

Cracks (or fissures) in granite counter-tops

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Dear Maurizio, Granite counters have been installed in my new home under construction. I immediately noted 4 multi-cm hairline cracks in 3 of 4 pieces of installed counter. Two extend through the full thickness of the visible front edges of the slabs. A large island had not yet been cut, and I went to the granite worker's shop and discovered long cracks in the middle of that slab as well. I have met with the granite supplier rep, the stone installer, and the builder responsible for my home. All tell me that these "fissures" are a normal part of natural stone, and because I picked the slabs in a warehouse, they have no responsibility to replace them. I contend that no one advised me to look for possible cracks when picking slabs, nor did they call before cutting the stone to be sure I knew they were there and this was okay. I did not see them (if they were indeed there when I saw the slab,) nor did I have any idea this could happen in granite and that I should look for it. The project designer who oversees the building process and deals with the subs was with me at the time and did not see these cracks or know they could exist either. I would not have chosen these slabs and would have prevented the cutting/installation if I had been told at any point they existed. While they say this is common, no one can show me an example of an installation where this is present and being sold as "normal", and I do not consider it satisfactory quality for these expensive countertops. They are putting great pressure on me to accept the installation that has been done, allow the island slab installation, and pay the contract amount. They tell me they will change it only if I pay for everything - including backsplash tile that has to be redone and will require replacement of the drywall behind it because the tile destroys it when it is removed. If I take this to some form of legal action, is it likely in your opinion that a court will agree with me that cracks in the countertops is not a satisfactory installation and that I couldn't have been expected to know to look for this with no warning it was even possible when I picked the slabs - and subsequently that it is the builder's and/or granite installer/supplier's responsibility to replace it? Thank you for your time.

Dear Lynn:

It's a difficult situation from a legal point of view.

When I make a mockery (and I always do) out of this "big idea" of the final user to go to the yard and pick out their own slabs, there are armies of critics who will say that I'm wrong. But the facts "not my opinion" do prove me right all too many times, alas!

Your whole case is based on a whole heap of *they shouldas* and *they couldas*, and this does not work in a court of law one bit.

Also saying that you think that granite *should* not have those huge fissures (assuming that they are fissures!) means nothing: There are over 2700 (no, it's not a typo) stones traded as granite on the market (and counting). Approximately a couple of dozens of them are true geological granite. Another two or three dozens could be classified as next of kin. All the remaining 2700 plus stones are related to granite and to each other like a cat to a cow. Many are as good as granite, many are even better, but some are a disgrace.

Q.: "But isn't that illegal?..."

A.: "Yes, it is. It's consumer fraud big time! Welcome to the stone industry!"

Having said all that, which granite or "granite" do you have? I don't care about the fancy name they call it with: I want to know the actual mineralogy of that stone. Do you have the information? Does the yard that sold it to you have the information?

In other words, the only way I could see you win this case is that you sue them on the grounds that they sold you as granite a stone that is not granite â€” assuming that this is what they did.

You will need a mineralogy test made on your stone; we can supply that for you at a reasonable rate (\$500.00) if you send us a small piece of your stone, and then you will need to have a real and reputable expert to bring with you in court; plus a darn good attorney, of course.

If the mineralogy test proves that your stone is not granite, then before you start any civil action you can file with your local D.A. on consumer-fraud charges. Your attorney should be able to advise you through all this. I believe that once you win the criminal trial you will have the right to ask for punitive damages in the following civil action; but your attorney would know better.

Marblecleaning.org could supply you with the expert that you will need in court, too.

May I ask you now to please read and e-sign our Statement of Purpose at: <http://www.marblecleaning.org/purpose.htm> ?

Ciao and good luck,

Maurizio Bertoli

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