

**Minutes of Meeting
BOARD FOR CONTRACTORS
INFORMAL FACT-FINDING CONFERENCES
October 26, 2006 (9:00 a.m.)**

The Board for Contractors convened in Richmond, Virginia, for the purpose of holding Informal Fact-Finding Conferences pursuant to the Administrative Process Act.

Ruth Ann Wall, presiding officer, presided. No Board members were present.

Jennifer Kazzie appeared for the Department of Professional and Occupational Regulation.

The conferences were recorded by Inge Snead & Associates, LTD. and the Summaries or Consent Orders are attached unless no decision was made.

Disc = Disciplinary Case
Lic = Licensing Application
RF = Recovery Fund Claim
Trades = Tradesmen Disciplinary Case/Application

C = Complainant/Claimant
A = Applicant
R = Respondent/Regulant
W = Witness
Atty = Attorney

Participants

- | | |
|--|--|
| 1 Patriot Custom Builders LLC
File Number 2007-00881 (Disc)
(NO DECISION MADE) | Larry Simpson Sr. – R
Emily Theimer – W |
| 2. HMS Services Inc
File Number 2006-04586 (Disc) | Patrick Carr – R
Kirk Deutrich – W |
| 3. G & M Homes LLC Number Three
File Number 2006-02847 (Disc)
(NO DECISION MADE) | Gary Grimm – R
George Moran – R Atty |
| 4. G & M Homes LLC Number Three
File Number 2006-03538 (Disc)
(NO DECISION MADE) | Gary Grimm – R
George Moran – R Atty |
| 5. G & M Homes LLC Number Three
File Number 2006-03975 (Disc)
(NO DECISION MADE) | Gary Grimm – R
George Moran – R Atty |
| 6. G & M Homes LLC Number Three
File Number 2006-03304 (Disc)
(NO DECISION MADE) | Gary Grimm – R
George Moran – R Atty |

The meeting adjourned at 11 15 a.m

BOARD FOR CONTRACTORS



Mark D. Kinser, Chairman



Jay W. DeBoer, Secretary

COPY TESTE:

Custodian of Records

**IN THE
COMMONWEALTH OF VIRGINIA
BOARD FOR CONTRACTORS**

Re: HMS Services Inc
Fairfax, VA 22031

File Number 2006-04586
License Number 2705096755

CONSENT ORDER

Respondent HMS Services Inc ("HMS Services Inc") recognizes and acknowledges being subject to and bound by the Regulations of the Board for Contractors ("Board"), as well as by all other applicable Virginia laws.

Board's Regulations provides:

18 VAC 50-22-200. Remedial education, revocation or suspension; fines.

The board may require remedial education, revoke or suspend a license or fine a licensee when a licensee has been found to have violated or cooperated with others in violating any provision of Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia, or any regulation of the board.

Pursuant to the Administrative Process Act §§ 2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended:

On September 27, 2006, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to HMS Services Inc at the address of record. The Notice included the Report of Findings, which contained the facts regarding the regulatory and/or statutory issues in this matter. The certified mail was signed for and received.

On October 26, 2006, the Informal Fact-Finding Conference ("IFF") was convened at the Department of Professional and Occupational Regulation in Richmond, Virginia

The following individuals participated at the conference: Patrick Carr ("Carr") and Kirk Deutrich ("Deutrich") on behalf of HMS Services Inc, Respondent; Jennifer Kazzie, Staff Member; and Ruth Ann Wall, Presiding Officer.

During the IFF, Deutch testified that HMS followed the advice of DPOR staff while applying for this license and properly disclosed the disciplinary action against Home Consulting Plus Inc., which Carr was previously associated with. Deutch provided documentation regarding the new corporation including customer satisfaction surveys. In addition, HMS is a new corporation created after a restructuring of the company and hiring different employees. Based on this information, it appears HMS has taken corrective measures and is currently operating a successful company and should be allowed to maintain its license.

The Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter, is incorporated with the Consent Order.

The Board and HMS Services Inc, as evidenced by the signatures affixed below, enter into this Consent Order. HMS Services Inc knowingly and voluntarily waives any further proceedings in this matter under Administrative Process Act §§ 2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended

By signing this Consent Order, HMS Services Inc acknowledges an understanding of the charges and hereby admits to the substantial identity of interest as outlined in the Report of Findings. HMS Services Inc consents to the following term(s):

Count 1	§ 54.1-1110 of the Code of Virginia	\$0.00
TOTAL MONETARY PENALTIES		\$0.00

Any monetary penalties, costs, and/or sanctions are to be paid/performed within ninety days of the effective date of this consent order unless otherwise specifically noted above. HMS Services Inc acknowledges any monetary penalty and costs as a debt to the Commonwealth and agrees that in the event of a default, or the return of a check for insufficient funds, HMS Services Inc will be responsible for a penalty fee of 10% and interest at the underpayment rate prescribed in Section 58.1-15 of the 1950 Code of Virginia, as amended, and for all reasonable administrative costs, collection fees, or attorney's fees incurred in the collection of whatever funds are due.

HMS Services Inc acknowledges that failure to pay any monetary penalty or cost and/or to comply with all terms of this Order within the specified time period, shall result in the automatic suspension of HMS Services Inc's license until such time as there is compliance with all terms of this Order. HMS Services Inc understands the right to have this automatic suspension considered in an IFF pursuant to the Administrative Process Act §§ 2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended, but knowingly and voluntarily waives any rights to the proceeding and hereby waives any further proceedings under the Administrative Process Act §§ 2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended.

The effective date of this Order shall be the date of execution by the Board.

SEEN AND AGREED TO:

HMS Services Inc

Date

Printed Name and Title of Person Signing on behalf of Entity

CITY/COUNTY OF _____
COMMONWEALTH OF VIRGINIA

Sworn and subscribed before me this _____ day of _____,
2006.

Notary Public

My Commission Expires: _____

SO ORDERED:

Entered this _____ day of _____, 2006.

Board for Contractors

BY: _____
Jay W DeBoer, Secretary

EEO

VIRGINIA DEPARTMENT OF PROFESSIONAL
AND OCCUPATIONAL REGULATION
COMPLIANCE & INVESTIGATIONS DIVISION
3600 WEST BROAD STREET
RICHMOND, VA 23230-4917

REPORT OF FINDINGS

BOARD: Board for Contractors
DATE: September 18, 2006

FILE NUMBER: 2006-04586
RESPONDENT: HMS Services Inc.
LICENSE NUMBER: 2705096755
EXPIRATION: June 30, 2007

SUBMITTED BY: Chnstie Jones, Investigator
APPROVED BY: Sheon Rose, Assistant Director

COMMENTS:

None.

HMS Services Inc ("HMS") was at all times material to this matter a licensed Class A contractor in Virginia (No. 2705096755).

Based on the analysis and/or investigation of this matter, there is probable cause to believe the respondent has committed the following violation(s) of the Code of Virginia and/or Board's regulation(s):

BACKGROUND

On April 24, 2006, the Compliance & Investigations Division of the Department of Professional and Occupational Regulation received a written memorandum from Bryan Carver, Complaint Intake Supervisor for the Complaint Analysis and Resolution Section regarding HMS. (Exh C-1)

1. Code of Virginia

§ 54.1-1110. Grounds for denial or revocation of license or certificate

The Board may suspend, revoke, or deny renewal of an existing license or certificate, or refuse to issue a license or certificate, to any contractor who is shown to have a substantial identity of interest with a contractor whose license or certificate has been revoked or not renewed by the Board. A substantial identity of interest includes but is not limited to (i) a controlling financial interest by the individual or corporate principals of the contractor whose license or certificate has been revoked or nonrenewed, (ii) substantially identical principals or officers, or (iii) the same designated employee as the contractor whose license or certificate has been revoked or not renewed by the Board.

FACTS:

On February 6, 2001, Home Consulting Plus, Inc. ("Home") was issued Class A contractor's license number 2705060913 as a corporation. Patrick Carr ("Carr"), individual tracking number 2706107459, was listed as the Designated Employee, Qualified Individual, and Responsible Management for license number 2705060913 (Exh. I-2, I-3)

On April 20, 2005, according to the Final Opinion and Order for file number 2004-04763, the Board for Contractors permanently revoked Home's Class A contractor's license number 2705060913 for violations of the Board's regulations. (Exh. I-4)

On June 29, 2005, HMS was issued Class A license number 2705096755 as a corporation. Carr, individual tracking number 2706107459, was listed as the Designated Employee, Qualified Individual, and Responsible Management for license number 2705096755. On the license application Brian D. Carr marked "yes" to the following question "Has your business, Designated Employee, Qualified Individual, or Responsible Management been subject to a disciplinary action imposed by any (including Virginia) local, state, or national regulatory body?" (Exh. I-1, I-3, I-5)

In a written response dated June 2, 2006, Carr stated that he informed the Board of his prior disciplinary action at the time of application. (Exh. R-1)

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

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Ruth Ann Wall
2. Title: Presiding Officer
3. Agency: Board for Contractors
4. Transaction: Informal Fact-Finding Conferences on October 26, 2006
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

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

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

Ruth Ann Wall
Signature

October 26, 2006
Date