

**If you are still concerned about the proper installation of your child safety seat after reading the instruction manual, you can have your installation checked out for free at a DOT Child Car Safety Seat Fitting Station. The Staten Island inspection location is at the Michael J. Petrides Complex, 715 Ocean Terrace. You can call (718) 390-5150 for an appointment for a free inspection. It may be the best 15 minutes that you ever spend.**

New York State law requires that infants must be in a rearward facing safety seat until they are 1 year old **and** 20 pounds. If they are less than a year or less than 20 pounds, keep them rearward facing until they reach both the recommended age and weight. Children less than 4 years old, like my daughter, Giuliana (19 months old – pictured at left), must be restrained in a forward facing child safety seat. Children less than 4 years old and who weigh more than 40 pounds may be restrained in a booster seat with a lap shoulder belt. The American Academy of Pediatrics recommends that children ride in a forward-facing child safety seat with the full internal harness until they reach the manufacturer's recommendations for upper size limits.

Remember, all children under the age of 7 must be restrained in an appropriate child safety system. Children under 4' 9" will not be properly protected by a lap shoulder belt and must use a booster seat. It is also recommended that children under the age of 12 ride in the backseat. Children grow up so quickly that there is no need to rush taking them out of their child safety seats. Keep them safe – keep them properly restrained.

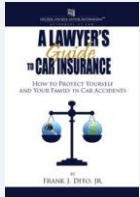
## Laws That Make No Sense... Don't Ask Us to Explain these Laws because we Can't

At DDD&I we take pride in our continuing efforts to establish and maintain "clear and informative" communications with our clients. These communications include our efforts to concisely advise and counsel our clients as to the legal system and the laws that may or may not affect their case. However, the following laws make no sense to us:

**New York Law: In New York "the penalty for jumping off a building is death"**

**New Jersey Law: If are convicted of "driving while intoxicated" one penalty is that you will be forever banned from applying for personalized license plates**

We readily admit that we don't understand these laws. So, if you somehow survive jumping off a building and are looking to avoid the "death penalty" or if you are having a hard time obtaining personalized license plates after a DUI conviction, don't call us because, quite frankly, we would have no clue how to help you. Also if you have jumped off a building (and survived) we really believe that you should be spending your money on therapists and not lawyers.



### Find Out Why a Small (and inexpensive) Change to your Automobile Insurance may save you Thousands (and a lot of heartache)!

For recipients of this newsletter call 800.310.5520 or visit [www.dddilaw.com](http://www.dddilaw.com) to receive a complimentary copy of Frank J. Dito's book "*A Lawyers Guide to Car Insurance*"

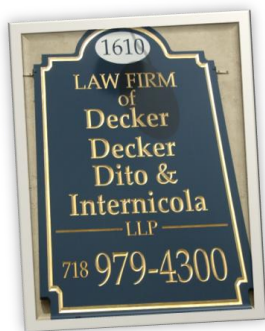
This publication is intended to educate the general public about business, personal injury, real estate and insurance issues. It is not intended to be legal advice. Every case is different. The information in this newsletter may be freely copied and distributed as long as the newsletter is copied in its entirety.



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**Inside – Car Seats: Is Your Child Safe?**