Minutes of Meeting
BOARD FOR CONTRACTORS
INFORMAL FACT-FINDING CONFERENCES
August 6, 2003 (1:30 p.m.)

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

James Hollar, Presiding Board Member. No other Board members were present.

Jeffrey Buckley and Doug Schroder 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 Application

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

	Participants
1. Michael David Underhill File Number 2003-03338 (Lic)	Underhill– A
2. James Jennings t/a Masterbuilt Carpentry File Number 2003-03341 (Lic)	Jennings – A Joanna Jennings - W David Lee Senter – W Joan Patrice Senter – W
3. James A. Sanderson Jr. File Number 2003-03340 (Lic)	Sanderson – A Robert Pritchard – Atty Marvin Costanza – W Timothy Bohn – W Albon Ronstrom – W Brian MacNeil – W David Williams - W James Harrison - W
4. Robert K. Gaddis t/a Gaddis Heating & Air Conditioning File Number 2003-03339 (Lic)	Gaddis – A

5. Virginia Painting and Wallcovering Cont. Inc. — Luther Brown – A
   File Number 2003-03344 (Lic)
   (Continued)

6. Jeffrey Meller — Meller – A
   t/a Custom Creations
   File Number 2003-02694 (Lic)

The meeting adjourned at 5:00 p.m.

BOARD FOR CONTRACTORS

Mark D. Kinser, Chairman

Louise Fontaine Ware, Secretary

COPY TESTE:

Custodian of Records

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

BOARD FOR CONTRACTORS

IN RE: MICHAEL D. UNDERHILL
APPLICATION FOR JOURNEYMAN HVAC LICENSE

FILE NUMBER: 2003-03338

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on August 6, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Michael D Underhill on July 8, 2003. The following individuals participated at the conference: Michael D. Underhill, Applicant; Doug Schroder and Jeffrey Buckley, Staff Members; and James A. Hollar, Presiding Board Member.

Summation of Facts

1. Michael D. Underhill applied for a Journayman HVAC license on or about June 19, 2002, and disclosed criminal conviction(s).

2. On or about June 5, 2003, the Board's licensing staff provided the Regulatory Programs Division Application Review Informal Fact Finding Conference Referral Memorandum, which states the reasons the license was not issued.

Prior Criminal Convictions

§ 54.1-204 of the Code of Virginia. Prior convictions not to abridge rights.

B. In determining whether a criminal conviction directly relates to an occupation or profession, the regulatory board shall consider the following criteria:

1. The nature and seriousness of the crime;

   On or about September 9, 1993, Michael David Underhill (Underhill) was convicted of 3 Larceny, Misdemeanors, involving credit card theft and fraud.

2. The relationship of the crime to the purpose for requiring a license to engage in the occupation;

   The purpose of licensure is to protect the health, safety, and welfare of the public. There appears no relationship between Underhill's conviction and his ability to engage in construction.

3. The extent to which the occupation or profession might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved;

   It does not appear that granting Underhill a license will encourage any further criminal activity.

4. The relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the occupation or profession;

It does not appear that the convictions will affect Underhill's ability to be a successful contractor.

5. The extent and nature of the person's past criminal activity;

Underhill was convicted of 3 larceny, misdemeanors, involving credit card theft and fraud in 1993.

6. The age of the person at the time of the commission of the crime;

Underhill was approximately 18 years old at the time of the crime.

7. The amount of time that has elapsed since the person's last involvement in the commission of a crime;

Ten years has elapsed since Underhill was convicted in 1993. There have been no further incidents.

8. The conduct and work activity of the person prior to and following the criminal activity; and

During the IFF, Underhill stated he worked in a hardware store, audio store, and as a waiter. Since his conviction, Underhill stated he worked for a HVAC company, and he has worked for Webb Technologies, Inc. for the last 5 years.

9. Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.

Mr. Jeff Parker, Assistant Service Manager with Webb Technologies, Inc., noted in a letter dated January 27, 2003, that Underhill has been employed with Webb Technologies for 4 years, and "...has proved to be a valuable employee during his employment...". Obtaining his Journeyman's License is a company requirement to becoming a technician.

Conclusion and Recommendation

Based upon the record, including the information obtained from the Central Criminal Records Exchange, and in consideration of the criteria outlined in § 54.1-204.B, I recommend Underhill's application for a Journeyman HVAC license be approved.

By: _____

James A. Hollar
Presiding IFF Board Member
Board for Contractors

Date: August 6, 2003

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

BOARD FOR CONTRACTORS

IN RE: JAMES JENNINGS, T/A MASTERBUILT CARPENTRY
APPLICATION FOR CLASS C CONTRACTOR'S LICENSE
(BLD/HIC/CEM/FIC/BRK/PTC/ROC)

FILE NUMBER: 2003-03341

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on August 6, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to James Jennings, t/a Masterbuilt Carpentry on July 8, 2003. The following individuals participated at the conference: James Jennings, Applicant; David Lee Senter, Witness; Joan Patrice Senter, Witness; Joanna Jennings, Wife; Doug Schroder and Jeffrey Buckley, Staff Members; and James A. Hollar, Presiding Board Member.

Summation of Facts

1. James Jennings, t/a Masterbuilt Carpentry applied for a Class C Contractor's license on or about January 28, 2002, and disclosed criminal convictions.

2. On or about June 4, 2003, the Board's licensing staff provided the Regulatory Programs Division Application Review Informal Fact Finding Conference Referral Memorandum, which states the reasons the license was not issued.

3. During the IFF, testimony was provided that Mr. Jennings is now married, with two children to support. His wife, father-in-law and mother-in-law stated that Mr. Jennings was a different person from seven years ago, that he is a good father and does good work. Fifteen

letters of recommendation were presented attesting to Jennings good character and work performance.

Prior Criminal Convictions

§ 54.1-204 of the Code of Virginia. Prior convictions not to abridge rights.

B. In determining whether a criminal conviction directly relates to an occupation or profession, the regulatory board shall consider the following criteria:

1. The nature and seriousness of the crime;

James E. Jennings (Jennings) was convicted of felony theft and giving false information to a pawnbroker on or about October 11, 1994.

Jennings pawned a ring that he had paid to have made with stones belonging to his then fiancée. He had financial obligations he was unable to meet, because of a leg injury and the inability to work for 9 months.
The ring was returned to its owner and Jennings has paid the pawn shop restitution.

2. The relationship of the crime to the purpose for requiring a license to engage in the occupation;

The purpose of licensure is to protect the health, safety, and welfare of the public. There appears to be no relationship between Jenning's conviction and his ability to engage in construction.

3. The extent to which the occupation or profession might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved;

It does not appear that granting Jennings a license will encourage any further criminal activity.

4. The relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the occupation or profession;

It does not appear that the convictions will affect Jennings ability to be a successful contractor.

5. The extent and nature of the person's past criminal activity;

Jennings was convicted of felony theft and giving false information to a pawnbroker.

6. The age of the person at the time of the commission of the crime;

Jennings was approximately 24 years of age at the time of the crime.

7. The amount of time that has elapsed since the person's last involvement in the commission of a crime;

The last offense, which resulted in Jennings's felony theft conviction, occurred on or about October 11, 1994, and he was released from Probation in 1998. It has been approximately 8 years and 9 months since his last conviction.

8. The conduct and work activity of the person prior to and following the criminal activity; and

During the IFF, Jennings stated he worked as a carpenter prior to his conviction, and he has continued to work in this field, primarily building decks and sunrooms.

9. Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.

Jennings received outpatient counseling for his drug abuse. On his own initiative, Jennings went to Edgehill, in Winchester, Virginia as an inpatient dealing with his alcohol abuse

He further stated that he has used no drugs since 1995, and no alcohol since 1997.

Conclusion and Recommendation

Based upon the record, including the information obtained from the Central Criminal Records Exchange, and in consideration of the criteria outlined in § 54.1-204.B, I recommend Jennings' application for a Class C Contractor's License be approved.

By: _____

James A. Hollar
Presiding IFF Board Member
Board for Contractors

Date: August 6, 2003

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

BOARD FOR CONTRACTORS

IN RE: JAMES A. SANDERSON, JR.
APPLICATION FOR CLASS C CONTRACTOR'S LICENSE
(HIC/CIC/PTC/ROC)

FILE NUMBER: 2003-03340

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on August 6, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to James A. Sanderson, Jr. on July 8, 2003. The following individuals participated at the conference: James A. Sanderson, Jr., Applicant; Robert Pritchard, Attorney for Sanderson; Marvin Costanza, Witness; Timothy Bohn, Witness; Albon Ronstrom, Witness; Brian MacNeil, Witness; David Williams, Witness; James Harrison, Witness; Doug Schroder and Jeffrey Buckley, Staff Members; and James A. Hollar, Presiding Board Member.

Summation of Facts

1. James A. Sanderson, Jr. applied for a Class C Contractor's license (HIC/CIC/PTC/ROC) on or about January 31, 2003, and disclosed criminal convictions.

2. On or about June 4, 2003, the Board's licensing staff provided the Regulatory Programs Division Application Review Informal Fact Finding Conference Referral Memorandum, which states the reasons the license was not issued.

3. During the IFF, Sanderson stated that if granted the Class C license, he will work on commercial projects, and new construction. With the requirement that he can have no unsupervised contact with a minor, Sanderson will always have an adult, who is familiar with his situation, on site and available in case a minor should come onto the site. Sanderson also stated that he surrounds himself with people living healthy lives and he takes steps to make sure that he complies with his restrictions.

Prior Criminal Convictions

§ 54.1-204 of the Code of Virginia. Prior convictions not to abridge rights.

B. In determining whether a criminal conviction directly relates to an occupation or profession, the regulatory board shall consider the following criteria: The purpose of licensure is to protect the health, safety, and welfare of the public.

1. The nature and seriousness of the crime;

   James A. Sanderson, Jr. (Sanderson) was convicted in 1987 of possession of burglary tools. In 1997, he was convicted of indecent liberties custodial (14 counts), aggravated sexual batter (4 counts), forcible sodomy, and attempted rape. All of the 1997 convictions
   involved a custodial child. There are 21 felony convictions.

2. The relationship of the crime to the purpose for requiring a license to engage in the occupation;

The purpose of licensure is to protect the health, safety, and welfare of the public. Based upon the testimony provided at the IFF by Sanderson, his attorney, Robert Pritchard, and the six witnesses, which accompanied Sanderson to the IFF, I do not feel that Sanderson presents a danger to the public.

3. The extent to which the occupation or profession might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved;

The 1997 convictions did not involve criminal activity with the general public, but with a family member, a stepdaughter. Based on the IFF testimony and the steps that are being taken to comply with the court order regarding probation, I do not feel granting Sanderson a license will encourage further criminal activity.

4. The relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the occupation or profession;

The convictions will not affect Sanderson's ability to engage in the licensed activity.

5. The extent and nature of the person's past criminal activity;

Sanderson was convicted in 1987 of possession of burglary tools. In 1997, he was convicted of indecent liberties custodial (14 counts), aggregated sexual batter (4 counts), forcible sodomy, and attempted rape. All of the 1997 convictions involved a custodial child. There are 21 felony convictions.

6. The age of the person at the time of the commission of the crime;

Sanderson was approximately 27 years of age at the time of the crime.

7. The amount of time that has elapsed since the person's last involvement in the commission of a crime;

The last offense, which resulted in Sanderson's numerous felony convictions, occurred on or about 1996.

8. The conduct and work activity of the person prior to and following the criminal activity; and

During the IFF, Sanderson stated he had worked in his father's commercial drywall business beginning at a young age. He is currently working with his father in his father's business.

9. Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.

In a letter dated January 13, 2003, Dorothy A. Shellman, Probation and Parole Officer, stated, "he has maintained stable residence, and stable, full time employment. He has complied with the conditions of his supervision, and has had no new law infractions".

He completed over 2 years of therapy with Dr. Thomas Pasquale at Option III in Virginia Beach on November 18, 2002, and in January of 2003, he was attending the Virginia Beach Probation and Parole Aftercare Group, and would be completing the program in September of this year.

Sanderson provided several letters of recommendation, along with certificates of completion of Breaking Barriers, The Bible Doctrine Course, and Inner Healing Seminar, along with a Certificate of Baptism, dated April 12, 1998.

Sanderson and his family is still intact. The child, stepdaughter, is now 20 years of age, married and with a child. Both Sanderson and his family is continuing treatment. In addition, Sanderson has made Christ a part of his life, along with his family.

Witnesses at the IFF Conference praised Sanderson's turnaround in his life. All agreed that he is a changed man from what he was before incarceration. They trust him with their own children.

Conclusion and Recommendation

The terms of Sanderson's probation are quite stringent, covering a period of 50 years. Besides the many reporting requirements, he is also registered as a sex offender. Per testimony provided by many different individuals, including a brother-in-law, a neighbor, church members, and professional acquaintances, Sanderson has been very open and honest about his past offenses.

Based upon the record, including the information obtained from the Central Criminal Records Exchange, and in consideration of the criteria outlined in § 54.1-204.B, I recommend Sanderson's application for a Class C Contractor's license be approved.

By: _____

James A Hollar
Presiding IFF Board Member
Board for Contractors

Date: August 6, 2003

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

BOARD FOR CONTRACTORS

IN RE: ROBERT K. GADDIS, T/A GADDIS HEATING & AIR CONDITIONING, INC.
APPLICATION FOR CLASS C CONTRACTOR'S LICENSE (ELE/HVA/GFC)

FILE NUMBER: 2003-03339

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on August 6, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Robert K. Gaddis, t/a Gaddis Heating & Air Conditioning on July 8, 2003. The following individuals participated at the conference: Robert K. Gaddis, Applicant; Doug Schroder and Jeffrey Buckley, Staff Members; and James A. Hollar, Presiding Board Member.

Summation of Facts

1. Robert K. Gaddis applied for a Class C Contractor's license on or about January 31, 2003, and disclosed outstanding debts required under the Board's January 1, 2003 Regulation 18 VAC 50-22-40(C).

2. In that Robert Gaddis, operating as a partner in Stallion Brothers Heating & Cooling/2705-033587 (license expired 1/31/03), was subject to three adverse financial transactions.

The first involved a judgment and garnishment by Noland Company, which was paid in full as documented by a letter from Mark A. Short of Kaufman & Canoles, PC, dated December 18, 2001. This debt involved equipment of about $2000.00.

The second involves an overdue debt of $11,113.50 with Verizon for Yellow Page advertising, incurred on May 1, 2002. During the application process, Gaddis stated that payment arrangements of $500 per month had lowered the balance to $7,613.50 through January of this year. During the IFF, Gaddis stated the balance is approximately $28,000.00 due to interest and attorney fees.

The third debt involves Superior Equipment, totaling $13, 089.09 incurred on October 9, 2002, currently in collections, with a $250.00 per month payment arrangement, and in

September the payment is $500.00 per month. The current debt owed to Superior Equipment, through January, is $12,726.14.

These outstanding debts and a judgment, less than five years old, require this application be reviewed by the Board for Contractors for disposition.

4. At the IFF, Gaddis stated the debts are a result of financial problems he and his partner had with their company, which no longer exists. Gaddis is attempting to pay off the debts, without any assistance from his partner. In the future, Gaddis will pay all expenses as they are incurred, for equipment, etc.

Conclusion and Recommendation

Based upon the record and the testimony provided at the IFF, I recommend Gaddis' application for a Class C (ELE/HVA/GFC) Contractor's License be approved, contingent on Gaddis reporting to the Board on a quarterly basis and providing information, in a form acceptable to the Board, regarding the status of each of his debts, including the balance and payment status.

By: _____

James A. Hollar
Presiding IFF Board Member
Board for Contractors

Date: August 6, 2003

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

BOARD FOR CONTRACTORS

IN RE: JEFFREY S. MELLER, T/A CUSTOM CREATIONS
APPLICATION FOR CLASS C (PTC) CONTRACTORS LICENSE

FILE NUMBER: 2003-02694

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on August 6, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Jeffrey Meller, t/a Custom Creations on July 8, 2003. The following individuals participated at the conference: Jeffrey S. Meller, Applicant; Doug Schroder and Jeffrey Buckley, Staff Members; and James A. Hollar, Presiding Board Member.

Summation of Facts

1. Jeffrey S. Meller (Meller) applied for a Class C (PTC) Contractor's license on or about November 13, 2002, and disclosed criminal convictions.

2. On or about March 24, 2003, the Board's licensing staff provided the Regulatory Programs Division Application Review Informal Fact Finding Conference Referral Memorandum, which states the reasons the license was not issued.

3. During the IFF, Meller provided three letters of recommendation, attesting to his good character and job performance. He also advised that he has completed rehabilitation programs, and is now attending AA.

Prior Criminal Convictions

§ 54.1-204 of the Code of Virginia. Prior convictions not to abridge rights.

B. In determining whether a criminal conviction directly relates to an occupation or profession, the regulatory board shall consider the following criteria:

1. The nature and seriousness of the crime;

   Frederick County Circuit Court, Forgery, Felony, 1/7/90
   Frederick County Circuit Court, Uttering, Felony, 1/7/90
   Frederick County Circuit Court, Uttering, Felony, 7/13/90
   Winchester Circuit Court, Possession of a Firearm by a Felon, 10/13/98
   Winchester City General District Court, Driving While Intoxicated, suspension of License, 8/9/00

2. The relationship of the crime to the purpose for requiring a license to engage in the occupation;

The purpose of licensure is to protect the health, safety, and welfare of the public.

The convictions for forgery involved checks taken from his mother, during a time when he was involved with drugs and alcohol.

3. The extent to which the occupation or profession might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved;

The offenses do not involve the general public, nor should they influence his actions as a contractor.

4. The relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the occupation or profession;

The felony convictions and driving while intoxicated should not affect Meller's ability to be a successful contractor.

5. The extent and nature of the person's past criminal activity;

Meller was convicted of 4 felonies, involving forgery, uttering, and firearm possession. He was also found guilty of driving while intoxicated.

6. The age of the person at the time of the commission of the crime;

Meller was approximately 28 years of age at the time of the first criminal conviction.

7. The amount of time that has elapsed since the person's last involvement in the commission of a crime;

Meller's last felony conviction occurred on or about October 13, 1998. His DUI conviction, which resulted in a license with restricted driving privileges for a period of six months, occurred on or about August 9, 2000.

8. The conduct and work activity of the person prior to and following the criminal activity; and

During the IFF, Meller stated he did drywall and painting work prior to his conviction and he has continued to do this type work after his conviction.

9. Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.

Meller was not incarcerated. He stated, at the IFF, that he works full time, is married, and owns his home.

Conclusion and Recommendation

Based upon the record, including the information obtained from the Central Criminal Records Exchange, and in consideration of the criteria outlined in § 54.1-204.B, I recommend Meller's application for a Class C (PTC) Contractor's license be approved.

By: _____

James A. Hollar
Presiding IFF Board Member
Board for Contractors

Date: August 6, 2003

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: James A. Hollar
2. Title: Member, Board for Contractors
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Informal Fact-Finding Conference on August 6, 2003
5. Nature of Personal Interest Affected by Transaction: NONE

6. I declare that:

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

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

James A. Hollar — Signature

8-6-03 — Date