

## BOARD FOR CONTRACTORS BOARD MEETING

### MINUTES AMENDED

The Board for Contractors met on Tuesday, January 20, 2004 at the Department of Professional and Occupational Regulation (DPOR), 3600 West Broad Street, Richmond, Virginia. The members indicated below were present. Each of the other members present was qualified to vote, except where a specific reason for disqualification is stated. There are 13 members on this board, in which seven constitutes a quorum pursuant to §54.1-1102.

Anthony Orange, Co-Chairman  
Robert O Burch, Jr.  
Charles W. Falwell  
David O. Harris, Sr.  
Kenneth Hart  
James Hollar  
Robert M. Kirby  
Jennifer Parrish  
William A. Paulette  
Michael D. Redifer  
Dorothy Wood

Board members, Mark D. Kinser, Robert M. McDowell, and William A. Paulette were not present

The following members of DPOR staff were also present during some or the entire meeting:

Sandra Whitley Ryals, Chief Deputy Director  
Karen O'Neal, Deputy Director, Regulatory Programs  
Eric L. Olson, Executive Director, Contractors  
Kimberly Freiberger, Regulatory Boards Administrator,  
Contractors  
Victoria Traylor, Legal Assistant, Contractors  
Sheila Watkins, Administrative Assistant, Contractors  
Jennifer Kazzie, Assistant Director, Adjudication  
James Guffey, Deputy Director, Enforcement

Co-Chairman Anthony Orange called the meeting to order at 9:06 a.m. and stated that a quorum of member board members was in attendance.

Call  
To Order

A motion was made by Mr. Hart and seconded by Mr. Kirby to approve the agenda. The motion passed unanimously. Members voting "Yes" were: Burch, Falwell, Harris, Hart, Hollar, Kirby, Orange, Redifer and Wood. There were no negative votes.

Approval  
of the  
Agenda

A motion was made by Mr. Hart and seconded by Mr. Kirby that the minutes of the board meeting held November 19, 2003 with the following correction, case # 2002-03219: Mark S. Carlson (Respondent) t/a Mark Carlson Well Pump Service, Disciplinary Record File correcting the section of the Code of Virginia to reflect §54.1-1106.1 and Board meeting held on December 15, 2003 and the IFF meetings held September 12, and 18, October 21 and 28, November 4, 06 and 21, and December 4, 9, 12 and 18 2003 be approved. The motion passed with a unanimous vote. Members voting "Yes" were Burch, Falwell, Harris, Hart, Hollar, Kirby, Orange, Redifer and Wood. There were no negative votes

Approval  
of Minutes  
Contractor  
Board  
11/19/03 &  
IFF 9/12 &  
18, 2003.  
10/21 & 28,  
2003. 11/4,  
6 & 21,  
2003.  
12/4/9/12  
& 18, 2003  
meetings

Co-Chairman Orange asked the members of the public whether they had any comments. There were none.

Public  
Comment  
Period

**In the matter of File Number 2004-01067, William A. Merriman, Application for License**, the board reviewed the **Record # 2004-01067**, which consisted of the license file, transcript, exhibits from the IFF, and the presiding board member's summary. **William A. Merriman** appeared at the IFF and the Board meeting. He addressed the Board and shared his agreement with the presiding officer's recommendation. He shared that he's been out of jail for twenty years and he has tried to turn his life around and he'd like the board to grant his journeyman license so he can make a decent living. The presiding officer **Cooper** was not present did not participate in the discussion and did not vote. **Orange** recused himself. **Hollar** chaired this case. Upon a motion by **Falwell** seconded by **Burch** the board voted to accept the recommendation of the presiding officer and grant the license. The motion was approved. The vote was 6 yes and 2 no. Those members voting "Yes" were: **Burch,**

5(12)  
File  
2004-01067  
**William A  
Merriman**

**Falwell, Harris, Hollar, Kirby and Redifer.** Those voting no were:  
**Hart and Wood.** The license was granted.

**In the matter of File Number 2004-00939, John Keith Taylor t/a Taylor Home Improvements Application for License,** the board reviewed the **Record # 2004-00939,** which consisted of the license file, transcript, exhibits from the IFF, and the presiding board member's summary. **John Keith Taylor** appeared at the IFF and the Board meeting. He addressed the Board and shared his agreement with the presiding officer's recommendation. He shared that was young and foolish and now he's trying to show that he's working at being a model citizen. He asked the board to grant his license so he can make a decent living and provide better for his family. **Orange** resumed chairing this case. The presiding officer **Cooper** was not present did not participate in the discussion and did not vote. Upon a motion by **Kirby** seconded by **Hollar** the board voted to accept the recommendation of the presiding officer and grant the license. The motion was approved. The vote was unanimous. Those members voting "Yes" were: **Burch, Falwell, Harris, Hart, Hollar, Kirby, Orange, Redifer and Wood.** There were no negative votes

**5 (7)**  
**File**  
**2004-00939**  
**John Keith**  
**Taylor**

**In the matter of File Number 2004-01075, Jeffrey King Wray Requesting exemption from examination,** the board reviewed the **Record # 2004-01075,** which consisted of the license file, transcript, exhibits from the IFF, and the presiding board member's summary. **Jeffrey K. Wray** appeared at the IFF and the Board meeting. He addressed the Board and shared his concerns with the presiding officer's recommendation. He shared that his card is valid and he desires to have it honored by the Board and to be granted waiver from taking the exam. The presiding officer **Cooper** was not present did not participate in the discussion and did not vote. **Mr. Olson** shared with the Board that a test performed on the card by an independent testing agent concluded that the card was not tampered with. A motion was offered by **Falwell** to accept the test results and give the benefit of the doubt to the regulant and issue the license with no test being required. After Board discussion **Falwell** withdrew his motion. Upon a motion by **Kirby** seconded by **Hart** to **adopt the summary and amend** the recommendation and deny Wray's request for a waiver of the requirements for a license based on the licensing records which indicated that the grace period for reinstatement has expired. The motion was approved with a vote of 8 yes and 1 no. Those members voting "Yes" were: **Burch, Harris, Hart, Hollar, Kirby, Orange, Redifer and Wood.** The no vote was cast by **Falwell.** The motion was approved.

**5(14)**  
**File**  
**2004-01075**  
**Jeffrey**  
**King Wray**

**At 9:40 Jennifer Parrish arrived at the Board meeting.**

**Jennifer  
Parrish**

**In the matter of File Number 2003-00208, Dennis Graf (Respondent) t/a Graf Construction Co. Inc. and Raymond and Sheri Ochs (Complainants); Disciplinary File;** the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary and recommendation. **Mr. Kevin E. Martingayle (Esqurie)** appeared at the IFF and before the board on behalf of Graf Construction voicing his client's agreement and disagreement with the presiding officer's recommendation. He provided a copy of his written summary of the Board's summary and recommendation. **Mr. Raymond Ochs (Complainant)** appeared at the IFF and the Board meeting. **Mr. Ochs** shared his concerns with the Board. The presiding officer, **Kinser** was absent and did not participate in the discussion or vote in this matter. **Falwell** offered a motion to adopt the summary and recommendations for violations as follows: The Board found evidence that Graf Construction violated its 1999 Regulations as follows: **Count 1** seconded by **Kirby, 18 VAC 50-22-260(B) (8)**. The motion was approved with a vote of 8 yes and one no. Members voting yes were: **Burch, Falwell, Harris, Hart, Kirby, Orange, Parrish, Redifer and Wood**. The no vote was cast by **Hollar**. **Falwell** offered a motion to adopt the summary and recommendations for violations as to **Count 2** seconded by **Kirby, 18 VAC 50-22-260(B) (6)**. The motion was approved with a vote of 8 yes and one no. Members voting yes were: **Burch, Falwell, Harris, Hart, Kirby, Orange, Parrish, and Redifer and Wood**. The no vote was cast by **Hollar**. **Falwell** offered a motion seconded by **Redifer** to **amend** the summary and recommendations for violations as to **Count 3** with a finding of no violation based on the court's ruling of denying the Ochs's civil claim on the windows. The motion was approved with a unanimous vote. Members voting yes were: **Burch, Falwell, Harris, Hart, Kirby, Orange, Hollar, Parrish, Redifer and Wood**. **Falwell** offered a motion seconded by **Redifer** to adopt the summary and recommendations for violations as to **Count 4, 18 VAC 50-22-260(B) (12)**. The motion was approved with a vote of 6 yes and 4 no. Members voting yes were: **Falwell, Harris, Hart, Orange, Parrish and Redifer**. The no votes were cast by **Hollar, Burch, Kirby and Wood**. **Falwell** offered a motion seconded by **Redifer** to adopt the summary and recommendations for violations as to **Count 5, 18 VAC 50-22-260(B) (6)**. The motion was adopted with a unanimous vote. Members voting yes were: **Burch Falwell, Harris, Hart, Hollar, Kirby, Orange, Parrish, Redifer and Wood**. The Board imposed the following sanctions on Graf Construction for violation of its **1999 Regulations**: A motion was offered by **Falwell**

**5(40)  
File  
2003-00208  
Graf  
Construct-  
ion Co.  
Inc.**

and seconded by **Redifer to impose \$500.00 for Count 1; 18 VAC 50-22-260(B) (8)**. The motion was adopted with a yes vote of 7 and a no vote of 3. Members voting yes were: **Burch, Falwell, Harris, Hart, Orange, Parrish and Redifer**. Members voting no were: **Hollar, Kirby and Wood**. A motion was offered by **Falwell** and seconded by **Parrish** to decrease the penalty from **\$2,500. To \$500**. For **Count 2** to be consistent with previous Board action. The motion was adopted with a unanimous vote. Members voting yes were: **Burch, Falwell, Harris, Hart, Hollar, Orange, Kirby, Parrish, Redifer and Wood**. A motion was offered by **Falwell** and seconded by **Harris** for **Count 4**, to reduce the penalty from **\$1,000.00 to \$250.00** based on the judge's decision. After discussion, **Falwell** withdrew the motion. A motion was offered by **Wood** seconded by **Burch** for **Count 4**, to amend the presiding officer's recommendation to no sanction due to the judge ruling. The motion was adopted with a unanimous vote. Members voting yes were: **Burch, Falwell, Harris, Hart, Hollar, Orange, Kirby, Parrish, Redifer and Wood**. A motion was offered by **Falwell** and seconded by **Wood** for **Count 5**, to amend the presiding officer's recommendation and impose no sanction due to the judges ruling that **Graf Construction Co. not return to the job site**. The motion was adopted with a unanimous vote. Members voting yes were: **Burch, Falwell, Harris, Hart, Hollar, Orange, Kirby, Parrish, Redifer and Wood**.

In the matter of File Number 2002-03093, **William M. Stokes (Claimant) and Sammy Dalton Miller, Jr. t/a Miller's Residential Roofing (Regulant); Recovery Fund File**; the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. **Mr. Sammy Dalton Miller, Jr. (Regulant)** nor any qualified representative of the company made an appearance at the IFF or Board meeting in person or by counsel. **Mr. William M. Stokes (Claimant)** appeared at the IFF and the Board meeting. **Mr. Stokes** shared his agreement with the presiding officer's summary and recommendations. The presiding officer, **Kirby** was recused and did not participate in the discussion or vote in this matter. **Parrish** offered a motion seconded by **Redifer**, to accept the presiding officer's recommendations and summary for violations and approve the claim for payment in the amount of **\$1,020.00**. **Those members voting yes were: Falwell, Harris, Hart, Hollar, Wood, Redifer, Burch, Parrish and Orange**. The vote was unanimous. The motion was approved.

5(42)  
File  
2002-03093  
Sammy  
Dalton  
Miller, Jr.

In the matter of File Number 2002-00802, Board v. A. C. Pulliam, Jr. t/a Pulliam Construction Co., Ltd the board reviewed the Consent Order. Mr. Pulliam (Regulant) attended the IFF and the board meeting. He addressed the Board and shared that he accepted the terms of the consent and was ready to complete restitution. Upon a motion by Redifer seconded by Falwell the board ratified the consent order to which the A. C. Pulliam, Jr. acknowledges an understanding of the charges and admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1 (1999 Regulation): 18 VAC 50-22-260(B)(14), \$200.00 and remedial education (must be completed in six months or license will be suspended); and \$150.00 Board costs. For a total monetary penalty of: \$350.00 and remedial ed.** The vote was unanimous: Members voting yes were: Falwell, Harris, Hart, Hollar, Wood, Kirby, Parrish, Burch and Redifer. Mr. Orange was recused and did not vote. There were no negative votes. If the fine is not paid within 30 days of the effective date of the Consent Order, Pulliam Construction Co., Ltd license 2701-037415 will be automatically suspended. The motion was approved.

6(1)  
File  
2002-00802  
Pulliam  
Construct-  
ion Co.  
Ltd.

In the matter of File Number 2002-03799, Ronald Payne (Respondent) t/a R. E. Payne Construction Inc.; Disciplinary File, the board reviewed the record, which consisted of the file, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. Payne appeared at the IFF but he did not attend the board meeting. Ms. Leah Mabe (Complainant) addressed the Board and shared her agreement with the presiding officer's summary and recommendation. She stated that R. E. Payne Construction Inc.'s license should be revoked to keep them from mistreating some other consumer. The presiding officer Kinser was absent and did not participate and did not vote. Redifer offered a motion seconded by Falwell to accept the presiding officer's recommendation for violations as follows: The Board found clear and convincing evidence that R. E. Payne Construction, Inc., violated the following sections of its 1999 Regulations: **Count 1: 18 VAC 50-22-230(A); Count 2: 18 VAC 50-22-260(B)(8); Count 3: 18 VAC 50-22-260-(B)(6); Count 4: 18 VAC 50-22-260(B)(6); Count 5: 18 VAC 50-22-260(B); Count 6: 18 VAC 50-22-260(B)(12).** The vote was unanimous: Members voting yes were: Burch, Falwell, Harris, Hollar, Hart, Kirby, Redifer, Parrish Wood and Orange. The motion was approved. Redifer offered a motion seconded by Hollar to adopt the summary and recommendation and impose the following sanctions: **Count 1: \$500.00; Count 2: \$500.00; Count 3: \$2,500.00; Count 4:**

5(39)  
File  
2002-03799  
R. E.  
Payne  
Construct-  
ion Inc.

**\$1,000.00; Count 5: \$2,500.00; Count 6: \$2,500.00 plus license revocation. Total amount of sanctions imposed is: \$9,500.** The vote was unanimous. Members voting yes were: **Burch, Hart, Hollar, Harris, Falwell, Kirby, Parrish, Orange, Redifer and Wood.** The motion was approved.

**In the matter of File Number 2002-02553, Ronald Payne (Respondent) t/a R. E. Payne Construction Inc.; Disciplinary File,** the board reviewed the record, which consisted of the file, transcript and exhibits from the IFF, and the presiding board member's summary and recommendation. **Mr. Charles Grantham (Complainant)** appeared at the IFF but did not appear at the board meeting. The presiding officer, **Kinser** was absent and did not participate in the discussion or vote in this matter. **Falwell** offered a motion seconded by **Redifer** to accept the presiding officer's recommendations and summary for violations. The Board found evidence that **Ronald Payne** violated the following: **1999 Regulations; Count 1 18 VAC 50-22-260 (B) (8); Count 2 18 VAC 50-22-260(B) (6); Count 3 18 VAC 50-22-260(B) (6).** Those members voting yes were: **Burch, Hart, Hollar, Harris, Falwell, Kirby, Parrish, Orange, Redifer and Wood.** The motion was approved. **Falwell** offered a motion seconded by **Redifer** to accept the presiding officer's recommendations and summary for sanctions. The Board imposed the sanction of revocation of R. E. Payne Construction Inc.'s license 2705-032993 and imposed the following penalties: **Count 1: \$500.00; Count 2: \$2,500.00; Count 3: \$2,500.00 and license revocation. Total amount of imposed penalties \$5,500.00** Those members voting yes were: **Burch, Hart, Hollar, Harris, Falwell, Kirby, Parrish, Orange, Redifer and Wood.** The motion was approved.

5(38)  
File  
2002-02553  
R. E.  
Payne  
Construct-  
ion, Inc.

**In the matter of File Number 2003-03450, Board v. Gerald W. Fisher t/a G W Fisher Construction,** the board reviewed the **Consent Order.** **Mr. Fisher (Regulant)** attended the board meeting. He addressed the Board and shared that he accepted the terms of the consent and was ready to complete restitution. Upon a motion by **Redifer** seconded by **Hart** the board ratified the consent order to which **Gerald W. Fisher** acknowledges an understanding of the charges and admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1 (2001 Regulation): 18 VAC 50-22-230(A), \$100.00 and remedial education (must be completed in six months or license will be suspended).** For a total monetary penalty of: **\$100.00 and remedial ed.** The vote was unanimous:

6 (17)  
File  
2003-03450  
Gerald W.  
Fisher

Members voting yes were: **Falwell, Harris, Hart, Hollar, Wood, Kirby, Orange, Parrish, Burch and Redifer**. There were no negative votes. If the fine is not paid within 30 days of the effective date of the Consent Order, **G W Fisher's Construction license 2705-061316** will be automatically suspended. The motion was approved

**In the matter of matter of File Number 2004-01954, Christopher M. Kidd, Application for License**, the board reviewed the **Record # 2004-01954**, which consisted of the license file, transcript, exhibits from the IFF, and the presiding board member's summary. **Christopher M. Kidd** appeared at the IFF and the Board meeting. He addressed the Board and shared his agreement with the presiding officer's recommendation. The presiding officer **Cooper** was not present and did not participate in the discussion and did not vote. Upon a motion by **Redifer** seconded by **Hollar** the board voted to accept the recommendation of the presiding officer and grant the license. The motion was approved. The vote was unanimous. Those members voting "Yes" were: **Burch, Falwell, Harris, Hart, Hollar, Orange, Kinser, Parrish, Wood and Redifer**.

5 (27)  
File  
2004-01954  
Christophe  
r M. Kidd

**In the matter of File Number 2004-01093, Timothy C. Boardwine, Application for License**, the board reviewed the **Record # 2004-01093**, which consisted of the license file, transcript, exhibits from the IFF, and the presiding board member's summary. **Timothy C. Boardwine** appeared at the IFF and the Board meeting. He addressed the Board and shared his agreement with the presiding officer's recommendation. The presiding officer **Cooper** was absent and did not participate in the discussion and did not vote. Upon a motion by **Kirby** seconded by **Hollar** the board voted to accept the recommendation of the presiding officer and grant the license. The motion was approved. The vote was unanimous. Those members voting "Yes" were: **Burch, Falwell, Harris, Hart, Hollar, Orange, Kirby, Parrish, Wood and Redifer**.

5 (15)  
File  
2004-01093  
Timothy C.  
Boardwine

**In the matter of File Number 2004-01953, Timothy M. Barnes, Application for License**, the board reviewed the **Record # 2004-01953**, which consisted of the license file, transcript, exhibits from the IFF, and the presiding board member's summary. **Timothy M. Barnes** appeared at the IFF and the Board meeting. He addressed the Board and shared his agreement with the presiding officer's recommendation. He stated he was very honest and open about his history and hoped he could prove his trustworthiness to the Board. The presiding officer **Cooper** was absent and did not participate in the discussion and did not vote. Upon a motion

5 (26)  
File  
2004-01953  
Timothy  
M. Barnes

by **Hart** seconded by **Parrish with Hollar abstaining** the board voted to reject the recommendation of the presiding officer and deny the license based on **Barnes'** record, including the information obtained from the Central Criminal Records Exchange and in consideration of the criteria outlined in §54.1-204. After a review of the facts, nature of the crime, the Board agreed it would be negligent to grant a license in which the Board believes **Barnes** could pose a threat to the health, safety and welfare of the public. The motion was approved. The vote was unanimous. Those members voting "Yes" were: **Falwell, Burch, Harris, Hart, Orange, Kirby, Parrish, Wood and Redifer.**

**In the matter of File Number 2004-01902, Ronald S. Powers License Application File;** the board reviewed the licensing record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. **Mr. Ronald S. Powers** made an appearance at the IFF and the Board meeting. He shared his agreement with the presiding officer's summary and recommendations. The presiding officer, **Cooper** was absent and did not participate in the discussion or vote in this matter. **Burch** offered a motion seconded by **Hollar** to accept the presiding officer's recommendations and grant the license. The vote was unanimous. **Those members voting yes were: Falwell, Burch, Harris, Hart, Hollar, Kirby, Wood, Parrish, Redifer and Orange.** The motion was approved.

5 (21)  
File  
2004-01902  
Ronald S.  
Powers

**In the matter of File Number 2004-01920, Martin L. Gayle; Application for License,** the board reviewed the licensing record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. **Mr. Gayle** attended the IFF and appeared before the board. **Mr. Gayle** shared his agreement with the presiding officer's summary and recommendation. He shared with the Board that he made some mistakes in his life abusing alcohol etc. but now he has his life together. The presiding officer **Cooper** was absent and did not participate in the discussion and did not vote. **Burch** offered a motion to accept the presiding officer's recommendation and grant the license. **Kirby** seconded the motion. The motion was approved with a unanimous "Yes" vote. **Members voting were: Harris, Hart, Hollar, Orange, Falwell, Kirby, Parrish, Redifer, Burch and Wood.** The license was granted.

5 (24)  
File  
2004-01920  
Martin L.  
Gayle

**In the matter of File Number 2004-00928, Robert Hughes t/a Action Maintenance & Prevention Application for License Record File,** the board reviewed the **Record # 2004-00928**, which consisted of the licensing record, transcript, exhibits from the IFF, and the presiding board member's summary. **Mr. Tom Lacheney (Esquire)** appeared at the Board meeting and the IFF with Mr. Hughes. He expressed his client's agreement with the Board members recommendations. The presiding officer **Cooper** was absent and did not participate and did not vote. Upon a motion by **Kirby**, seconded by **Falwell**, the board voted to accept the recommendation and grant the license. The motion was approved with a yes vote of 6 and a no vote of 4. Those members voting "Yes" were: **Falwell, Hart, Harris, Kirby, Orange, and Burch**. Those members voting no were: **Parrish, Hollar, Wood and Redifer**. **The license was granted.**

**5 (3)  
File  
2004-00928  
Robert  
Hughes**

**In the matter of File Number 2004-01955, Thomas D. Wolfe; Application for License,** the board reviewed the licensing record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. **Mr. Wolfe** attended the IFF and appeared before the board. **Mr. Wolfe** shared his agreement with the presiding officer's summary and recommendation. The presiding officer **Cooper** was absent and did not participate in the discussion and did not vote. **Falwell** offered a motion to accept the presiding officer's recommendation and grant the license. **Hart** seconded the motion. The motion was approved with a unanimous "Yes" vote. Members voting were: **Harris, Hart, Hollar, Orange, Falwell, Kirby, Parrish, Redifer, Burch and Wood**. The license was granted.

**5 (28)  
File  
2004-01955  
Thomas D.  
Wolfe**

**In the matter of File Number 2004-01953, Harry F. Williams; Application for License,** the board reviewed the licensing record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. **Mr. Williams** attended the IFF and appeared before the board. He shared his agreement with the presiding officer's summary and recommendation. **Mr. Williams** also stated he wanted the Board to modify the application. The presiding officer **Cooper** was not present and did not participate and did not vote. **Hollar** offered a motion to accept the presiding officer's recommendation and grant the license. **Falwell** seconded the motion. The motion was failed with a "Yes" vote of 3 and a "No" vote of 7. Members voting yes were: **Falwell, Redifer, and Hollar**. Members voting no were: **Orange, Harris, Burch, Kirby, Wood, Parrish and Hart**. **The motion failed. Upon a motion by Parrish**

**5 (22)  
File  
2004-01953  
Judith M.  
Davis**

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to deny Williams a license based upon the record, including information obtained from the Central Criminal Records Exchange and in consideration of the criteria outline in §54.1-204. She said granting a license to Mr. Williams could be an endangerment to the public, due to the nature of his crimes and past criminal history. **Wood** seconded the motion. The motion was adopted to deny the license with a vote of 3 no and 7 yes. Members voting yes were: **Parrish, Wood, Orange, Hart, Harris, Burch and Falwell**. Members voting no were: Falwell, Hollar and Redifer.

**In the matter of File Number 2003-02044, Craig & Stacey Hicks (Respondent) t/a Hicks Electric, Inc. Disciplinary Record File,** the board reviewed the **Record # 2003-02044**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Claudia Prior (complainant) had her son Keith Prior both** attend the IFF but neither Ms. Prior nor any qualified individual attended the Board meeting. **Craig Hicks (Respondent)** and appeared at the IFF and the Board meeting and expressed his disagreement with the presiding officer's summary and recommendations. The presiding officer **Wood** recused herself and did not participate and did not vote. Upon a motion by **Falwell** seconded by **Kirby** the board voted to amend the recommendation for the violations as follows: The Board found clear and convincing evidence that **Craig Hicks t/a Hicks Electric, Inc.** violated the following sections of its **2001 Regulations: Count 2 (2001): 18 VAC 50-22-260(B)(6); Count 3 (2001): 18 VAC 50-22-260(B)(9)**. The Board determined a finding of no violation for Count 1 based on the proof of the 150 Amp installation in 2001 with the one year warranty. The motion was approved with a unanimous vote. Those members voting "Yes" were: **Falwell, Burch, Hollar, Hart, Redifer, Kirby, Parrish, Harris and Orange**. Upon a motion by **Falwell**, seconded by **Kirby**, the board voted to accept the presiding officer's recommendations for the sanctions with amendments as follows: The Board imposed the following sanctions: **Count 2: \$500.00 and remedial education, Count 3: \$200.00 and remedial education for a total monetary penalty of \$700.00**. The motion was approved with a unanimous vote. Those members voting "Yes" were: **Falwell, Harris, Hart, Burch, Kirby, Parrish, Hollar, Wood, Redifer and Orange**.

5(67)  
File  
2003-02044  
Hicks  
Electric,  
Inc.

**In the matter of File Number 2004-01036, Shawn O'Neal Mutschler, Application for License,** the board reviewed the licensing record, which

5 (10)  
File

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consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. **Mr. Mutschler** attended the IFF and the Board meeting. He expressed his agreement with the presiding officer's recommendation. The presiding officer **Cooper** was not present and did not participate and did not vote. **Parrish** offered a motion to accept the presiding officer's recommendation and grant the license. **Hart** seconded the motion. The motion was approved with a unanimous "Yes" vote. Members voting were: **Orange, Falwell, Hollar, Burch, Parrish, Kirby, Hart, Wood, Harris and Redifer**. The license was granted.

2004-01036  
**Shawn  
O'Neal  
Mutschler**

**In the matter of File Number 2004-01108, Robert G. Stafford, II, Application for License**, the board reviewed the licensing record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. **Mr. Stafford** attended the IFF and the Board meeting. He expressed his agreement with the presiding officer's recommendation. He shared with the board that he's been working for 16 years for others and he'd now like his license. The presiding officer **Cooper** was not present and did not participate and did not vote. **Parrish** offered a motion to accept the presiding officer's recommendation and grant the license. **Hart** seconded the motion. The motion was approved with a unanimous "Yes" vote. Members voting were: **Orange, Falwell, Hollar, Burch, Parrish, Kirby, Hart, Wood, Harris and Redifer**. The license was granted.

5(19)  
File  
2004-01108  
**Robert G.  
Stafford, II**

**In the matter of File Number 2003-02019, Phillip Poletti (Respondent) t/a Prestidge Docks Inc., Disciplinary Record File**, the board reviewed the **Record # 2003-02019**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Phillip Poletti (Respondent)** appeared at the Board meeting and the IFF. Mr. Poletti addressed the Board and request mercy on his penalties. He shared he's been paying on his financial penalties and using his savings and his child's college fund to do so. **Danny Bowman (Complainant)** attended the IFF by phone. He did not attend the Board meeting. The presiding officer **Orange** recused himself and did not participate and did not vote. **Hollar** chaired this case. Upon a motion by **Parrish**, seconded by **Kirby**, the board voted to accept the recommendation for the violations as follows: **The Board found clear and convincing evidence that Phillip Poletti** violated its **2001 Regulations: Count 1: 18 VAC 50-22-260(B)(9); Count 2: 18 VAC 50-22-260(B)(27) ; Count 3: No Violation; Count 4: 18 VAC 50-22-260 (B)(31). Count 5: 18 VAC 50-22-260(B) (5)**. The motion was approved with a vote of 8 yes and 1 no. Those members voting "Yes" were: **Kirby Hart, Harris, Parrish, Burch, Hollar, and Wood. Redifer** cast the no vote. Upon a motion by **Parrish** seconded by **Hart**

5 ( 54)  
File  
2003-02019  
**Prestidge  
Docks Inc.**

the board voted to adopt the recommendations for the sanctions with amendments as follows: Parrish stated the fines appear to be significantly lower than normal. **Count 1, \$250.00. Count 2, \$750.00 and remedial education; Count 3, no violation; Count 4, \$125.00 and remedial education; Count 5, \$750.00. For a total of \$1,875.00 in penalties and successful completion of Remedial Education.** The motion was approved. Those members voting yes were: **Parrish, Harris, Hart, Kirby, Burch, Falwell, Paulette and Wood.** Redifer cast the no vote. The motion was adopted. **If the penalties are not paid within 60 days of the date of the order the license will automatically be suspended. If Phillip Poletti does not comply with the terms of the order and successfully complete the Basic Contractor Licensing Class (remedial education) his license 2705-059661 will be revoked.**

**In the matter of File Number 2004-01102, Calvin R. Davis, Jr., Application for License,** the board reviewed the licensing record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. **Mr. Davis** attended the IFF and the Board meeting. He expressed his agreement with the presiding officer's recommendation. He shared with the board that he's been hanging around the wrong group and got into trouble and the he's sorry for his mistake. He's now married, working and wants his license in order to provide a better living for his family. The presiding officer **Cooper** was not present and did not participate and did not vote. **Orange** chaired this case. **Redifer** offered a motion to accept the presiding officer's recommendation and grant the license. **Wood** seconded the motion. The motion was approved with a unanimous "Yes" vote. Members voting were: **Orange, Falwell, Hollar, Burch, Parrish, Kirby, Hart, Wood, Harris and Redifer.** The license was granted.

5 (16)  
File  
2004-01102  
Calvin R.  
Davis, Jr.

**In the matter of File Number 2003-03344, Luther Brown, Jr., Application for License,** the board reviewed the licensing record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. **Mr. Brown** attended the IFF and the Board meeting. He expressed his agreement with the presiding officer's recommendation. He shared with the board that he wants a license and asks the Board to accept the findings of the presiding officer. The presiding officer **Cooper** was not present and did not participate and did not vote. **Kirby** offered a motion to accept the presiding officer's recommendation and grant the license. **Harris** seconded the motion. The motion was approved with a unanimous "Yes" vote. Members voting

5 (1)  
File  
2003-03344  
Luther  
Brown, Jr.

were: **Orange, Falwell, Hollar, Burch, Parrish, Kirby, Hart, Wood, Harris and Redifer.** The license was granted.

**In the matter of File Number 2004-00938, Ronald Wayne Hannah, Jr., t/a Affordable Lake Builders, Application for License,** the board reviewed the licensing record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. **Mr. Hannah** attended the IFF and the Board meeting. He expressed his agreement with the presiding officer's recommendation. He shared with the board that he's not proud of his past. The things he did that were wrong happened 8 or 9 years ago. Please grant his license. The presiding officer **Cooper** was not present and did not participate and did not vote. **Parrish** offered a motion to accept the presiding officer's recommendation and grant the license. **Hart** seconded the motion. The motion was approved with a unanimous "Yes" vote. Members voting were: **Orange, Falwell, Hollar, Burch, Parrish, Kirby, Hart, Wood, Harris and Redifer.** The license was granted.

5 (6)  
File  
2004-00938  
**Ronald  
Wayne  
Hannah,  
Jr.**

**In the matter of File Number 2004-00707, Clifton Paul Dollar t/a H.I.C., Application for License,** the board reviewed the licensing record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. **Mr. Dollar** attended the IFF but he did not attend the Board meeting. The presiding officer **Cooper** was not present and did not participate and did not vote. **Parrish** offered a motion to reject the presiding officer's recommendation and deny the license based upon the record, including the information obtained from the Central Criminal Records Exchange and in consideration of the criteria outlined in §54.1-204. Also due to the nature of the offense it appears Mr. Dollar would be a danger to the citizens of the commonwealth. **Kirby** seconded the motion. The motion was approved with a "Yes" vote of 7 and a "no" vote of 3. Members voting yes were: **Orange, Falwell, Hollar, Burch, Parrish, Kirby, Hart, Wood, Harris and Redifer.** The license was denied.

5 (2)  
File  
2004-00707  
**Clifton  
Paul  
Dollar**

**In the matter of File Number 2004-00929, Donald Olynn Cook, Application for License,** the board reviewed the licensing record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. **Mr. Cook** attended the IFF but not the Board meeting. The presiding officer **Cooper** was not present and did not participate and did not vote. **Wood** offered a motion to reject the presiding officer's recommendation and deny the license based on the

5 (4)  
File  
2004-00929  
**Donald  
Olynn  
Cook**

record, including the information obtained from the Central Criminal Records Exchange and in consideration of the criteria outline in §54.1-204. Due to the nature of the crime she feels it would be negligent to grant a license in which the Board believes Cook could pose a threat to the health, safety and welfare of the public. **Parrish** seconded the motion. The motion was approved with a unanimous "Yes" vote. Members voting yes were: **Orange, Falwell, Burch, Parrish, Kirby, Hart, Wood, Harris and Redifer**. **Hollar** cast the no vote. The license was denied.

**In the matter of File Number 2004-00930, Richard Edward Doughtry; Application for License**, the board reviewed the licensing record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. **Mr. Doughtry** attended the IFF but not the Board meeting. The presiding officer **Cooper** was not present and did not participate and did not vote. **Wood** offered a motion to reject the presiding officer's recommendation and deny the license based on the severity of the conviction. The motion failed with a vote of 3 "Yes" and 7 "no". Members voting yes were: **Orange, Falwell, Hollar, Kirby, Hart, Harris and Redifer**. Members voting no were: **Burch, Wood and Parrish**. **Hart** offered a motion to accept the presiding officer's recommendation and grant the license. **Falwell** seconded the motion. The motion was adopted and the license was granted with a yes vote of 7 and a no vote of 3. Members voting yes were: **Orange, Falwell, Hollar, Kirby, Hart, Harris and Redifer**. Members voting no were: **Burch, Wood and Parrish**. The license was granted.

5 (5)  
File  
2004-00930  
Richard  
Edward  
Doughtry

**In the matter of File Number 2004-01032, Shawn K. Wimbush, Application for License**, the board reviewed the licensing record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. **Mr. Wimbush** attended the IFF but not the Board meeting. The presiding officer **Cooper** was not present and did not participate and did not vote. **Redifer** offered a motion to accept the presiding officer's recommendation and grant the license. **Hollar** seconded the motion. The motion was approved with a unanimous "Yes" vote. Members voting were: **Orange, Redifer, Burch, Kirby, Hart, Wood, Harris, Hollar, Falwell and Parrish**. The license was granted.

5 (8)  
File  
2004-01032  
Shawn K.  
Wimbush

**In the matter of File Number 2004-01033, Edward Lloyd Miller Application for License**, the board reviewed the licensing record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. **Mr. Miller** attended the IFF but not the Board meeting. The presiding officer **Cooper** was not present and did not participate and did not vote. **Wood** offered a motion to reject the presiding officer's recommendation and deny the license based on the most recent conviction of murder and **Mr. Miller** being a possible threat to the safety and welfare of the citizens of the commonwealth. **Parrish** seconded the motion. After discussing the facts, nature of the crime and the recent convictions the Board voted to approve the motion. The vote was unanimous. Members voting "Yes" were: **Orange, Redifer, Hart, Harris, Hollar, Wood, Parrish, Burch, Falwell, and Kirby**. The license was denied.

5 (9)  
File  
2004-01033  
Edward  
Lloyd  
Miller

**In the matter of File Number 2004-01037, Michael William Hiltner, t/a S & M Renovation Company, Application for License**, the board reviewed the licensing record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. **Mr. Hiltner** attended the IFF but not the Board meeting. The presiding officer **Cooper** was not present and did not participate and did not vote. **Redifer** offered a motion to accept the presiding officer's recommendation and grant the license. **Hollar** seconded the motion. The motion was approved with a unanimous "Yes" vote. Members voting were: **Orange, Falwell, Hollar, Burch, Parrish, Kirby, Hart, Wood, Harris and Redifer**. The license was granted.

5 (11)  
File  
2004-01033  
Michael  
William  
Hiltner

**In the matter of File Number 2004-01068, Matthew R. Chisom, Application for License**, the board reviewed the licensing record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. **Mr. Chisom** attended the IFF but not the Board meeting. The presiding officer **Cooper** was not present and did not participate and did not vote. **Hart** offered a motion to accept the presiding officer's recommendation and deny the license based upon the record, including the information obtained from the Central Criminal Records Exchange and in consideration of the criteria outlined in §54.1-204.B. **Kirby** seconded the motion. The motion was approved with a unanimous "Yes" vote. Members voting were: **Orange, Falwell, Hollar, Burch, Parrish, Kirby, Hart, Wood, Harris and Redifer**. The license was denied.

5 (13)  
File  
2004-01068  
Matthew  
R. Chisom

Contractor Board Meeting Minutes

January 20, 2004

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**In the matter of File Number 2004-01104, Rickie D. Bramlett, Application for License**, the board reviewed the licensing record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. **Mr. Bramlett** attended the IFF but not the Board meeting. The presiding officer **Cooper** was not present and did not participate and did not vote. **Kirby** offered a motion to accept the presiding officer's recommendation and grant the license. **Redifer** seconded the motion. The motion was approved with a vote of 8 "Yes" and 2 "NO". Members voting yes were: **Orange, Falwell, Hollar, Burch, Kirby, Hart, Harris and Redifer**. Members voting no were: **Parrish and Wood**. The license was granted.

5 (17)  
File  
2004-01104  
Rickie D.  
Bramlett

**In the matter of File Number 2004-01106, Mark J. Coston, Application for License**, the board reviewed the licensing record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. **Mr. Coston** attended the IFF but not the Board meeting. The presiding officer **Cooper** was not present and did not participate and did not vote. **Redifer** offered a motion to accept the presiding officer's recommendation and grant the license. **Burch** seconded the motion. The motion was approved with a unanimous vote. Members voting yes were: **Orange, Falwell, Hollar, Burch, Parrish, Kirby, Hart, Harris, and Wood, Redifer**. The license was granted.

5 (18)  
File  
2004-01106  
Mark J.  
Coston

**In the matter of File Number 2004-01901, Robert M. Wilcox Application for License**, the board reviewed the licensing record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. **Mr. Wilcox** attended the IFF but not the Board meeting. The presiding officer **Cooper** was not present and did not participate and did not vote. **Kirby** offered a motion to accept the presiding officer's recommendation and grant the license. **Burch** seconded the motion. The motion was approved with a unanimous vote. Members voting yes were: **Orange, Falwell, Hollar, Wood, Burch, Kirby, Hart, Parrish, Harris and Redifer**. The license was granted.

5 (20)  
File  
2004-01901  
Robert M.  
Wilcox

**In the matter of File Number 2004-01920, Sean A. LaSalle**, the board reviewed the licensing record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. **Mr. LaSalle** attended the IFF but not the Board meeting. The presiding officer **Cooper** was not present and did not participate and did not vote.

5 (23)  
File  
2004-01920  
Sean A.  
LaSalle

Contractor Board Meeting Minutes

January 20, 2004

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**Parrish** offered a motion to reject the presiding officer's recommendation and deny the license based on the record and **Mr. LaSalle** being a possible threat to the safety and welfare of the citizens of the commonwealth. **Mr. LaSalle** is currently still on active probation for his most recent charge. **Parrish** seconded the motion. After discussing the facts, nature of the crime and the recent convictions the Board voted to approve the motion. The vote was 9 "YES" and 1 "NO". Members voting "Yes" were: **Orange, Redifer, Hart, Harris, Wood, Parrish, Burch, Falwell, and Kirby**. **Hollar** cast the no vote. The license was denied.

**In the matter of File Number 2004-01952, Michael D. Rollston**, the board reviewed the licensing record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. **Mr. Rollston** attended the IFF but not the Board meeting. The presiding officer **Cooper** was not present and did not participate and did not vote. **Orange** recused himself and did not participate and did not vote. **Hollar** chaired this case. **Redifer** offered a motion to accept the presiding officer's recommendation and grant the license **Burch** seconded the motion. The vote was 5 "Yes" and 4 "No". Members voting "Yes" were: **Redifer, Harris, Hollar, Burch and Falwell**. Members voting "No" were: **Hart, Wood, Parrish and Kirby**. The license was denied.

5 (25)  
File  
2004-01952  
Michael D.  
Rollston

**In the matter of File Number 2002-00591, Charles Martin Arnold t/a CMA Contractors Disciplinary Record File**, the board reviewed the **Record # 2002-00591**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Neither Charles Martin Arnold (Regulant)** nor any one from his company appeared at the Board meeting or the IFF in person with counsel or by any other representative. **Dorothy Austin (Complainant)** did not appear at the IFF or the Board meeting. The presiding officer **Hart** recused himself and did not participate in this matter and did not vote. **Orange** resumed chairing the meeting. **Redifer** offered a motion seconded by **Kirby** to adopt the presiding officer's summary and amended the recommendation for the violations as follows: The Board finds clear and convincing evidence that **Charles Martin Arnold** violated the following sections of its 1999 Regulations: **Count 1: No violation** because based on the requirements of having to have a contract as set forth in the statute and regulation were not met; **Count 2: 18 VAC 50-22-260(B)(12); Count 3: 18 VAC 50-22-260(B)(12)**. The motion was approved with a unanimous vote. Those members voting

5 (29)  
File  
2002-00591  
Charles  
Martin  
Arnold

**“Yes”** were: **Hollar, Burch, Kirby, Wood, Harris, Falwell, Orange, Redifer and Parrish.** Upon a motion by **Redifer** seconded by **Hollar** the board voted unanimously to accept the recommendation for the sanctions with amendments as follows. **Count 1: No violation; Count 2: \$2,000.00; Count 3: \$2,000.00.** For a total monetary penalty of **\$4,000.00.** The monetary penalty must be paid within sixty days of the date of entry of the order or the license will be automatically suspended. Members voting were: **Wood, Hollar, Kirby, Harris, Falwell, Orange, Burch, Redifer and Parrish.** The motion was approved.

In the matter of File Number 2002-02050, **Robert G. Farmer, Jr., t/a Diamond Decks; Disciplinary Record File,** the board reviewed the Record # 2002-02050, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Robert G. Farmer (Regulant)** did not appear at the IFF or the Board meeting and he was not represented by counsel or any other person on his behalf. **Marjorie A. Jones (Complainant)** did not appear at the IFF or the Board meeting. The presiding officer **Hart** recused himself and did not participate in this matter and did not vote. **Kirby** offered a motion seconded by **Hollar** to adopt the presiding officer's recommendation for the violations as follows: The Board finds clear and convincing evidence that **Robert G. Farmer Jr.** violated the following sections of its 1999 and 2001 Regulations: **Count 1(May 1, 1999): 18 VAC 50-22-260(B)(8); Count 2(September 1, 2001): 18 VAC 50-22-260(B)(15); Count 3(September1, 2001): 18 VAC 50-22-260(B)(6); Count 4 (September 1, 2001); 18 VAC 50-22-260(B)(13).** The motion was adopted with a unanimous vote. Those members voting **“Yes”** were: **Wood, Hollar, Kirby, Harris, Falwell, Orange, Burch, Redifer and Parrish.** Upon a motion by **Kirby** seconded by **Hollar** the board voted unanimously to adopt the presiding officer's recommendation for the sanctions as follows. **Count 1: \$500.00; Count 2: \$2,500.00; Count 3: \$500.00; Count 4: \$500.00.** For a total monetary penalty of **\$4,000.00.** The monetary penalty must be paid within sixty days of the date of entry of the order or the license will be automatically suspended. Members voting were: **Wood, Hollar, Kirby, Harris, Falwell, Orange, Burch, Redifer and Parrish.** The motion was approved.

5 (30)  
File  
2002-02050  
Robert G.  
Farmer,  
Jr.

**In the matter of File Number 2003-00222, William B. Robertson Disciplinary Record File, the board reviewed the Record # 2003-00222, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. William B. Robertson (Regulant) did not appear at the IFF or the Board meeting and he was not represented by counsel or any other person on his behalf. Hart recused himself and did not participate in this matter and did not vote. Redifer offered a motion seconded by Kirby to adopt the presiding officer's recommendation for the violations as follows: The Board finds clear and convincing evidence that Robert G. Farmer Jr. violated the following sections of its 2001 Regulations: Count 1(September 1, 2001): 18 VAC 50-22-260(B)(9); Count 2(September 1, 2001): 18 VAC 50-22-260(B)(31); Count 3(September1, 2001): 18 VAC 50-22-260(B)(15); Count 4 (September 1, 2001); 18 VAC 50-22-260(B)(16); Count 5 (January 1, 2003); 18 VAC 50-22-260(B)(13). The motion was adopted with a unanimous vote. Those members voting "Yes" were: Wood, Hollar, Kirby, Harris, Falwell, Orange, Burch, Redifer and Parrish. Upon a motion by Kirby seconded by Hollar the board voted unanimously to adopt the presiding officer's recommendation for the sanctions with amendments as follows. Count 1: \$800.00; Count 2: \$250.00; Count 3: \$2,500.00 and license revocation; Count 4: \$2,500.00 and license revocation; Count 5: \$1,000.00. For a total monetary penalty of \$7,050.00. As to Count 5, the Board decreased the monetary penalty from \$2,000.00 to \$1,000.00 to be consistent with previous Board policy. The violation was not sufficient enough to warrant the maximum penalty. The monetary penalty must be paid within sixty days of the date of entry of the order or the license will be automatically suspended. Members voting were: Wood, Hollar, Kirby, Harris, Falwell, Orange, Burch, Redifer and Parrish. The motion was approved.**

**5 (39)  
File  
2003-00222  
William B.  
Robertson**

**In the matter of File Number 2003-00489, Wayne Edward Garrity t/a Mr. Rooter Plumbing Disciplinary Record File, the board reviewed the Record # 2003-00489, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. Wayne Edward Garrity (Regulant) did not appear at the IFF or the Board meeting and he was not represented by counsel or any other person on his behalf. Robert Nappi (Complainant) did not appear at the IFF or the Board meeting. Hart recused himself and did not participate in this matter and did not vote. Falwell offered a motion seconded by Redifer to adopt the presiding officer's recommendation for the violations as follows: The Board finds clear and convincing evidence that Wayne Edward Garrity violated the following sections of its 1999 and 2001 Regulations: Count 1(May 1, 1999): 18 VAC 50-22-**

**5 (40)  
File  
2003-00489  
Wayne  
Edward  
Garrity**

230(A); Count 2(May 1, 1999): 18 VAC 50-22-260(B)(8); Count 3(September1, 2001): 18 VAC 50-22-260(B)(6); Count 4 (September 1, 2001); 18 VAC 50-22-260(B)(6); Count 5 (September 1, 2001); 18 VAC 50-22-260(B)(13). The motion was adopted with a unanimous vote. Those members voting "Yes" were: **Wood, Hollar, Kirby, Harris, Falwell, Orange, Burch, Redifer and Parrish.** Upon a motion by **Falwell** seconded by **Parrish** the board voted unanimously to adopt the presiding officer's recommendation for the sanctions as follows. **Count 1: \$800.00; Count 2: \$500.00; Count 3: \$1,000.00; Count 4: \$1,000.00 and license revocation; Count 5: \$2,000.00 and license revocation. For a total monetary penalty of \$5,300.00. The monetary penalty must be paid within sixty days of the date of entry of the order or the license will be automatically suspended.** Members voting were: **Wood, Hollar, Kirby, Harris, Falwell, Orange, Burch, Redifer and Parrish.** The motion was approved.

**In the matter of File Number 2003-00876, Isayah Binyah Israyl t/a IBI Construction Co Disciplinary Record File, the board reviewed the Record # 2003-00876, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. Isayah Binyah Israyl (Regulant) did not appear at the IFF or the Board meeting and he was not represented by counsel or any other person on his behalf. Earl L. McCatty (Complainant) attended the IFF but did not attend the Board meeting. Hart recused himself and did not participate in this matter and did not vote. Redifer offered a motion seconded by Kirby to adopt the presiding officer's recommendation for the violations as follows: The Board finds clear and convincing evidence that Robert G. Farmer Jr. violated the following sections of its 2001(September 1) Regulations: Count 1: 18 VAC 50-22-260(B)(9); Count 2: 18 VAC 50-22-260(B)(27); Count 3: 18 VAC 50-22-260(B)(27); Count 4; 18 VAC 50-22-260(B)(15); Count 5; 18 VAC 50-22-260(B)(16); Count 6: (18 VAC 50-22-260(B)(12). The motion was adopted with a unanimous vote. Those members voting "Yes" were: **Wood, Hollar, Kirby, Harris, Falwell, Orange, Burch, Redifer and Parrish.** Upon a motion by **Kirby** seconded by **Parrish** the board voted unanimously to adopt the presiding officer's recommendation for the sanctions as follows. **Count 1: \$800.00; Count 2: \$1,000.00; Count 3: \$1,000.00; Count 4: \$2,500.00 and license revocation; Count 5: \$2,500.00 and license revocation; Count 6: \$1,000.00. For a total monetary penalty of \$8,800.00. The monetary penalty must be paid within sixty days of the date of entry of the order or the license will be automatically suspended.** Members voting were: **Wood, Hollar, Kirby, Harris, Falwell, Orange, Burch, Redifer and Parrish.** The motion was approved.**

5 (41)  
File  
2003-00876  
Isayah  
Binyah  
Israyl

In the matter of File Number 2003-01055, Mary Ann Ulrich t/a comfort Home Improvements Disciplinary Record File, the board reviewed the Record # 2003-01055, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. Mary Ann Ulrich (Regulant) did not appear at the IFF or the Board meeting and he was not represented by counsel or any other person on his behalf. Hart recused himself and did not participate in this matter and did not vote. Redifer offered a motion seconded by Kirby to adopt the presiding officer's recommendation for the violations as follows: The Board finds clear and convincing evidence that Mary Ann Ulrich violated the following sections of its 2001 Regulations: Count 1: 18 VAC 50-22-230(A); Count 2: 18 VAC 50-22-260(B)(9); Count 3: 18 VAC 50-22-260(B)(27); Count 4; 18 VAC 50-22-260(B)(15); Count 5; 18 VAC 50-22-260(B)(16); Count 6: 18 VAC 50-22-260(B)(25); Count 7: 18 VAC 50-22-260(B)(13). The motion was adopted with a unanimous vote. Those members voting "Yes" were: Wood, Hollar, Kirby, Harris, Falwell, Orange, Burch, Redifer and Parrish. Upon a motion by Kirby seconded by Hollar the board voted unanimously to adopt the presiding officer's recommendation for the sanctions as follows. Count 1: \$500.00; Count 2: \$800.00; Count 3: \$1,500.00 and license revocation; Count 4: \$2,000.00 and license revocation; Count 5: \$2,500.00 and license revocation; Count 6: \$2,000.00; Count 7: \$2,500.00. For a total monetary penalty of \$11,800.00. The monetary penalty must be paid within sixty days of the date of entry of the order or the license will be automatically suspended. Members voting were: Wood, Hollar, Kirby, Harris, Falwell, Orange, Burch, Redifer and Parrish. The motion was approved.

5 (42)  
File  
2003-01055  
Mary Ann  
Ulrich

In the matter of File Number 2003-01660, Mark Dikun t/a Commonwealth Construction Company Disciplinary Record File, the board reviewed the Record # 2003-01660, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. Mark Dikun (Regulant) did not appear at the IFF or the Board meeting and he was not represented by counsel or any other person on his behalf. Hart recused himself and did not participate in this matter and did not vote. Redifer offered a motion seconded by Burch to adopt the presiding officer's recommendation for the violations as follows: The Board finds clear and convincing evidence that Mark Dikun violated the following sections of its 2001 Regulations: Count 1: 18 VAC 50-22-260(B)(9); Count 2: 18 VAC 50-22-260(B)(15); Count 3: 18 VAC 50-22-260(B)(16). The motion was adopted with a unanimous vote. Those members voting "Yes" were: Wood, Hollar, Kirby, Harris, Falwell, Orange, Burch, Redifer and Parrish. Upon a motion by Redifer seconded by Wood the board voted unanimously to adopt the presiding

5 (43)  
File  
2003-01660  
Mark  
Dikun

officer's recommendation for the sanctions as follows. **Count 1: \$1,500.00; Count 2: \$2,500.00 and license revocation; Count 3: \$2,000.00 and license revocation. For a total monetary penalty of \$6,000.00. The monetary penalty must be paid within sixty days of the date of entry of the order or the license will be automatically suspended.** Members voting were: **Wood, Hollar, Kirby, Harris, Falwell, Orange, Burch, Redifer and Parrish.** The motion was approved.

**In the matter of File Number 2003-01906, Mary Ann Ulrich t/a Comfort Home Improvements Disciplinary Record File, the board reviewed the Record # 2003-01906, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. Mary Ann Ulrich (Regulant) did not appear at the IFF or the Board meeting and he was not represented by counsel or any other person on his behalf. Hart recused himself and did not participate in this matter and did not vote. Redifer offered a motion seconded by Falwell to adopt the presiding officer's recommendation for the violations as follows: The Board finds clear and convincing evidence that Mary Ann Ulrich violated the following sections of its 2001 Regulations: Count 1: 18 VAC 50-22-230(A); Count 2: 18 VAC 50-22-260(B)(9); Count 3: 18 VAC 50-22-260(B)(27); Count 4: 18 VAC 50-22-260(B)(27); Count 5: 18 VAC 50-22-260(B)(6); Count 6: 18 VAC 50-22-260(B)(15). The motion was adopted with a unanimous vote. Those members voting "Yes" were: Wood, Hollar, Kirby, Harris, Falwell, Orange, Burch, Redifer and Parrish. Upon a motion by Redifer seconded by Falwell the board voted unanimously to adopt the presiding officer's recommendation for the sanctions as follows. Count 1: \$500.00; Count 2: \$600.00; Count 3: \$800.00; Count 4: \$1,000.00 and license revocation; Count 5: \$2,000.00; Count 6: \$2,500.00. For a total monetary penalty of \$7,400.00. The violation was not sufficient enough to warrant the maximum penalty. The monetary penalty must be paid within sixty days of the date of entry of the order or the license will be automatically suspended. Members voting were: Wood, Hollar, Kirby, Harris, Falwell, Orange, Burch, Redifer and Parrish. The motion was approved.**

**5 (44)  
File  
2003-01906  
Mary Ann  
Ulrich**

**In the matter of File Number 2003-02296, Mark Dikun t/a Commonwealth Construction Company Disciplinary Record File,**

**5 (45)  
File**

the board reviewed the **Record # 2003-02296**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Mark Dikun (Regulant) did not** appear at the IFF or the Board meeting and he was not represented by counsel or any other person on his behalf. **Hart** recused himself and did not participate in this matter and did not vote. **Kirby** offered a motion seconded by **Burch** to adopt the presiding officer's recommendation for the violations as follows: The Board finds clear and convincing evidence that **Mark Dikun** violated the following sections of its **2001 and 2003 Regulations**: 2001 Regulations; **Count 1: 18 VAC 50-22-260(B)(9); Count 2: 18 VAC 50-22-260(B)(27); Count 3: 18 VAC 50-22-260(B)(6); Count 4: 18 VAC 50-22-260(B)(5); Count 5: 18 VAC 50-22-260(B)(15); Count 6 18 VAC 50-22-260(B)(16); Count 7: 18 VAC 50-22-260(B)(15)**. The motion was adopted with a unanimous vote. Those members voting "Yes" were: **Wood, Hollar, Kirby, Harris, Falwell, Orange, Burch, Redifer and Parrish**. Upon a motion by **Kirby** seconded by **Parrish** the board voted unanimously to adopt the presiding officer's recommendation for the sanctions as follows. **Count 1: \$500.00; Count 2: \$1,000.00; Count 3: \$2,000.00 and license revocation; Count 4: \$2,000.00 and license revocation; Count 5: \$2,500.00 and license revocation ; Count 6: \$2,000.00 and license revocation; Count 7: \$1,000.00; Count 8: \$2,000.00 and license revocation**. For a total monetary penalty of **\$13,000.00**. The monetary penalty must be paid within sixty days of the date of entry of the order or the license will be automatically suspended. Members voting were: **Wood, Hollar, Kirby, Harris, Falwell, Orange, Burch, Redifer and Parrish**. The motion was approved.

**2003-02296**  
**Mark**  
**Dikun**

**In the matter of File Number 2003-03532, Howard D. Kenner**, the board reviewed the licensing record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. **Robert N. Pritchard, Esquire** sent a letter to the Board requesting a continuance to the next meeting due to death in his family. **Kinser** the presiding officer was not present and did not vote. **Wood** offered a motion to continue this case to the next meeting. **Parrish** seconded the motion. The vote was unanimous. Members voting "Yes" were: **Orange, Redifer, Hart, Harris, Hollar, Wood, Parrish, Burch, Falwell, and Paulette**. The license was denied.

**5 (46)**  
**File**  
**2003-03532**  
**Howard D.**  
**Kenner**

**In the matter of File Number 2002-00297, Curtis R. Fultz (Claimant) and Sunrooms by Steppe, LC (Regulant); Recovery Fund File;** the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. **Neither Ms. Mary J. Steppe (Regulant) nor any qualified representative of the company made an appearance at the IFF or Board meeting in person or by counsel. Mr. Curtis R. Fultz (Claimant) appeared at the IFF but not the Board meeting. The presiding officer, Kirby was recused and did not participate in the discussion or vote in this matter. Burch offered a motion seconded by Hollar, to accept the presiding officer's recommendations and summary for violations and approve the claim for payment in the amount of \$3,293.33. Those members voting yes were: Falwell, Harris, Hart, Hollar, Wood, Redifer, Burch, Parrish and Orange. The vote was unanimous. The motion was approved.**

5 (43)  
File  
2003-00297  
Curtis R.  
Fultz

**In the matter of File Number 2003-01560, Elizabeth Jenkins (Claimant) and John E. Morrison t/a John E. Morrison Paving (Regulant); Recovery Fund File;** the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. **Mr. John E. Morrison. (Regulant) appeared at the Board meeting but he nor any qualified representative of the company made an appearance at the Board meeting in person or by counsel. Ms. Elizabeth Jenkins (Claimant) appeared at the IFF but not the Board meeting. The presiding officer, Kirby was recused and did not participate in the discussion or vote in this matter. Redifer offered a motion seconded by Burch, to accept the presiding officer's recommendations and summary for violations and approve the claim for payment in the amount of \$4,450.00. Those members voting yes were: Falwell, Harris, Hart, Hollar, Wood, Redifer, Burch, Parrish and Orange. The vote was unanimous. The motion was approved.**

5 (45)  
File  
2003-01560  
John E.  
Morrison

**In the matter of File Number 2003-01616, Gerald J. Spates (Claimant) and Jeffrey Harper and Terrance E. Hathaway for H & H Builders, LLC (Regulant); Recovery Fund File;** the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. **John F. Harper and Terrance E. Hathaway for H & H Builders, LLC (Regulant) did not appear at the IFF in person, by counsel or by any qualified representative of the company at the Board meeting. Mr. Gerald J. Spates (Claimant) appeared at the IFF but not the Board meeting. The presiding officer, Kirby was recused and did not participate in the discussion or vote in**

5 (46) File  
2003-01616  
H & H  
Builders,  
LLC

this matter. **Redifer** offered a motion seconded by **Falwell**, to accept the presiding officer's recommendations and summary for violations and approve the claim for payment in the amount of \$10,000.00. **Those members voting yes were: Falwell, Harris, Hart, Hollar, Wood, Redifer, Burch, Parrish and Orange.** The vote was unanimous. The motion was approved.

In the matter of File Number 2002-01641, **Steve A. Holsapple t/a Construction Unlimited Disciplinary Record File**, the board reviewed the **Record # 2002-01641**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Steve A. Holsapple (Respondent) attended** the IFF. He did not attend the Board meeting and was not represented by counsel or any other person on his behalf. **Orange** recused himself and did not participate in this matter and did not vote. **Hollar** chaired this case. **Redifer** offered a motion seconded by **Wood** to adopt the presiding officer's summary and amend the recommendation for the violations as follows: The Board finds clear and convincing evidence that **Steve A. Holsapple** violated the following sections of its **2001 Regulations: Count 1: 18 VAC 50-22-260(B)(9)**. The motion was adopted with a unanimous vote. Those members voting "Yes" were: **Wood, Hollar, Kirby, Harris, Falwell, Hart, Burch, Redifer and Parrish.** Upon a motion by **Kirby** seconded by **Falwell** the board voted unanimously to adopt the presiding officer's recommendation for the sanctions with amendments as follows. Ms. Traylor shared with the Board that Mr. Holsapple had two priors; one being a final order and the other being a consent order. **Count 1: \$2,500.00 and remedial education. For a total monetary penalty of \$2,500.00.** As to Count 1, the Board increased the monetary penalty from \$250.00 to \$2,500.00 due to this being Steve A. Holsapple's third appearance before the Board for failing to provide a proper contract and the repeated nature of the offense the penalty should be the maximum amount. **The monetary penalty must be paid within sixty days of the date of entry of the order or the license will be automatically suspended. The remedial education must be completed in six months or the license will be revoked for Steve A. Holsapple.** Members voting were: **Wood, Hollar, Kirby, Harris, Hart, Falwell, Burch, Redifer and Parrish.** The motion was approved.

5 (47)  
File  
2002-01641  
Construct-  
ion  
Unlimited

**In the matter of File Number 2002-03425, Business Sales Unlimited, t/a Horizon Kitchen & Bath Floor Design Inc., Disciplinary Record File**, the board reviewed the **Record # 2002-03425**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. No One from Business Sales Unlimited, Inc. (**Regulant**) appeared at the IFF or the Board meeting and they were not represented by counsel or any other person on there behalf. **Orange** recused himself and did not participate in this matter and did not vote. **Hollar** chaired this case. **Wood** offered a motion seconded by **Falwell** to adopt the presiding officer's recommendation for the violations as follows: The Board finds clear and convincing evidence that **Business Sales Unlimited, Inc.**, violated the following sections of its 2001 **Regulations: Count 1: 18 VAC 50-22-260(B)(9); Count 2: 18 VAC 50-22-260(B)(15); Count 3: 18 VAC 50-22-260(B)(16); Count 4: 18 VAC 50-22-210**. The motion was adopted with a unanimous vote. Those members voting "Yes" were: **Wood, Hollar, Kirby, Harris, Falwell, Burch, Hart, Redifer and Parrish**. Upon a motion by **Wood** seconded by **Falwell** the board voted unanimously to adopt the presiding officer's recommendation for the sanctions as follows. **Count 1: \$500.00 and remedial education; Count 2: \$2,500.00 and license revocation; Count 3: \$2,500.00 and license revocation; Count 4: \$500.00 and remedial education**. For a total monetary penalty of \$6,000.00. The monetary penalty must be paid within sixty days of the date of entry of the order or the license will be automatically suspended. Failure to successfully complete the remedial education class within six months will result in license revocation. Members voting were: **Wood, Hollar, Kirby, Harris, Falwell, Burch, Hart, Redifer and Parrish**. The motion was approved.

5 (48)  
File  
2002-03425  
Business  
Sales  
Unlimited

**In the matter of File Number 2002-03533, Business Sales Unlimited, t/a Horizon Kitchen & Bath Floor Design Inc., Disciplinary Record File**, the board reviewed the **Record # 2002-03533**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. No One from Business Sales Unlimited, Inc. (**Regulant**) appeared at the IFF or the Board meeting and they were not represented by counsel or any other person on there behalf. **Orange** recused himself and did not participate in this matter and did not vote. **Hollar** chaired this case. **Wood** offered a motion seconded by **Falwell** to adopt the presiding officer's recommendation for the violations as follows: The Board finds clear and convincing evidence that **Business Sales Unlimited, Inc.**, violated the following sections of its 2001 **Regulations: Count 1: 18 VAC 50-22-260(B)(15)**. The motion was adopted with a unanimous vote. Those members voting "Yes" were:

5 (49)  
File  
2002-03533  
Business  
Sales  
Unlimited,  
Inc.

**Wood, Hollar, Kirby, Harris, Falwell, Burch, Hart, Redifer and Parrish.** Upon a motion by **Wood** seconded by **Falwell** the board voted unanimously to adopt the presiding officer's recommendation for the sanctions as follows. **Count 1: \$2,500.00 and license revocation. For a total monetary penalty of \$2,500.00. The monetary penalty must be paid within sixty days of the date of entry of the order or the license will be automatically suspended.** Members voting were: **Wood, Hollar, Kirby, Harris, Falwell, Burch, Hart, Redifer and Parrish.** The motion was approved.

**In the matter of File Number 2003-00991, Stacy N. Stanley, t/a Colonial Paving Contractors, Disciplinary Record File,** the board reviewed the **Record # 2003-00991**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. Neither **Stanley (Regulant) or anyone** on her behalf appeared at the IFF or the Board meeting and she was not represented by counsel. **Orange** recused himself and did not participate in this matter and did not vote. **Hollar** chaired this case. **Falwell** offered a motion seconded by **Kirby** to adopt the presiding officer's summary and recommendation for the violations as follows: The Board finds clear and convincing evidence that **Stacy N. Stanley**, violated the following sections of its **2001 Regulations: Count 1: 18 VAC 50-22-260(B)(9); Count 2: 18 VAC 50-22-260(B)(30); Count 3: 18 VAC 50-22-260(B)(13).** The motion was adopted with a unanimous vote. Those members voting "Yes" were: **Wood, Hollar, Kirby, Harris, Falwell, Burch, Hart, Redifer and Parrish.** Upon a motion by **Parrish** seconded by **Hart** the board voted unanimously to adopt the presiding officer's recommendation for the sanctions as follows. **Count 1: \$500.00; Count 2: \$500.00; Count 3: \$2,500.00 and license revocation. For a total monetary penalty of \$3,500.00. The monetary penalty must be paid within sixty days of the date of entry of the order or the license will be automatically suspended.** Members voting were: **Wood, Hollar, Kirby, Harris, Falwell, Burch, Hart, Redifer and Parrish.** The motion was approved.

5 (50)  
File  
2003-00991  
Stacy N.  
Stanley

**In the matter of File Number 2003-01105, Business Sales Unlimited, t/a Horizon Kitchen & Bath Floor Design Inc., Disciplinary Record File,** the board reviewed the **Record # 2002-03425**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. No One from **Business Sales Unlimited, Inc.**

5 (51)  
File  
2003-01105  
Business  
Sales  
Unlimited,

**(Regulant)** appeared at the IFF or the Board meeting and they were not represented by counsel or any other person on their behalf. **Orange** recused himself and did not participate in this matter and did not vote. **Hollar** chaired this case. **Wood** offered a motion seconded by **Falwell** to adopt the presiding officer's recommendation for the violations as follows: The Board finds clear and convincing evidence that **Business Sales Unlimited, Inc.**, violated the following sections of its 2001 Regulations: **Count 1: 18 VAC 50-22-260(B)(9); Count 2: 18 VAC 50-22-260(B)(6)**. The motion was adopted with a unanimous vote. Those members voting "Yes" were: **Wood, Hollar, Kirby, Harris, Falwell, Burch, Hart, Redifer and Parrish**. Upon a motion by **Falwell** seconded by **Wood** the board voted unanimously to adopt the presiding officer's recommendation for the sanctions as follows. **Count 1: \$500.00 and remedial education; Count 2: \$2,500.00 and license revocation. For a total monetary penalty of \$3,000.00. The monetary penalty must be paid within sixty days of the date of entry of the order or the license will be automatically suspended. Failure to successfully complete the remedial education class within six months will result in license revocation. Members voting were: Wood, Hollar, Kirby, Harris, Falwell, Burch, Hart, Redifer and Parrish. The motion was approved.**

**Inc.**

In the matter of File Number 2003-01763, **Timothy Phipps t/a Westover Construction Associates, Disciplinary Record File**, the board reviewed the Record # 2003-01763, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. No One from **Westover Construction Associates (Regulant)** appeared at the IFF or the Board meeting and they were not represented by counsel or any other person on their behalf. **Orange** recused himself and did not participate in this matter and did not vote. **Hollar** chaired this case. **Kirby** offered a motion seconded by **Redifer** to adopt the presiding officer's recommendation for the violations and amend as follows: The Board finds clear and convincing evidence that **Timothy Phipps**, violated the following sections of its 2001 Regulations: **Count 1: No violation based on no contract requirement for commercial work; Count 2: 18 VAC 50-22-230(A)**. The motion was adopted with a unanimous vote. Those members voting "Yes" were: **Wood, Hollar, Kirby, Harris, Falwell, Burch, Hart, Redifer and Parrish**. Upon a motion by **Hart** seconded by **Burch** the board voted unanimously to adopt the presiding officer's recommendation for the sanctions with amendments as follows. **Count 1: No violation; Count 2: \$500.00 and remedial education. For a total**

**5 (52)  
File  
2003-01763  
Westover  
Construction**

monetary penalty of \$500.00. The monetary penalty must be paid within sixty days of the date of entry of the order or the license will be automatically suspended. Failure to successfully complete the remedial education class within six months will result in license revocation. Members voting were: **Wood, Hollar, Kirby, Harris, Falwell, Burch, Hart, Redifer and Parrish.** The motion was approved.

In the matter of File Number 2003-01924, **Business Sales Unlimited Inc. t/a Horizon Kitchen & Bath Floor Design, t/a Horizon Kitchen & Bath Floor Design Inc., Disciplinary Record File**, the board reviewed the Record # 2003-01924, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. No One from Business Sales Unlimited, Inc. (**Regulant**) appeared at the IFF or the Board meeting and they were not represented by counsel or any other person on there behalf. **Orange** recused himself and did not participate in this matter and did not vote. **Hollar** chaired this case. **Falwell** offered a motion seconded by **Wood** to adopt the presiding officer's recommendation for the violations as follows: The Board finds clear and convincing evidence that **Business Sales Unlimited, Inc.**, violated the following sections of its 2001 Regulations: **Count 1: 18 VAC 50-22-260(B)(9); Count 2: 18 VAC 50-22-260(B)(6).** The motion was adopted with a unanimous vote. Those members voting "Yes" were: **Wood, Hollar, Kirby, Harris, Falwell, Burch, Hart, Redifer and Parrish.** Upon a motion by **Falwell** seconded by **Kirby** the board voted unanimously to adopt the presiding officer's recommendation for the sanctions as follows. **Count 1: \$500.00 and remedial education; Count 2: \$2,500.00 and license revocation.** For a total monetary penalty of \$3,000.00. The monetary penalty must be paid within sixty days of the date of entry of the order or the license will be automatically suspended. Failure to successfully complete the remedial education class within six months will result in license revocation. Members voting were: **Wood, Hollar, Kirby, Harris, Falwell, Burch, Hart, Redifer and Parrish.** The motion was approved

5 (53)  
File  
2003-01924  
Business  
Sales  
Unlimited

In the matter of File Number 2003-02036, **Mitchell Branscome t/a Branscome Construction, Disciplinary Record File**, the board reviewed the Record # 2003-02096, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. No One from Branscome Construction. (**Regulant**) appeared at the IFF or the Board meeting and they were not represented by counsel

5 (55)  
File  
2003-02036  
Branscome  
Construct-  
ion, LLC

or any other person on their behalf. **Orange** recused himself and did not participate in this matter and did not vote. **Hollar** chaired this case. **Redifer** offered a motion seconded by **Parrish** to adopt the presiding officer's recommendation for the violations as follows: The Board finds clear and convincing evidence that **Branscome Construction LLC.**, violated the following sections of its 2001 and 2003 Regulations: 2001 Regulations: Count 1: 18 VAC 50-22-260(B)(27); Count 2: 18 VAC 50-22-260(B)(31); Count 3: 18 VAC 50-22-260(B)(15); Count 4: 18 VAC 50-22-260(16). 2003 Regulations: Count 5: 18 VAC 50-22-260(B) (16). The motion was adopted with a vote of 8 "YES" and 1 "NO". Those members voting "Yes" were: **Wood, Hollar, Harris, Falwell, Burch, Hart, Redifer and Parrish.** **Kirby** cast the no vote. Upon a motion by **Redifer** seconded by **Parrish** the board voted 7 "YES" and 2 "NO" to adopt the presiding officer's summary and amend recommendation for the sanctions as follows. Count 1: decrease from \$1,000.00 to \$500.00 based on the facts of the case the Board felt the monetary penalty did not warrant the higher amount; Count 2: \$200.00; Count 3: \$2,500.00; Count 4: \$2,500.00 and license revocation; Count 5: \$1,000.00. For a total monetary penalty of \$6,700.00. The monetary penalty must be paid within sixty days of the date of entry of the order or the license will be automatically suspended. Members voting yes were: **Wood, Harris, Falwell, Burch, Hart, Redifer and Parrish.** Members voting no were: **Hollar and Kirby,** The motion was approved.

In the matter of File Number 2002-03227 Business Sales Unlimited, t/a Horizon Kitchen & Bath Floor Design Inc., Thomas B. Henderson t/a Henderson Builders, Disciplinary Record File, the board reviewed the Record # 2003-03227, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. Thomas B. Henderson (**Regulant**) appeared at the IFF but not the Board meeting. He was not represented by counsel or any other person on his behalf. **Orange** resumed chairing. **Wood** recused herself and did not participate in this matter and did not vote. **Hollar** offered a motion seconded by **Hart** to adopt the presiding officer's summary and amend the recommendation for the violations as follows: The Board finds clear and convincing evidence that **Henderson Builders,** violated the following sections of its 2001 Regulations: Count 1: 18 VAC 50-22-260(B)(6); Count 2: 18 VAC 50-22-260(B)(25). The motion was adopted with a unanimous vote. Those members voting "Yes" were: **Orange, Hollar, Kirby, Harris, Falwell, Burch, Hart, Redifer and Parrish.** Upon a motion by **Kirby** seconded by **Hart** with a friendly amendment from **Hollar** (accepted by **Kirby**) for **Count 2 adding remedial education;** the board voted unanimously to

5 (62)

File

2003-03227

Thomas B.

Henderson

adopt the presiding officer's recommendation for the sanctions as follows. **Count 1: \$250.00; Count 2: \$1,000.00 and remedial education. For a total monetary penalty of \$1,250.00. The monetary penalty must be paid within sixty days of the date of entry of the order or the license will be automatically suspended. Failure to successfully complete the remedial education class within six months will result in license revocation. Members voting were: Orange, Hollar, Kirby, Harris, Falwell, Burch, Hart, Redifer and Parrish. The motion was approved.**

**In the matter of File Number 2003-00395, Rob Bellamy, Sr., t/a Seaside Pools, Disciplinary Record File, the board reviewed the Record # 2003-00395, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. No One from Seaside Pools (Regulant) appeared at the IFF or the Board meeting and they were not represented by counsel or any other person on there behalf. Steve Carlson (Complainant) attended the IFF but not the Board meeting. Wood recused himself and did not participate in this matter and did not vote. Parrish offered a motion seconded by Kirby to adopt the presiding officer's recommendation for the violations as follows: The Board finds clear and convincing evidence that Rob Bellamy, Sr., violated the following sections of its 1999 and 2001 Regulations: Count 1 (1999): 18 VAC 50-22-260(B)(12); Count 2(2001): 18 VAC 50-22-260(B)(6); Count 3(2001): 18 VAC 50-22-260(B)(13). The motion was adopted with a unanimous vote. Those members voting "Yes" were: Hollar, Kirby, Harris, Falwell, Burch, Hart, Redifer, Orange and Parrish. Upon a motion by Parrish seconded by Hart the board voted unanimously to adopt the presiding officer's recommendation for the sanctions as follows. Count 1: \$2,000.00 and license revocation; Count 2: \$2,000.00 and license revocation; Count 3: \$2,500.00 and license revocation. For a total monetary penalty of \$6,500.00. The monetary penalty must be paid within sixty days of the date of entry of the order or the license will be automatically suspended. Members voting were: Orange, Hollar, Kirby, Harris, Falwell, Burch, Hart, Redifer and Parrish. The motion was approved.**

5 (63)  
File  
2003-00395  
Rob  
Bellamy,  
Sr.

**In the matter of File Number 2003-01651, Luci Cochran (Claimant) and Brett Mowe (Regulant) t/a Peninsula Remodelers. Recovery Fund File; the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. Brett Mowe (Regulant) did not attend the IFF or the Board**

5(64)  
File  
2003-01651  
Brett  
Mowe

meeting and was not represented by any qualified representative of the company or by counsel. **Luci Cochran (Claimant)** appeared at the IFF but not the Board meeting. The presiding officer, **Wood** was recused and did not participate in the discussion or vote in this matter. **Redifer** offered a motion seconded by **Falwell**, to accept the presiding officer's recommendations and summary for violations and approve the claim for payment in the amount of \$10,000.00. **Those members voting yes were: Falwell, Harris, Hart, Hollar, Kirby, Redifer, Burch, Parrish and Orange.** The vote was unanimous. The motion was approved.

In the matter of File Number 2003-01693, **Kevin L. Medley. t/a Medley Builders, Disciplinary Record File**, the board reviewed the **Record # 2003-01693**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. No One from **Medley Builders (Regulant)** appeared at the IFF or the Board meeting and they were not represented by counsel or any other qualified person on their behalf. **Harry Switzer (Complainant)** did not attend the IFF or the Board meeting. **Wood** recused herself and did not participate in this matter and did not vote. **Redifer** offered a motion seconded by **Hart** to adopt the presiding officer's recommendation for the violations as follows: The Board finds clear and convincing evidence that **Kevin L. Medley.**, violated the following sections of its **2001 and 2003 Regulations: Count 1 (2001): 18 VAC 50-22-260(B)(8); Count 2(2001): 18 VAC 50-22-260(B)(27); Count 3(2001): 18 VAC 50-22-260(B)(6); Count 4(2003): 18 VAC 50-22-260(B)(28); Count 5 (2003) 18 VAC 50-22-260(B)(7).** The motion was adopted with a unanimous vote. Those members voting "Yes" were: **Hollar, Kirby, Harris, Falwell, Burch, Hart, Redifer, Orange and Parrish.** Upon a motion by **Parrish** seconded by **Redifer** the board voted unanimously to adopt the presiding officer's recommendation for the sanctions as follows. **Count 1: \$500.00 and license revocation; Count 2: \$1,000.00 and license revocation; Count 3: \$1,000.00 and license revocation; Count 4: \$2,000.00 and license revocation; Count 5: \$2,500.00.** For a total monetary penalty of \$7,000.00. The monetary penalty must be paid within sixty days of the date of entry of the order or the license will be automatically suspended. Members voting were: **Orange, Hollar, Kirby, Harris, Falwell, Burch, Hart, Redifer and Parrish.** The motion was approved

5 (65)  
File  
2003-01693  
Medley  
Builders

**In the matter of File Number 2003-01704 G & L Mechanical And Services, Inc, Disciplinary Record File**, the board reviewed the **Record # 2003-01704**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. No One from **G & L Mechanical And Services, Inc. (Regulant)** appeared at the IFF or the Board meeting and they were not represented by counsel or any other person on their behalf. **Kenneth J. Aspinall (Complainant)** did not attend the IFF or the Board meeting. **Wood** recused herself and did not participate in this matter and did not vote. **Redifer** offered a motion seconded by **Kirby** to adopt the presiding officer's summary and amend the recommendations for the violations as follows: The Board finds clear and convincing evidence that **G & L Mechanical And Services, Inc.**, violated the following sections of its **1999 and 2001 Regulations: Count 3 (1999): 18 VAC 50-22-260(B)(6); Count 2(2001): 18 VAC 50-22-210(3); Count 4(2001): 18 VAC 50-22-260(B)(28); Count 5(2001): 18 VAC 50-22-260(B)(13)**. As to Count 1, 18 VAC 50-22-260(B) (8), (2 violations), the Board closed this aspect of the file with a finding of no violation, based on no contract is required for commercial work. The motion was adopted with a unanimous vote. Those members voting "Yes" were: **Hollar, Kirby, Harris, Falwell, Burch, Hart, Redifer, Orange and Parrish**. Upon a motion by **Hollar** seconded by **Kirby** the board voted unanimously to adopt the presiding officer's recommendation for the sanctions with amendments as follows. **Count 2: \$300.00 and remedial education; Count 3: \$2,500.00 and remedial education; Count 4: \$2,500.00 and remedial education; Count 5: \$500.00 and remedial education. For a total monetary penalty of \$5,800.00. The monetary penalty must be paid within sixty days of the date of entry of the order or the license will be automatically suspended. Remedial Education must be successfully completed in six months of the issuance of the order or the license will be revoked.** Members voting were: **Orange, Hollar, Kirby, Harris, Falwell, Burch, Hart, Redifer and Parrish**. The motion was approved.

5 (66)  
File  
2003-02991  
Kolb  
Electric  
Inc.

**Michael Redifer was excused at 2 pm to conduct IFF's for the Contractor Board.**

Michael  
Redifer  
IFF's

**In the matter of File Number 2003-00404, William Bulifant t/a Bulifant & Company Disciplinary Record File**, the board reviewed the **Record # 2003-00404**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. No One from **Bulifant & Company (Regulant)** appeared at the IFF or the Board meeting and they were not represented by counsel

5 (56)  
File  
2003-00404  
William  
Bulifant

or any other person on their behalf. **Raymond and Marie Ancone (Complainants)** and Graham T. Jennings, Jr., Esquire (their attorney) attended the IFF but not the Board meeting. **Redifer** was not present and did not participate in this matter and did not vote. **Burch** offered a motion seconded by **Kirby** to adopt the presiding officer's recommendation for the violations as follows: The Board finds clear and convincing evidence that **William Bulifant** violated the following sections of its 2001 Regulations: **Count 1: 18 VAC 50-22-210(3); Count 2: 18 VAC 50-22-230(A); Count 3: 18 VAC 50-22-260(B)(9); Count 4: 18 VAC 50-22-260(B)(5); Count 5: 18 VAC 50-22-260(B)(5)**. The motion was adopted with a unanimous vote. Those members voting "Yes" were: **Hollar, Kirby, Harris, Falwell, Burch, Hart, Wood, Orange and Parrish**. Upon a motion by **Burch** seconded by **Kirby** the board voted unanimously to adopt the presiding officer's recommendation for the sanctions as follows. **Count 1: \$350.00; Count 2: \$350.00; Count 3: \$350.00; Count 4: \$2,500.00 and license revocation; Count 5: \$2,500.00 and license revocation**. For a total monetary penalty of \$6,050.00. The monetary penalty must be paid within sixty days of the date of entry of the order or the license will be automatically suspended. Members voting were: **Orange, Hollar, Kirby, Harris, Falwell, Burch, Wood, Hart and Parrish**. The motion was approved

In the matter of File Number 20034-02675, **William Bulifant t/a Bulifant & Company Disciplinary Record File**, the board reviewed the **Record # 2003-02675**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. No One from **Bulifant & Company (Regulant)** appeared at the IFF or the Board meeting and they were not represented by counsel or any other person on their behalf. **John Fabian (Complainant)** attended the IFF but not the Board meeting. **Redifer** was not present and did not participate in this matter and did not vote. **Kirby** offered a motion seconded by **Burch** to adopt the presiding officer's recommendation for the violations as follows: The Board finds clear and convincing evidence that **William Bulifant** violated the following sections of its 2001 and 2003 Regulations: **Count 1 (2001): 18 VAC 50-22-230(A); Count 2(2001): 18 VAC 50-22-260(B)(6); Count 3(2001): 18 VAC 50-22-260(B)(15); Count 4(2003): 18 VAC 50-22-260(B)(13)**. The motion was adopted with a unanimous vote. Those members voting "Yes" were: **Hollar, Kirby, Harris, Falwell, Burch, Hart, Wood, Orange and Parrish**. Upon a motion by **Kirby** seconded by **Burch** the board voted unanimously to adopt the presiding officer's recommendation for the sanctions as follows. **Count 1: \$350.00; Count 2: \$500.00; Count 3: \$2,000.00 and Count 4: \$1,000.00**. For a total monetary penalty of

5 (57)  
File  
2003-02675  
William  
Bulifant

**\$3,850.00. The monetary penalty must be paid within sixty days of the date of entry of the order or the license will be automatically suspended. Members voting were: Orange, Hollar, Kirby, Harris, Falwell, Burch, Wood, Hart and Parrish. The motion was approved.**

**In the matter of File Number 2003-03051, William Bulifant, t/a Bulifant & Company Disciplinary Record File, the board reviewed the Record # 2003-03051, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. No One from Bulifant & Company (Regulant) appeared at the IFF or the Board meeting and they were not represented by counsel or any other person on their behalf. Redifer was not present and did not participate in this matter and did not vote. Wood offered a motion seconded by Kirby to adopt the presiding officer's recommendation for the violations as follows: The Board finds clear and convincing evidence that William Bulifant violated the following sections of its 2003 Regulations: Count 1: 18 VAC 50-22-260(B)(6) and Count 2: 18 VAC 50-22-260(B)(13). The motion was adopted with a unanimous vote. Those members voting "Yes" were: Hollar, Kirby, Harris, Falwell, Burch, Hart, Wood, Orange and Parrish. Upon a motion by Wood seconded by Kirby the board voted unanimously to adopt the presiding officer's recommendation for the sanctions as follows. Count 1: \$2,500.00 and license revocation; Count 2: \$750.00. For a total monetary penalty of \$3,250.00. The monetary penalty must be paid within sixty days of the date of entry of the order or the license will be automatically suspended. Members voting were: Orange, Hollar, Kirby, Harris, Falwell, Burch, Wood, Hart and Parrish. The motion was approved.**

5 (63)  
File  
2003-03051  
William  
Bulifant

**In the matter of File Number 2003-02918, Lynn E. Wilson t/a Veteran Builders Disciplinary Record File, the board reviewed the Record # 2003-02918, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. No One from Veteran Builders (Regulant) appeared at the IFF or the Board meeting and they were not represented by counsel or any other person on their behalf. Cao (Kevin) Nguyen (Complainant) did not attend the IFF or the Board meeting. Redifer was not present and did not participate in this matter and did not vote. Falwell offered a motion seconded by Wood to adopt the presiding officer's recommendation for the violations as follows: The Board finds clear and convincing evidence that Lynn E. Wilson violated the following sections of its 2001 Regulations: Count 1: 18 VAC 50-22-260(B)(9);**

5 (58)  
File  
2003-02918  
Lynn E.  
Wilson

**Count 2: 18 VAC 50-22-230(A); Count 3: 18 VAC 50-22-260(B)(31); Count 4: 18 VAC 50-22-260(B)(15); Count 5: 18 VAC 50-22-260(B)(16) and Count 6: 18 VAC 50-22-260(B)(12).** The motion was adopted with a unanimous vote. Those members voting "Yes" were: **Hollar, Kirby, Harris, Falwell, Burch, Hart, Wood, Orange and Parrish.** Upon a motion by **Falwell** seconded by **Wood** the board voted unanimously to adopt the presiding officer's recommendation for the sanctions as follows. **Count 1: \$350.00; Count 2: \$350.00; Count 3: \$500.00; Count 4: \$2,500.00 and license revocation; Count 5: \$2,500.00 and license revocation and Count 6: \$750.00.** For a total monetary penalty of **\$6,950.00.** The monetary penalty must be paid within sixty days of the date of entry of the order or the license will be automatically suspended. Members voting were: **Orange, Hollar, Kirby, Harris, Falwell, Burch, Wood, Hart and Parrish.** The motion was approved.

In the matter of File Number 2003-03131, **Lynn E. Wilson t/a Veteran Builders Disciplinary Record File**, the board reviewed the **Record # 2003-03131**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. No One from **Veteran Builders (Regulant)** appeared at the IFF or the Board meeting and they were not represented by counsel or any other person on their behalf. **Chris Hill (Complainant)** did not attend the IFF or the Board meeting. **Redifer** was not present and did not participate in this matter and did not vote. **Falwell** offered a motion seconded by **Wood** to adopt the presiding officer's recommendation for the violations as follows: The Board finds clear and convincing evidence that **Lynn E. Wilson** violated the following sections of its 2003 Regulations: **Count 1: 18 VAC 50-22-260(B)(9); Count 2: 18 VAC 50-22-230(A); Count 3: 18 VAC 50-22-260(B)(15); Count 4: 18 VAC 50-22-260(B)(16); Count 5: 18 VAC 50-22-260(B)(12) and Count 6: 18 VAC 50-22-260(B)(28).** The motion was adopted with a unanimous vote. Those members voting "Yes" were: **Hollar, Kirby, Harris, Falwell, Burch, Hart, Wood, Orange and Parrish.** Upon a motion by **Hart** seconded by **Kirby** the board voted unanimously to adopt the presiding officer's recommendation for the sanctions as follows. **Count 1: \$350.00; Count 2: \$350.00; Count 3: \$2,500.00 and license revocation; Count 4: \$2,500.00 and license revocation; Count 5: \$750.00. and Count 6: \$2,500.00 and license revocation.** For a total monetary penalty of **\$8,950.00.** The monetary penalty must be paid within sixty days of the date of entry of the order or the license will be automatically suspended. Members voting were: **Orange, Hollar, Kirby, Harris, Falwell, Burch, Wood, Hart and Parrish.** The motion was approved.

5 (59)  
File  
2003-03131  
Lynn E.  
Wilson

**In the matter of File Number 2003-03493, Lynn E. Wilson t/a Veteran Builders Disciplinary Record File, the board reviewed the Record # 2003-03493, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. No One from Veteran Builders (Regulant) appeared at the IFF or the Board meeting and they were not represented by counsel or any other person on their behalf. Timothy Bumbrey (Complainant) did not attend the IFF or the Board meeting. Redifer was not present and did not participate in this matter and did not vote. Falwell offered a motion seconded by Wood to adopt the presiding officer's recommendation for the violations as follows: The Board finds clear and convincing evidence that Lynn E. Wilson violated the following sections of its 2003 Regulations: Count 1: 18 VAC 50-22-260(B)(9); Count 2: 18 VAC 50-22-230(A); Count 3: 18 VAC 50-22-260(B)(15); Count 4: 18 VAC 50-22-260(B)(16) and Count 5: 18 VAC 50-22-260(B)(28). The motion was adopted with a unanimous vote. Those members voting "Yes" were: Hollar, Kirby, Harris, Falwell, Burch, Hart, Wood, Orange and Parrish. Upon a motion by Parrish seconded by Falwell the board voted unanimously to adopt the presiding officer's recommendation for the sanctions as follows. Count 1: \$350.00; Count 2: \$350.00; Count 3: \$2,500.00 and license revocation; Count 4: \$2,500.00 and license revocation and Count 5: \$2,500.00 and license revocation. For a total monetary penalty of \$8,200.00. The monetary penalty must be paid within sixty days of the date of entry of the order or the license will be automatically suspended. Members voting were: Orange, Hollar, Kirby, Harris, Falwell, Burch, Wood, Hart and Parrish. The motion was approved.**

**5 (60)  
File  
2003-03493  
Lynn E.  
Wilson**

**In the matter of File Number 2004-01327, Lynn E. Wilson t/a Veteran Builders Disciplinary Record File, the board reviewed the Record # 2004-01327, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. No One from Veteran Builders (Regulant) appeared at the IFF or the Board meeting and they were not represented by counsel or any other person on their behalf. Falwell offered a motion seconded by Wood to adopt the presiding officer's recommendation for the violations as follows: The Board finds clear and convincing evidence that Lynn E. Wilson violated the following sections of its 2001 Regulations: Count 1: 18 VAC 50-22-260(B)(22)(2 violations); Count 2: 18 VAC 50-22-230(B)(28)(3 violations). The motion was adopted with a unanimous vote. Those members voting "Yes" were: Hollar, Kirby, Harris, Falwell, Burch, Hart, Wood, Orange and Parrish. Upon a motion by Falwell seconded by Parrish the board voted unanimously to adopt the presiding officer's recommendation for the sanctions as follows. Count**

**5 (61)  
File  
2004-01327  
Lynn E.  
Wilson**

**1: \$1,000.00 and license revocation Violation 1; Count 1: \$1,000.00 and license revocation Violation 2; Count 2: \$2,500.00 Violation 1; Count 2: \$2,500.00 and license revocation Violation 2; Count 2: \$2,500.00 and license revocation Violation 3. For a total monetary penalty of \$9,500.00. The monetary penalty must be paid within sixty days of the date of entry of the order or the license will be automatically suspended. Members voting were: Orange, Hollar, Kirby, Harris, Falwell, Burch, Wood, Hart and Parrish. The motion was approved.**

**In the Matter of File Number 2002-01661, Board v. Charles B. Raynor, t/a Quality II Electric & Plumbing the board reviewed the Consent Order. Charles B. Raynor did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by Falwell seconded by Parrish the board ratified the consent order, which imposed a monetary penalty of \$600.00 and remedial education. The vote was unanimous: Members voting yes were: Falwell, Harris, Hollar, Parrish, Kirby, Orange, Burch, Parrish and Wood. There were no negative votes. If the fine is not paid within 30 days of the effective date of the Consent Order, Charles B. Raynor's license will be automatically suspended. The Basic Contractor's licensing class must be successfully completed within six months of the signing of the order or Raynor's license will be suspended.**

**6 (2)  
File  
2002-01661  
Charles B.  
Raynor**

**In the Matter of File Number 2002-01662, Board v. Charles B. Raynor, t/a Quality II Electric & Plumbing the board reviewed the Consent Order. Charles B. Raynor did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by Falwell seconded by Parrish the board ratified the consent order, which imposed a monetary penalty of \$400.00 and remedial education. The vote was unanimous: Members voting yes were: Falwell, Harris, Hollar, Parrish, Kirby, Orange, Burch, Parrish and Wood. There were no negative votes. If the fine is not paid within 30 days of the effective date of the Consent Order, Charles B. Raynor's license will be automatically suspended. The Basic Contractor's licensing class must be successfully completed within six months of the signing of the order or Raynor's license will be suspended.**

**6 (3)  
File  
2002-01662  
Charles B.  
Raynor**

**In the Matter of File Number 2002-02369, Board v. RAA Heating & Air Conditioning, Inc. t/a RAA Heating & Air Conditioning, Inc.** the board reviewed the Consent Order. **RAA Heating & Air Conditioning, Inc.** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by **Falwell** seconded by **Parrish** the board ratified the consent order, which imposed a suspension of RAA Heating & Air Conditioning Inc.'s license for a period of one year from the date of the entry of the order. The one year suspension will be stayed provided RAA Heating & Air Conditioning Inc and/or its agents: complies with the rules and regulations of the Board for Contractors for a period of one year from the effective date of the order and is not convicted in any state or city of any felony or misdemeanor involving the practice of contracting for a period of one year from the effective date of this order. The vote was unanimous: Members voting yes were: **Falwell, Harris, Hollar, Parrish, Kirby, Orange, Burch, Parrish and Wood.** There were no negative votes.

6 (4)  
File  
2002-02369  
RAA  
Heating &  
Air  
Condition-  
ing Inc.

**In the Matter of File Number 2002-03619, Board v. George Little, t/a George Little.** The board reviewed the Consent Order. **George Little** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by **Falwell** seconded by **Parrish** the board ratified the consent order, which imposed a monetary penalty of **\$100.00** and remedial education. The vote was unanimous: Members voting yes were: **Falwell, Harris, Hollar, Parrish, Kirby, Orange, Burch, Parrish and Wood.** There were no negative votes. **If the fine is not paid within 30 days of the effective date of the Consent Order, Little's license will be automatically suspended. The Basic Contractor's licensing class must be successfully completed within six months of the signing of the order and if it is then the \$100.00 fine will be waived.**

6 (5)  
File  
2002-03619  
George  
Little

**In the Matter of File Number 2003-01069, Board v. Cyprus Inc., t/a Cyprus Inc.** the board reviewed the Consent Order. **Cyprus Inc.** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by **Falwell** seconded by **Parrish** the board ratified the consent order, which imposed a monetary penalty of **\$600.00** and remedial education. The vote was unanimous: Members voting yes were: **Falwell, Harris, Hollar, Parrish, Kirby, Orange, Burch, Parrish and Wood.** There were no negative votes. **If**

6 (6)  
File  
2003-01069  
Cyprus  
Inc.

the fine is not paid within 30 days of the effective date of the Consent Order, Cyprus Inc.'s license will be automatically suspended. The Basic Contractor's licensing class must be successfully completed within six months of the signing of the order or Cyprus Inc.'s license will be suspended.

In the Matter of File Number 2003-01529, Board v. Hairston Empire Corp, t/a Hairston Empire Corp the board reviewed the Consent Order. Hairston Empire Corp did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by Falwell seconded by Parrish the board ratified the consent order, which imposed a monetary penalty of \$250.00 and remedial education. The Board waives the imposition of the \$250.00 monetary penalty provided Hairston Empire Corp. notifies the Board in writing of the change of Qualified Individual of Hairston Empire Corp. within 30 days of the effective date of the order. The vote was unanimous: Members voting yes were: Falwell, Harris, Hollar, Parrish, Kirby, Orange, Burch, Parrish and Wood. There were no negative votes. If the fine is not paid within 30 days of the effective date of the Consent Order, Hairston Empire Corp. license will be automatically suspended. The Basic Contractor's licensing class must be successfully completed within six months of the signing of the order by a member of Responsible Management.

6 (7)  
File  
2003-01529  
Hairston  
Empire  
Corp

In the Matter of File Number 2003-01886, Board v. Joe W. Abel, III, t/a Abel Transport the board reviewed the Consent Order. Joe W Abel did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by Falwell seconded by Parrish the board ratified the consent order, which imposed a monetary penalty of \$300.00 and remedial education. The vote was unanimous: Members voting yes were: Falwell, Harris, Hollar, Parrish, Kirby, Orange, Burch, Parrish and Wood. There were no negative votes. If the fine is not paid within 30 days of the effective date of the Consent Order, Joe W Abel, III license will be automatically suspended. The Basic Contractor's licensing class must be successfully completed within six months of the signing of the order or Joe W. Abel; III's license will be suspended.

6 (8)  
File  
Joe W.  
Abel III

**In the Matter of File Number 2003-01912, Board v. Chad F. Reuschling, t/a Chad's Backhoe Service** the board reviewed the Consent Order. **Chad F. Reuschling** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by **Falwell** seconded by **Parrish** the board ratified the consent order, which imposed a monetary penalty of **\$500.00** and remedial education. The vote was unanimous: Members voting yes were: **Falwell, Harris, Hollar, Parrish, Kirby, Orange, Burch, Parrish and Wood**. There were no negative votes. **If the fine is not paid within 30 days of the effective date of the Consent Order, Chad F. Reuschling's license will be automatically suspended. The Basic Contractor's licensing class must be successfully completed within six months of the signing of the order.**

**6(9)  
File  
2003-01912**

**In the Matter of File Number 2003-01948, Board v. Virginia Marine Structures Inc., t/a Virginia Marine Structures Inc.**, the board reviewed the Consent Order. **Virginia Marine Structures Inc.** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by **Falwell** seconded by **Parrish** the board ratified the consent order, which imposed a monetary penalty of **\$500.00** and remedial education. The vote was unanimous: Members voting yes were: **Falwell, Harris, Hollar, Parrish, Kirby, Orange, Burch, Parrish and Wood**. There were no negative votes. **If the fine is not paid within 30 days of the effective date of the Consent Order, Virginia Marine Structures Inc.'s license will be automatically suspended. The Basic Contractor's licensing class must be successfully completed within six months of the signing of the order by a member of responsible management.**

**6 (10)  
File  
2003-01948  
Virginia  
Marine  
Structures  
Inc.**

**In the Matter of File Number 2003-02079, Board v. Specialty Mechanical Company LLC, t/a Specialty Mechanical Company LLC** the board reviewed the Consent Order. **Specialty Mechanical Company LLC** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by **Falwell** seconded by **Parrish** the board ratified the consent order, which imposed a monetary penalty of **\$500.00**. The vote was unanimous: Members voting yes were: **Falwell, Harris, Hollar,**

**6 (11)  
File  
2003-02079  
Specialty  
Mechanica  
l  
Company  
LLC**

**Parrish, Kirby, Orange, Burch, Parrish and Wood.** There were no negative votes. **If the fine is not paid within 30 days of the effective date of the Consent Order, Specialty Mechanical Company LLC license will be automatically suspended.**

**In the Matter of File Number 2003-02352, Board v. Specialty Mechanical Company LLC, t/a Specialty Mechanical Company LLC** the board reviewed the Consent Order. **Specialty Mechanical Company LLC** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by **Falwell** seconded by **Parrish** the board ratified the consent order, which imposed a monetary penalty of **\$2,500.00 with \$1,500.** being waived if a member of Responsible Management successfully completes the Basic Contractor Licensing class with six months of the date of the order. The vote was unanimous: Members voting yes were: **Falwell, Harris, Hollar, Parrish, Kirby, Orange, Burch, Parrish and Wood.** There were no negative votes. **If the fine is not paid within 30 days of the effective date of the Consent Order, Specialty Mechanical Company LLC license will be automatically suspended.**

6 (12)  
File  
2003-02352  
Specialty  
Mechanica  
l  
Company  
LLC

**In the Matter of File Number 2003-02442, Board v. Richard Carter & William McGregor, t/a James Brown Remodeling** the board reviewed the Consent Order. **James Brown Remodeling** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by **Falwell** seconded by **Parrish** the board ratified the consent order, which imposed a monetary penalty of **\$350.00 and completion of remedial education within six months of the order.** The vote was unanimous: Members voting yes were: **Falwell, Harris, Hollar, Parrish, Kirby, Orange, Burch, Parrish and Wood.** There were no negative votes. **If the fine is not paid within 30 days of the effective date of the Consent Order, James Brown Remodeling's license will be automatically suspended.**

6 (13)  
File  
2003-02442  
Richard  
Carter &  
William  
McGregor

**In the Matter of File Number 2003-02990, Board v. Shannon Construction Company Inc, t/a Shannon Construction Company Inc** the board reviewed the Consent Order. **Shannon Construction**

6 (14)  
File  
2003-02990

**Company Inc** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by **Falwell** seconded by **Parrish** the board ratified the consent order, which imposed a monetary penalty of **\$2,500.00**. The Board waives the imposition of the **\$2,500.00** monetary penalty provided **Shannon Construction Co.** satisfies the outstanding judgment to **Lawrenceville Building Supply** within 180 days of the effective date of the order and provides the Board with proof of final payment of the judgment. If **Shannon Construction Co.** fails to satisfy the outstanding judgment within 180 days of the effective date of the order then the monetary penalty will be automatically imposed. The vote was unanimous: Members voting yes were: **Falwell, Harris, Hollar, Parrish, Kirby, Orange, Burch, Parrish and Wood**. There were no negative votes. If **Shannon Construction Company Inc** does adhere to the order within the specified time their license will be automatically suspended.

**Shannon  
Construct-  
ion  
Company  
Inc**

In the Matter of File Number **2003-03068, Board v. Ottenstein Enterprises LLC, t/a Ottenstein Enterprises LLC** the board reviewed the Consent Order. **Ottenstein Enterprises LLC** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by **Falwell** seconded by **Parrish** the board ratified the consent order, which imposed a monetary penalty of **\$350.00** and remedial education. The vote was unanimous: Members voting yes were: **Falwell, Harris, Hollar, Parrish, Kirby, Orange, Burch, Parrish and Wood**. There were no negative votes. If the fine is not paid within 30 days of the effective date of the Consent Order, **Ottenstein Enterprises LLC** license will be automatically suspended.

**6 (15)  
File  
2003-02068  
Ottenstein  
Enterprises  
LLC**

In the Matter of File Number **2003-03132, Board v. John D Norem, t/a Norem's Home Improvements** the board reviewed the Consent Order. **John D Norem** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by **Falwell** seconded by **Parrish** the board ratified the consent order, which imposed a monetary penalty of **\$250.00** and successful completion of remedial education within six months of the order.

**6 (16)  
File  
2003-03132  
John D.  
Norem**

The vote was unanimous: Members voting yes were: **Falwell, Harris, Hollar, Parrish, Kirby, Orange, Burch, Parrish and Wood**. There were no negative votes. **If the fine is not paid within 30 days of the effective date of the Consent Order, John D. Norem's license will be automatically suspended.**

**In the Matter of File Number 2004-00565, Board v. David L Stitely LLC, t/a D & D All Purpose Man** the board reviewed the Consent Order. **David L Stitely** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by **Falwell** seconded by **Parrish** the board ratified the consent order, which imposed a monetary penalty of **\$350.00 and completion of remedial education within six months of the order date**. The vote was unanimous: Members voting yes were: **Falwell, Harris, Hollar, Parrish, Kirby, Orange, Burch, Parrish and Wood**. There were no negative votes. **If the fine is not paid within 30 days of the effective date of the Consent Order, D & D All Purpose Man's license will be automatically suspended.**

6 (18)  
File  
2004-00565  
David L.  
Stitely

**In the Matter of File Number 2004-00653, Board v. Craig Alexander, t/a Alexander's Blacktop Paving** the board reviewed the Consent Order. **Craig Alexander** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by **Falwell** seconded by **Parrish** the board ratified the consent order, which imposed a monetary penalty of **\$500.00 and completion of remedial education within six months of the order date**. The vote was unanimous: Members voting yes were: **Falwell, Harris, Hollar, Parrish, Kirby, Orange, Burch, Parrish and Wood**. There were no negative votes. **If the fine is not paid within 30 days of the effective date of the Consent Order, Alexander's Blacktop Paving's license will be automatically suspended.**

6 (19)  
File  
2004-00653  
Craig  
Alexander

**In the Matter of File Number 2004-00680, Board v. Pool-Mart Inc, t/a Pool-Mart Inc** the board reviewed the Consent Order. **Pool-Mart Inc.** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by **Falwell** seconded by **Parrish** the board ratified the consent order, which imposed a

6 (20)  
File  
2004-00680  
Pool-Mart  
Inc.

monetary penalty of \$400.00 and completion of remedial education within six months of the date of the order. The vote was unanimous: Members voting yes were: Falwell, Harris, Hollar, Parrish, Kirby, Orange, Burch, Parrish and Wood. There were no negative votes. If the fine is not paid within 30 days of the effective date of the Consent Order, Pool-Mart Inc license will be automatically suspended.

In the Matter of File Number 2004-00687, Board v., Dane D Campbell t/a DD Campbell Backhoe Service the board reviewed the Consent Order. Duane D Campbell did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by Falwell seconded by Parrish the board ratified the consent order, which imposed a monetary penalty of \$250.00 and completion of remedial education within six months of the order date. The vote was unanimous: Members voting yes were: Falwell, Harris, Hollar, Parrish, Kirby, Orange, Burch, Parrish and Wood. There were no negative votes. If the fine is not paid within 30 days of the effective date of the Consent Order, D D Campbell Backhoe Service's license will be automatically suspended.

6 (21)  
File  
2004-00687  
Dane D.  
Campbell

Eric Olson reminded the Board they had copies of the Recovery Fund Reports for October and November of 2003.

Recovery  
Fund  
Reports

Parrish wanted to discuss Board approval /denial of licenses for perspective regulants involved in sex crimes. Wants more information and statistics on crimes of sex offenders. Eric Olson shared that Kim Freiburger is currently working on a report and conversing with a specialist in this field. Kim will provide additional information as soon as she can in writing and administration is exploring the feasibility of securing a specialist to come in and speak with the Board as a part of

New  
Business

Contractor Board Meeting Minutes

January 20, 2004

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training.

Olson reminded the board members to complete their travel vouchers and Conflict of Interest forms and to give them to Sheila Watkins at the end of the meeting for processing.

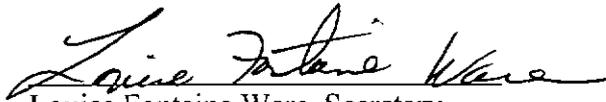
**Completion of Paperwork**

There being no further business to come before the board, the meeting was adjourned upon a motion by Kirby and seconded by Falwell. The vote was unanimous. Members voting yes were, Harris, Wood, Hart, Kirby, Orange, Falwell, Parrish, Burch and Hollar at 2:30 P M.

**Adjournment**



\_\_\_\_\_  
Mark D. Kinser, Chairman



\_\_\_\_\_  
Louise Fontaine Ware, Secretary

**Copy teste:**

\_\_\_\_\_  
Custodian of the Record

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: Anthony R. Orange
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

N/A

---

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

L.L. Co Co T.B.E.W

---

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

  
Signature

January 20, 2004  
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: Michael D. Redifer
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

\_\_\_\_\_

\_\_\_\_\_

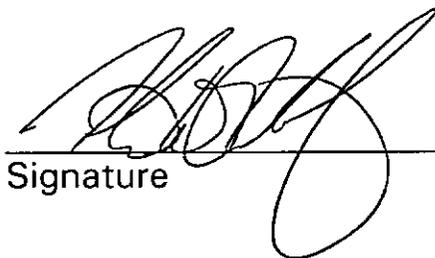
6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

VBLOA UPMIA IAEI NFPA

\_\_\_\_\_

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

  
\_\_\_\_\_  
Signature

January 20, 2004  
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: Robert O. Burch, Jr.
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

\_\_\_\_\_

\_\_\_\_\_

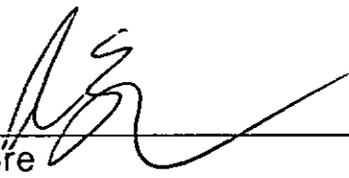
6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

\_\_\_\_\_

\_\_\_\_\_

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

  
\_\_\_\_\_  
Signature

January 20, 2004  
Date

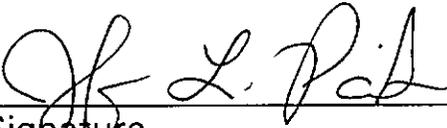
**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTEREST ACT**

1. Name: Jennifer L. Parrish
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

\_\_\_\_\_

\_\_\_\_\_

6. I declare that:
- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:
- \_\_\_\_\_
- \_\_\_\_\_
- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

  
\_\_\_\_\_  
Signature

January 20, 2004  
Date

**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTEREST ACT**

1. Name: David O. Harris, Sr.
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: **CONTRACTORS BOARD MEETING**
5. Nature of Personal Interest Affected by Transaction:

\_\_\_\_\_

\_\_\_\_\_

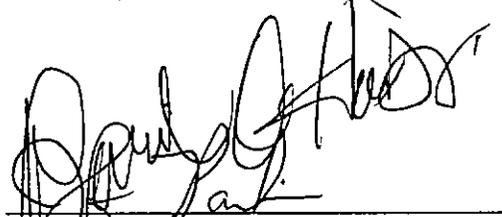
6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

\_\_\_\_\_

\_\_\_\_\_

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

  
\_\_\_\_\_  
Signature

January 20, 2004  
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: James A. Hollar
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

PLG, ELECT. HVAC

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6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

CMH INC, PHCCA, ACCA

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- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

James A. Hollar  
Signature

January 20, 2004  
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

- 1. Name: Kenneth W. Hart
- 2. Title: Member - Board for Contractors
- 3. Agency: Department of Professional & Occupational Regulation
- 4. Transaction: CONTRACTORS BOARD MEETING
- 5. Nature of Personal Interest Affected by Transaction:

\_\_\_\_\_  
\_\_\_\_\_

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

\_\_\_\_\_  
\_\_\_\_\_



I am able to participate in this transaction fairly, objectively, and in the public interest.

Kenneth W. Hart  
Signature

January 20, 2004  
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

- 1. Name: Robert M. Kirby
- 2. Title: Member - Board for Contractors
- 3. Agency: Department of Professional & Occupational Regulation
- 4. Transaction: CONTRACTORS BOARD MEETING
- 5. Nature of Personal Interest Affected by Transaction:

R.E. Kirby, Inc. (PRES.), MBR. BUILDERS & CONTRACTORS  
EXCHANGE, MBR. AGC OF VA.

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

BUILDERS & CONTRACTORS EXCH., AGC OF VA

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Robert M. Kirby  
Signature

January 20, 2004  
Date

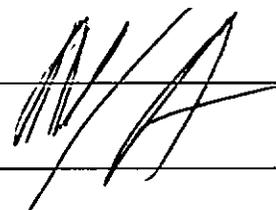
STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: Charles W. Falwell
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

\_\_\_\_\_

\_\_\_\_\_



6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

\_\_\_\_\_

\_\_\_\_\_

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

  
Signature

January 20, 2004  
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: Dorothy Wood
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

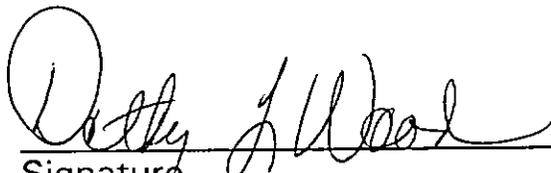
\_\_\_\_\_  
\_\_\_\_\_

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

\_\_\_\_\_  
\_\_\_\_\_

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

  
\_\_\_\_\_  
Signature

January 20, 2004  
Date