

**Minutes of Meeting
BOARD FOR CONTRACTORS
INFORMAL FACT-FINDING CONFERENCES
August 12, 2003 (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.

Robert O. Burch Jr., Board member, presided. No other Board members were present.

Jeffrey Buckley 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

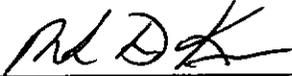
Participants

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|--|---|
| 1. Steven Todd Thorpe
t/a The Renovator
File Number 2003-03343 (Lic) | Thorpe – A
Paul Bartlett - W
Jerry Daley - W |
| 2. Stephen Corbett
File Number 2003-03431 (Lic) | Corbett – A
James Caravati, W |
| 3. Dominion Restoration LLC
File Number 2003-03510 (Lic) | Michael Vonder Born – A
Marianna Rohweder – W |
| 4. James Gallihugh
t/a Jimmy's Home Improvement
File Number 2003-03342 (Lic) | Gallihugh – A
Ann Gallihugh, Wife - W
Thomas Minnick – W |
| 5. Blue Ridge Masonry Inc.
File Number 2003-03511 (Lic) | Allen Dudley Jr. – A Atty
Gerald Wingfield – A
Jill Eskew – A |

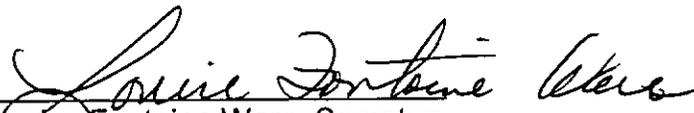
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| 6. Tommy Swinney
File Number 2003-03508 (Lic) | Swinney – A |
| 7. Dennis Kelly
File Number 2003-03429 (Lic) | Kelly – A |
| 8. Mark Anderson
File Number 2003-03482 (Lic) | Anderson – A |
| 9. Gregory Heath Pool
t/a Angle Painting
File Number 2003-03512 (Lic) | Pool – A |
| 10. Richard Riley
t/a RMT
File Number 2003-03506 (Lic)
No IFF held | None |
| 11. Michael Hoerter
t/a Do Right Contracting
File Number 2003-03507 (Lic) | Hoerter – A
Louise Hoerter - W
Robert R. Sangster, Jr. - W |

The meeting adjourned at 4:30 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: STEPHEN TODD THORPE, T/A THE RENOVATOR
APPLICATION

FILE NUMBER: 2003-03343

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on August 12, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Stephen Todd Thorpe, t/a The Renovator on July 8, 2003. The following individuals participated at the conference: Stephen Todd Thorpe, Applicant; Paul Bartlett, Witness for Thorpe; Jerry Daley, Witness for Thorpe; Jeffrey Buckley, Staff Member; and Robert Burch, Jr., Presiding Board Member.

Summation of Facts

1. Stephen Todd Thorpe (Thorpe) applied for a Class C Contractor license (CIC/HIC/CEM/LSC/BRK/PTC/ROC) on or about March 17, 2003, and disclosed criminal convictions.
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;

Thorpe was convicted of Possession of Cocaine on December 17, 1987; Possession With Intent to Distribute Marijuana on June 30, 1999; and Possession of a Firearm by a Convicted Felon on June 30, 1999.

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. Thorpe has turned his life around, and appears to be of no danger to the public. Mr. Daley testified that Mr. Thorpe is a non-violent person. In addition, Mr. Daley addressed the firearm conviction of June 30, 1999, noting that the gun happened to be found on top of the refrigerator in Thorpe's house and was inoperable. Mr. Daley has never witnessed Mr. Thorpe lose his temper or demonstrate any violent tendencies.

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 is evident that Thorpe is turning his life around by staying drug and alcohol free, and seeking an education, therefore I do not believe that issuing him a contractor's license would encourage criminal behavior.

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;

Thorpe has shown great interest in improving himself by attending college, and staying drug and alcohol free. His offenses should have no influence on his ability to perform the duties and responsibilities as a contractor.

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

Thorpe was convicted of Possession of Cocaine, a felony, on December 17, 1987; Possession with intent to distribute marijuana on June 30, 1999; and Possession of a firearm by a convicted felon on June 30, 1999..

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

Thorpe was approximately 20 years of age at the time of his first felony, and 32 years of age at the time of his last conviction.

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

The last offenses, which resulted in Thorpe's June 30, 1999, felony convictions, occurred approximately 6 months prior to his conviction.

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

During the IFF, Thorpe stated he is attending J. Sargeant Reynolds Community College as a full time student, and is involved with the Rise Program, which is affiliated with Henrico County Sheriff's Department.

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

Thorpe was incarcerated for a period of sixteen months at a prison camp at Seymour Johnson Air Force Base, North Carolina, where he acquired his GED, and soon thereafter started his college career. He is currently a full time student attending J. Sargeant Reynolds Community College in the Architectural and Civil Engineering curriculum. His GPA is 3.93.

In a letter dated February 10, 2003, Thorpe advised that he is currently under Federal supervision, and that he has had no violations since his release from prison in February of 2002. He further advised that he is free from drugs and alcohol.

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 Thorpe's application be approved.

By: _____

Robert Burch, Jr.
Presiding IFF Board Member
Board for Contractors

Date: August 12, 2003

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
BOARD FOR CONTRACTORS**

**IN RE: STEPHEN M. CORBETT
APPLICATION**

FILE NUMBER: 2003-03431

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on August 12, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Stephen M. Corbett on July 8, 2003. The following individuals participated at the conference: Stephen M. Corbett, Applicant; James B. Caravati, Witness; Jeffrey Buckley, Staff Member; and Robert Burch, Jr., Presiding Board Member.

Summation of Facts

1. Stephen M. Corbett (Corbett) applied for a Class C Contractor's license (HIC/PTC/REF/ROC) on or about April 14, 2003, and disclosed criminal convictions.
2. On or about June 10, 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, Corbett stated that he is 54 and realizes that he has made mistakes in the past, but that he is a changed person, knowing right from wrong. In addition, during the IFF, Caravati stated that Corbett has worked for him part-time since the early 80's following

his first conviction, and after his second conviction. He finds him to be a dedicated and sincere worker. Caravati stated that he nor his wife have never felt insecure around Corbett.

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;

Corbett was convicted of Second Degree Murder on or about December 17, 1975. The second conviction occurred on or about August 6, 1985.

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 first offense, which occurred in 1975, directly related to contracting. Work performed was not paid for, and as a consequence, Corbett killed his customer. The second offense involved a homosexual advance by another gentleman in the bathroom of a store, which resulted in murder.

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;

Corbett is currently engaged in maintenance work for several property owners in the Charlottesville area. This job gives him an opportunity to deal with the public on a daily basis. Corbett submitted 9 letters of recommendation from current employers, a member of City Council, a member of the Senate, a social worker and a doctor with Piedmont Psychiatric Professionals. All gave him an outstanding recommendation.

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;

Corbett testified that his emotional problems can be attributed to childhood abuse, his experience in the Vietnam War, and alcoholism. Corbett testified that he has not had a drink in 9 years, and that all his previous criminal activity was a direct result of alcoholism.

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

Corbett was convicted of Second Degree Murder in 2 separate incidents.

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

Corbett was approximately 27 years of age at the time of the first crime in 1975.

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 Corbett's Second Degree Murder conviction, occurred on or about May of 1984.

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

During the IFF, Corbett stated he was in the construction business prior to his first conviction, and he has worked in the construction business following both releases. He has been doing heating and air conditioning service work, including installation, duct work, and service. He has completed training at the Charlottesville Albemarle Technical Education Center, and graduated June 4, 2003.

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

In a letter dated July 21, 2003, from Mitch Van Yahres, House of Delegates, he noted that Corbett is attending Charlottesville Albemarle Technical Education Center, served in Vietnam and was awarded the Bronze Star.

During his first incarceration, Corbett, as he stated during the IFF, went through little rehabilitation, merely attending a six week alcohol program. Following the second conviction and during his incarceration, he attended alcohol rehabilitation for approximately 18 months, and now is in treatment with a private foundation, where he has been for approximately 9 years. In addition, he attends AA meetings 4 to 5 times per week, having not had a drink in approximately 9 years.

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 Corbett's application be approved. This approval is contingent on Corbett entering into an Agreement for Licensure with the Board, wherein Corbett will report to the Board on a quarterly basis for a period of 10 (ten) years. An additional term to the Agreement for Licensure will be the requirement Corbett report on the status of his attendance to AA meetings, confirming his attendance at least twice per week.

By: _____

Robert Burch, Jr.
Presiding IFF Board Member
Board for Contractors

Date: August 12, 2003

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

BOARD FOR CONTRACTORS

**IN RE: DOMINION RESTORATION, LLC
APPLICATION**

FILE NUMBER: 2003-03510

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on August 12, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Dominion Restoration, LLC, Attn: Michael W. Vonder Born on July 9, 2003. The following individuals participated at the conference:

Michael Vonder Born, Applicant and Designated Employee; Marianna Rohweder, co-owner of Dominion Restoration, LLC; Jeffrey Buckley, Staff Member; and Robert Burch, Jr., Presiding Board Member.

Summation of Facts

1. Michael W. Vonder Born (Vonder Born), Dominion Restoration, LLC applied for a Class C Contractor's license (CIC/HIC/CEM/BRK) on or about March 19, 2003, and disclosed criminal convictions.
2. On or about June 10, 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;

Vonder Born was convicted of the following crimes:

Robbery, a Felony, on or about February 6, 1976;
Robbery, a Felony, on or about May 18, 1976;
Possession of Phencyclidine with Intent to Distribute, a Felony, on or about July 10, 1984;
Receiving Stolen Property, a Felony, on or about August 29, 1984;
Distribution of PCP, a Felony, on or about September 12, 1984; Unlawfully causing Bodily Injury, a Felony, on or about September 20, 1991.

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.

Vonder Born's convictions occurred over 11 years ago, and he has had no further criminal charges or convictions since 1993. His crimes in 1976 occurred at the young age of 18. Vonder Born testified of his experience with several masonry companies for which he has worked during the last 11 years. He also submitted a letter of

recommendation from Alonzo Ours Construction, Inc., which testified to his strong character

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 Vonder Born a license will encourage him to engage in further criminal activity. According to his application, he has 30 years experience in commercial and home improvement work, including masonry restoration. Vonder Born testified that he has been drug and alcohol free since 1993. Vonder Born testified that his past criminal activity is no longer a part of his life.

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;

Marianna Rohweder, Vonder Born's business partner, testified to his ability and to her expertise in reference to the business aspects of their company. It is my impression that they both are dedicated and determined to be successful.

Due to the age of the crimes, I do not see any significant relationship of the crimes to his fitness to engage in licensed activity.

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

Vonder Born was convicted of drug related offenses, robbery, receiving stolen property, and unlawfully causing bodily harm.

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

The first crime occurred in 1975 when Vonder Born was approximately 18 years of age. The last crime occurred in 1991 when Vonder Born was approximately 34 years of age.

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 Vonder Born's felony bodily injury conviction, occurred on or about September 20, 1991, more than 11 years ago, and he has had no further criminal charges or convictions.

Vonder Born testified that the 1991 conviction was a result of a bar room fight.

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

During the IFF, Vonder Born stated he was in the masonry restoration business prior to his conviction and he has continued to do this type of work. This is a trade he learned from his father. He worked for EV Air Tight, The Atlantic Company of America and Culbertson Company, doing masonry restoration of older buildings, including museums.

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

In 1984, Vonder Born attended several drug rehabilitation programs, including New River Valley and Crossroads. In 1993, after his release from prison, he attended Alcohol and Drug Services (ADS), through Fairfax County. After a relapse, he was given a choice of rehabilitation or jail. He opted for the rehabilitation, and during this time he realized he needed to turn his life around. Since his release he has gained custody of his daughter, purchased a home, and works on a regular basis.

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 Vonder Born's application be approved.

By: _____

Robert Burch, Jr.
Presiding IFF Board Member
Board for Contractors

Date: August 12, 2003

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

BOARD FOR CONTRACTORS

**IN RE: JAMES GALLIHUGH, T/A JIMMY'S HOME IMPROVEMENTS
APPLICATION**

FILE NUMBER: 2003-03342

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on August 12, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to James Gallihugh, t/a Jimmy's Home Improvements on July 9, 2003. The following individuals participated at the conference: James Gallihugh, Applicant; Ann Gallihugh, wife; Thomas Minnick, Counselor, Witness for Gallihugh; Jeffrey Buckley, Staff Member; and Robert Burch, Jr., Presiding Board Member.

Summation of Facts

1. James Gallihugh (Gallihugh) applied for a Class C Contractor's (HIC/PTC/ROC) license on or about January 3, 2003, and disclosed criminal convictions.
2. On or about May 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;

Gallihugh was convicted of numerous crimes involving larceny, grand larceny, burglary, and robbery beginning in 1986.

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 Gallihugh's testimony and credibility at the hearing, it does not appear that Gallihugh is a danger to the public.

Gallihugh testified that during his 9 years of incarceration he has gained insight as to the direction he wants his life to go. Gallihugh is currently married, and has two daughters, one nine months and one four years old. He presented himself as responsible and capable to engage in the occupation.

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 Gallihugh a license will encourage any further criminal activity. Mr. Thomas Minnick testified on behalf of Gallihugh, and explained how he is currently working in his personal home and in several of his properties. He expressed his complete trust in Gallihugh.

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;

Gallihugh's convictions are all linked to PCP abuse, and the accompanying destructive behavior. Ann Gallihugh testified that he is clean and sober, and that his family is the center of his life.

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

Gallihugh was convicted of numerous crimes involving larceny, grand larceny, burglary, and robbery beginning in 1986, mostly involved car theft, for the purpose of joy riding. The last grand larceny conviction was on or about May 4, 1988. All of the incidents involved drug use (PCP).

Gallihugh was released on parole, and issued a Certificate of Discharge on February 20, 2001. He served 9 years, and has completed all of the programs required by his probation.

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

Gallihugh was approximately 22 years of age at the time of the last 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 Gallihugh's Felony Grand Larceny conviction, occurred on or about October 20, 1987.

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

Gallihugh stated on his application for licensure that he had 10 years of

painting and wall covering experience, along with 20 years roofing experience. He worked for Garrison Carpentry, owned by his father, Ace Carpentry and the Belfore Company.

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

According to the Order Terminating Probation, dated August 28, 2001, the probation officer was favorably impressed with Gallihugh's record of achievement.

During the IFF, Gallihugh stated that his 9 years of incarceration had a positive affect on his life, allowing him to make the needed changes in his life and becoming drug free. the needed changes in his life.

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 Gallihugh's application be approved.

By: _____

Robert Burch, Jr.
Presiding IFF Board Member
Board for Contractors

Date: August 12, 2003

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

BOARD FOR CONTRACTORS

**IN RE: BLUE RIDGE MASONRY, INC.
APPLICATION**

FILE NUMBER: 2003-03511

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on August 12, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Blue Ridge Masonry, Inc., Jill Askew, c/o Allen Dudley, Jr., Esquire on July 11, 2003. The following individuals participated at the conference: Jill Eskew, Applicant and Owner; Gerald Wingfield, Applicant (Qualified Individual); Allen Dudley, Jr., Attorney for Applicants; Jeffrey Buckley, Staff Member; and Robert Burch, Jr., Presiding Board Member.

Summation of Facts

1. Blue Ridge Masonry, Inc., Jill Askew, applied for a Class C (CIC/HIC/BRK) license on or about January 22, 2003, and disclosed criminal convictions involving Gerald D. Wingfield (Wingfield), the Qualified Individual named on the application.
2. On or about June 12, 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;

Wingfield was convicted of numerous offenses involving check forgery and uttering in March of 1994, 1 offense of Assault and Battery in April of 2001, and 1 offense of Assault and Battery involving a family member in May of 2001.

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

The crimes involved forged checks taken from a family member over a three week period. He cashed the checks to subsidize his family income. At the time, he was married with a newborn baby. Wingfield takes full responsibility for the check forgery, and admits that it was wrong and dishonest. The assault and battery crimes involved a dispute with his former wife. He has been separated for two years and received his divorce in January of this year.

Wingfield does not appear to be a threat to health, safety, and welfare of 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;

Wingfield stated at the IFF, that he has been in the masonry profession for 14 years and has had no issues with honesty or tendencies toward violent behavior.

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;

Wingfield submitted a letter from his probation and parole officer, indicating that there has been good adjustment to probation, that he has passed all of his drug tests, and that there have been no negative complaints from the community regarding Wingfield.

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

Wingfield was convicted of numerous counts of Felony, Check Forgery and Uttering on March 8, 1994. On April 2, 2001, he was convicted of Felony Assault and Battery Previous Offense, and on May 1, 2001, he was convicted of Misdemeanor, Assault and Battery involving a family member.

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

Wingfield was approximately 21 years of age at the time of the check forgery crimes, and 30 years of age at the time of the last crimes involving assault and battery.

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

The last offenses, which resulted in Wingfield's assault and battery convictions, occurred on or about April and May of 2001. These crimes involved his previous wife. In a letter dated May 5, 2003, Charles K. Rigney, Probation Officer, stated that Wingfield's probation expires on October 7, 2003.

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

The license application shows Wingfield having 14 years experience in the masonry business.

During the IFF, Wingfield stated he was working as a stone mason prior to his conviction, is currently doing the same type of work.

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

See letter of recommendation from probation officer.

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 Blue Ridge Masonry, Inc.'s application be approved.

By: _____

Robert Burch, Jr.
Presiding IFF Board Member
Board for Contractors

Date: August 12, 2003

COMMONWEALTH OF VIRGINIA DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION BOARD FOR CONTRACTORS

**IN RE: TOMMY J. SWINEY
APPLICATION**

FILE NUMBER: 2003-03508

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on August 12, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Tommy J. Swiney (Swiney) on July 11, 2003. The following individuals participated at the conference: Tommy J. Swiney, Applicant, by telephone; Jeffrey Buckley, Staff Member; and Robert O. Burch, Jr., presiding Board Member.

Summation of Facts

1. Swiney applied for a Tradesman license on or about February 10, 2003, and disclosed criminal conviction(s).
2. On or about June 9, 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. The Memorandum also

notes that the CCRE is not complete, subsequently the majority of information has been extracted from Swiney's post-sentence report and copies of court orders.

3. During the IFF, Swiney testified that he is currently incarcerated but he is eligible for parole in the coming months and therefore, is pursuing licensure.

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;

Swiney was convicted of Drunk in Public, Assault and Battery, Assault, Unlawfully Break into Auto, Unlawfully Carry Concealed Weapon, Drunk in Public, Assault and Battery, Destruction of Private Property, Carry Concealed Weapon, Trespass at the watershed, Give False Info. to Police, Damage Property, Trespass, (2 Counts), Petit Larceny, Damage Private Property, all Misdemeanors according to Swiney. In addition, Swiney was convicted of Robbery, a Felony, and First Degree Murder, a Felony. Further, Swiney has nineteen driving infractions.

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. Swiney has been incarcerated for twenty-four years. He has exemplary progress reports and testified of his desire to put his life on a positive course. I feel that Swiney is not 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 single most violent conviction is the murder conviction, which was a result of an altercation with an acquaintance from his hometown, which occurred in 1983. This was not related in any way to Swiney's livelihood and should not affect 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;

Swiney has exemplary reports during his twenty-four year incarceration. His desire to change his life habits are an indication of his maturing to a level of a productive citizen.

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

Swiney was convicted of Drunk in Public, Assault and Battery, Assault, Unlawfully Break into Auto, Unlawfully Carry Concealed Weapon, Drunk in Public, Assault and Battery, Destruction of Private Property, Carry Concealed Weapon, Trespass at the watershed, Give False Info. to Police, Damage Property, Trespass, (2 Counts), Petit Larceny, Damage Private Property, all Misdemeanors according to Swiney. In addition, Swiney was convicted of Robbery, a Felony, and First Degree Murder, a Felony. Further, Swiney has nineteen driving infractions.

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

Swiney was approximately fifteen (15) years old at the time of the initial 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 Swiney's Felony First Degree Murder conviction, occurred on or about September 20, 1980.

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

During the IFF, Swiney testified that he was in the construction business prior to being convicted and subsequently, incarcerated.

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

With his application package, Swiney provided a Certificate of Completion of Apprenticeship consisting of forty-eight (48) months at the trade of Maintenance Electrician. Said apprenticeship was completed on February 7, 1991. In addition, Swiney has earned his GED while incarcerated. He has completed various programs including anger management and substance abuse.

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 Swiney's application be approved.

By: _____

Robert O. Burch, Jr.
Presiding IFF Board Member
Board for Contractors

Date: August 12, 2003

BOARD FOR CONTRACTORS

IN RE: DENNIS CRAIG KELLY, SR.
APPLICATION

FILE NUMBER: 2003-03429

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on August 12, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Dennis Craig Kelly, Sr. (Kelly) on July 11, 2003. The following individuals participated at the conference: Dennis Craig Kelly, Sr., Applicant, by telephone, Jeffrey Buckley, Staff Member; and Robert O. Burch, Jr., presiding Board Member.

Summation of Facts

1. Kelly applied for a Tradesman license on or about January 14, 2003, 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.
3. During the IFF, Kelly testified that he is currently incarcerated but he is eligible for parole in 2005, and therefore, is pursuing licensure.

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;

Kelly was convicted of Forgery, a Felony (9 Counts), Robbery, a Felony (6 Counts), Uttering, a Felony (5 Counts), Larceny, a Misdemeanor, and Burglary, a Misdemeanor, for a total of 22 Counts.

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. Mr. Kelly testified that his convictions were directly related to his cocaine habit. Mr. Kelly testified that he has been drug free for 15 ½ years. He has grown and changed his thought pattern in a positive direction. Mr. Kelly is now 43 years of age and desires to have a better life.

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;

Mr. Kelly has been drug free for 15 ½ years. Since the use of cocaine was the motivation for his criminal activity, I see no reason why his occupation will offer any opportunity to engage in 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;

Since Mr. Kelly has been drug free, there should be no hindrance to his ability to engage in the HVAC profession.

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

Kelly was convicted of Forgery, a Felony (9 Counts), Robbery, a Felony (6 Counts), Uttering, a Felony (5 Counts), Larceny, a Misdemeanor, and Burglary, a Misdemeanor, for a total of 22 Counts.

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

Kelly was approximately eighteen (18) years old at the time of the initial crimes.

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 Kelly's Felony Robbery conviction, occurred on or about September 30, 1988.

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

During the IFF, Mr. Kelly testified that he was in construction and worked at fast food restaurants prior to the convictions, and he has been teaching HVAC at Nottoway Correctional Center during his incarceration.

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

In a letter dated March 26, 2003, Kelly states the following: "I am presently incarcerated and seeking to obtain my journeyman trade license. I have paid the necessary fees required \$75.00 as well as having sent in my state police report. I am writing to provide you an out look on how my life, behavior and attitude has changed since my incarceration. Before my incarceration, my attitude was to get over any way I could, not caring for my future pass the moment of my needs. Having been incarcerated for fifteen years (15) has changed that attitude a great deal. I realized that in order to change my criminal behavior, I had to change my criminal thoughts. Once I decided that this life (prison) was not for me, I set out to obtain some skill that would provide me with the means of making a good living upon my return to society. In 1994, I enrolled in the HVAC/R class at NOTTOWAY CORR CENTER. I found that I truly liked the field and that I had a natural adaptation towards the field. I graduated the class 12 monts later with a 38 grade average and became a instructors aide. After that I enrolled in a journeyman program for HVAC/R and completed 48 months of training, both on the job and classroom. I have been teaching and instructing in HVAC/R for the past eight (8) years. My accomplishments in the field of HVAC/R have filled me with a since of pride and desire that I have never experienced before. As a result of this, my attitude, thoughts and behavior is all focused on advancing and having a chance to apply my skills in the field of HVAC/R. This period of incarceration has ready and prepared me to return to society with the means, know how and skills to become productive, and provide myself with a steady, and valid income. I am more equipped to deal with the obstacles that may stand in my way as a result of HVAC/R and how it has helped me to change my life in general."

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 Kelly's application be approved.

By: _____

Robert O. Burch, Jr.
Presiding IFF Board Member
Board for Contractors

Date: August 12, 2003

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
BOARD FOR CONTRACTORS**

**IN RE: MARK A. ANDERSON
APPLICATION**

FILE NUMBER: 2003-03482

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on August 12, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Mark A. Anderson (Anderson) on July 11, 2003. The following individuals participated at the conference: Mark A. Anderson, Applicant, by telephone, Jeffrey Buckley, Staff Member; and Robert O. Burch, Jr., presiding Board Member.

Summation of Facts

1. Anderson applied for a Tradesman license on or about March 24, 2003, and disclosed criminal conviction(s).

2. On or about June 10, 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, Anderson testified that he is currently incarcerated but he is eligible for parole in the near future, and therefore, is pursuing licensure.

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;

Anderson was convicted of Assault, a Misdemeanor (2 Counts), Break and Enter/Intent to Commit Robbery/or Rape, a Felony, Robbery, a Felony, and Use of Firearm, a Felony.

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. Mr. Anderson has taken all courses required of him during incarceration. He is currently on the waiting list for anger management and breaking barriers. Mr. Anderson testified to a determination to be a productive member of society. I feel that Mr. Anderson has put his past criminal behavior behind him and would not be a danger to society.

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;

Mr. Anderson's felony convictions were all related to the same incident. Mr. Anderson testified that he had recently been divorced and as a result found himself associating with the wrong people. Mr. Anderson testified that this incident is not typical of his personality and he has no desire to harm the public in anyway.

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;

Mr. Anderson has completed his HVAC apprenticeship and is currently in the electrician apprenticeship program. Mr. Anderson is preparing himself to be a productive member of society. Mr. Anderson's convictions will not affect his ability to perform his occupation.

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

Anderson was convicted of Assault, a Misdemeanor (2 Counts), Break and Enter/Intent to Commit Robbery/or Rape, a Felony, Robbery, a Felony, and Use of Firearm, a Felony.

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

Anderson was approximately twenty-seven (27) years old at the time of the initial crimes.

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

The last offenses, which resulted in Anderson's Felony Break and Enter/Intent to Commit Robbery/or Rape, Felony Robbery, and Felony Use of Firearm convictions, occurred on or about July 22, 1994.

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

During the IFF, Anderson testified that he was a master plumber prior to the convictions and he has performed maintenance work for DOC during his incarceration.

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

In a letter dated February 13, 2003, Richard L. Carmichael, Apprenticeship Program Facilitator at the Nottoway Correctional Center, states the following: "I have known Mark Andrew Anderson since his arrival at this facility. Mr. Anderson has completed the heating, ventilation and air conditioning apprenticeship program and is currently enrolled in the electrician apprenticeship program. He has demonstrated remarkable abilities, and has made extraordinary progress in the classroom. In addition, Mr. Anderson serves as a plumber, with responsibility for the entire institution. His duties cover a full range of plumbing and related procedures. I know Mark Andrew Anderson to be of the highest character. His integrity is beyond question, and his willingness to stay with a difficult task until completion, without complaint, is an inspiration to his fellow employees. I highly recommend Mr. Anderson for a Virginia Heating, Ventilation and Air Conditioning Journeyman's license."

In a letter dated February 19, 2003, Richard G. Lynch, Plumbing Supervisor at Nottoway Correctional Center, states the following: "In addition to his apprenticeship OJT, Mark Andrew Anderson has worked for me fielding night and weekend plumbing service calls for two years. He is a loyal and dedicated worker, with a vast range of knowledge of plumbing procedures. He has never shirked from an assignment, no matter how large or small. I have gotten to know Mr. Anderson quite well, and can say, without equivocation, that he is trustworthy and a credit to the profession. I highly recommend Mr. Anderson for a Virginia Heating, Ventilation and Air Conditioning Journeyman's license."

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 Anderson's application be approved.

By: _____

Robert O. Burch, Jr.
Presiding IFF Board Member
Board for Contractors

Date: August 12, 2003

COMMONWEALTH OF VIRGINIA DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

BOARD FOR CONTRACTORS

**IN RE: GREGORY POOL
T/A ANGLE PAINTING
APPLICATION**

FILE NUMBER: 2003-03512

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on August 12, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Gregory Pool, t/a Angle Painting (Pool) on July 9, 2003. The following individuals participated at the conference: Gregory Pool, Applicant, Jeffrey Buckley, Staff Member; and Robert O. Burch, Jr., presiding Board Member.

Summation of Facts

1. Pool applied for a Class C Contractor's license on or about December 16, 2002, and disclosed criminal conviction(s).

2. On or about June 10, 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;

Pool was convicted of Sale Distribute Marijuana > ½ oz <=5 Lb, a Felony (2 Counts).

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. Mr. Pool was convicted and served six (6) months at a work camp and underwent six (6) months of drug rehabilitation as a result of his conviction. Mr. Pool expressed regret and presented himself as determined to conduct his business and personal life productively.

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;

Based upon the above information, it does not appear that granting Mr. Pool a license will encourage any 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;

These convictions occurred while Mr. Pool was attending Radford College. He has since graduated and he desires to start his own company. I do not see any significant relationship of the crime to his fitness to engage in licensed activity.

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

Pool was convicted of Sale Distribute Marijuana > ½ oz <=5 Lb, a Felony (2 Counts).

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

Pool was approximately twenty (20) years old at the time of the crimes.

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

The last offenses, which resulted in Pool's two Felony Sale Distribute Marijuana > ½ oz <=5 Lb convictions, occurred on or about April 30, 1999.

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

During the IFF, Mr. Pool stated he was a full time student and worked in a restaurant prior to the conviction. Since his conviction, Mr. Pool has been working for John B. Painting Company.

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

Mr. Pool successfully completed six (6) months of work camp and drug rehabilitation.

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 Pool's application be approved.

By: _____

Robert O. Burch, Jr.
Presiding IFF Board Member
Board for Contractors

Date: August 12, 2003

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
BOARD FOR CONTRACTORS**

IN RE: MICHAEL T. HOERTER

**DO RIGHT CONTRACTING
APPLICATION**

FILE NUMBER: 2003-03507

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on August 12, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Michael T. Hoerter, t/a Do Right Contracting (Hoerter) on July 10, 2003. The following individuals participated at the conference: Michael T. Hoerter, Applicant; Louise Hoerter, Witness; Robert R. Sangster, Jr., Witness; Jeffrey Buckley, Staff Member; and Robert O. Burch, Jr., presiding Board Member.

Summation of Facts

1. Hoerter applied for a Class C Contractor's license on or about June 14, 2002, and disclosed criminal conviction(s).
2. On or about June 18, 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;

Hoerter was convicted of Public Swearing or Intoxication, a Misdemeanor (4 Counts), Driving Under the Influence of Alcohol, a Misdemeanor, Operate Motor Veh-Habit Offendr No Endangerment, a Misdemeanor, Disorderly Conduct, a Misdemeanor, Appear in Public in an Intoxicated Condition, a Misdemeanor, Obstructing Justice, a Misdemeanor, Accessory After the Fact, a Misdemeanor, and Fail to Appear on Misdemeanor Charges, a Misdemeanor.

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. Hoerter has been sober for approximately one year, contingent on his sobriety, his occupation should not be affected.

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;

Hoerter testified to a strength and ability to abstain from drugs and alcohol. This inner strength should sustain him in the temptations to relapse. Hoerter is currently active in AA, four to five times per week. For these reasons, I feel Hoerter will not engage in destructive activities that would be detrimental to his occupation or business.

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;

Again, contingent on Hoerter's sobriety, I feel that he is fit to discharge his responsibilities and duties in the contracting profession.

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

Hoerter was convicted of Public Swearing or Intoxication, a Misdemeanor (4 Counts), Driving Under the Influence of Alcohol, a Misdemeanor, Operate Motor Veh-Habit Offendr No Endangerment, a Misdemeanor, Disorderly Conduct, a Misdemeanor, Appear in Public in an Intoxicated Condition, a Misdemeanor, Obstructing Justice, a Misdemeanor, Accessory After the Fact, a Misdemeanor, and Fail to Appear on Misdemeanor Charges, a Misdemeanor.

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

Hoerter was approximately thirty two (32) 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;

The last offenses, which resulted in Hoerter's Misdemeanor Accessory After the Fact occurred on or about May 17, 2002.

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

During the IFF, Hoerter testified that he was in the painting business prior to his conviction and he has continued to work in same field.

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

In a letter dated June 10, 2003, Michael T. Hoerter states the following: "My behavior and attitude never changed for long, as the result of being incarcerated or convicted. However, my behavior and attitude did change when I came to the end of my rope. I ran out of plans about how I could drink successfully. I reached a place where I was totally dissatisfied with myself, and the life I had created. I no longer knew how to live. This was the greatest miracle of my life. I ran out of answers. I was completely broken inside. Luckily, I make the decision to turn to a God I never knew and AA. I have allowed God and AA to be the center of my life. My main purpose in life is to allow God to help me be the best husband, father, contractor, friend and person I can be, and to be of service to anyone I can. God works miracles in people' lives. I now this and the people that have seen this change in me know it too. I have a purpose and a code to live by which automatically produces peace and happiness for others and myself. Because I have experienced this great change in my life, I have a deep desire to help others. I work with others now who were as lost as I. That's one thing I give back to the world that I took so much from."

Documentation from Willow Oaks is contained in the application package which documents Hoerter's discharge, treatment activities and aftercare contract.

Hoerter submitted two favorable letters of recommendation with his application package, the first letter dated June 10, 2003 is from his wife, Louise Hoerter, and a second letter dated June 5, 2003, is from Robert R. Sangster, Jr., his AA sponsor.

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 Hoerter's application be approved.

By: _____

Robert O. Burch, Jr.
Presiding IFF Board Member
Board for Contractors

Date: August 12, 2003

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

"PROFESSIONED"
"CONTRACTORS"

2003 AUG 21 AM 8:54

1. Name: Robert Burch, Jr.
2. Title: Member, Board for Contractors
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Informal Fact-Finding Conference on August 12, 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:

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

Signature

Date

8/12/03