

BOARD FOR CONTRACTORS BOARD MEETING

MINUTES

The Board for Contractors met on Tuesday, August 24, 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.

Mark D. Kinser, Chairman
Anthony Orange, Co- Chairman
Robert O Burch, Jr
Charles W. Falwell
Kenneth Hart
James Hollar
Robert M. Kirby
Ann Rackas Pate
Michael D. Redifer
Wyatt Walton, III
Dorothy Wood

Board members, David O. Harris Sr. and William A. Paulette, were not present at the meeting.

Staff present for all or part of the meeting were:

Louise Fontaine Ware, Director
Sandra Whitley Ryals, Chief Deputy Director
Karen O'Neal, Deputy Director of Regulatory Programs
Eric L. Olson, Executive Director
Kevin Hoeft, Regulatory Boards Administrator
Victoria Traylor, Legal Assistant
Sheila Watkins, Administrative Assistant
Jennifer Kazzie, Assistant Director, Adjudication

Chairman Mark Kinser called the meeting to order at 9:07 a.m. and declared
orum of board members was in attendance.

**Call
To Order**

A motion was made by Mrs. Wood and seconded by Mr. Hart to approve the
agenda as written. The motion passed unanimously. Members voting "Yes"
were: Burch, Falwell, Hart, Hollar, Kinser, Kirby, Rackas Pate, Orange,
Redifer, Walton and Wood.

**Approval of
the Agenda**

Redifer moved to approve the following minutes as written:

**Approval of
Minutes**

July 06, 2004, Contractor Board Meeting
June 29, 2004, Informal Fact Finding Conference
July 01, 2004, Informal Fact Finding Conference
July 06, 2004, Informal Fact Finding Conference
July 13, 2004, Informal Fact Finding Conference
July 15, 2004, Informal Fact Finding Conference
July 20, 2004, Informal Fact Finding Conference
July 27, 2004, Informal Fact Finding Conference

Mrs. Wood seconded the motion which was unanimously approved by
members Burch, Falwell, Hart, Hollar, Kinser, Kirby, Rackas Pate, Orange,
Walton, Redifer and Wood.

Mr. Paul Small, a sewage disposal system (SDS) contractor, addressed the
Board. He wants to make certain that the Board only allows appropriately
licensed contractors to complete work on septic systems, especially the drain
fields. He shared problems he has witnessed in the past. Mr. Small requested
that the Board require all contractors to place their license number on
completion certificates that are presented to the Health Department and /or
Building Officials in the jurisdiction in which they are working. He shared
that he'd also like the Board to require all contractors holding the SDS
specialty classification on their license to attend continuing education classes
prior to permitting the renewal of their license.

**Public
Comment
Period**

Mr. Archie Necessary addressed the Board. He stated that he was from
Southwest Virginia. He shared his dissatisfaction with the (in his opinion)
lack of enforcement action taken against unlicensed activity in the
southwestern part of the Commonwealth.

In the matter of Disciplinary File Number 2003-01343 Thomas Dooley t/a Century Roofing, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
2003-01343
Thomas
Dooley

Thomas E Dooley, Regulant, appeared at the IFF and the Board meeting. He addressed the Board and shared his disagreement with portions of the summary and recommendation. He offered to make restitution by paying the judgment and he indicated that he feels the fines are excessive. He shared that he is currently countersuing and does not have his court date yet.

George Bolis, Complainant, did not appear at the IFF or the Board meeting. The presiding Board Member **Burch** was not present did not participate in the discussion and did not vote.

Mr. Redifer moved to adopt the Summary of the Informal Fact-Finding Conference for violations as follows:

- Count 1:** 1999, 18 VAC 50-22-260(B)(8)
- Count 2:** 1999, 18 VAC 50-22-260(B)(1) to wit: §54.1-1103
- Count 3:** 1999, 18 VAC 50-22-260(B)(6)
- Count 4:** 1999, 18 VAC 50-22-260(B)(6)
- Count 5:** 1999, 18 VAC 50-22-260(B)(6)
- Count 6:** 1999, 18 VAC 50-22-260(B)(12)
- Count 7:** 1999, 18 VAC 50-22-260(B)(5)
- Count 8:** 1999, 18 VAC 50-22-260(B)(10)
- Effective September 1, 2001**
- Count 9:** 2001, 18 VAC 50-22-260(B)(28)

Mr. Orange seconded the motion which was approved by a unanimous vote from members: **Falwell, Hart, Hollar, Kinser, Kirby, Rackas Pate, Orange, Walton, Redifer and Wood**

Mr. Redifer moved to adopt the Summary of the Informal Fact-Finding Conference for sanctions with amendments as follows:

- Count 1:** \$350.00
- Count 2:** \$850.00
- Count 3:** \$1,000.00 from \$2,500.00
- Count 4:** \$350.00 from \$2,500.00
- Count 5:** \$1,000.00 from \$2,500.00
- Count 6:** \$1,500.00 from \$2,500.00
- Count 7:** \$2,500.00
- Count 8:** \$500.00
- Count 9:** \$2,500.00

The Board decreased counts 3, 4, 5 and 6 because they felt this would be more consistent with previous Board actions. They felt the violations were not sufficient enough to warrant a higher penalty. Total monetary penalties: **\$10,550.00**

Mr. Kirby seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Kinser, Kirby, Rackas Pate, Orange, Redifer, Walton and Wood.**

In the matter of License Application File Number 2004-04511, Jeffrey Hylton, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2004-04511
Jeffrey
Hylton

Mr. Hylton, appeared at the IFF and the Board meeting. He addressed the Board and shared his **agreement** with the hearing officer's summary and recommendation. The presiding Board representative **Cooper** was not present did not participate in the discussion and did not vote. **Redifer** moved to adopt the Summary of the Informal Fact-Finding Conference and grant the license.

Hollar seconded the motion which was unanimously approved by members: **Burch, Falwell, Hart, Hollar, Kinser, Kirby, Orange, Rackas Pate, Redifer, Walton and Wood.**

In the matter of License Application File Number 2004-04481 Taylor & Murphy Construction t/a Taylor & Murphy Construction, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2004-04481
Taylor &
Murphy
Construction

Michael F Long, President of Taylor & Murphy Construction, Regulant, along with William F. Etherington, Attorney, appeared at the IFF and the Board meeting. Mr. Etherington addressed the Board on behalf of his client and indicated his client's agreement with the hearing officer's summary and recommendation. The presiding Board representative **Cooper** was not present did not participate in the discussion and did not vote. **Orange** moved to adopt the Summary of the Informal Fact-Finding Conference and grant the license.

Rackas Pate seconded the motion which was unanimously approved by members: **Burch, Falwell, Hart, Hollar, Kinser, Kirby, Orange, Rackas Pate, Redifer, Walton and Wood.**

In the matter of License Application File Number 2004-04480, Guy Comer Amburgey, Jr. (Applicant) t/a GCA Carpentry, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
2004-04480
G C A
Carpentry

Guy Comer Amburgey, Jr., appeared at the IFF and the Board meeting. He addressed the Board and shared his **agreement** with the board representative's summary and recommendation. The presiding officer **Ms. Cooper** was not present did not participate in the discussion and did not vote. **Mr. Redifer** moved to adopt the Summary of the Informal Fact-Finding Conference and grant the license.

Mr. Hart seconded the motion which was unanimously approved by members: **Burch, Falwell, Hart, Hollar, Kinser, Kirby, Orange, Rackas Pate, Redifer, Walton and Wood.**

In the matter of License Application File Number 2004-04479, Timothy P. O'Brien (Applicant) t/a O'Brien's Restoration And Storage Buildings, Inc., the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
2004-04479
O'Brien's
Restoration
And Storage
Buildings,
Inc.

Timothy P. O'Brien, appeared at the IFF and the Board meeting. He addressed the Board and shared his **agreement** with the board representative's summary and recommendation. The presiding officer **Ms. Cooper** was not present did not participate in the discussion and did not vote. **Mr. Redifer** moved to adopt the Summary of the Informal Fact-Finding Conference and grant the license.

Mr. Kirby seconded the motion which was unanimously approved by members: **Burch, Falwell, Hart, Hollar, Kinser, Kirby, Orange, Rackas Pate, Redifer, Walton and Wood.**

In the matter of License Application File Number 2005-00019, David Lynn Goulder, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
2005-00019
David Lynn
Goulder

David Lynn Goulder, appeared at the IFF and the Board meeting. He addressed the Board and shared his **agreement** with the board representative's summary and recommendation. The presiding officer **Ms. Cooper** was not present did not participate in the discussion and did not vote. **Mr. Orange** moved to adopt the Summary of the Informal Fact-Finding Conference and grant the license.

Mr. Falwell seconded the motion which was approved by ten members voting "yes": **Burch, Falwell, Hart, Hollar, Kinser, Kirby, Orange, Rackas Pate, Redifer, Walton and Wood**. **Mr. Hollar** voted "no". The license was approved.

In the matter of Disciplinary File Number 2004-00727, Zachary Roberts t/a Upper Echelon LLC, the Board Members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Zachary Roberts (Respondent)** t/a Upper Echelon LLC appeared at the IFF but he, counsel nor any qualified representative attended the board meeting. **John Dickhute (Complainant)** attended the IFF and the Board meeting. He voiced his disagreement with the summary and recommendation.

File Number
2004-00727
Zachary
Roberts

After discussion, **Mr. Redifer** moved to adopt the summary with respect to violations as follows:

- Count 1: 2003 18 VAC 50-22-260(B)(9)**
- Count 2: 2003 18 VAC 50-22-260(B)(5)**
- Count 3: 2003 18 VAC 50-22-260(B)(31)**

Mr. Kirby seconded the motion. The motion was approved by a unanimous vote by members: **Hart, Burch, Hollar, Kirby, Kinser, Orange, Falwell, Redifer, Rackas Pate, Wood and Walton**.

Mr. Redifer moved to adopt the Summary of the Informal Fact-Finding Conference for sanctions with amendments as follows:

- Count 1: \$350.00 from \$100.00 with Remedial Education**
- Count 2: \$1500.00 from \$250.00 with Remedial Education**
- Count 3: \$300.00 from \$50.00 with Remedial Education**

Total monetary penalties: **\$2,150.00** and Remedial Education for all counts. The Board voted to increase the monetary penalties due to the severity of the violations and to be consistent with previous board actions for similar violations. They felt completion of Remedial Education would help Upper

Echelon LLC have a better understanding of requirements needed as a licensed contractor.

Mr. Burch seconded the motion which was unanimously approved by members: **Falwell, Burch, Hart, Hollar, Kinser, Kirby, Orange, Rackas Pate, Redifer, Walton and Wood**. As the presiding Board representative at the Informal Fact-Finding Conference, **Mr. Franko** was not present during the discussion or vote.

In the matter of Recovery Fund File Number 2004-04177, Kevin and Vincereetta Hicks (Claimant) and Harry V. Davis t/a Davis Carpentry Service (Regulant); Recovery Fund File; the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Mr. Harry V. Davis (Regulant)** appeared at the IFF but neither he nor any qualified representative of the company made an appearance at the Board meeting in person or by counsel. **Kevin and Vincereetta Hicks (Claimant)** appeared at the IFF. Mrs. Hicks attended the Board meeting with counsel, **Stuart L. Williams**. He addressed the Board on behalf of his clients and shared his client's disagreement with the summary and recommendation. The Board representative, **Mr. Hart** was not present and did not participated in the discussion or vote in this matter. After discussion, **Mr. Redifer** offered a motion seconded by **Ms. Wood**, to reject the hearing officer's recommendations and summary for violations and approve the claim for payment in the amount of **\$10,000.00**. The Board felt it was dishonest and improper conduct because the contractor took the money and did not perform the work. A judgment was granted by the court. **Those members voting yes were: Falwell, Burch, Orange, Wood, Redifer, Kinser, Rackas Pate, Walton and Kirby**. The vote was nine yes and one no. **Mr. Hollar voted no**. The motion was approved.

File Number
2004-04177
Harry V
Davis

In the matter of Disciplinary File Number 2004-03201, Ron Caffi t/a Van Caffi Plumbing & Heating Inc., the Board Member reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Ron Caffi** on behalf of Van Caffi Plumbing & Heating Inc., (Respondent) attended the IFF but neither he nor counsel or any qualified representative attended the Board meeting. **Sayuri Inoue, (Complainant)**, attended the IFF and the Board meeting and addressed the Board expressing her disagreement with the summary and recommendation.

File Number
2004-03201
Garrett
Moore, Sr.

Mr. Orange offered a motion to adopt the summary and recommendations with respect to violations as follows:

- Count 1: 2003 18 VAC 50-22-260(B)(9)**
Count 2: 2003 18 VAC 50-22-260(B)(6)
Count 3: 2003 18 VAC 50-22-260(B)(5)

Mr. Redifer seconded the motion which was approved by nine members voting "yes": **Falwell, Burch, Hollar, Kinser, Orange, Rackas Pate, Redifer, Walton and Wood**. **Mr. Hart** voted no. **Ms. Traylor** shared with the Board that priors existed. **Mr. Orange** offered a motion to adopt the Summary of the Informal Fact-Finding Conference for sanctions as follows:

- Count 1: \$50.00 and Remedial Education**
Count 2: \$100.00
Count 3: No Violation

Mr. Falwell seconded the motion which failed with a "no" vote of two; **Burch and Hart** and further discussion. **Mr. Redifer** offered a motion to amend the sanctions (due to the severity of the violations and to be consistent with previous Board actions) as follows:

- Count 1: \$350.00 from \$50.00 and Remedial Education**
Count 2: \$1,000.00, from \$100.00 and Remedial Education
Count 3: \$2,000.00 from no violation and Remedial Education

Total monetary penalties: **\$3,350.00**, remedial education for all counts. **Mr. Falwell** seconded the motion. Members voting no were: **Wood and Rackas Pate**. Members voting yes were: **Burch, Hart, Falwell, Kinser, Orange, Redifer and Walton**. The motion was adopted. As the presiding Board member at the Informal Fact-Finding Conference, **Mr. Kirby** was not present during the discussion or vote

In the matter of Recovery Fund File Number 2003-02126, James and Pamela Hailey (Claimant) and Peter Opper (Staff Member) t/a Roy Rogers Inc. (Regulant); Recovery Fund File; the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Mr. Peter Opper, Staff Member and Attorney for Roy Rogers Inc, Ben Lacy (Regulant)** appeared at the IFF and the Board meeting. Mr. Lacy addressed the Board on behalf of his client and expressed their disagreement with the summary and recommendation indicating his clients did not build the home, they just sold the lot. **James and Pamela Hailey (Claimants)** appeared at the IFF and the Board meeting. They addressed the Board and shared their concerns with the summary and recommendation. The Board representative, **Mr. Kirby** was not present and

File Number
2003-02126
Roy Rogers
Inc.

did not participant in the discussion or vote in this matter. After discussion, **Mr. Redifer** offered a motion seconded by **Mr. Hart**, to accept the hearing officer's recommendations and summary for violations and approve the claim for payment in the amount of **\$10,000.00**. The Board felt it was dishonest and improper conduct because the contractor repeatedly made and broke promises to provide the septic field required under his contract and under the covenants. He accepted their money and did not perform the work. A judgment was granted by the court. **Members voted unanimously to pay the claim as follows: Falwell, Burch, Hart, Orange, Wood, Redifer, Kinser, Rackas Pate and Walton.** The motion was approved.

In the matter of Disciplinary File Number 2004-01970, William Burke t/a Traditional Construction, the Board Members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **William B. Burke** (Respondent) and **Stephen K. Fox**, Esquire attended the IFF but not the Board meeting. Mr. Fox submitted a letter in his absence for the Board to review. This letter was a part of the record file. **Bartley and Crystal Gilmore** attended the IFF and the Board meeting. The Burkes expressed their concerns with the summary and recommendation. **Mr. Falwell**, the Board's Hearing Representative was recused and did not participate in the discussion or the vote. After discussion **Mr. Redifer** offered a motion to accept the summary and recommendation with respect to violations as follows: The Board finds clear and convincing evidence that Traditional Construction violated the following sections of its 2001 and 2003 Regulations:

File Number
2004-01970
William
Burke

- Count 1: 2001 18 VAC 50-22-260(B)(9)**
- Count 2: 2001 18 VAC 50-22-260(B)(31)**
- Count 3: 2003 18 VAC 50-22-230(A)**
- Count 4: 2003 18 VAC 50-22-260(B)(29)**
- Count 5: 2003 18 VAC 50-22-260(B)(5)**

Mrs. Wood seconded the motion which was unanimously approved by members: **Orange, Burch, Hart, Hollar, Kirby, Rackas Pate, Redifer, Kinser, Walton and Wood.**

Mr. Redifer offered a motion to adopt the summary and recommendations as submitted. **Mrs. Wood** seconded the motion which failed due to members not voting after discussion.

Mr. Orange moved to adopt the Summary of the Informal Fact-Finding Conference for sanctions with amendments as follows:

- Count 1: \$250.00**

- Count 2: \$250.00**
- Count 3: \$250.00**
- Count 4: \$2,500.00 from \$1000.00 and Remedial Education**
- Count 5: \$2,500.00 and revocation from no violation**

Total monetary penalties: **\$5,750.00**. The Board voted to increase the monetary penalties due to the severity of the violations and to be consistent with previous board actions.

Mr. Hollar seconded the motion which was unanimously approved by members: **Burch, Hart, Hollar, Kirby, Orange, Kinser, Rackas Pate, Redifer, Walton and Wood.**

In the matter of Disciplinary File Number 2004-01518, Theodore Evans t/a Evans Home Building, the Board Members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Theodore L. Evans** on behalf of Evans Home Building, (Respondent) did not appear at the IFF or the Board meeting in person or by counsel nor by any other qualified representative. Wallace and Beulah Davis (Complainants) attended the IFF and the Board meeting. They expressed their agreement with the summary and recommendations. **Mr. Franko**, the Board's Hearing Representative was not present and did not participate in the discussion or the vote. After discussion **Mr. Redifer** offered a motion to accept the summary and recommendation with respect to violations as follows: The Board finds clear and convincing evidence that Evans Home Building violated the following sections of its 1999, 2001 and 2003 Regulations:

File Number
2004-01518
Theodore
Evans

- Count 1: 1999 18 VAC 50-22-230(A) (three violations)**
- Count 2: 2001 18 VAC 50-22-230(A) (two violations)**
- Count 3: 1999 18 VAC 50-22-260(B)(8) (two violations)**
- Count 4: 1999 18 VAC 50-22-260(B)(5)**
- Count 5: 2001 18 VAC 50-22-260(B)(6)**
- Count 6: 2003 18 VAC 50-22-260(B)(28)**

Ms. Rackas Pate seconded the motion which was unanimously approved by members: **Falwell, Burch, Hart, Hollar, Kirby, Kinser, Rackas Pate, Redifer, Orange, Walton and Wood.** **Mr. Redifer** moved to adopt the Summary of the Informal Fact-Finding Conference for sanctions as follows:

- Count 1: \$200.00 x 3 = \$600.00**
- Count 2: \$200.00 x 2 = \$400.00**
- Count 3: \$100.00 decreased from \$500.00**
- Count 4: \$1,000.00**
- Count 5: \$2,500.00**

Count 6: \$2,500.00 and revocation

Total monetary penalties: \$7,500.00.

Ms. Rackas Pate seconded the motion which was unanimously approved by members: **Falwell, Burch, Hart, Hollar, Kirby, Rackas Pate, Redifer, Orange, Walton and Wood.**

In the matter of Disciplinary File Number 2004-03234, Americana Contractors LLC t/a Americana Contractors LLC, the Board Members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Americana Contractors LLC**, (Respondent) did not appear at the IFF or the Board meeting in person or by counsel or by any other qualified representative. **Karen White** (Complainant) attended the IFF and the Board meeting. She addressed the Board. **Mr. Orange**, the Board's Hearing Representative was not present and did not participate in the discussion or the vote. After discussion **Mr. Redifer** offered a motion to accept the summary and recommendation with respect to violations as follows: The Board finds clear and convincing evidence that Americana Contractors LLC violated the following sections of its 2003 Regulations:

File Number
2004-03234
Americana
Contractors
LLC

- Count 1: 2003 18 VAC 50-22-260(B)(9)**
- Count 2: 2003 18 VAC 50-22-260(B)(31)**
- Count 3: 2003 18 VAC 50-22-260(B)(15)**
- Count 4: 1999 18 VAC 50-22-260(B)(13)**

Ms. Wood seconded the motion which was unanimously approved by members: **Falwell, Burch, Hart, Hollar, Kirby, Kinser, Rackas Pate, Redifer, Walton and Wood.**

Ms. Wood offered a motion to adopt the sanctions as recommended. **Mr. Burch** seconded the motion. This motion failed with members **Redifer, Hollar, Hart, Rackas Pate and Kinser** voting no and members: **Wood, Burch, Falwell, Kirby, and Walton** voting yes.

Mr. Redifer offered a substitute motion to amend the summary and recommendation with respect to the sanctions as follows:

- Count 1: \$350.00 from \$2500 and license revocation**
- Count 2: \$350.00 from \$2500 and license revocation**
- Count 3: \$2500.00 and license revocation**
- Count 4: \$2500.00 and license revocation**

Total monetary penalties: **\$5,700.00**. The Board decreased the penalties on counts 1 and 2 to be consistent with previous Board actions. The Board Staff will perform Substantial Identity on the other two licenses.

Mr. Hollar seconded the motion which was unanimously approved by members: **Falwell, Burch, Hart, Hollar, Kirby, Kinser, Rackas Pate, Redifer, Walton and Wood.**

In the matter of Disciplinary File Number 2004-02524, Americana Contractors LLC t/a Americana Contractors LLC, the Board Members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Americana Contractors LLC**, (Respondent) did not appear at the IFF or the Board meeting in person or by counsel or by any other qualified representative. **Georgana Sutphin** (Complainant) attended the IFF but not the Board meeting. **Mr. Orange**, the Board's Hearing Representative was not present and did not participate in the discussion or the vote.

File Number
2004-02524
Americana
Contractors
LLC

After discussion **Mr. Redifer** offered a motion to accept the summary and recommendation with respect to violations as follows: The Board finds clear and convincing evidence that Americana Contractors LLC violated the following sections of its 2003 Regulations:

- Count 1: 2003 18 VAC 50-22-260(B)(9)**
- Count 2: 2003 18 VAC 50-22-260(B)(14)**
- Count 3: 2003 18 VAC 50-22-260(B)(16)**
- Count 4: 1999 18 VAC 50-22-260(B)(13)**

Mr. Burch seconded the motion which was unanimously approved by members: **Falwell, Burch, Hart, Hollar, Kirby, Kinser, Rackas Pate, Redifer, Walton and Wood.**

Mr. Redifer offered a motion to adopt the sanctions with amendments as follows:

- Count 1: \$350.00 from \$2500 and license revocation**
- Count 2: \$2500.00 and license revocation**
- Count 3: \$2500.00 and license revocation**
- Count 4: \$2500.00 and license revocation**

Total monetary penalties: **\$7,850.00 with license revocation for counts 2, 3 and 4**. The Board decreased the penalty on count 1 to be consistent with previous Board actions.

Mr. Burch seconded the motion which was unanimously approved by members: **Falwell, Burch, Hart, Hollar, Kirby, Kinser, Rackas Pate, Redifer, Walton and Wood.**

In the matter of Disciplinary File Number 2004-02090, Americana Contractors LLC t/a Americana Contractors LLC, the Board Members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Americana Contractors LLC**, (Respondent) did not appear at the IFF or the Board meeting in person by counsel or by any other qualified representative. **Suzanne Hamilton** (Complainant) attended the IFF but not the Board meeting. **Mr. Orange**, the Board's Hearing Representative was not present and did not participate in the discussion or the vote.

File Number
2004-02090
Americana
Contractors,
LLC

After discussion **Mr. Redifer** offered a motion to accept the summary and recommendation with respect to violations as follows: The Board finds clear and convincing evidence that Americana Contractors LLC violated the following sections of its 2003 Regulations:

- Count 1: 2003 18 VAC 50-22-260(B)(9)**
- Count 2: 2003 18 VAC 50-22-260(B)(14)**
- Count 3: 2003 18 VAC 50-22-260(B)(16)**
- Count 4: 2003 18 VAC 50-22-210**

Ms. Wood seconded the motion which was unanimously approved by members: **Falwell, Burch, Hart, Hollar, Kirby, Kinser, Rackas Pate, Redifer, Walton and Wood.**

Mr. Redifer offered a motion to adopt the sanctions with amendments as follows:

- Count 1: \$350.00 from \$2500 and license revocation**
- Count 2: \$2500.00 and license revocation**
- Count 3: \$2500.00 and license revocation**
- Count 4: \$500.00 from \$2500.00 and license revocation**

Total monetary penalties: **\$5,850.00 with license revocation for counts 2 and 3.** The Board decreased the penalty on counts 1 and 4 to be consistent with previous Board actions.

Mr. Falwell seconded the motion which was unanimously approved by members: **Falwell, Burch, Hart, Hollar, Kirby, Kinser, Rackas Pate, Redifer, Walton and Wood.**

In the matter of Disciplinary File Number 2004-00983 Archie Necessary t/a Archie Necessary, the Board Members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Archie Necessary**, (Respondent) did not appear at the IFF in person or by counsel or by any other qualified representative. **Mr. Necessary** attended the Board meeting and shared his disagreement with the summary and recommendation. **Mr. Paulette**, the Board's Hearing Representative was not present and did not participate in the discussion or the vote.

File Number
2004-00983
Archie
Necessary

After discussion **Mr. Falwell** offered a motion to amend the summary and recommendation with respect to violations as follows: The Board finds clear and convincing evidence that Archie Necessary violated the following sections of its 1999 Regulations:

Count 1: 18 VAC 50-22-260(B)(18) (2 violations)

Count 2: no violation

Mr. Redifer seconded the motion which was unanimously approved by voting members: **Falwell, Burch, Hart, Hollar, Kirby, Kinser, Rackas Pate, Redifer, Orange, Walton and Wood.**

After discussion **Mr. Falwell** offered a motion to amend the sanctions as follows:

Count 1: No monetary penalty (2 violations) and remedial education

The Board voted to impose no monetary penalty for violation of count 1.

Mr. Orange seconded the motion which was unanimously approved by voting members: **Falwell, Burch, Hart, Hollar, Kirby, Kinser, Rackas Pate, Redifer, Orange, Walton and Wood.**

In the matter of Recovery Fund File Number 2004-04175, Khristi Miller (Claimant(s)) and Donald C. Cool t/a Quality Home Improvement (Regulant); the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary and recommendation. **Quality Home Improvement (Regulant)** nor any one on their behalf was in attendance at the IFF or the Board meeting. **Khristi Miller (Claimant(s))** attended the IFF and the Board meeting. She shared her agreement with the summary and recommendation. The Board representative, **Mr. Redifer** was not present and did not participated in the discussion or vote in this matter. **Mr. Orange** offered a motion seconded by **Mr. Kirby**, to

File Number
2004-04175
Donald C.
Cool

accept the hearing officer's recommendations and summary for violations based on the record and information presented at the Recovery Fund IFF and approve the claim for payment in the amount of \$10,000.00. The motion was approved with a unanimous yes vote by: Falwell, Rackas Pate, Hart, Hollar, Wood, Orange, Walton, Kinser, Burch, and Kirby.

In the matter of Recovery Fund File Number 2004-03275, James & Michele Wedge (Claimant(s)) and Vincent P Davis t/a Designs By Davis (Regulant); the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary and recommendation. **Vincent P Davis (Regulant) t/a Designs by Davis** nor any one on their behalf was in attendance at the IFF or the Board meeting. **James Wedge (Claimant(s))** attended the IFF and the Board meeting. The Board representative, **Mr. Redifer** was not present and did not participated in the discussion or vote in this matter. **Mr. Orange** offered a motion seconded by **Mr. Hollar**, to accept the hearing officer's recommendations and summary for violations based on the record and information presented at the Recovery Fund IFF and approve the claim for payment in the amount of \$10,000.00. The motion was approved with a unanimous yes vote by: Falwell, Rackas Pate, Hart, Hollar, Wood, Orange, Burch, Walton, Kinser and Kirby.

File Number
2004-03275
Vincent P
Davis

In the matter of Recovery Fund File Number 2004-04478, Fred and Brenda Smiley (Claimant(s)) and Mary J. Steppe t/a Sunrooms By Steppe (Regulant); the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary and recommendation. **Mary J. Steppe (Regulant) t/a Sunrooms By Steppe** nor any one on their behalf was in attendance at the IFF or the Board meeting. **Fred and Brenda Smiley (Claimant(s))** attended the IFF and the Board meeting. Mr. Smiley addressed the Board and shared their agreement with the recommendation. The Board representative, **Mr. Redifer** was not present and did not participated in the discussion or vote in this matter. **Mr. Orange** offered a motion seconded by **Mr. Hollar**, to accept the hearing officer's recommendations and summary for violations based on the record and information presented at the Recovery Fund IFF and approve the claim for payment in the amount of \$10,000.00. The motion was approved with a unanimous yes vote by: Falwell, Rackas Pate, Hart, Hollar, Wood, Orange, Burch, Walton, Kinser and Kirby.

File Number
2004-04478
Mary J.
Steppe

In the matter of Disciplinary File Number 2004-02240, Charles W. Stover, III t/a Near Lee Construction, the Board Members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Charles W. Stover, III** on behalf of **Near Lee Construction** (Respondent) did not appear at the IFF or the Board meeting in person or by counsel nor by any other qualified representative. **David Robinson** (Complainant) attended the IFF and the Board meeting. They expressed their agreement with the summary and recommendations. **Ms. Wall**, the Board's Hearing Representative was not present and did not participate in the discussion or the vote. After discussion **Mr. Redifer** offered a motion to accept the summary and recommendation with respect to violations as follows: The Board finds clear and convincing evidence that **Near Lee Construction** violated the following sections of its 2003 Regulations:

File Number
2004-02240
Charles W.
Stover, III

- Count 1: 2003 18 VAC 50-22-260(B) (9)
- Count 2: 2003 18 VAC 50-22-230(A)
- Count 3: 2003 18 VAC 50-22-260(B)(15)
- Count 4: 2003 18 VAC 50-22-260(B)(30)
- Count 5: 2003 18 VAC 50-22-260(B)(6)
- Count 6: 2003 18 VAC 50-22-260(B)(13)

Mr. Kirby seconded the motion which was unanimously approved by members: **Falwell, Burch, Hart, Hollar, Kirby, Kinser, Rackas Pate, Redifer, Orange, Walton and Wood**. **Mr. Hollar** moved to adopt the Summary of the Informal Fact-Finding Conference for sanctions with amendments as follows:

- Count 1: \$250.00 and Remedial Education
- Count 2: \$250.00 and Remedial Education
- Count 3: \$500.00 and Remedial Education
- Count 4: \$250.00 and Remedial Education
- Count 5: \$150.00 and Remedial Education
- Count 6: \$1,000.00 and Remedial Education

Total monetary penalties: \$2,400.00.

Ms. Rackas Pate seconded the motion which was approved by members: **Falwell, Burch, Hart, Hollar, Kirby, Rackas Pate, Orange, Walton and Wood**. **Mr. Redifer** voted no.

In the matter of Recovery Fund File Number 2004-04448, Pixie E. Curry (Claimant(s)) and Fredrick Reid. t/a Reid's Construction (Regulant); the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary and recommendation. **Frederick Reid (Regulant) t/a Reid's Construction** nor any one on their behalf was in attendance at the IFF or the Board meeting. **Pixie E. Curry (Claimant(s))** attended the IFF and the Board meeting. She addressed the Board and shared her agreement with the Recommendation. The Board representative, **Ms. Wall** was not present and did not participated in the discussion or vote in this matter. **Mr. Orange** offered a motion seconded by **Mr. Redifer** to accept the hearing officer's recommendations and summary for violations based on the record and information presented at the Recovery Fund IFF and approve the claim for payment in the amount of **\$10,000.00**. The motion was approved **with a unanimous yes vote by: Falwell, Rackas Pate, Hart, Hollar, Wood, Redifer, Burch, Orange, Walton, Kinser and Kirby.**

File Number
2004-04448
Reid's
Construction

In the matter of Disciplinary File Number 2003-02240, Robert A Boroughs t/a Robert A Boroughs, Ltd, the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Robert A Boroughs (Respondent) t/a Robert A Boroughs, Ltd. and Bruce Arkema,** attorney appeared at the IFF and Elliott Buckner, counsel appeared at the Board meeting. Mr. Buckner addressed the Board on behalf of his client. **Mark and Cheryl Petska (Complainant)** attended the IFF but not the Board meeting.

File Number
2003-02240
Robert A
Boroughs
Ltd

After discussion **Mr. Redifer** offered a motion to amend the summary and recommendations for violations as follows:

Count 1: 2001 18 VAC 50-22-260(B)(8)

Mr. Hart seconded the motion which was unanimously approved by members: **Falwell, Hart, Orange, Burch, Hollar, Kinser, Rackas Pate, Redifer, Walton and Wood.**

Mr. Redifer moved to adopt the Summary of the Informal Fact-Finding Conference for sanctions as follows:

Count 1: \$500.00 and remedial education

Total monetary penalties: **\$500.00** and remedial education.

Mr. Walton seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Kinser, Orange, Burch, Rackas Pate,**

Redifer, Walton and Wood. As the presiding Board representative at the Informal Fact-Finding Conference, **Mr. Kirby** was not present during the discussion or vote.

In the matter of Disciplinary File Number 2003-03437, Oliver T Trimiew, Jr. t/a O T Trimiew Plumbing & Heating, the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Oliver T Trimiew, Jr.** (Respondent) and Attorney Darryl Parker attended the IFF and the Board meeting. Mr. Parker addressed the Board on behalf of his client.

File Number
2003-03437
Oliver T
Trimiew, Jr.

After discussion, **Mr. Redifer** offered a motion to adopt the summary and recommendation as follows. The Board finds clear and convincing evidence that Oliver T Trimiew, Jr. violated the following sections of its Regulations:

Count 1: 2001 18 VAC 50-22-260(B)(9)

Mr. Redifer seconded the motion which was approved. Members voting "yes" were: **Falwell, Hart, Orange, Burch, Hollar, Kinser, Rackas Pate, Redifer, Walton and Wood.**

Mr. Walton offered a motion to amend the summary for violations as follows:

Count 1: \$250.00 and remedial education

Mr. Hart seconded the motion which was unanimously approved by: **Falwell, Hart, Orange, Burch, Hollar, Kinser, Rackas Pate, Redifer, Walton and Wood.** **Mr. Kirby** the presiding Board representative at the IFF was not present during the discussion or vote.

In the matter of License Application File Number 2005-00012, Douglas Monday (Applicant) t/a Stone House Masonry, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
2005-00012
Douglas
Monday

Douglas Monday, appeared at the IFF and the Board meeting. He addressed the Board and shared his **agreement** with the board representative's summary and recommendation. The presiding officer **Ms. Cooper** was not present did not participate in the discussion and did not vote. **Mr. Redifer** moved to adopt the Summary of the Informal Fact-Finding Conference and grant the

license.

Mr. Falwell seconded the motion which was approved by members: **Burch, Falwell, Hart, Kinser, Kirby, Orange, Rackas Pate, Redifer and Walton.** Members voting "no" were: **Wood and Hollar.** The license was granted.

In the matter of Consent Order File Number 2003-01037, Board v. Oliver T Trimiew t/a O T Trimiew Plumbing & Heating, the board reviewed the Consent Order. **Daryl Parker, Attorney for O T Trimiew Plumbing & Heating** appeared at the board meeting and addressed the Board on behalf of his client. Upon a motion by **Falwell** seconded by **Redifer** the board ratified the consent order, which imposed the following:
Count 1: 18 VAC 50-22-260(B)(9) \$200.00
Count 2: 18 VAC 50-22-260(B)(31) \$150.00
Count 3: 18 VAC 50-22-260(B)(28) \$2,500.00
Count 4: 18 VAC 50-22-260(B)(6) \$200.00
Total penalties: \$3,050.00 and Mr. Trimiew consents to successfully completing the Board's Basic Contracting Licensing Class and to license revocation for count 3 if he does not satisfy the \$5,864.00 judgment within the period specified in the order. The Consent Order was ratified by a yes vote of 10. Members voting yes were: **Falwell, Hollar, Orange, Burch, Hart, Kinser, Kirby, Walton, Redifer and Wood.** **Rackas Pate** voted no.

File Number
2003-01037
Oliver T
Trimiew

In the matter of Disciplinary File Number 2004-02491, John A Brewer t/a John A Brewer, the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **John A Brewer (Respondent)** appeared at the IFF and the Board meeting. He addressed the Board and shared his disagreement with the Summary and Recommendation. **Juanita and Raymond Burton (Complainant(s))** attend the IFF but not the Board meeting.

File Number
2004-02491
John A
Brewer

After discussion **Mr. Redifer** offered a motion to adopt the summary and recommendations for violations as follows:

Count 1: 2003 18 VAC 50-22-260(B)(8)
Count 2: 2003 18 VAC 55-22-260(B)(15) No violation

Mrs. Wood seconded the motion which was approved unanimously by:

Falwell, Orange, Burch, Hollar, Kinser, Kirby, Rackas Pate, Redifer,

Walton and Wood. Ms. Traylor shared with the Board that the summary should include an amended Report of Findings which was mailed via certified mail on June 16, 2004 to the Regulant. The certified mail was returned by the Post Office marked "unclaimed."

Mr. Orange moved to adopt the Summary of the Informal Fact-Finding Conference for sanctions with amendments as follows:

Count 1: \$0 and Remedial Education from \$300.00

Count 2: No violation, No penalty

Total monetary penalties: **\$0.00** and mandatory completion of Remedial Education.

Mrs. Wood seconded the motion which was unanimously approved by members: **Falwell, Burch, Orange, Hollar, Kinser, Kirby, Rackas Pate, Redifer, Walton and Wood.** As the presiding Board representative at the Informal Fact-Finding Conference, **Mr. Hart** was not present during the discussion or vote.

In the matter of Disciplinary File Number 2004-00019, Roger Payne t/a Payne Backhoe Service, the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Roger Payne (Respondent) t/a Payne Backhoe Service** appeared at the IFF or the Board meeting. He shared his disagree with the summary and recommendation.

File Number
2004-00019
Roger Payne

After discussion **Mr. Hollar** offered a motion to amend the summary and recommendations for violations to a finding of no violation.

Mr. Redifer recused himself from discussion or voting due to a potential conflict. **Mr. Burch** seconded the motion which was unanimously approved by members: **Falwell, Orange, Hollar, Kinser, Kirby, Rackas Pate, Burch, Walton and Wood.**

Mr. Hart, the Board's hearing representative was not present during the discussion or vote.

In the matter of Recovery Fund File Number 2003-02148, Roxanne Fischer (Claimant) and Apple Land Custom Cabinets and Millwork, Inc. t/a Apple Land Custom Cabinets and Millwork, Inc. (Regulant); Recovery Fund File; the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation.

File Number
2003-02148
Apple Land
Custom
Cabinets and

Jerry Baker (Regulant) appeared by telephone on behalf of **Apple Land Custom Cabinets and Millwork, Inc.** at the IFF but neither he nor any qualified representative of the company made an appearance at the Board meeting in person or by counsel. **Roxanne Fisher (Claimant)** appeared at the IFF and the Board meeting. Mrs. Fisher addressed the Board voicing her agreement with the conclusion and recommendation. The Board representative, **Ms. Wall** was not present and did not participate in the discussion or vote in this matter. After discussion, **Mr. Orange** offered a motion seconded by **Mr. Burch**, to adopt the hearing officer's recommendations and summary for violations and approve the claim for payment in the amount of **\$10,000.00**. The Board felt it was dishonest and improper conduct because the contractor took the money and did not perform the work. **Those members voting yes were: Falwell, Burch, Orange, Hart, Hollar, Wood, Redifer, Kinser, Rackas Pate, Walton and Kirby.** The motion was approved.

**Millwork,
Inc.**

In the matter of Recovery Fund File Number 2004-04268, David and Donna Dudman (Claimants) and James L Phillips t/a A J James (Regulant); Recovery Fund File; the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Mr. James L Phillips (Regulant) t/a A J James** did not appear at the IFF and neither he nor any qualified representative of the company made an appearance at the Board meeting in person or by counsel. **David and Donna Dudman (Claimants)** appeared at the IFF but they did not attend the Board meeting. The Board representative, **Mr. Redifer** was not present and did not participate in the discussion or vote in this matter. After discussion, **Mr. Hollar** offered a motion seconded by **Ms. Wood**, to accept the hearing officer's recommendations and summary for violations and approve the claim for payment in the amount of **\$10,000.00**. The Board felt it was dishonest and improper conduct. **Those members voting yes were: Falwell, Burch, Orange, Wood, Hart, Kinser, Rackas Pate, Walton and Kirby.** The payment was approved.

File Number
2004-04268
**James L
Phillips**

In the matter of Recovery Fund File Number 2003-01581, Denise Roach (Claimant) and Mark Layman t/a Layman Custom Homes (Regulant); Recovery Fund File; the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Mark Layman (Regulant)** did not appear at the IFF and neither he nor any qualified representative of the company made an appearance at the Board meeting in person or by counsel. **Denise Roach Kevin (Claimant)** appeared at the IFF and the Board meeting. **She** addressed the Board and shared her agreement with the summary and recommendation. The Board representative,

File Number
2003-01581
**Mark
Layman**

Mr. Franko was not present and did not participate in the discussion or vote in this matter. After discussion, **Mr. Redifer** offered a motion seconded by **Ms. Wood**, to adopt the hearing officer's recommendations and summary for violations and approve the claim for payment in the amount of **\$6,026.00**. **Those members voting yes unanimously were: Falwell, Burch, Orange, Wood, Redifer, Kinser, Rackas Pate, Redifer, Hart, Walton and Kirby.** The motion was approved.

In the matter of Disciplinary File Number 2003-03235, Steven W. Johnson t/a Albermarle Enterprises, the Board Members reviewed the record which consisted of the transcript and exhibits from the IFF, and the presiding board representative's summary and recommendation. Neither **Steven W. Johnson**, nor anyone on behalf of **Albermarle Enterprises**, attended the IFF. Mr. Johnson attended the Board meeting and addressed the Board. He shared his disagreement with the summary and recommendation. After discussion, **Mr. Falwell** offered a motion to adopt the summary and recommendation for violations with amendments as follows:

File Number
2003-03235
Steven W.
Johnson

- Count 1: 2003 18 VAC 50-22-260(B)(9)**
- Count 2: 2003 18 VAC 50-22-260(B)(27)**
- Count 3: 2003 18 VAC 50-22-260 (B)(15) No Violation**
- Count 4: 2003 18 VAC 50-22-260(16) No Violation**

Mr. Walton seconded the motion which was approved by voting members: **Falwell, Hart, Orange, Hollar, Kirby, Kinser, Rackas Pate, Redifer, and Walton.** **Ms. Wood** voted no. As the presiding Board representative at the Informal Fact-Finding Conference, **Mr. Burch** was not present during the discussion or vote.

Mr. Falwell offered a motion to adopt the summary and recommendations for sanctions with amendments as follows:

- Count 1: \$350.00 and Remedial Education**
- Count 2: \$500.00 and Remedial Education from \$700.00**

Total monetary penalties: \$850.00 and completion of Remedial Education. As for count 3 the Board closed this file with a finding of no violation. Mr. Johnson had completed the work he was paid to perform. Count 4 was closed with a finding of no violation. No reimbursement was ever requested nor due to the complainant.

Mr. Walton seconded the motion which was approved by voting members: **Falwell, Walton, Orange, Kirby, Kinser, Rackas Pate, Hart and Hollar.** Members voting "no" were: **Redifer and Wood.**

In the matter of Consent Order File Number 2003-01396, Board v. Steven E Hardy t/a Residential Construction Services, LLC. the board reviewed the Consent Order. **Steve Hardy, on behalf of Residential Construction Services LLC** attended the IFF and appeared at the board meeting and addressed the Board on behalf of the company. **Mrs. Wall** the Board representative was not present and did not vote. Upon a motion by **Falwell** seconded by **Redifer** the board ratified the consent order, which imposed the following:

File Number
2003-01396
Steven E
Hardy

Count 1: 1999: 18 VAC 50-22-260(B)(9) no monetary penalty

Count 2: 2001: 18 VAC 50-22-260(B)(9) no monetary penalty

Count 3: 2001: 18 VAC 50-22-260(B)(28) \$500.00 to be waived if Hardy completes the work within 60 days of the effective date of the order and provides proof of satisfaction.

Count 4: 2001: 18 VAC 50-22-260(B)(16) \$1,000.00 to be waived if Hardy completes the work within 60 days of the effective date of the order, satisfies the judgments awarded to Best and provides proof of satisfaction.

Count 5: 2001: 18 VAC 50-22-260(B)(28) \$2,500.00 to be waived if Hardy satisfies the judgment awarded to Best within 60 days of the effective date of the order and provides proof of satisfaction.

Total penalties: \$4,000.00 if Mr. Hardy does not complete the work and satisfy the judgment within the period specified in the order or fines waived if licensee completes work and satisfies the judgment. The Consent Order was ratified by a unanimous vote. Members voting were: **Falwell, Hollar, Orange, Burch, Hart, Kinser, Rackas Pate, Kirby, Walton, Redifer and Wood.**

In the matter of Disciplinary File Number 2003-01179, Edward Horn t/a Mitchell Horn & Associates, Inc, the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Edward Horn (Respondent)** nor anyone on behalf of **Mitchell Horn & Associates, Inc.** appeared at the IFF or the Board meeting. **Jannine Hazel (Complainant)** attended the IFF but not the Board meeting.

File Number
2003-01179
Mitchell
Horn &
Associates,
Inc.

After discussion the Board found clear and convincing evidence that Mitchell Horn & Associated, Inc., violated the following sections of its Regulations. **Mr. Redifer** offered a motion to adopt the summary and recommendations for violations as follows:

Count 1: 2001 18 VAC 50-22-260(B)(17)

Count 2: 2003 18 VAC 50-22-260(B)(22)

Count 3: 2003 18 VAC 50-22-260(B)(23)

Mr. Kirby seconded the motion which was unanimously approved by

members: **Falwell, Burch, Hart, Hollar, Kirby, Kinser, Orange, Rackas Pate, Redifer, Walton and Wood.**

Mr. Redifer moved to adopt the Summary of the Informal Fact-Finding Conference for sanctions as follows:

Count 1: \$2,500.00 and license revocation
Count 2: \$2,500.00 and license revocation
Count 3: \$2,500.00 and license revocation

Total monetary penalties: **\$7,500.00** and license revocation for all counts.

Mr. Kirby seconded the motion which was unanimously approved by members: **Falwell, Burch, Hart, Hollar, Kirby, Kinser, Orange, Rackas Pate, Redifer, Walton and Wood.** As the presiding Board representative at the Informal Fact-Finding Conference, **Ms. Parrish** was not present during the discussion or vote.

In the matter of License Application File Number 2003-03532, Howard Kenner (Applicant), the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member. The presiding officer **Mr. Kinser rescued himself** did not participate in the discussion and did not vote. **Mr. Orange chaired this case.** **Mr. Redifer** offered a motion to reopen this case and allow Mr. Pritchard and his clients their fifteen minutes to address the Board. **Mrs. Wood** seconded the motion. The vote was unanimous to approve the reopening of case number 2003-03532 and granting the license applicant, his attorney and his witness five minutes each to address the Board. Members voting were: **Burch, Falwell, Hart, Hollar, Kirby, Rackas Pate, Orange, Walton, Redifer and Wood.**

File Number
2003-03532
Howard
Kenner

Howard Kenner, Mrs. Kenner and attorney Robert Pritchard appeared at the IFF and the Board meeting. **Mr. Pritchard** addressed the Board on behalf of his client requesting they reconsider and issue a license to Mr. Kenner. **Mr. Kenner** addressed the Board and shared that he is in counseling and wants the Board to reconsider their decision and issue him a license. **Mrs. Kenner** addressed the Board and asked them to reconsider and grant a license to Mr. Kenner.

After discussion, **Mr. Redifer** offered a motion to rescind the original decision and to now grant the license to Mr. Kenner.

Mr. Burch seconded the motion which was approved by members: **Burch, Falwell, Hart, Orange, Rackas Pate, Redifer and Walton.** Members

voting "no" were: **Hart, Kirby, Wood and Hollar**. The license was granted.

The Board took a break from 12:40 PM to 1:00 PM

Break

At 1:00 PM the meeting was called back to order by chairman, Robert Kinser.

**Meeting
Called Back
To Order**

In the matter of Disciplinary File Number 2003-00071, William A Sampson t/a C & B Roofing, Inc., the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **William A Sampson (Respondent)** nor anyone on behalf of **C & B Roofing** appeared at the IFF or the Board meeting. **Elizabeth M Harris (Complainant)** did not attend the IFF or the Board meeting. **Mr. Kinser** resumed chairing the meeting.

**File Number
2003-00071
William A
Sampson**

After discussion the Board found clear and convincing evidence that C & B Roofing violated its Regulations. **Mr. Redifer** offered a motion to adopt the summary and recommendations for violations as follows:

Count 1: 2001 18 VAC 50-22-230(30)

Mr. Hollar seconded the motion which was unanimously approved by members: **Burch, Falwell, Hart, Hollar, Kinser, Kirby, Orange, Rackas Pate, Redifer, Walton and Wood**.

Mr. Redifer moved to adopt the Summary of the Informal Fact-Finding Conference and recommendations for sanctions as follows:

Count 1: \$1,000.00 and license revocation

Total monetary penalties: **\$1,000.00** and license revocation.

Mr. Kirby seconded the motion which was unanimously approved by members: **Burch, Falwell, Hart, Hollar, Kinser, Kirby, Orange, Rackas Pate, Redifer, Walton and Wood**. As the presiding Board representative at the Informal Fact-Finding Conference, **Mr. Franko and Mr. Harris**, the Board Representatives were not present during the discussion or vote.

In the matter of Disciplinary File Number 2003-03371, Bedford Continuous Gutter, Inc. t/a Bedford Continuous Gutter and Remodeling, the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Bedford Continuous Gutter, Inc. (Respondent)** did not appear at the IFF or the Board meeting in person or by counsel or by any other qualified representative. **Mary Pandolfini and Tony James (Complainant(s))** did not attend the IFF or the Board meeting.

File Number
2003-03371
Bedford
Continuous
Gutter, Inc.

After discussion the Board finds clear and convincing evidence that Bedford Continuous Gutter, Inc., violated its Regulations. **Mr. Hollar** offered a motion to adopt the summary and recommendations for violations as follows:

- Count 1: 2001 18 VAC 50-22-260(B)(9)**
- Count 2: 2001 18 VAC 50-22-260(B)(31)**
- Count 3: 2001 18 VAC 50-22-260(B)(15)**
- Count 4: 2001 18 VAC 50-22-260(B)(16)**
- Count 5: 2003 18 VAC 50-22-260(B)(13)**

Ms. Rackas Pate seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Kinser, Kirby, Orange, Rackas Pate, Redifer, Walton and Wood.**

Mr. Hollar moved to adopt the Summary of the Informal Fact-Finding Conference and the recommendations for sanctions as follows:

- Count 1: \$200.00**
- Count 2: \$500.00**
- Count 3: \$2,500.00 and license revocation**
- Count 4: \$2,500.00 and license revocation**
- Count 5: \$2,500.00 and license revocation**

Total monetary penalties: **\$8,200.00** and license revocation for counts 3, 4 and 5.

Mr. Redifer seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Kinser, Kirby, Orange, Rackas Pate, Redifer, Walton and Wood.** As the presiding Board representative at the Informal Fact-Finding Conference, **Mr. Burch** was not present during the discussion or vote.

In the matter of Disciplinary File Number 2004-02417, Geoffrey O Dean, t/a Geoffrey O Dean the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and

File Number
2004-02417
Geoffery O

recommendation. **Geoffrey O Dean (Respondent)** t/a **Geoffrey O Dean** appeared at the IFF but not the Board meeting. **George Kolesar (Complainant)** did not attend the IFF or the Board meeting.

Dean

After discussion **Mr. Redifer** offered a motion to adopt the summary and recommendations for violations. The Board found clear and convincing evidence that Geoffrey O Dean violated the Regulations as follows:

- Count 1: 2003 18 VAC 50-22-230(A)
- Count 2: 2003 18 VAC 50-22-260(B)(9)
- Count 3: 2003 18 VAC 50-22-260(B)(15)
- Count 4: 2003 18 VAC 50-22-260(B)(16)

Mr. Hollar seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Kinser, Kirby, Orange, Rackas Pate, Redifer, Walton and Wood.**

Mr. Hollar moved to adopt the Summary of the Informal Fact-Finding Conference and the recommendations for sanctions as follows:

- Count 1: \$500.00 and remedial education
- Count 2: \$300.00 and remedial education
- Count 3: \$750.00 and remedial education
- Count 4: \$2,500.00 and remedial education

Total monetary penalties: **\$3,550.00** and remedial education on all counts.

Mr. Redifer seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Kinser, Kirby, Orange, Rackas Pate, Redifer, Walton and Wood.** As the presiding Board representative at the Informal Fact-Finding Conference, **Mr. Burch** was not present during the discussion or vote.

In the matter of Disciplinary File Number 2003-01823, Botanical Concepts, Inc. t/a Botanical Concepts, Inc., the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Botanical Concepts, Inc. (Respondent)** nor anyone on behalf of **Botanical Concepts, Inc.** appeared at the IFF or the Board meeting. **T. D. Watkins, III (Complainant)** attended the IFF but not the Board meeting.

File Number
2003-01823
Botanical
Concepts,
Inc.

After discussion **Mr. Hollar** offered a motion to adopt the summary and recommendations for violations. The Board found clear and convincing evidence that Botanical Concepts, Inc. violated the following sections of its

Regulations:

- Count 1: 2001 18 VAC 50-22-260(B)(28)
- Count 2: 2001 18 VAC 50-22-230(B)
- Count 3: 2003 18 VAC 50-22-260(B)(12)

Mr. Redifer seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Kinser, Kirby, Orange, Rackas Pate, Redifer, Walton and Wood.**

Mr. Hollar moved to adopt the Summary of the Informal Fact-Finding Conference and the recommendations for sanctions as follows:

- Count 1: \$2,500.00 and license revocation
- Count 2: \$1,000.00
- Count 3: \$2,500.00 and license revocation

Total monetary penalties: \$6,000.00 and license revocation for counts 1 and 3.

Mr. Hart seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Kinser, Kirby, Orange, Rackas Pate, Redifer, Walton and Wood.** As the presiding Board representative at the Informal Fact-Finding Conference, **Mr. Burch** was not present during the discussion or vote.

In the matter of Disciplinary File Number 2004-00341, Geoffrey O Dean t/a Geoffrey O Dean, the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Geoffrey O Dean (Respondent)** appeared at the IFF but not the Board meeting. **James Seltzer (Complainant)** did not attend the IFF or the Board meeting.

File Number
2004-00341
**Geoffrey O
Dean**

After discussion **Mr. Hollar** offered a motion to adopt the summary and recommendations. The Board found clear and convincing evidence that Geoffrey O Dean violated the following sections of its Regulations:

- Count 1: 2001 18 VAC 50-22-230 (A)
- Count 2: 2001 18 VAC 50-22-260(B)(9)

Mr. Redifer seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Kinser, Kirby, Orange, Rackas Pate, Redifer, Walton and Wood.**

Mr. Hollar offered a motion to adopt the Summary of the Informal Fact Finding conference for violations as follows:

Count 1: \$500.00 and Remedial Education

Count 2: \$300.00 and Remedial Education

Total monetary penalties: **\$800.00** and remedial education for all counts. **Mr. Kirby** seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Kinser, Kirby, Orange, Rackas Pate, Redifer, Walton and Wood**. As the Board Representative at the Informal Fact Finding Conference **Mr. Burch** was not present during the discussion or vote.

In the matter of License Application File Number 2005-00010, Donald E Flax (Applicant) t/a D & T Home Improvement, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
2005-00010
Donald E
Flax

Donald E Flax, appeared at the IFF and the Board meeting. He addressed the Board and shared his **agreement** with the board representative's summary and recommendation. The presiding Board Representative **Ms.Cooper** was not present did not participate in the discussion and did not vote. **Mr. Hollar** moved to adopt the Summary of the Informal Fact-Finding Conference and grant the license.

Mr. Redifer seconded the motion which was approved by members: **Burch, Falwell, Hart, Hollar, Kinser, Kirby, Orange, Rackas Pate, Redifer, Wood and Walton**. The license was granted.

In the matter of Licensing File Number 2005-00006, Steven Robinson t/a Steve's Odd Jobs the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2005-00006
Steven
Robinson

Steven Robinson (License Applicant) t/a Steve's Odd Jobs participated in the IFF and attended the Board meeting. The presiding Board representative **Ms.Cooper** was not present did not participate in the discussion and did not vote. **Mr. Hollar** moved to adopt the Summary of the Informal Fact-Finding Conference and grant the license. **Mrs. Traylor** shared with the Board that the file number on the Summary needed to be corrected from 2004-00006 to 2005-00006.

Mr. Hart seconded the motion which was approved by members voting as follows (3 "yes"): **Falwell, Redifer, Burch, Hart, Hollar, Kirby, Rackas**

Pate and Walton. The “no” votes were cast by: **Wood and Kinser.** **Mr. Orange abstained** from voting. The license was granted.

In the matter of Disciplinary File Number 2003-02338, Jimmy C. Boykin t/a Jimmy Christopher Boykin, the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Jimmy C Boykin (Respondent)** participated in the IFF by telephone but not the Board meeting. **Tammy Moore (Complainant)** did not attend the IFF or the Board meeting.

File Number
2003-02338
Jimmy C
Boykin

After discussion **Mr. Redifer** offered a motion to adopt the summary and recommendations for violations. The Board found clear and convincing evidence that Jimmy C Boykin violated the following sections of its Regulations:

- Count 1: 2001 18 VAC 50-22-260(B)(27)**
- Count 2: 2001 18 VAC 50-22-260(B)(9)**
- Count 3: 2001 18 VAC 50-22-260(B)(6)**
- Count 4: 2001 18 VAC 50-22-260(B)(5)**
- Count 5: 2001 18 VAC 50-22-260(B)(15)**
- Count 6: 2001 18 VAC 50-22-260(B)(16)**
- Count 7: 2003 18 VAC 50-22-260(B)(13)**

Mr. Hart seconded the motion which was unanimously approved by members: **Burch, Falwell, Hart, Hollar, Kinser, Kirby, Orange, Rackas Pate, Redifer, Walton and Wood.** After discussion **Mr. Redifer** moved to adopt the Summary of the Informal Fact-Finding Conference and the recommendations for sanctions with amendments as follows:

- Count 1: \$400.00**
- Count 2: \$400.00 and remedial education**
- Count 3: \$1,000.00 and remedial education from \$750.00**
- Count 4: \$2,500.00 and license revocation from \$750.00**
- Count 5: \$2,500.00 and license revocation from \$750.00**
- Count 6: \$500.00**
- Count 7: \$1,500.00 and license revocation**

Total monetary penalties: **\$8,800.00** and remedial education for Count 2. The Board felt that Jimmy C Boykin would have a better understanding of requirements needed by a licensed contractor by completing its Remedial Education Class. The Board voted to increase the monetary penalties of Counts 3, 4 and 5 due to the severity of the violations and to be consistent with previous Board actions.

Mr. Orange seconded the motion which was unanimously approved by members: **Burch, Hart, Hollar, Kinser, Kirby, Orange, Rackas Pate, Redifer, Walton and Wood**. As the presiding Board representative at the Informal Fact-Finding Conference, **Mr. Falwell** was not present during the discussion or vote.

In the matter of Disciplinary File Number 2004-01246, David E Conlee t/a David Conlee Pool Service, the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **David E Conlee t/a David Conlee Pool Service (Respondent)** attended the IFF but he, counsel nor any qualified representative attended the Board meeting. **Eddie Harris (Complainant)** did not attend the IFF or the Board meeting.

File Number
2004-01246
David E
Conlee

After discussion **Mr. Redifer** offered a motion to adopt the summary and recommendations for violations. The Board found clear and convincing evidence that David E Conlee violated the following sections of its Regulations as follows:

Count 1: 2003 18 VAC 50-22-260(B)(6)

Mr. Hollar seconded the motion which was unanimously approved by members: **Burch, Hart, Hollar, Kinser, Kirby, Orange, Rackas Pate, Redifer, Walton and Wood**.

Mr. Redifer moved to adopt the Summary of the Informal Fact-Finding Conference and the recommendations for sanctions with amendments as follows:

Count 1: \$750.00 and remedial education from 250.00

Total monetary penalties: **\$750.00** and completion of remedial. The Board increased the monetary penalty due to the severity of the offense and to be consistent with previous Board actions.

Mr. Orange seconded the motion which was approved by members: **Hart, Orange, Kinser, Burch, Rackas Pate, Redifer, Walton and Wood**. **Mr. Hollar and Mr. Kirby** opposed. As the presiding Board representative at the Informal Fact-Finding Conference, **Mr. Falwell** was not present during the discussion or vote.

In the matter of Disciplinary File Number 2004-02509, Harold Houston Hayslett t/a Agape Home Restorations the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Harold Houston Hayslett t/a Agape Home Restorations (Respondent)** counsel nor any qualified representative attended the IFF or the Board meeting. **Twillia S Fulks (Complainant)** did not attend the IFF or the Board meeting.

File Number
2004-02509
Harold
Houston

After discussion **Mr. Redifer** offered a motion to adopt the summary and recommendations for violations. The Board found clear and convincing evidence that Harold Houston violated the Boards Regulations as follows:

- Count 1: 2003 18 VAC 50-22-260(B)(9)
- Count 2: 2003 18 VAC 50-22-260(B)(15)
- Count 3: 2003 18 VAC 50-22-260(B)(16)
- Count 4: 2003 18 VAC 50-22-260(B)(12)

Mr. Kirby seconded the motion which was unanimously approved by members: **Falwell, Burch, Hart, Hollar, Kinser, Kirby, Orange, Rackas Pate, Redifer, Walton and Wood.**

Mr. Redifer moved to adopt the Summary of the Informal Fact-Finding Conference and the recommendations for sanctions as follows:

- Count 1: \$100.00
- Count 2: \$2,000.00
- Count 3: \$2,500.00 and license revocation
- Count 4: \$2,500.00 and license revocation

Total monetary penalties: \$7,100.00 and license revocation for counts 3 and 4.

Mr. Burch seconded the motion which was unanimously approved by members: **Falwell, Burch, Hart, Hollar, Kinser, Kirby, Orange, Rackas Pate, Redifer, Walton and Wood.** As the presiding Board representative at the Informal Fact-Finding Conference, **Mr. Franko** was not present during the discussion or vote.

In the matter of Disciplinary File Number 2004-01193, Mac Gallimore t/a Mac's Construction, the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Mac Gallimore, t/a Mac's Construction (Respondent)** appeared at the IFF and submitted a hand out to the Board for the Board meeting. **Stephen Ingram (Complainant)** did not attend the IFF or the Board

File Number
2004-01193
Mac
Gallimore

meeting.

After discussion **Mr. Redifer** offered a motion to adopt the summary and recommendations for violations. The Board found clear and convincing evidence that Mac Gallimore violated the following sections of its Regulations:

- Count 1: 2001 18 VAC 50-22-260(B)(9)
- Count 2: 2001 18 VAC 50-22-260(B)(27)
- Count 3: 2001 18 VAC 50-22-260(B)(27)
- Count 4: 2001 18 VAC 50-22-260(B)(31)

Mr. Hollar seconded the motion which was unanimously approved by members: **Falwell, Burke, Hart, Hollar, Kinser, Kirby, Orange, Rackas Pate, Redifer, Walton and Wood.**

Mr. Redifer moved to adopt the Summary of the Informal Fact-Finding Conference and the recommendations for sanctions as follows:

- Count 1: \$350.00 from \$500.00 and remedial education
- Count 2: \$750.00 from \$250.00 and remedial education
- Count 3: \$750.00 from \$250.00 and remedial education
- Count 4: \$350.00 and remedial education

Total monetary penalties: **\$2,200.00** and remedial education for all counts.

Ms. Rackas Pate seconded the motion which was approved by members: **Falwell, Hart, Hollar, Burch, Kirby, Rackas Pate, Redifer, Walton and Orange. Mr. Kinser and Mrs. Wood** voted no. As the presiding Board representative at the Informal Fact-Finding Conference, **Mr. Franko** was not present during the discussion or vote.

In the matter of Recovery Fund File Number 2003-00888, John Patrick and Vicki Gleason (Claimants) and Delmus E Hunt t/a Hunts Roofing (Regulant); Recovery Fund File; the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Mr. Delmus E Hunt (Regulant) t/a Hunts Roofing** did not appear at the IFF and neither he nor any qualified representative of the company made an appearance at the Board meeting in person or by counsel. **John Patrick Gleason (Claimants)** and his attorney, Compton Biddle participated in the IFF by phone. They did not attend the Board meeting. The Board representative, **Mr. Franko** was not present and did not participate in the discussion or vote in this matter. After discussion, **Mr. Burch** offered a motion seconded by **Mr. Wyatt**, to accept the hearing officer's

File Number
2003-00888
Delmus E.
Hunt

recommendations and summary for violations and approve the claim for payment in the amount of **\$4,627.36**. The Board felt it was dishonest and improper conduct. **Those members voting yes were: Falwell, Burch, Orange, Wood, Hart, Kinser, Rackas Pate, Walton, Burch, Hollar and Kirby.** The payment was approved.

In the matter of Disciplinary File Number 2004-00665, Donald W Simmons t/a Donald W Simmons, the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Donald W Simmons (Respondent)** appeared at the IFF but not the Board meeting. **Robert Breckenkamp (Complainant)** did not attend the IFF or the Board meeting.

File Number
2004-00665
Donald W
Simmons

After discussion **Mr. Burch** offered a motion to adopt the summary and recommendations for violations. The Board found clear and convincing evidence that Donald W Simmons violated its Regulations as follows:

Count 1: 2003 18 VAC 50-30-190(7)

Count 2: 2003 18 VAC 50-30-190(7)

Mr. Hart seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Kinser, Kirby, Rackas Pate, Burch, Orange, Walton, Redifer and Wood.** **Mr. Orange** moved to adopt the Summary of the Informal Fact-Finding Conference and the recommendations for sanctions as follows:

Count 1: \$275.00 and license revocation

Count 2: \$2,500.00 and license revocation

Total monetary penalties: **\$2,775.00** and license revocation.

Mr. Hollar seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Kinser, Kirby, Rackas Pate, Orange, Burch, Redifer, Walton and Wood.** As the presiding Board representative at the Informal Fact-Finding Conference, **Mr. Franko** was not present during the discussion or vote.

In the matter of Disciplinary File Number 2003-00086, California Builders, Inc. t/a California Builders, Inc., the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Paul Chretien for California Builders, Inc.**

File Number
2003-00086
California
Builders,

(Respondent) appeared at the IFF but not the Board meeting. **William M Knight (Complainant)** attended the IFF but not the Board meeting. **Inc.**

After discussion **Mr. Burch** offered a motion to adopt the summary and recommendations for violations. The Board found clear and convincing evidence that California Builders, Inc. violated its Regulations as follows:

Count 1: 1999 18 VAC 50-22-260(B)(8)

Count 2: 2001 18 VAC 50-22-260(B)(29)

Mr. Redifer seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Kinser, Kirby, Rackas Pate, Burch, Orange, Walton and Wood.** **Mrs. Traylor** shared with the Board that California Builders, Inc. had prior violations.

Mr. Redifer moved to adopt the Summary of the Informal Fact-Finding Conference and the recommendations for sanctions as follows:

Count 1: \$ 350.00 from \$1,000.00 and remedial education

Count 2: \$1,000.00 and remedial education

Total monetary penalties: **\$1,350.00 and completion of remedial education for both counts.** The Board voted to reduce the monetary penalty to be consistent with previous Board actions.

Mr. Burch seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Kinser, Kirby, Orange, Burch, Rackas Pate, Redifer, Walton and Wood.** As the presiding Board representative at the Informal Fact-Finding Conference, **Mr. Paulette** was not present during the discussion or vote.

In the matter of Disciplinary File Number 2003-00085, California Builders, Inc. t/a California Builders, Inc., the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Paul Chretien, on behalf on California Builders, Inc. (Respondent)** appeared at the IFF but not the Board meeting. **William Knight (Complainant)** attended the IFF but not the Board meeting.

File Number
2003-00085
California
Builders,
Inc.

After discussion **Mr. Redifer** offered a motion to adopt the summary and recommendations for violations. The Board found clear and convincing evidence that California Builders, Inc. violated its Regulations as follows:

Count 1: 1999 18 VAC 50-22-260(B)(8)

Count 2: 2001 18 VAC 50-22-260(B)(5)

Count 3: 2001 18 VAC 50-22-260(B)(17)

Count 4: 2001 18 VAC 50-22-260(B)(29)

Mr. Burch seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Kinser, Kirby, Orange, Burch, Redifer, Rackas Pate, Walton and Wood.**

Mr. Burch moved to adopt the Summary of the Informal Fact-Finding Conference and the recommendations for sanctions as follows:

Count 1: \$350.00 from \$1,000.00

Count 2: \$2,500.00 from \$1,500.00

Count 3: \$2,500.00 and license revocation

Count 4: \$1,000.00

Total monetary penalties: **\$6,350.00** and license revocation for Count 3. The Board voted to decrease the monetary penalty of Count 1 and to increase the monetary penalty of Count 2 to be consistent with previous Board policy.

Mr. Falwell seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Kinser, Kirby, Rackas Pate, Burch, Orange, Redifer, Walton and Wood.** As the presiding Board representative at the Informal Fact-Finding Conference, **Mr. Franko** was not present during the discussion or vote.

In the matter of Disciplinary File Number 2004-02023, Stanley Lewis Holmes t/a Holmes Remodeling & Const Co., the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Stanley Lewis Holmes t/a Holmes Remodeling & Const Co. (Respondent)** did not attend the IFF or the Board meeting. **Annie Cousins (Complainant)** attended the IFF but not the Board meeting.

File Number
2004-02023
Holmes
Remodeling
& Con Co.

After discussion **Mr. Orange** offered a motion to adopt the summary and recommendations for violations. The Board found clear and convincing evidence that Stanley Lewis Holmes violated its Regulations as follows:

Count 1: 2003 18 VAC 50-22-260(B)(8)

Count 2: 2003 18 VAC 50-260.B.16

Count 3: 2003 18 VAC 50-22-260.B.28

Mrs. Wood seconded the motion which was unanimously approved by members: **Falwell, Burch, Hollar, Kinser, Kirby, Orange, Rackas Pate, Redifer, Walton and Wood.**

Mr. Falwell moved to adopt the Summary of the Informal Fact-Finding Conference and the recommendations for sanctions as follows:

- Count 1: \$500.00**
- Count 2: \$2000.00 and license revocation**
- Count 3: \$1,000.00 and license revocation**

Total monetary penalties: **\$3,500.00** and license revocation for Counts 2 and 3.

Mr. Kirby seconded the motion which was unanimously approved by members: **Falwell, Burch, Hollar, Kinser, Kirby, Orange, Rackas Pate, Redifer, Walton and Wood**. As the presiding Board representative at the Informal Fact-Finding Conference, **Mr. Hart** was not present during the discussion or vote.

In the matter of Disciplinary File Number 2003-02100, M & I Enterprises, Inc. t/a D & D Mechanical Contractors, the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **No One from M & I Enterprises, Inc. t/a D & D Mechanical Contractors (Respondent)** appeared at the IFF or the Board meeting. They were not represented by counsel or any other qualified representative. **Dale and Paula Wilfongs (Complainant(s))** did not attend the IFF or the Board meeting.

File Number
2003-02100
M & I
Enterprises

After discussion **Mr. Hart** offered a motion to adopt the Informal Fact-Finding Conference Memorandum and the summary and recommendations for violations as follows:

- Count 1: 2001 18 VAC 50-22-260(B)(8)**
- Count 2: 2001 18 VAC 50-22-260(B)(9)**

Mrs. Wood seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Kinser, Orange, Burch, Rackas Pate, Redifer, Walton and Wood**.

Mr. Redifer moved to adopt the Summary of the Informal Fact-Finding Conference and the recommendations for sanctions as follows:

- Count 1: \$500.00 and remedial education**
- Count 2: \$300.00 and remedial education**

Total monetary penalties: **\$800.00** and remedial education for Counts 1 and 2.

The Board felt by completing the remedial education course would provide M & I Enterprises, Inc. with a better understanding of the requirements needed as a licensed contractor.

Mr. Burch seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Kinser, Orange, Burch, Rackas Pate, Redifer, Walton and Wood**. As the presiding Board representative at the Informal Fact-Finding Conference, **Mr. Kirby** was not present during the discussion or vote.

In the matter of Disciplinary File Number 2003-01344, David C White t/a Atlantic Drafting & Designs the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **David C White t/a Atlantic Drafting & Designs (Respondent)** and attorney, **Denis C Englisby** appeared at the IFF but not the Board meeting. **Bradford C Jacob (Complainant)** attended the IFF but not the Board meeting.

File Number
2003-01344
Atlantic
Drafting &
Designs

After discussion **Mrs. Wood** offered a motion to adopt the summary and recommendations and the Informal Fact Finding Conference Memo for a finding of no violations.

Mr. Burch seconded the motion which was approved by members: **Falwell, Hart, Hollar, Kinser, Burch, Rackas Pate, Orange, Walton and Wood**. **Mr. Redifer** abstained from voting.

As the presiding Board representative at the Informal Fact-Finding Conference, **Mr. Kirby** was not present during the discussion or vote.

In the matter of Disciplinary File Number 2003-01079, Thomas W. Taylor t/a Thomas W. Taylor, the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Thomas W. Taylor t/a Thomas W. Taylor (Respondent)** nor counsel or anyone on his behalf appeared at the IFF or the Board meeting. **Carolyn Overton (Complainant)** did not attend the IFF or the Board meeting. **Mr. Orange** chaired this case. **Mr. Kinser** recused himself.

File Number
2003-01079
Thomas W.
Taylor

After discussion **Mr. Burch** offered a motion to adopt the summary and recommendation for violations. The Board found clear and convincing evidence that Thomas W. Taylor its Regulations as follows:

Count 1: 2001 18 VAC 50-22-260(B)(8)

Mr. Walton seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Rackas Pate, Redifer, Burch, Orange, Walton and Wood.**

Mr. Hollar moved to adopt the Summary of the Informal Fact-Finding Conference and the recommendations for sanctions as follows:

Count 1: \$500.00 and remedial education

Total monetary penalties: **\$500.00** and successful completion of remedial education. The Board felt completing the remedial education course would provide Thomas W. Taylor with a better understanding of the requirements needed as a licensed contractor.

Mr. Falwell seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Burch, Orange, Rackas Pate, Redifer, Walton and Wood.** As the presiding Board representative at the Informal Fact-Finding Conference, **Mr. Kirby** was not present during the discussion or vote.

In the matter of Disciplinary File Number 2004-01027, Richard Allen Bush t/a Richard Allen Bush, the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Richard Allen Bush (Respondent),** counsel nor anyone on his behalf participated in the IFF or the Board meeting. **John D. Crockett (Complainant)** did not attend the IFF or the Board meeting. **Mr. Kinser** resumed chairing the meeting.

File Number
2004-01027
Richard
Allen Bush

After discussion **Mr. Redifer** offered a motion to adopt the summary and recommendations for violations. The Board found clear and convincing evidence that Richard Allen Bush violated its Regulations as follows:

- Count 1: 2003 18 VAC 50-22-260(B)(27)**
- Count 2: 2003 18 VAC 50-22-260(B)(9)**
- Count 3: 2003 18 VAC 50-22-260(B)(14)**
- Count 4: 2003 18 VAC 50-22-260(B)(16)**
- Count 5: 2003 18 VAC 50-22-260(B)(13)**

Mr. Hart seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Kinser, Orange, Burch, Rackas Pate, Redifer, Walton and Wood.** **Mr. Redifer** moved to adopt the Summary of the Informal Fact-Finding Conference and the recommendations for sanctions

as follows:

Count 1: \$1,000.00 and remedial education

Count 2: \$1,000.00 and remedial education

Count 3: \$2,500.00 and license revocation

Count 4: \$2,500.00 and license revocation

Count 5: \$1,000.00 and remedial education

Total monetary penalties: **\$8,000.00** and license revocation for Counts 3 and 4. The Board felt Richard Allen Bush's successful completion of its remedial education class would help him have a better of understanding of the requirements needed for a licensed contractor.

Mr. Falwell seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Kinser, Orange, Burch, Rackas Pate, Redifer, Walton and Wood**. As the presiding Board representative at the Informal Fact-Finding Conference, **Mr. Kirby** was not present during the discussion or vote.

In the matter of Disciplinary File Number 2004-00437, Quick International Awning & Sign, Inc. t/a Quick International Awning & Sign, Inc. (Respondent); the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary and recommendation. **Ben Biroonak, Vice President of Quick International Awning & Sign, Inc. (Regulant)** attended the IFF but not the Board meeting. **Virginia Clarke (Complainant)** did not attend the IFF or the Board meeting. The Board representative, **Mr. Kirby** was not present and did not participate in the discussion or vote in this matter.

File Number
2004-00437
Quick
International
Awning &
Sign, Inc.

Mr. Hart offered a motion seconded by **Mr. Walton**, to accept the hearing officer's recommendations and summary for a finding of no violations. The motion was approved with a unanimous yes vote by: **Falwell, Rackas Pate, Hart, Hollar, Wood, Redifer, Walton, Kinser, Orange and Burch**.

In the matter of Recovery Fund File Number 2004-04155, David and Wendy Ward (Claimants) and To-Mel, Inc. t/a Oasis Pools (Regulant); Recovery Fund File; the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **To-Mel, Inc. t/a Oasis Pools (Regulant)** did not appear at the IFF and neither he, counsel nor any qualified representative of the company made an appearance at the Board meeting. **David and Wendy Ward (Claimants)** participated in the IFF. They did not attend the Board meeting. The Board representative, **Mr. Redifer** was not present and did not participate in the

File Number
2004-04155
Oasis Pools

discussion or vote in this matter.

After discussion, **Mr. Burch** offered a motion seconded by **Mr. Hollar**, to accept the hearing officer's recommendations and summary for violations and approve the claim for payment in the amount of **\$6,274.81**. The Board felt it was dishonest and improper conduct. **Those members voting yes were: Falwell, Burch, Orange, Wood, Hart, Kinser, Rackas Pate, Walton, Hollar and Kirby.** The payment was approved.

In the matter of Disciplinary File Number 2003-03255, Ricky Walton t/a Walton's Building Contractor, the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Ricky Walton t/a Walton's Building Contractor (Respondent)** counsel, nor anyone on their behalf participated in the IFF or the Board meeting. **David Lesniak (Complainant)** did not attend the IFF or the Board meeting.

File Number
2003-03255
Walton's
Building
Contractor

After discussion **Mr. Hollar** offered a motion to adopt the Informal Fact-Finding Conference Memo and the summary and recommendations for violations. The Board found clear and convincing evidence that Ricky Walton t/a Walton's Building Contractor violated its Regulations as follows:

- Count 1: 2001 18 VAC 50-22-260(B)(9)**
- Count 2: 2001 18 VAC 50-22-260(B)(27)**
- Count 3: 2001 18 VAC 50-22-260(B)(6)**
- Count 4: 2001 18 VAC 50-22-260(B)(16)**

Ms. Rackas Pate seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Kinser, Kirby, Rackas Pate, Orange, Walton, Burch and Wood.**

Mr. Falwell moved to adopt the Summary of the Informal Fact-Finding Conference and the recommendations for sanctions with amendments as follows:

- Count 1: \$250.00**
- Count 2: \$1,000.00 from \$350.00**
- Count 3: \$1,000.00**
- Count 4: \$2,500.00 and license revocation**

Total monetary penalties: **\$4,750.00** and license revocation for Count 3. The Board voted to increase the penalties for count 2 due to the severity of the violation and to be consistent with previous Board actions for similar violations.

Ms. Rackas Pate seconded the motion which was approved by members: **Falwell, Hart, Burch, Orange, Kinser, Kirby, Rackas Pate, Redifer, Walton and Wood.** **Mr. Hollar** voted no.

As the presiding Board representative at the Informal Fact-Finding Conference, **Mr. Redifer** was not present during the discussion or vote.

At 2:10 PM Board member Robert Burch had to leave the meeting.

**Mr. Burch
Leaves**

In the matter of Disciplinary File Number 2004-02812, Susan Carole Riggs t/a Windows Unlimited & Custom Remodeling, the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Susan Carole Riggs t/a Windows Unlimited & Custom Remodeling (Respondent)** counsel, nor any qualified representative participated in the IFF or the Board meeting. **Maria C. Anderson (Complainant)** did not attend the IFF or the Board meeting.

**File Number
2004-02812
Windows
Unlimited &
Custom
Remodeling**

After discussion **Mr. Kirby** offered a motion to adopt the summary and recommendations for violations as follows:

Count 1: 2003 18 VAC 50-22-260(B)(9)

Mr. Hollar seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Kinser, Kirby, Rackas Pate, Orange, Walton and Wood.** **Mrs. Traylor** shared with the Board that the Regulant has priors.

Mr. Hart moved to adopt the Summary of the Informal Fact-Finding Conference and the recommendations for sanctions with amendments as follows:

Count 1: \$1,000.00 from \$250.00

Total monetary penalties: **\$1,000.00.** The Board increased the penalty due to the fact that Susan Carol Riggs had previously violated the same regulation.

Mr. Walton seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Kinser, Kirby, Rackas Pate, Orange,**

Walton and Wood. As the presiding Board representative at the Informal Fact-Finding Conference, **Mr. Redifer** was not present during the discussion or vote.

In the matter of Disciplinary File Number 2004-01548, Ricky Walton t/a Walton's Building Contractor, the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Ricky Walton t/a Walton's Building Contractor (Respondent)** did not appear at the IFF or the Board meeting. He was not represented by counsel, or any qualified person.

File Number
2004-01548
Walton's
Building
Contractor

After discussion **Mr. Orange** offered a motion to adopt the summary and recommendations for violations. The Board found clear and convincing evidence that Ricky Walton violated the following sections of its Regulations as follows:

Count 1: 2001 18 VAC 50-22-260(B)(27)

Mr. Kirby seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Kinser, Kirby, Rackas Pate, Orange, Walton and Wood.**

Ms. Rackas Pate moved to adopt the Summary of the Informal Fact-Finding Conference and the recommendations for sanctions with amendments as follows:

Count 1: \$1,000.00 and remedial education from \$350.00

Total monetary penalties: **\$1,000.00** and remedial education. The Board voted to increase the monetary penalty to be consistent with previous Board actions. The Board felt Rick Walton would benefit from successfully completing remedial education and gaining a better understanding of what the requirements are for a licensed contractor.

Mr. Hollar seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Kinser, Kirby, Rackas Pate, Orange, Walton and Wood.** As the presiding Board representative at the Informal Fact-Finding Conference, **Mr. Redifer** was not present during the discussion or vote.

In the matter of Disciplinary File Number 2004-01028, Susan Carole Riggs t/a Windows Unlimited & Custom Remodeling, the Board members

File Number
2004-01028

reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Susan Carole Riggs t/a Windows Unlimited & Custom Remodeling, (Respondent)** did not participate in the IFF or the Board meeting. She was not represented by counsel or any other qualified person. **Nikki Harris (Complainant)** attended the IFF meeting but not the Board meeting.

**Windows
Unlimited &
Custom
Remodeling**

After discussion **Mr. Orange** offered a motion to adopt the summary and recommendations for violations. The Board found clear and convincing evidence that Susan Carole Riggs violated its Regulations as follows:

Count 1: 2003 18 VAC 50-22-260(B)(9)

Count 2: 2003 18 VAC 50-22-260(B)(28)

Mr. Hollar seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Kinser, Kirby, Rackas Pate, Orange, Walton and Wood.**

Mr. Orange moved to adopt the Summary of the Informal Fact-Finding Conference and the recommendations for sanctions as follows:

Count 1: \$250.00

Count 2: \$2,500.00 and license revocation

Total monetary penalties: **\$2,750.00 and license revocation.**

Mr. Hart seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Kinser, Kirby, Rackas Pate, Orange, Walton and Wood.** As the presiding Board representative at the Informal Fact-Finding Conference, **Mr. Redifer** was not present during the discussion or vote.

In the matter of Disciplinary File Number 2004-01578, R C Cooper & Sons Plumbing & Heating t/a R C Cooper & Sons Plumbing & Heating, the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **RC Cooper & Sons Plumbing & Heating (Respondent)** did not participate in the IFF or the Board meeting. They were not represented by counsel or any other qualified representative. **Teresa Cole, Barry Dillon, Cynthia and John Gallagher, Melvin M. Reeves, Vincent G. Martinelli and John Ptakowski (Complainants)** participated in the IFF meeting but not the Board meeting.

**File Number
2004-01578
R C Cooper
& Sons
Plumbing &
Heating**

After discussion **Mr. Redifer** offered a motion to adopt the summary and recommendations for violations. The Board found clear and convincing

evidence that R C Cooper & Sons Plumbing & Heating violated the following sections of its Regulations:

- Count 1: 2003 18 VAC 50-22-230 (A) twelve violations**
- Count 2: 2003 18 VAC 50-22-260(B) (14) twelve violations**
- Count 3: 2003 18 VAC 50-22-260(B)(16) twelve violations**

Mrs. Wood seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Kinser, Kirby, Rackas Pate, Redifer, Walton and Wood.**

Mr. Redifer moved to adopt the Summary of the Informal Fact-Finding Conference and the recommendations for sanctions with amendments as follows:

- Count 1: \$350.00 x 12 and Remedial Education from \$2,500.00 x 12**
- Count 2: \$2,500.00 x 12 and license revocation**
- Count 3: \$2,500.00 x 12 and license revocation**

Total monetary penalties: **\$64,200.00**, license revocation and completion of remedial education. The Board felt by completing the class R C Cooper & Sons Plumbing & Heating would obtain a better of knowledge of the requirements of a licensed contractor.

Mr. Hollar seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Kinser, Kirby, Rackas Pate, Redifer, Walton and Wood.** As the presiding Board representative at the Informal Fact-Finding Conference, **Mr. Orange** was not present during the discussion or vote.

In the matter of Recovery Fund File Number 2004-03362, Richard L. Bryant (Claimants) and Benchmark Builders and Custom Renovators, Inc. t/a Benchmark Builders and Custom Renovators, Inc. (Regulant); the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Benchmark Builders and Custom Renovators, Inc. (Regulant) t/a Benchmark Builders and Custom Renovators, Inc.** did not appear at the IFF and neither he nor any qualified representative of the company made an appearance at the Board meeting in person or by counsel. **Richard Bryant (Claimants)** participated in the IFF by phone. He did not attend the Board meeting. The Board representative, **Mrs. Wall** was not present and did not participate in the discussion or vote in this matter. After discussion, **Mr. Redifer** offered a motion seconded by **Mr. Hart**, to accept the hearing officer's recommendations and summary for violations and approve the claim for

File Number
2004-03362
Benchmark
Builders and
Custom
Renovators,
Inc.

payment in the amount of \$2,928.87. The Board felt it was dishonest and improper conduct. **Those members voting yes were: Falwell, Orange, Wood, Hart, Kinser, Rackas Pate, Walton, Hollar and Kirby.** The payment was approved.

In the matter of Consent Order File Number 2002-03436, Board v. The R A Lawson Corp t/a Lawson Homes, the board reviewed the Consent Order. Cynthia B. Clifton, Senior Vice President, of Lawson Homes consents to the following terms. Upon a motion by Mr. Redifer seconded by Mr. Falwell the board ratified the consent order, which imposed the following:

File Number
2002-03436
Lawson
Homes

Count 1: 1995: 18 VAC 50-22-260(B)(8), amended 1998 \$200.00

Total penalties: \$200.00. The Consent Order was ratified by a unanimous vote. Members voting were: **Falwell, Hollar, Orange, Hart, Kinser, Rackas Pate, Kirby, Walton, Redifer and Wood.**

In the matter of Disciplinary File Number 2003-03243, David Luther Henshaw, Jr. t/a David Luther Henshaw, Jr., the Board Members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary and recommendation. David Luther Henshaw, Jr., t/a David Luther Henshaw, Jr. (Respondent) did not at the IFF or the Board meeting. Hoarce Jarret (Complainant) attended the IFF but not the Board meeting.

File Number
2003-03243
David
Luther
Henshaw, Jr.

After discussion **Mr. Redifer** offered a motion to adopt the summary and recommendations for violations. The Board found clear and convincing evidence that **David Luther Henshaw, Jr.** violated its Regulations as follows:

Count 1: 2001 18 VAC 50-22-230(A)
Count 2: 2001 18 VAC 50-22-260(B)(9)
Count 3: 2001 18 VAC 50-22-260(B)(31)
Count 4: 2001 18 VAC 50-22-260(B)(6)
Count 5: 2001 18 VAC 50-22-260(B)(30)
Count 6: 2001 18 VAC 50-22-260(B)(13)

Mr. Falwell seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Kinser, Rackas Pate, Redifer, Orange,**

Walton and Wood.

Mr. Redifer moved to adopt the Summary of the Informal Fact-Finding Conference and the recommendations for sanctions as follows:

- Count 1: \$500.00 and Remedial Education**
- Count 2: \$500.00 and Remedial Education**
- Count 3: \$500.00 and Remedial Education**
- Count 4: \$500.00 and Remedial Education**
- Count 5: \$500.00 and Remedial Education**
- Count 6: \$1,000.00 and Remedial Education**

Total monetary penalties: **\$3,500.00** and completion of the Board's Basic Contractor Licensing Class. The Board felt that completion would provide David Luther Henshaw, Jr. with a better understanding of the requirements needed as a licensed contractor.

Mr. Falwell seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Kinser, Rackas Pate, Redifer, Orange, Walton and Wood.** As the presiding Board representative at the Informal Fact-Finding Conference, **Mrs. Wall** was not present during the discussion or vote.

In the matter of Recovery Fund File Number 2004-02967, Paul O. Leeks, III (Claimants) and Scott L. Wells t/a SW Contracting (Regulant); Recovery Fund File; the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Mr. Scott L. Wells (Regulant) t/a S W Contracting** did not appear at the IFF and neither he nor any qualified representative of the company made an appearance at the Board meeting in person or by counsel. **Paul O. Leeks, III (Claimant)** did not participate in the IFF or the Board meeting. The Board representative, **Mrs. Wall** was not present and did not participate in the discussion or vote in this matter. After discussion, **Mr. Redifer** offered a motion seconded by **Mrs. Rackas Pate**, to accept the hearing officer's recommendations and summary for violations and approve the claim for payment in the amount of **\$2,422.00**. The Board felt it was dishonest and improper conduct. **Those members voting yes were: Falwell, Orange, Wood, Hart, Kinser, Rackas Pate, Walton, Burch, Hollar and Kirby.** The payment was approved.

File Number
2004-02967
SW
Contracting

In the matter of Disciplinary File Number 2004-02966, David's Home Improvements, Inc. t/a David's Home Improvements, Inc., the Board

File Number
2004-02966

members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. No one from **David's Home Improvements (Respondent)** participated in the IFF or the Board meeting. **Michael and Deborah Moscoso (Complainants)** participated in the IFF.

**David's
Home
Improve-
ments, Inc.**

After discussion **Mr. Redifer** offered a motion to adopt the summary and recommendations for violations. The Board found clear and convincing evidence that David's Home Improvements, Inc. violated the following sections of its Regulations as follows:

- Count 1: 2003 18 VAC 50-22-260(B)(9)**
- Count 2: 2003 18 VAC 50-22-260(B)(31)**
- Count 3: 2003 18 VAC 50-22-260(B)(14)**
- Count 4: 2003 18 VAC 50-22-260(B)(13)**
- Count 5: 2003 18 VAC 50-22-260(B)(13)**

Mrs. Rackas Pate seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Kinser, Rackas Pate, Redifer, Orange, Walton and Wood.**

Mr. Redifer moved to adopt the Summary of the Informal Fact-Finding Conference and the recommendations for sanctions with amendments as follows:

- Count 1: \$250.00**
- Count 2: \$200.00**
- Count 3: \$1,500.00 and license revocation from \$500.00**
- Count 4: \$1,500.00 and license revocation from \$500.00**
- Count 5: \$500.00 and license revocation**

Total monetary penalties: **\$3,950.00 and license revocation.** The Board voted to increase the penalties for due to the severity of the violations and to be consistent with previous Board actions for similar violations.

Mrs. Wood seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Kinser, Rackas Pate, Redifer, Orange, Walton and Wood.** As the presiding Board representative at the Informal Fact-Finding Conference, **Mrs. Wall** was not present during the discussion or vote.

In the matter of Recovery Fund File Number 2004-02960, Charles Douglas Solyan (Claimant) and Stephen L Ferguson t/a Keith Ferguson General Contractor (Regulant); Recovery Fund File; the board reviewed

**File Number
2004-02960
Keith**

the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Mr. Stephen K Ferguson (Regulant) t/a Keith Ferguson General Contractor** did not appear at the IFF and neither he nor any qualified representative of the company made an appearance at the Board meeting in person or by counsel. **Charles Douglas Solyan (Claimants)** and his attorney, Richard Wallerstein participated in the IFF. They did not attend the Board meeting. The Board representative, **Mrs. Wall** conducted the IFF conference but was not present at the Board meeting and did not participate in the discussion or vote in this matter. After discussion, **Mr. Kirby** offered a motion seconded by **Mr. Redifer**, to accept the hearing officer's recommendations and summary for violations and approve the claim for payment in the amount of **\$10,000.00**. The Board felt it was dishonest and improper conduct. **Those members voting yes were: Falwell, Orange, Wood, Hart, Kinser, Rackas Pate, Walton, Redifer, Hollar and Kirby.** The payment was approved.

**Ferguson
General
Contractor**

In the matter of Disciplinary File Number 2003-02762, A-1 Roof & Protection Inc. t/a A-1 Roof & Protection, Inc., the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **A-1 Roof & Protection, Inc. (Respondent)** did not participate in the IFF or the Board meeting. They were not represented by counsel or any other qualified representative.

File Number
2003-02762
A-1 Roof &
Protection
Inc.

After discussion **Mr. Redifer** offered a motion to adopt the summary and recommendations for violations. The Board found clear and convincing evidence that A-1 Roof & Protection, Inc. violated the following section of its Regulations as follows:

- Count 1: 2003 18 VAC 50-22-260(B)(10)**
- Count 2: 2003 18 VAC 50-22-260(B)(9)**
- Count 3: 2003 18 VAC 50-22-260(B)(2)**
- Count 4: §54.1-1110**

Mr. Kirby seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Kinser, Rackas Pate, Redifer, Kirby, Orange, Walton and Wood.** **Mrs. Traylor** shared with the Board that A-1 Roof & Protection, Inc. had prior violations.

Mr. Redifer moved to adopt the Summary of the Informal Fact-Finding Conference and the recommendations for sanctions with amendments as follows:

- Count 1: \$500.00 and Remedial Education**
- Count 2: \$500.00 and Remedial Education**

Count 3: \$1,000.00 and Remedial Education from \$500.00

Count 4: \$1,000.00 and Remedial Education from \$500.00

Total monetary penalties: **\$3,000.00 and remedial Education.** The Board voted to increase the penalties for due to the severity of the violations and to be consistent with previous Board actions for similar violations. The Board felt that completion of the Basic Contractor Licensing Class would provide A-1 Roof & Protection, Inc. with a better understanding of the requirements needed as a licensed contractor.

Mr. Orange seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Kinser, Kirby, Rackas Pate, Redifer, Orange, Walton and Wood.** As the presiding Board representative at the Informal Fact-Finding Conference, **Ms. Wall** was not present during the discussion or vote.

In the matter of Disciplinary File Number 2004-02671, David's Home Improvements, Inc. t/a David's Home Improvements, Inc., the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. No one from **David's Home Improvements (Respondent)** participated in the IFF or the Board meeting. **Samuel F and Constance Banks (Complainants)** participated in the IFF.

File Number
2004-02671
David's
Home
Improve-
ments, Inc.

After discussion **Mr. Falwell** offered a motion to adopt the summary and recommendations for violations. The Board found clear and convincing evidence that David's Home Improvements, Inc. violated the following sections of its Regulations as follows:

Count 1: 2003 18 VAC 50-22-260(B)(9)

Count 2: 2003 18 VAC 50-22-260(B)(14)

Count 3: 2003 18 VAC 50-22-260(B)(16)

Mrs. Wood seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Kinser, Kirby, Rackas Pate, Redifer, Orange, Walton and Wood.**

Mr. Falwell moved to adopt the Summary of the Informal Fact-Finding Conference and the recommendations for sanctions with amendments as follows:

Count 1: \$250.00

Count 2: \$1,000.00 from \$500.00

Count 3: \$1,500.00 and license revocation from \$500.00

Total monetary penalties: **\$2,750.00 and license revocation**. The Board voted to increase the penalties for due to the severity of the violations and to be consistent with previous Board actions for similar violations.

Mr. Redifer seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Kinser, Kirby, Rackas Pate, Redifer, Orange, Walton and Wood**. As the presiding Board representative at the Informal Fact-Finding Conference, **Mrs. Wall** was not present during the discussion or vote.

In the matter of Disciplinary File Number 2004-02568, David's Home Improvements, Inc. t/a David's Home Improvements, Inc., the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. No one from **David's Home Improvements, Inc. (Respondent)** participated in the IFF or the Board meeting. They were not represented by counsel or any other qualified person.

File Number
2004-02568
David's
Home
Improve-
ments, Inc.

After discussion **Mr. Redifer** offered a motion to adopt the summary and recommendations for violations. The Board found clear and convincing evidence that David's Home Improvements, Inc. violated the following sections of its Regulations as follows:

Count 1: 2003, §54.1-1110

Mrs. Rackas Pate seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Kinser, Kirby, Rackas Pate, Redifer, Orange, Walton and Wood.**

Mr. Falwell moved to adopt the Summary of the Informal Fact-Finding Conference and the recommendations for sanctions as follows:

Count 1: license revocation and substantial identity

Total monetary penalties: **none. The Board imposed license revocation and requested that staff start an investigation of substantial identity.**

Mrs. Rackas Pate seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Kinser, Kirby, Rackas Pate, Redifer, Orange, Walton and Wood.** As the presiding Board representative at the Informal Fact-Finding Conference, **Mrs. Wall** was not present during the discussion or vote.

In the matter of Recovery Fund File Number 2004-02497, Cleo Freeman (Claimant) and Discount Roofing Services Of Central VA, Inc. t/a Discount Roofing Services Of Central VA, Inc. (Regulant); Recovery Fund File; the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Discount Roofing Services Of Central VA, Inc. (Regulant) t/a Discount Roofing Services Of Central VA, Inc.** did not appear at the IFF and no qualified representative of the company made an appearance at the Board meeting in person or by counsel. **Cleo Freeman (Claimant)** and his attorney, David Hawkins participated in the IFF. They did not attend the Board meeting. The Board representative, **Mrs. Wall** was not present and did not participate in the

File Number
2004-02497
Discount
Roofing
Services Of
VA, Inc.

discussion or vote in this matter. After discussion, **Mr. Falwell** offered a motion seconded by **Mrs. Rackas Pate**, to accept the hearing officer's recommendations and summary for violations and approve the claim for payment in the amount of **\$4,168.00**. The Board felt it was dishonest and improper conduct. **Those members voting yes were: Falwell, Orange, Wood, Hart, Kinser, Rackas Pate, Walton, Kirby, Hollar and Redifer.** The payment was approved.

In the matter of Disciplinary File Number 2004-02484, Sachin Jain, President of Homework Remodeling, Inc. t/a Homework Remodeling, Inc., the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Sachin Jain, President of Homework Remodeling, Inc. (Respondent)** participated in the IFF but not the Board meeting. **Dennis Hetzel (Complainant)** participated in the IFF.

File Number
2004-02484
Homework
Remodeling,
Inc.

After discussion **Mr. Redifer** offered a motion to adopt the summary and recommendations for this file be closed with a finding of no violation of §54.1-11110 of the Code of Virginia.

Mr. Kirby seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Kinser, Rackas Pate, Redifer, Orange, Walton, Kirby and Wood.**

As the presiding Board representative at the Informal Fact-Finding Conference, **Mrs. Wall** was not present during the discussion or vote.

In the matter of Disciplinary File Number 2004-02007, Ocean Exteriors, Inc. t/a Ocean Exteriors, Inc., the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. No one from **Ocean Exteriors, Inc. t/a Ocean Exteriors, Inc. (Respondent)** participated in the IFF or the Board meeting. **Cecillia and Curtis Coleman (Complainants)** did not participate in the IFF or the Board meeting.

File Number
2004-02007
Ocean
Exteriors,
Inc.

After discussion **Mr. Hollar** offered a motion to adopt the summary and recommendations for violations. The Board found clear and convincing evidence that Ocean Exteriors, Inc. violated the following sections of its Regulations as follows:

- Count 1: 2003 18 VAC 50-22-260(B)(9)**
- Count 2: 2003 18 VAC 50-22-260(B)(6)**

- Count 3: 2003 18 VAC 50-22-260(B)(31)**
- Count 4: 2003 18 VAC 50-22-260(B)(5)**
- Count 5: 2003 18 VAC 50-22-260(B)(16)**
- Count 6: 2003 18 VAC 50-22-260(B)(13)**

Mrs. Wood seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Kinser, Kirby, Rackas Pate, Redifer, Orange, Walton and Wood.**

Mr. Hollar moved to adopt the Summary of the Informal Fact-Finding Conference and the recommendations for sanctions as follows:

- Count 1: \$250.00**
- Count 2: No Violation**
- Count 3: \$250.00**
- Count 4: \$250.00**
- Count 5: \$500.00**
- Count 6: \$500.00**
- Count 7: \$1,500.00**

Total monetary penalties: **\$2,750.00.**

Mrs. Rackas Pate seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Kinser, Kirby, Rackas Pate, Redifer, Orange, Walton and Wood.** As the presiding Board representative at the Informal Fact-Finding Conference, **Mrs. Wall** was not present during the discussion or vote.

In the matter of Recovery Fund File Number 2003-01878, Jane T. & E. P. Woodworth (Claimants) and Gregory J. Bridges t/a Round Hill Electric (Regulant); the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Mr. Gregory J Bridges (Regulant) t/a Round Hill Electric** did not appear at the IFF and neither he nor any qualified representative of the company made an appearance at the Board meeting in person or by counsel. **Jane Woodworth (Claimants)** participated in the IFF but not the Board meeting. The Board representative, **Mrs. Wall** was not present and did not participate in the discussion or vote in this matter. After discussion, **Mr. Kirby** offered a motion seconded by **Mr. Hart**, to accept the hearing officer's recommendations and summary and deny the claim. The complainant, Jane Woodworth did not sign the contract, therefore she did not have a valid contract with the Regulant. The contract was signed by her son, Bruce E Woodworth and he is a Virginia licensed contractor, and therefore not illegible to file a claim for payment. **Those members voting yes were:**

File Number
2003-01878
Round Hill
Electric

Falwell, Orange, Wood, Hart, Kinser, Rackas Pate, Walton, Hollar and Kirby. The payment was denied.

At 2:46 PM Board Member Dorothy Wood left the meeting to conduct an Informal Fact Finding Conference.

**Board
Member
Left**

In the Matter of Disciplinary File Number 2004-01000, Cleo Scott t/a Poor Cleo Home Improvement Contractor the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Cleo Scott from Poor Cleo Home Improvement Contractor (Respondent)** participated in the IFF but not the Board meeting. **Gary and Carol Saffell (Complainants)** did not participate in the IFF or the Board meeting.

**File Number
2004-01000
Poor Cleo
Home
Improve-
ment
Contractor**

After discussion **Mr. Falwell** offered a motion to adopt the summary and recommendations for violations. The Board found clear and convincing evidence that Poor Cleo Home Improvement Contractor violated the following sections of its Regulations as follows:

- Count 1: 2003 18 VAC 50-22-230(A)**
- Count 2: 2003 18 VAC 50-22-260(B)(9)**
- Count 3: 2003 18 VAC 50-22-260(B)(6)**
- Count 4: 2003 18 VAC 50-22-260(B)(15)**
- Count 5: 2003 18 VAC 50-22-260(B)(16)**
- Count 6: 2003 18 VAC 50-22-260(B)(28)**

Mr. Redifer seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Kinser, Rackas Pate, Redifer, Orange, Walton and Kirby.** **Mrs. Traylor** shared with the Board that the respondent had previous Board sanctions.

Mr. Falwell moved to adopt the Summary of the Informal Fact-Finding Conference and the recommendations for sanctions with amendments as follows:

- Count 1: \$200.00 and remedial education from \$50.00**
- Count 2: \$200.00 and remedial education from \$50.00**
- Count 3: \$500.00 and remedial education**
- Count 4: \$0 from \$100.00**
- Count 5: \$500.00 and remedial education from \$200.00**
- Count 6: \$1,000.00 and remedial education from \$200.00**

Total monetary penalties: **\$2,400.00 and remedial education**. The Board voted to increase the penalties for due to the severity of the violations and to be consistent with previous Board actions for similar violations. The Board felt Cleo Scott's completion of its Remedial Education course would help Mr. Scott get a better understanding of the requirements needed as a licensed contractor.

Mr. Orange seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Kinser, Rackas Pate, Redifer, Orange, Walton and Kirby**. As the presiding Board representative at the Informal Fact-Finding Conference, **Mrs. Wall** was not present during the discussion or vote.

In the Matter of Disciplinary File Number 2004-00925, David's Home Improvements, Inc. t/a David's Home Improvements, Inc., the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. No one from **David's Home Improvements (Respondent)** participated in the IFF or the Board meeting. **Perry Gaskins (Complainants)** did not participate in the IFF or the Board meeting.

File Number
2004-00925
David's
Home
Improve-
ments, Inc.

After discussion **Mr. Redifer** offered a motion to adopt the summary and recommendations for violations. The Board found clear and convincing evidence that David's Home Improvements, Inc. violated the following sections of its Regulations as follows:

- Count 1: 2003 18 VAC 50-22-260(B)(31)**
- Count 2: 2003 18 VAC 50-22-260(B)(6)**
- Count 3: 2003 18 VAC 50-22-260(B)(15)**

Mr. Falwell seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Kinser, Rackas Pate, Redifer, Orange, Walton and Kirby**.

Mr. Redifer moved to adopt the Summary of the Informal Fact-Finding Conference and the recommendations for sanctions with amendments as follows:

- Count 1: \$200.00**
- Count 2: \$,1000.00 and license revocation from \$250.00**
- Count 3: \$1,500.00 and license revocation from \$500.00**

Total monetary penalties: **\$2,700.00 and license revocation**. The Board voted to increase the penalties for due to the severity of the violations and to be

consistent with previous Board actions for similar violations.

Mr. Kirby seconded the motion which was unanimously approved by members: **Falwell, Hart, Hollar, Kinser, Rackas Pate, Redifer, Orange, Walton and Kirby**. As the presiding Board representative at the Informal Fact-Finding Conference, **Mrs. Wall** was not present during the discussion or vote.

In the Matter of Recovery Fund File Number 2003-00342, Robert K Cash (Claimants) and John C. Geigle t/a Complete Home Repairs (Regulant); the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Mr. John C Geigle (Regulant) t/a Complete Home Repairs** did not appear at the IFF and neither he nor any qualified representative of the company make an appearance at the Board meeting in person or by counsel. **Robert K Cash (Claimants)** participated in the IFF by phone. He did not attend the Board meeting. The Board representative, **Mrs. Wall** was not present and did not participate in the discussion or vote in this matter. After discussion, **Mr. Redifer** offered a motion seconded by **Mr. Hart**, to accept the hearing officer's recommendations and summary for violations and approve the claim for payment in the amount of **\$2,030.00**. The Board felt it was dishonest and improper conduct. **Those members voting yes were: Falwell, Orange, Redifer, Hart, Kinser, Rackas Pate, Walton, Hollar and Kirby.** The payment was approved.

File Number
2003-00342
Complete
Home
Repairs

In the Matter of File Number 2003-03369, Board v. Enterprise Builders Construction Inc t/a Enterprise Builders Inc. the board reviewed the Consent Order. **Enterprise Builders Construction, 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 **Redifer** the board ratified the consent order, which imposed a **\$4,000.00** penalty and successful completion of remedial education. The vote was unanimous: Members voting yes were: **Falwell, Hollar, Hart Kinser, Rackas Pate, Walton, Redifer and Wood.** There were no negative votes.

File Number
2003-03369
Enterprise
Builders
Construction
Inc

In the Matter of Consent Order File Number 2004-02607, Board v. Mountain Crest Builders, Inc. t/a Mountain Crest Builders, Inc. the board reviewed the Consent Order. **Melinda Yancey, Vice President, on behalf of Mountain Crest Builders, Inc.** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations

File Number
2004-02607
Mountain
Crest
Builders,

and consents to the following term(s) by the Board: **Count 1: 2003: 18 VAC 50-22-260(B)(9); remedial education and a monetary penalty of \$150.00 hereby imposed.** **Inc.**

Upon a motion by **Falwell** seconded by **Redifer** the board ratified the consent order with a unanimous vote from: **Falwell, Hollar, Orange, Hart, Kinser, Rackas Pate, Kirby, Redifer and Walton.**

Total penalties: \$150.00 and successful completion of remedial education.

In the Matter of Consent Order File Number 2004-03167, Board v. Case Handyman Services t/a Case Handyman Services the board reviewed the Consent Order. **Case Handyman Services** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 2003: 18 VAC 50-22-210); reimbursement of investigative costs to the Department in the amount of \$100.00, Count 2, remedial education and a monetary penalty of \$100.00 for violation of 2003: 18 VAC 50-22-230(A), Count 3, a reimbursement of investigative costs to the Department in the amount of \$100.00 for violation of 2003: 18 VAC 50-22-260(B)(9), Count 4, \$150.00 for violation of 2003: 18 VAC 50-22-260(B)(31). Total due \$550.00 and successful completion of remedial education.**

File Number
2004-03167
Case
Handyman
Services

Upon a motion by **Falwell** seconded by **Redifer** the board ratified the consent order with a unanimous vote from: **Falwell, Hollar, Orange, Hart, Kinser, Rackas Pate, Kirby, Redifer and Walton.**

In the Matter of Consent Order File Number 2004-04193, Board v. Lonnie L Wharton t/a Wharton & Son the board reviewed the Consent Order. **Lonnie Wharton, on behalf of Wharton & Son** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 2003: 18 VAC 50-22-260(B)(27); remedial education and a monetary penalty of \$250.00; Count 2: 2003 18 VAC 50-22-260(B)(9), remedial education and \$150.00 hereby imposed.**

File Number
2004-04193
Wharton &
Son

Upon a motion by **Falwell** seconded by **Redifer** the board ratified the consent order with a unanimous vote from: **Falwell, Hollar, Orange, Hart,**

Kinser, Rackas Pate, Kirby, Redifer and Walton.

Total penalties: \$400.00 and successful completion of remedial education.

In the Matter of Consent Order File Number 2004-02488, Board v. Peaklogix, Inc. t/a Peaklogix, Inc. the board reviewed the Consent Order. **Peaklogix, Inc.** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 2003: 18 VAC 50-22-260(B)(6); remedial education and a monetary penalty of \$250.00 hereby imposed.**

**File Number
2004-0488
Peaklogix,
Inc.**

Upon a motion by **Falwell** seconded by **Redifer** the board ratified the consent order with a unanimous vote from: **Falwell, Hollar, Orange, Hart, Kinser, Rackas Pate, Kirby, Redifer and Walton.**

Total penalties: \$250.00 and successful completion of remedial education.

In the Matter of Consent Order File Number 2004-01868, Board v. Roger R. Smith t/a R S Construction the board reviewed the Consent Order. **Roger R Smith** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 2003: 18 VAC 50-22-210(B)(9); remedial education and a monetary penalty of \$1,000.00 hereby imposed. The Board waives the imposition of the \$1,000.00 monetary penalty for Count 1 provided Roger R Smith applies for a new license within thirty days of the entry of the order and successfully completes remedial education.**

**File Number
2004-01868
R S
Construction**

Upon a motion by **Falwell** seconded by **Redifer** the board ratified the consent order with a unanimous vote from: **Falwell, Hollar, Orange, Hart, Kinser, Rackas Pate, Kirby, Redifer and Walton.**

Total penalties: \$1,000.00 and successful completion of remedial education.

In the Matter of File Number 2004-01348, Board v. A & T Builders t/a A

File Number

& T Builders. the board reviewed the Consent Order. **A & T Builders** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by **Falwell** seconded by **Redifer** the board ratified the consent order, which imposed a **\$500.00** penalty. The Board waives the imposition of the **\$500.00** penalty provided **Timothy L. Semmont** makes the homeowner's requested repairs and provides the Board with proof of satisfaction within 30 days of the effective date of this Order. If he fails to make the repairs, then the monetary penalty will be automatically imposed. The vote was unanimous: Members voting yes were: **Falwell, Hollar, Hart Kinser, Rackas Pate, Walton, Redifer and Wood.** There were no negative votes.

2004-01348
Timothy L
Semmont

In the Matter of Consent Order File Number 2004-02607, Board v. Engle Homes/Virginia Inc. t/a Engle Homes/Virginia, Inc. the board reviewed the Consent Order. **Engle Homes/Virginia, Inc.** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 1999: 18 VAC 50-22-260(B)(8); remedial education and a monetary penalty of \$150.00 hereby imposed.**

File Number
2003-02709
Engle
Homes/Virg-
inia Inc.

Upon a motion by **Falwell** seconded by **Redifer** the board ratified the consent order with a unanimous vote from: **Falwell, Hollar, Orange, Hart, Kinser, Rackas Pate, Kirby, Redifer and Walton.**

Total penalties: \$150.00 and successful completion of remedial education.

In the Matter of Consent Order File Number 2003-02550, Board v. Barry Wayne Wilner t/a Budget Plumbing the board reviewed the Consent Order. **Barry Wayne Wilner** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 2001: 18 VAC 50-22-260(B)(8); remedial education and a monetary penalty of \$250.00 hereby imposed. Count 2: 2001 18 VAC 50-22-260(B)(27) remedial education and \$250.00; Count 3: 2001 18 VAC 50-22-260(B)(16) a monetary penalty of \$2,500.00 to be waived provided Wilner reimburses the Stewarts the \$1,500.00 balance of agreement and provides the Board with proof of satisfaction with 30 days of the effective date of the order.**

File Number
2003-02550
Budget
Plumbing

Upon a motion by **Falwell** seconded by **Redifer** the board ratified the consent order with a unanimous vote from: **Falwell, Hollar, Orange, Hart, Kinser, Rackas Pate, Kirby, Redifer and Walton.**

Total penalties: \$3,000.00 and successful completion of remedial education.

In the Matter of Consent Order File Number 2004-00985, Board v. Ian Baptiste t/a I R B Plumbing/Remodeling the board reviewed the Consent Order. **Ian Baptiste** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 2003: 18 VAC 50-22-230(A); remedial education and a monetary penalty of \$100.00, Count 2, 2003: 18 VAC 50-22-260(B)(27) remedial education and \$250.00, Count 3: 2003: 18 VAC 50-22-260(B)(9) remedial education and \$100.00, Count 4, 2003: 18 VAC 50-22-260 (B)(31) remedial education and \$150.00 hereby imposed.**

**File Number
2004-00985
I R B
Plumbing/
Remodeling**

Upon a motion by **Falwell** seconded by **Redifer** the board ratified the consent order with a unanimous vote from: **Falwell, Hollar, Orange, Hart, Kinser, Rackas Pate, Kirby, Redifer and Walton.**

Total penalties: \$600.00 and successful completion of remedial education.

In the Matter of Consent Order File Number 2004-01140, Board v. Timothy L Semmont t/a A & T Builders the board reviewed the Consent Order. **Timothy L Semmont** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 2003: 18 VAC 50-22-260(B)(15); remedial education and a monetary penalty of \$1,000.00 hereby imposed.**

**File Number
2004-01140
A & T
Builders**

Upon a motion by **Falwell** seconded by **Redifer** the board ratified the consent order with a unanimous vote from: **Falwell, Hollar, Orange, Hart, Kinser, Rackas Pate, Kirby, Redifer and Walton.**

Total penalties: \$1,000.00 and successful completion of remedial education.

In the Matter of Consent Order File Number 2004-01507, Board v. Harold D Harris t/a Harris Stone Masonry & Construction Co. the board reviewed the Consent Order. **Harold D Harris** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 2001: 18 VAC 50-22-260(B)(8); remedial education and a monetary penalty of \$250.00 hereby imposed.**

File Number
2004-0157
Harold D
Harris

Upon a motion by **Falwell** seconded by **Redifer** the board ratified the consent order with a unanimous vote from: **Falwell, Hollar, Orange, Hart, Kinser, Rackas Pate, Kirby, Redifer and Walton.**

Total penalties: \$250.00 and successful completion of remedial education.

In the Matter of Consent Order File Number 2004-04250, Board v. Dominion Landscape, Inc. t/a Dominion Landscape, Inc. the board reviewed the Consent Order. **Dominion Landscape, Inc.** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 2003: 18 VAC 50-22-260(B)(27); remedial education and a monetary penalty of \$250.00 hereby imposed.**

File Number
2004-04250
Dominion
Landscape
Inc.

Upon a motion by **Falwell** seconded by **Redifer** the board ratified the consent order with a unanimous vote from: **Falwell, Hollar, Orange, Hart, Kinser, Rackas Pate, Kirby, Redifer and Walton.**

Total penalties: \$250.00 and successful completion of remedial education.

In the Matter of Consent Order File Number 2004-00526, Board v. Moore Paving, Inc. t/a Moore Paving, Inc. the board reviewed the Consent Order. **Moore Paving, Inc.** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 2001: 18 VAC 50-22-260(B)(9); remedial education and a monetary penalty of \$100.00 (waived if remedial education is completed), Count 2: 2001: 18 VAC 50-22-230(A); \$100.00 and remedial education (waived if remedial education is completed), Count 3: 2003: 18 VAC 50-22-260(B)(6); remedial education and \$500.00(waived upon Moore completing the necessary repairs of the driveway and providing proof of satisfaction**

File Number
2004-00526
Moore
Paving, Inc.

within 90 days of the order) hereby imposed.

Upon a motion by **Falwell** seconded by **Redifer** the board ratified the consent order with a unanimous vote from: **Falwell, Hollar, Orange, Hart, Kinser, Rackas Pate, Kirby, Redifer and Walton.**

Total penalties: \$7000.00 and successful completion of remedial education.

In the Matter of Consent Order File Number 2004-01507, Board v. Wavecrest Electronic Systems Technologies, Inc. t/a Wavecrest Electronic Systems, Inc. the board reviewed the Consent Order. **Wavecrest Electronic Systems Technologies, Inc.** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 18 VAC 50-22-210; and license revocation; Count 2: and a monetary penalty of \$150.00; Count 2: 18 VAC 50-22-220:B, Count 3: 18 VAC 50-22-220.C and license revocation (voluntary) hereby imposed.**

File Number
2004-01507
Wavecrest
Electronic
Systems
Technologies

Upon a motion by **Falwell** seconded by **Redifer** the board ratified the consent order with a unanimous vote from: **Falwell, Hollar, Orange, Hart, Kinser, Rackas Pate, Kirby, Redifer and Walton.**

Total penalties: \$0.00 and voluntary revocation of license.

In the Matter of Consent Order File Number 2004-01738, Board v. William H. Hicks t/a Willy Hicks Paving the board reviewed the Consent Order. **William H. Hicks** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 2003: 18 VAC 50-22-260(B)(9); a monetary penalty of \$200.00 hereby imposed.**

File Number
2004-01738
Willy Hicks
Paving

Upon a motion by **Falwell** seconded by **Redifer** the board ratified the consent order with a unanimous vote from: **Falwell, Hollar, Orange, Hart, Kinser, Rackas Pate, Kirby, Redifer and Walton.**

Total penalties: \$150.00.

In the Matter of Consent Order File Number 2004-02766, Board v.

File Number

Brian P. Ball t/a Brian's Home Improvements the board reviewed the Consent Order. **Brian P Ball** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 2001: 18 VAC 50-22-260(B)(9); a monetary penalty of \$150.00 hereby imposed.**

**2004-02766
Brian P. Ball**

Upon a motion by **Falwell** seconded by **Redifer** the board ratified the consent order with a unanimous vote from: **Falwell, Hollar, Orange, Hart, Kinser, Rackas Pate, Kirby, Redifer and Walton.**

Total penalties: \$150.00.

In the Matter of Consent Order File Number 2004-01425, Board v. Locklear Homes, Inc. t/a Locklear Homes, Inc. the board reviewed the Consent Order. **Locklear Homes, Inc.** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 2003: 18 VAC 50-22-260(B)(27); four counts; a monetary penalty of \$200.00 each = \$800.00 hereby imposed.**

File Number
**2004-01425
Locklear
Homes Inc.**

Upon a motion by **Falwell** seconded by **Redifer** the board ratified the consent order with a unanimous vote from: **Falwell, Hollar, Orange, Hart, Kinser, Rackas Pate, Kirby, Redifer and Walton.**

Total penalties: \$800.00.

In the Matter of Consent Order File Number 2004-01615, Board v. Bison Building Company LLC. t/a Bison Building Company LLC. the board reviewed the Consent Order. **Bison Building Company LLC.** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 2003: 18 VAC 50-22-260(B)(29); remedial education and a monetary penalty of \$200.00 hereby imposed.**

File Number
**2004-01615
Bison
Building
LLC**

Upon a motion by **Falwell** seconded by **Redifer** the board ratified the consent order with a unanimous vote from: **Falwell, Hollar, Orange, Hart, Kinser, Rackas Pate, Kirby, Redifer and Walton.**

Total penalties: \$200.00 and successful completion of remedial education.

In the Matter of Consent Order File Number 2003-02557, Board v. Fischbach and Moore, Inc. t/a Fischbach and Moore, Inc. the board reviewed the Consent Order. **Fischbach and Moore Inc.** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 2003: 18 VAC 50-22-260(B)(6); and a monetary penalty of \$100.00 , Count 2: 2003: 18 VAC 50-22-230(A) ; \$100.00 and hereby imposed.**

File Number
2003-02557
Fischbach
and Moore,
Inc.

Upon a motion by **Falwell** seconded by **Redifer** the board ratified the consent order with a unanimous vote from: **Falwell, Hollar, Orange, Hart, Kinser, Rackas Pate, Kirby, Redifer and Walton.**

Total penalties: \$200.00

In the Matter of Consent Order File Number 2004-02508, Board v. Harold L Neal. t/a L & H Builders the board reviewed the Consent Order. **L & H Builders** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 2003: 18 VAC 50-22-260(B)(19) \$25.00 fine,**
Count 2: 2003: 18 VAC 50-22-260(B)(15) \$250.00 fine, Count 3: 2003 18 VAC 50-22-260(B)(6) \$300.00 fine, Count 4: 18 VAC 50-22-260(B)(28) \$2,500.00 fine and license revocation hereby imposed. The Board agrees to waive the imposition of the monetary penalties and license revocation for counts 2, 3 and 4 provided Harold L Neal installs the gutters at the subject property within sixty days of the order or pays \$500.00 to Delaney by January 30, 2005 and provides proof of satisfaction that the work has been completed and inspected, to the Board with sixty days of the entry of the Order.

File Number
2004-02508
Harold L.
Neal

Upon a motion by **Falwell** seconded by **Redifer** the board ratified the consent order with a unanimous vote from: **Falwell, Hollar, Orange, Hart, Kinser, Rackas Pate, Kirby, Redifer and Walton.**

Total penalties: \$3,075.00 and license revocation.

In the Matter of Consent Order File Number 2004-000776, Board v. Bowler Construction t/a Bowler Construction the board reviewed the Consent Order. **Bowler Construction** acknowledges an understanding of the

File Number
2003-00776
Bowler

charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 2001: 18 VAC 50-22-260(B)(9); \$200.00 hereby imposed.**

Construction

Upon a motion by **Falwell** seconded by **Redifer** the board ratified the consent order with a unanimous vote from: **Falwell, Hollar, Orange, Hart, Kinser, Rackas Pate, Kirby, Redifer and Walton.**

Total penalties: \$200.00.

Eric Olson gave the Board an update on the Reciprocity Agreement with Maryland and the Washington Suburban Sanitary Commission progress. He shared he has not gotten a response yet on the proposed testing agreement and that he will keep the Board informed of the progress.

Reciprocity Update

Karen O'Neal gave the Board a presentation on the work of the Process Improvement Team (PIT). She shared that during the past year, the PIT Team has lead the reorganization of the Department's Enforcement Division, which is now known as the Compliance and Investigations Division (CID). The PIT Team has been reviewing our internal processes and making recommendations to streamline processes within the division. Mr. Redifer suggested that the PIT Team presentation be placed on the Department's website.

Process Improvement Team Briefing – Board Member Training

Jennifer Kazzie gave a presentation on the updated Board for Contractors Sanction Guidelines. She Recommended that the Board authorize Compliance and Investigations staff to offer pre-informal Fact-Finding Conference (IFF) Consent Orders in appropriate cases when a respondent fails to report a criminal conviction (18 VAC 5-22-260.B.23) or fails to satisfy a judgment (18 VAC 50-22-260-B.28). Mr. Redifer offered a motion to approve this recommendation and Mr. Kirby seconded the motion which was unanimously approved. Members voting were: **Hart, Hollar, Falwell, Redifer, Walton, Orange, Rackas Pate, Kirby and Kinser.**

Contractor Sanction Guidelines

Mr. Kirby shared that, during the Public Comment period earlier in the day, Mr. Paul Small raised some valid concerns regarding requiring that contractors who install on-site septic systems in Virginia place their license number on the Health Department's "Completion Statement" for each job.

Mr. Kirby

Contractor Board Meeting Minutes

August 24, 2004

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Mr. Kirby asked that the Tradesman Committee address this matter at its next meeting on November 17, 2004.

Mr. Hollar offered a motion which was seconded by **Mr. Hart** to approve the Contractor Board meeting schedule for 2005 as follows: January 18, 2005, March 1, 2005, April 19, 2005, June 7, 2005, July 19, 2005, August 30, 2005, October 18, 2005 and December 13, 2005. The Board unanimously approved the motion. Members voting were: Hart, Hollar, Kinser, Kirby, Orange, Falwell, Redifer, Walton and Rackas Pate.

2005 Board Meeting Schedule

Eric Olson informed the Board that some recent Board Orders have imposed the sanction of license revocation for respondents who have failed to successfully complete the Board's Basic Contractor Licensing Class (remedial education). Mr. Olson recommended that the Board not require a licensing IFF for firms that re-apply for a contractor's license if their license was revoked on the basis that the licensee failed to complete the Board's remedial education class. Mr. Kirby offered a motion to approve this recommendation and Mr. Redifer seconded the motion. The Board approved the motion unanimously. Members voting were: Hart, Hollar, Falwell, Redifer, Walton, Orange, Rackas Pate, Kirby and Kinser.

License Revocation

Mr. Redifer updated the Board on key items addressed at the recent Virginia Building Code Officials Association meeting. The Association has established a group to study the benefits of licensing third-party building inspectors. Localities could delegate authority to perform building code inspections to third-party inspectors. The Association also is considering whether establishing an "Inactive" Contractor license would be a positive development in Virginia. Mr. Redifer also inquired, concerning the issue of reciprocity with West Virginia, whether disciplinary actions taken against West Virginia licensed contractors and tradesmen are reported to the Virginia Board for Contractors.

Virginia Building Code Officials Association Update

Eric Olson reminded the Board they had copies of the Recovery Fund Reports for October and May of 2004.

Recovery Fund Reports

Mrs. Wood returned to the meeting at 3:50 PM.

Wood Returned

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.

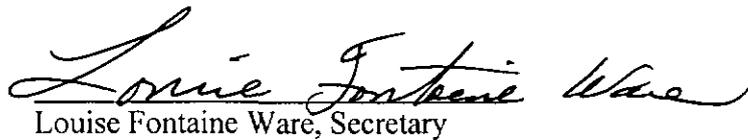
**Completion
of
Paperwork**

There being no further business to come before the board, the meeting was adjourned upon a motion by Orange and seconded by Falwell. The vote was unanimous. Members voting yes were, Hollar, Redifer, Kinser, Hart, Kirby, Falwell, Wood, Rackas Pate and Walton at 4:20 P M.

**Adjourn-
ment**



Mark D. Kinser, Chairman



Louise Fontaine Ware, Secretary

Copy teste:

Custodian of the Record