

## COA Opinion: Seller's agent can be liable for misstatement about environmental condition of property

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In *Alferi v. Bertorelli*, No. 297733, the Court of Appeals considered the liability of a seller's agents for claims of negligent misrepresentation and silent fraud based upon an alleged misstatement that the property in question had been cleaned up when, in fact, it was still significantly contaminated. After trial finding defendants liable, the Court of Appeals affirmed the trial court's denial of defendants' dispositive motions arguing that they did not owe a duty to plaintiffs. Specifically, the Court of Appeals found that it was proper to conclude that the agents had a duty to disclose the information where the Department of Environmental Quality had advised the defendants that the sales information they were providing potential purchasers was inaccurate and where the plaintiffs had made direct inquiries about the condition of the property. Additionally, the Court of Appeals found it was reasonable for plaintiffs to have relied on agents' statements where other sources, including the local newspaper, also indicated that the site had been cleaned up.