

ROSENGARTEN, SMITH & ASSOCIATES, INC.

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FAX TRANSMISSION COVER SWEET

DATE: April 29, 2003
To; Ms. Melinda Ballard
PHONE/[FAX]: 888-648-3823
SUBJECT: pledge
SENDER: Vince Lara
PROJECT:

THIS TRANSMISSION CONTAINS 7 PAGE(S), INCLUDING THIS COVER SHEET.
IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL (512) 707-1777.

REMARKS: pledge and other relevant papers

From MBallardAI@aol.com

Date Thursday, April 24, 2003 11:43 am

To engineering@rsa-env.com

Subject Re: status of application

Vince. Good to hear from you. Neal H, mentioned that to me and I told him that I ALWAYS get all of the pledges and I have not seen yours.

I asked him to have you *fax it to me* again: 888-648-8823 or 512-347-7490.

Best.

Melinda

Rosengarten, Smith & Associates, Inc.
Technical Environmental Management

P.O. Box 162545
Austin, Texas 78716-2545

(512) 707-1777
Fax: (512) 707-0501

March 28, 2003

Ms. Melinda Ballard
Policyholders of America
Faxed to 888-648-8823

Re: Application for approved contractor status with Policyholders of America (POA)

Dear Ms. Ballard,

Thank you for meeting Vince Lara at the Four Seasons hotel in Austin, Texas and considering our request for consideration as a Policyholders of America (POA) approved contractor.

Pursuant to that meeting and at your request, please find attached my signature on the "Pledge to Uphold Professional and Ethical Conduct." Included with the pledge is the information requested in items 1-7 under "Other."

In reference to your requirement that Rosengarten, Smith, and Associates (RSA) "adhere to the most stringent published guidelines for assessment and remediation of mycotoxin-producing molds" I must add that I and my company are bound by Texas Administrative Code (TAC), Title 22, Part 6 pertaining to the Texas Board of Professional Engineers, Chapter 131, Subchapter I, Rule 131.153 (c) requires that "the engineer shall not express an engineering opinion in deposition or before a court, administrative agency, or other public forum which is contrary to generally accepted scientific and engineering principles without fully disclosing the basis and rationale for such an opinion. Engineering opinions which are rendered as expert testimony and contain quantitative values shall be supported by adequate modeling or analysis of the phenomena described." Therefore, RSA will follow published guidelines as long as they are consistent with generally accepted scientific and engineering principles.

Part of the pledge also requires that as a professional I pledge "to stay within the areas of my expertise and training and not venture out of that area(s) on jobs referred to me or my company by POA." TAC, Title 22, Part 6, Chapter 131, Subchapter I, Rule 131.153 (b) requires that "the engineer shall not perform any engineering assignment for which the engineer is not qualified by education or experience to perform adequately and competently."

I want to express acceptance of the pledge notwithstanding my and my company's professional and legal obligations, which are subject to statutory law and licensing requirements in the state of Texas.

Rosengarten, Smith & Associates, Inc.

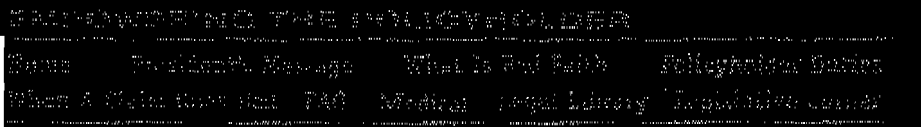
Thank you for your consideration of our application for approved contractor status with POA.

Wishing you the best I am

Respectfully,



Randall L. Rosengarten, P.E.
President, RSA, Inc.



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POA PLEDGE OF PROFESSIONALISM

IAQ PROFESSIONAL ETHICS PLEDGE

POA is proud to refer its members to Indoor Air Quality professionals (testers, consultants, remediators and subs) who **pledge** to follow ethical guidelines as set forth by POA.

The following is the pledge we ask each and every contractor to sign and send back to us if they want to be placed on our referral list.

THE PLEDGE TO UPHOLD PROFESSIONAL AND ETHICAL CONDUCT:

As a professional, I pledge to **remain independent and not take an advocacy role** for any party involved in a job referred to me by POA.

As a professional, I pledge to **not minimize or overstate the level of contamination** and what is needed to correct it, for any job referred to me by POA.

As a professional, I pledge to **look for contamination**, not look for ways of not finding it on any POA-referred job.

As a professional, I pledge to disclose in writing, to a POA-referred homeowner, if any **restrictions have been placed on me by an insurer or other party involved and describe in writing any such restrictions.** (This includes but is not limited to the number of samples taken, areas evaluated for testing and/or remediation, requests involving policy provisions or coverage limits, requests to alter reports).

As a professional, I pledge to provide the **policyholder with a true and correct copy of the report** done on their home by me or my company and do so in a timely manner, if the POA-homeowner requests it.

As a professional, I pledge to **provide a true and correct scope of work** to be performed and **costs thereof**, regardless of policy limits or other restrictions, if any, for any job referred to me by POA.

As a professional, on POA-referred jobs, I pledge to **adhere to the most stringent published guidelines for assessment and remediation of mycotoxin-producing molds.** (It is understood that these guidelines, which may become mandates and at that time the mandates need only be followed, will change from time to time and it is critical that the companies we refer business to keep up with and practice the highest standards.)

As a professional, I pledge to **stay within the areas of my expertise and training** and not venture out of that area(s) on jobs referred to me or my company by POA.

As a professional, I pledge to **utilize, if and when applicable, the services of an accredited laboratory or laboratory operating under a public university** for sample analysis for all POA referred jobs.

As a professional, I pledge to **personally attend or send representatives of my company to attend, at a minimum, one professional conference per year** so that I am kept abreast of the latest science, products, and methods used that will impact my business.

It is understood that **POA receives no compensation for its referrals.**

It is understood that **POA does not accept any memberships from anyone other than homeowners and their legal representatives and I am hereby representing that I am not a member of POA.**

It is also understood that if more than two POA members have issued formal complaints to POA about my services and POA has reason to believe those complaints are legitimate, I (or my company) may be taken off of the POA referral list until further notice. POA will extend me (or my company) the opportunity to appeal the decision to halt referrals.


POA referrals are provided within a geographic area and the geographic region in which you operate must be provided.

The undersigned is duly authorized to enter into this pledge on behalf of the company listed below:

Rosengarten, Smith & Associates
Company Name

President
Title

3-28-03
Date


Signature

Other:

1. Please provide a brief description of services performed:

RSA personnel have experience in several types of programs in the indoor air quality area. RSA has offered a complete menu of services to address many types of indoor air quality issues. An example of the types of programs performed by and the services available through RSA have been provided below.

- ▶ Sick Building Syndrome, Viral, Bacteria, and Molds/Spores Investigation and Monitoring;
- ▶ Worker Exposure Monitoring Utilizing Various Protocol Methods;
- ▶ Area and Ventilation System Investigations and Monitoring;
- ▶ Clean Room Specification, Design, and Monitoring;
- ▶ Worker Exposure Control Systems Evaluation, Specification, and Efficiency Determinations,;
- ▶ Indoor Air Regulatory Design Specification Investigation and Design;
- ▶ Radon-222 Monitoring; and
- ▶ Asbestos Inspections for Demolition and Remodeling

2. Territory Covered:

International

3. Telephone Number for POA Members to Call:

512-707-1777

4. Email Address:

engineering@rsa-env.com

5. Website:

rsa-env.com

6. Charge for estimates (if applicable):

N/A

Fax the filled out form and other information to: 888-648-8823.

Thank you.

Melinda Ballard, Policyholders of America